

 <p>air pollution control district SANTA BARBARA COUNTY</p>	Case No / Date	2023-01-I	06/28/2023
	Petitioner	Advenco, LLC DBA Lake Cachuma	
	Permit #	12345	
	Date Rec'd	06/02/2023	
	Time Rec'd	1403 hours	
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**BEFORE THE HEARING BOARD
OF THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

In the Matter of the Application of)
 Advenco, LLC (DBA Lake Cachuma))
 for an Interim Variance from District)
 Rules 316.C.2, C.3, and G and 206,)
 Permit to Operate 12345, Conditions)
 2.b, 4, 6 and 8.

H.B. Case No. 2023-01-I

VARIANCE FINDINGS

AND ORDER

Advenco, LLC, DBA Lake Cachuma (Petitioner) filed a Petition for 90-Day and Interim Variances on June 2, 2023. A hearing of the above-entitled matter was held on June 22, 2022. Terry Cisek and William Boas represented the Petitioner, Aimee Long represented the Santa Barbara County Air Pollution Control District (District), and Terence Dressler represented the Hearing Board for this Interim Variance Hearing.

This matter having been fully presented and duly considered, the Hearing Board makes the following findings and gives the following reasons for its decision.

HEARING

1. Notice of the Hearing was duly given in the manner and for the time required by law.
2. Sworn testimony and argument on behalf of the Petitioner and the Air Pollution Control Officer were made, received, and considered.
3. A nuisance as defined in District Rule 303 is not expected to occur as a result of this Variance.
4. Pursuant to Health and Safety Code section 42359.5, “good cause” exists for the granting of Petitioner’s request for an Interim Variance.
5. If, due to reasons beyond the control of the Petitioner, compliance is not achieved during this Variance period, additional relief will be sought.

6. District staff supports the Petition as conditioned below.

BACKGROUND

1. The Petitioner operates the equipment described in the Petition at the Cachuma Lake Marina located at 2275 Highway 154 in Santa Barbara, California.
2. The Petitioner operates a gasoline dispensing facility (GDF) which consists of two 8,000-gallon underground storage tanks, two dispensers, two nozzles and associated vapor recovery equipment.
3. The above equipment is required to operate as certified by the California Air Resources Board (CARB) pursuant to section 41954 of the California Health and Safety Code.
4. To ensure the equipment is operating as certified by CARB the equipment must undergo vapor recovery testing; passing results must be achieved. These requirements are specified in the facility's permit to operate and District Rule 316.
5. As part of the vapor recovery equipment, the facility is equipped with a Healy Clean Air Separator (CAS). The CAS prevents excess emissions and product loss by controlling gasoline storage tank pressure. The unit works in combination with the nozzles as part of a system that increases the overall performance and efficiency.
6. The CAS undergoes annual vapor recovery testing to quantify the vapor tightness of the CAS pressure management system installed as part of a gasoline dispensing facility, as identified in Exhibit 4, Static Pressure Performance of the Healy Clean Air Separator test procedures.
7. On June 1, 2023, there was an initial vapor recovery test failure on Exhibit 4, the static pressure performance of the Healy clean air separator (CAS). As a result, a breakdown was filed with the District.
8. The Petitioner later noted there was also an initial test failure on the drop tube vapor recovery test (Test Procedure 201.1D). The vapor recovery testing was conducted by a third-party, who is different from the Petitioner. As a result, the Petitioner has not yet had the opportunity to assess the situation and to confirm additional equipment failures.
9. The purpose of the drop tube vapor recovery test is to quantify the leak rate of the overflow prevention devices located in the Phase I product drop tube on the two-point Phase I systems. This test procedure is also used to quantify the leak rate of the spill container drain valve which passes liquid directly into the Phase I drop tube.
10. According to the Petitioner, the initial test failure on Exhibit 4, the static pressure performance

of the Healy clean air separator (CAS), is due to a failure on the internal bladder of the CAS. The initial test failure on the drop tube is speculated to be a result of a faulty spill bucket. Until the repairs can be made, the Petitioner has requested to continue to operate the equipment. As a result, the Petitioner is seeking variance coverage.

FINDINGS

1. Without Variance coverage, the Petitioner will be in violation of District Rules 316.C.2, C.3 and G and 206, Permit to Operate 12345, Conditions 2.b, 4, 6, and 8.
2. Pursuant to Health and Safety Code section 42359.5, “good cause” exists for the granting of Petitioner’s request for an Interim Variance.
3. If, due to reasons beyond the control of the Petitioner, compliance cannot be achieved during this Variance period, additional relief will be sought.

THEREFORE, THE HEARING BOARD ORDERS, as follows:

That an Interim Variance be granted for continued of the gasoline dispensing facility without properly operating vapor recovery equipment in violation of District Rules 316.C.2, C.3 and G and 206, Permit to Operate 12345, Conditions 2.b, 4, 6, and 8 from June 2, 2023 through August 29, 2023 (not to exceed 90 days), or the date a decision is made on the 90-Day Variance, or the date compliance is achieved, whichever occurs first, with the following conditions:

1. Petitioner shall submit a written report to the Hearing Board and District, to variance@sbcapcd.org, by September 13, 2023. The report shall include gasoline tank level at the beginning and end of variance coverage (in gallons), repairs made, and results of vapor recovery testing.
2. Petitioner shall retain the obligation to comply with all other local, state, and federal regulations not specifically referenced in the Order.
3. Failure to abide by all conditions of this Order shall subject the Petitioner receiving the variance to penalties set forth in Health and Safety Code section 42402.
4. In accordance with District Fees Rule 210, Schedule F.12.e, the Petitioner shall pay excess emission fees for each additional ton of pollutant emissions or portion thereof allowed as the result of the issuance of this Variance.
5. Each day during any portion of which a violation occurs is a separate offense.

6. The Environmental Protection Agency does not recognize California's Variance Program; therefore, this Variance does not protect the Petitioner from Federal Enforcement actions.
7. Petitioner shall submit deviation reports to the District for all violations of Federal requirements.

DATED: Jun 29, 2023

Terence E. Dressler

Terence E. Dressler (Jun 29, 2023 08:53 PDT)

Terence Dressler
Santa Barbara County Air Pollution Control District
Hearing Board