



1 NOAH PERCH-AHERN (SBN 262164)
2 Nperchahern@ggfirm.com
3 SEDINA BANKS (SBN 229193)
4 Sbanks@ggfirm.com
5 GREENBERG GLUSKER FIELDS
6 CLAMAN & MACHTINGER LLP
7 2049 Century Park East, Suite 2600
8 Los Angeles, California 90067
9 Telephone: 310-553-3610
10 Facsimile: 310-553-0687

11 Counsel for Respondent

12 Central Coast Agriculture, Inc.; Central Coast Agriculture, LLC;
13 Central Coast AG Distribution, LLC; Central Coast AG
14 Farming, LLC; Central Coast AG Products, LLC

15 **BEFORE THE HEARING BOARD OF THE AIR POLLUTION**
16 **CONTROL DISTRICT, COUNTY OF SANTA BARBARA**

17 **In the Matter of**

18 AERON ARLIN GENET, Santa Barbara
19 County Air Pollution Control Officer,

20 v.

21 CENTRAL COAST AGRICULTURE, INC.;
22 CENTRAL COAST AGRICULTURE, LLC;
23 CENTRAL COAST AG DISTRIBUTION,
24 LLC; CENTRAL COAST AG FARMING,
25 LLC; CENTRAL COAST AG PRODUCTS,
26 LLC

H.B. Case No. 2023-03-A

**ANSWER TO PETITION FOR ORDER
OF ABATEMENT REGARDING
CANNABIS MANUFACTURING,
EXTRACTION, STORAGE, AND
DISTRIBUTION FACILITIES LOCATED
AT 1201 WEST CHESTNUT AVENUE
AND 1200 WEST LAUREL AVENUE,
LOMPOC, CALIFORNIA**

Hearing Date: October 4, 2023 (or as may be
continued)

Time: 9:30 a.m.

Place: Board of Supervisors Hearing Room
511 East Lakeside Parkway
Santa Maria, CA 93455

GREENBERG GLUSKER FIELDS CLAMAN
& MACHTINGER LLP
2049 Century Park East, Suite 2600
Los Angeles, California 90067

Introduction

Respondents Central Coast Agriculture, Inc., Central Coast Agriculture, LLC, Central Coast Ag Distribution, LLC, Central Coast Ag Farming, LLC, and Central Coast Ag Products, LLC (collectively, "CCA") acknowledge receipt of a copy of the Petitioner Santa Barbara County Air Pollution Control District's ("District" or "Petitioner") Petition for Order of Abatement ("Petition") in the above referenced matter. Pursuant to Rule 509 of the District's Rules and Regulations, Respondent CCA submits this Answer to Petitioner District's Petition and requests a hearing in this proceeding to afford it the opportunity to present a defense.

I. Respondent CCA's General Denial of Petition

Respondent CCA generally denies each and every allegation of the Petition, including, without limitation, the alleged violations of District Rules, including, Rule 201, and the Health and Safety Code, including, § 42400.3.

II. Respondent CCA's Affirmative Defenses

Respondent CCA sets forth the following Affirmative Defenses without waiving its right to require Petitioner to meet its burden of production and proof on any claim or issue and without assuming any burden of production or proof not otherwise imposed on Respondent CCA.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

The Petition fails to state a cause of action or a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

(Waiver)

Petitioner's claims are barred, in whole or in part, by the equitable doctrine of waiver.

THIRD AFFIRMATIVE DEFENSE

(Equitable Estoppel)

Petitioner's claims are barred by the equitable doctrines of collateral and/or equitable estoppel.

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FOURTH AFFIRMATIVE DEFENSE

(Unclean Hands)

Petitioner’s claims are barred, in whole or in part, by the equitable doctrine of unclean hands.

FIFTH AFFIRMATIVE DEFENSE

(Laches)

Petitioner’s claims are barred, in whole or in part, by the equitable doctrine of laches.

SIXTH AFFIRMATIVE DEFENSE

(Consent/Ratification)

Petitioner’s claims are barred because Petitioner consented, or may be deemed to have consented, to the acts or omissions, if any, of Respondent CCA.

SEVENTH AFFIRMATIVE DEFENSE

(De Minimis Harm)

The contribution of Respondent CCA to the alleged violations in the Petition, if any – which contribution Respondent CCA expressly denies – was de minimis.

EIGHTH AFFIRMATIVE DEFENSE

(Causation)

The claims alleged in the Petition are barred, in whole or in part, because none of the alleged acts or omissions by Respondent CCA was the proximate cause of, actual cause of, or a substantial factor in causing the violations alleged by Petitioner, and Petitioner losses or injuries, if any, were caused or contributed by the acts or conduct of Petitioner and/or its agents, contractors, or employees and/or intervening or supervening acts of third parties over whom Respondent CCA had no control or responsibility.

NINTH AFFIRMATIVE DEFENSE

(Failure to Avoid or Mitigate Harm)

Petitioner’s claims are barred, in whole or in part, to the extent that Petitioner District failed to use or take reasonable measures to avoid, lessen, minimize, or mitigated its alleged violations, injuries, damages, or costs.

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TENTH AFFIRMATIVE DEFENSE

(Third-Party Liability)

Petitioner's claims fail to the extent each claim is based on an alleged violation caused by third parties. Petitioner's relief, if any, should come from liable third parties to the extent caused by them or allocable to them under any applicable law.

