

From: [Perch-Ahern, Noah](#)
To: [Lore Saldana](#)
Subject: H.B. Case No. 2023-03-A – Request for Continuance
Date: Tuesday, September 12, 2023 3:46:57 PM

Dear Chairman Dressler and Members of the Hearing Board,

I submit this request for continuance on behalf of Central Coast Agriculture and its affiliates (collectively, “CCA”) in connection with the Petition for Order of Abatement (“Petition”) filed by the Santa Barbara County Air Pollution Control District (“District” or “APCD”) on September 5, 2023. Specifically, CCA respectfully requests a 60-day continuance to allow CCA to come into compliance with District permitting requirements, and, to the extent a hearing becomes necessary, to allow for additional preparation time in light of the complicated permitting history of this matter.

By way of background, the Petition addresses a cannabis extraction facility located at 1201 West Chestnut Ave. and 1200 West Laurel Ave. in Lompoc, CA (“Facility”). As acknowledged by the Petition, CCA and the District have been working to permit and bring the Facility into compliance since late 2020, after the District first commenced its permitting program for cannabis manufacturing and extraction facilities. This permitting action has been complicated by the fact that best available control technology for cannabis extraction has not been established in the District. During the permitting process, CCA has needed to adjust its proposed treatment system to assure that lower emissions will be achievable in practice, even though its application had been deemed complete and CEQA review had begun on the application

Please note that CCA operates the Facility in a safe and controlled environment. For example, CCA maintains a 10% lower explosive level (“LEL”) alarm system in extraction booths that are rated to 25% LEL. Moreover, CCA has utilized treatment technologies throughout the Facility’s operational history to recapture and reuse the hydrocarbon extraction gasses associated with the extraction process. However, in light of CCA’s experience with the originally proposed control system, which did not perform as anticipated, CCA proposed a new emissions control technology earlier this year. This led to the District requesting a new permit application and additional exchanges of information. In that context, the APCD brought the proposed Petition to stop further equipment changes and changes to the process description, and to assure complete permitting information is submitted, as the District believes that the permitting process is taking too long.

Since receiving the Petition, CCA has twice met with the District and has committed to locking in its permit application materials in order to have its second application deemed complete as soon as possible and to promptly secure a permit. To the best of CCA’s knowledge and as confirmed by the District, all application materials have been submitted by CCA. CCA appreciates the District’s willingness to make its staff available to expeditiously process the permitting materials. Based on its discussions with the District, CCA believes that its permit application will be deemed complete and its permit will be issued in a reasonable amount of time. As estimated by the District, permit issuance may occur in as soon as three-to-five weeks following the application being deemed complete.

In brief, the Petition may soon become moot. CCA respectfully requests a continuance of the hearing on the Petition from October 4 to December 6, 2023, which provides a reasonable

extension for CCA to do everything in its power to finally secure the permit the parties have been working towards.

As an additional matter, to the extent a hearing becomes necessary, CCA respectfully requests additional time to prepare for the hearing. CCA will need to coordinate with fact and expert witnesses and to prepare its defense to the extraordinary remedy sought by the District, which may cost of the jobs of the hundreds of CCA employees that work in and around the Facility. Due to the three-year history of this matter and complicated factual issues, CCA needs additional time to prepare a response to the Petition.

Finally, in light of the complicated history of this matter, CCA requests a briefing schedule to allow CCA to fully respond to the Petition prior to the hearing. We believe this will help focus and narrow the issues to be addressed at the hearing.

This request is made pursuant to the Hearing Board Policies & Procedures Section I.P. and District Rule 516, which permits the Chair, Vice-Chair, or any two Hearing Board Members to grant any reasonable continuance.

Sincerely,

Noah Perch-Ahern
Counsel for CCA

Noah Perch-Ahern
Partner, Environmental Group
[Biography](#) | [vCard](#)
310.201.7484 Direct
nperchahern@greenbergglusker.com

Greenberg Glusker LLP
2049 Century Park East, Suite 2600
Los Angeles, CA 90067
GreenbergGlusker.com

This message is intended solely for the use of the addressee(s) and is intended to be privileged and confidential within the attorney client privilege. If you have received this message in error, please immediately notify the sender at Greenberg Glusker and delete all copies of this email message along with all attachments. Thank you.