ELEVENTH AFFIRMATIVE DEFENSE

(Due Care)

At all times relevant hereto, Respondent CCA acted with due care and otherwise conducted itself reasonably under the circumstances.

TWELFTH AFFIRMATIVE DEFENSE

(Taking)

Petitioner's claims are barred, in whole or in part, to the extent that they would constitute a taking without just compensation under the United States Constitution.

THIRTEENTH AFFIRMATIVE DEFENSE

(Good Faith/No Malice)

At all times relevant herein, Respondent CCA acted in good faith, with honesty of purpose and without any improper motive, purpose, or means, and without any ill will, malice, or intent to cause injury.

FOURTEENTH AFFIRMATIVE DEFENSE

(Failure to Exhaust Remedies/Lack of Subject Matter Jurisdiction)

Respondent CCA is informed and believes, and based thereon alleges, that there is no subject matter jurisdiction and/or Petitioner claims are barred, in whole or in part, due to their failure to exhaust administrative and/or internal remedies and or statutory prerequisites.

FIFTEENTH AFFIRMATIVE DEFENSE

(Ripeness/Justiciability)

One or more of Petitioner District's claims against Respondent CCA is in excess of the limits for which this Hearing Board can exercise its authority based on lack of ripeness and justiciability.

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SIXTEENTH AFFIRMATIVE DEFENSE

(Failure to Join Necessary or Indispensable Party)

The Petition fails to name or join all necessary parties.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Reservation of Rights to Assert Additional Affirmative Defenses)

Respondent CCA has not waived any applicable affirmative defenses and hereby reserves the right to assert and rely on any other applicable affirmative defenses as may become available or apparent during future proceedings or under any applicable state law. Respondent CCA presently has insufficient knowledge or information upon which to form a belief as to whether they may have other, as yet unstated, affirmative defenses available. Therefore, Respondent CCA reserves the right to assert additional affirmative defenses in the event that additional information or knowledge indicates that they would be appropriate.

III. Respondent CCA's Reservation of Rights

Pursuant to District Rule 513.B., Respondent CCA hereby reserves its rights to testify, to call and examine witnesses, to introduce exhibits and evidence, to cross-examine opposing witnesses, to impeach witnesses, to rebut any evidence against Respondent, and any other rights to which Respondent is entitled.

DATED: September 15, 2023

GREENBERG GLUSKER FIELDS CLAMAN
& MACHTINGER LLP

By: 

NOAH PERCH-AHERN (SBN 262164)
SEDINA L. BANKS (SBN 229193)
Counsel for Respondents Central Coast
Agriculture, Inc.; Central Coast
Agriculture, LLC; Central Coast AG
Distribution, LLC; Central Coast AG
Farming, LLC; Central Coast AG
Products, LLC

PROOF OF SERVICE

I am a resident of the state of California, over the age of eighteen years, and not a party to the within-action. My business address is 2049 Century Park East, Suite 2600, Los Angeles, California 90067.

On *September 15, 2023*, I served a copy of the within document: **ANSWER TO PETITION FOR ORDER OF ABATEMENT REGARDING CANNABIS MANUFACTURING, EXTRACTION, STORAGE, AND DISTRIBUTION FACILITIES LOCATED AT 1201 WEST CHESTNUT AVENUE AND 1200 WEST LAUREL AVENUE, LOMPOC, CALIFORNIA** on the interested parties in this action by placing a copy thereof enclosed in a sealed envelope addressed as follows:

Lorena Saldana, Board Clerk
Santa Barbara County Air Pollution Control District
260 N. San Antonio Rd., Suite, A
Santa Barbara, CA 93110
E-mail: LAS@sbcapcd.com

Aeron Arlin Genet
Director and Air Pollution Control Office
Santa Barbara County Air Pollution Control District
260 N. San Antonio Rd., Suite, A
Santa Barbara, CA 93110
E-Mail: ArlingenetA@sbcapcd.org

Ms. Jennifer Richardson, Division Chief
Santa Barbara County
County Counsel's Office
105 East Anapamu, Suite 201
Santa Barbara, CA 93101
E-mail: jrichardson@co.santa-barbara.ca.us

(BY MAIL) By placing the document(s) listed above in sealed envelope(s) in a designated "OUT" box in the office of my employer. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid. (CCP Section 1013a, 2015.5, FRCP section 5(B), or FRAP 25(d)).

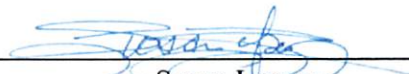
(BY FEDERAL EXPRESS) By placing a copy of the document(s) listed above in a sealed envelope to above addressee(s) and sending it via Federal Express, with delivery fees provided for. I know that in the ordinary course of business at this office said document(s) will be deposited in a box or other facility regularly maintained by Federal Express or delivered to an authorized courier or driver of Federal Express for next day delivery. (CCP Sections 1013(c), 2015.5)

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- (BY PERSONAL DELIVERY)** By providing a copy of the document(s) listed above in a sealed envelope to an attorney service with instructions to personally deliver the envelope(s) as listed above on _____.
- (BY E-MAIL)** I caused a true copy of the foregoing document to be served by e-mail at the e-mail address set forth above. Each e-mail was complete and no reports of error were received.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on *September 15, 2023*, at Los Angeles, California.



Susan Lopez