Lyz Hoffman

From: Segall, Craig@ARB <Craig.Segall@arb.ca.gov>
Sent: Thursday, March 15, 2018 3:20 PM
To: Dillon, William; 'Morgan Gilhuly'; Lyz Hoffman; Czuleger, Jerry
Cc: Pineda, Chyrisse@ARB; Aeron Arlin Genet; Richard Mather (rmather@thornhillcompanies.com); David M. Metres; Giorgi, Erika@ARB
Subject: RE: Petitions of Wine Institute, Santa Barbara County APCD Hearing Board Case Nos. 2017-21-AP and 2017-24-AP

All,

CARB filed its comments in the open proceeding in its role as a member of the public, and, in particular, as the state's oversight expert agency on environmental permitting. Its views are intended to assist the Board in its decision, and are filed in an open public proceeding in which such views are solicited and appropriate. No Hearing Board order restricted that filing; indeed, the Board could not properly refuse a comment of this type. Nor does the fact that CARB generally supports the District's actions render CARB somehow bound by filing deadlines applicable solely to the District, any more than that would bind any other member of the public wishing to share its views. We defer to the parties as to the timing of their submissions, of course, but reserve our right to file further comments should the Wine Institute persist in its inappropriate objection to our appropriately filed public comments.

Best,

CALIFORNIA
AIR RESOURCES BOARD

Craig Segall
Assistant Chief Counsel
California Air Resources Board
1001 I Street Sacramento, CA 95814
916-323-9609
Craig.Segall@arb.ca.gov

From: Dillon, William [mailto:Wdillon@co.santa-barbara.ca.us]
Sent: Thursday, March 15, 2018 10:46 AM
To: 'Morgan Gilhuly' <MGilhuly@bargcoffin.com>; 'Lyz Hoffman' <HoffmanL@sbcapcd.org>; Czuleger, Jerry <Czuleger@co.santa-barbara.ca.us>
Cc: Pineda, Chyrisse@ARB <Chyrisse.Pineda@arb.ca.gov>; Segall, Craig@ARB <Craig.Segall@arb.ca.gov>; Aeron Arlin Genet (AArlinGenet@sbcapcd.org) <AArlinGenet@sbcapcd.org>; Richard Mather (rmather@thornhillcompanies.com) <rmather@thornhillcompanies.com>; David M. Metres <DMetres@bargcoffin.com>; Giorgi, Erika@ARB <Erika.Giorgi@arb.ca.gov>
Subject: RE: Petitions of Wine Institute, Santa Barbara County APCD Hearing Board Case Nos. 2017-21-AP and 2017-24-AP

Mr. Gilhuly

Your objection below is noted.

As I stated yesterday on the phone, you and the Wine Institute were well aware the District was reaching out to ARB regarding this case. Once the District understood ARB's position, there is absolutely nothing wrong with the District requesting that ARB weigh in on this matter in writing.

Second, the District had no control over the timing of ARB's submittal.

Third, ARB is not a party to this proceeding, so is not bound by the stipulation on the briefing schedule. Any member of the public and any interested agency is free to comment to the Hearing Board on this case. Indeed, such

comments can be submitted by the public at any time up to the date of the hearing. Large public comment submittals are not uncommon in proceedings before administrative agencies, as is the case re land use appeals before the County Board of Supervisors.

Fourth, I agree the process must be fair to your client. As I said on the phone, the proper remedy is not to exclude ARB's submittal (which is something I believe would violate the Brown Act), but to give your client sufficient time to respond to the new submittal. We entered into the Stipulation with the intent of having a hearing on April 4; however, that was pushed to May 2 due to 2 Hearing Board members being absent in April. This means there is plenty of time to allow the Wine Institute to respond to ARB's submittal. And, again as I said on the phone, I'm willing to stipulate to any reasonable period of time for you to file a response to ARB, as long as it is not too close to the May 2 hearing date. Your mention of April 13 is perfectly acceptable.

Finally, the District did not receive an advanced copy of ARB's submittal, so the District reserves the right to also comment on ARB's work.

Please let me know if you would like to discuss further.

Sincerely,

William M. Dillon
Senior Deputy County Counsel
105 E. Anapamu St. Suite 201
Santa Barbara, CA. 93101
(805) 568-2950
(805) 568-2983 (fax)

From: Morgan Gilhuly [mailto:MGilhuly@bargcoffin.com]
Sent: Thursday, March 15, 2018 8:45 AM
To: 'Lyz Hoffman'
Cc: 'Pineda, Chyrisse@ARB'; Segall, Craig@ARB; Dillon, William; Aeron Arlin Genet (AArlinGenet@sbcapcd.org) ; Richard Mather (rmather@thornhillcompanies.com); David M. Metres
Subject: Petitions of Wine Institute, Santa Barbara County APCD Hearing Board Case Nos. 2017-21-AP and 2017-24-AP

Dear Ms. Hoffman,

Petitioner Wine Institute objects to the letter, memorandum and accompanying evidence submitted by the California Air Resources Board as untimely briefs and evidence. Both the letter and memorandum recite that they were submitted at the request of the Santa Barbara Air Pollution Control District, and their submission on March 14, 2018 is in violation of the Hearing Board's December 13, 2017 Order, which required the District to submit its briefs, declarations and documentary evidence by February 28, 2018. Petitioner also reserves its rights to object to the letter, memorandum and accompanying evidence on other grounds. Petitioner will submit a formal written objection in due course and well in advance of the hearing on May 2, 2018.

Sincerely,

R. Morgan Gilhuly | Attorney
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600 Montgomery Street, Suite 525
San Francisco, CA 94111-2706

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mgilhuly@bargcoffin.com | www.bargcoffin.com

Please note new mailing address.

From: Lyz Hoffman [mailto:HoffmanL@sbcapcd.org]
Sent: Wednesday, March 14, 2018 2:19 PM
To: Morgan Gilhuly
Cc: David M. Metres
Subject: Document submittal from CARB to Santa Barbara County APCD Hearing Board

Dear Mr. Gilhuly,

I have attached two of eight materials sent from the California Air Resources Board (CARB) regarding Santa Barbara County APCD Hearing Board Case Nos. 2017-21-AP and 2017-24-AP.

I will be sending the other documents (Exhibits 1-6) in separate emails, as the file size of the documents dictates.

Please let me know if you have any questions.
Thank you,
Lyz

Lyz Hoffman
Public Information Officer
Santa Barbara County Air Pollution Control District
1 (805) 961-8819
https://www.ourair.org
https://twitter.com/ourairsbc
https://twitter.com/ourairadvisory
http://www.santabarbaracarfree.org/
https://twitter.com/sbcarfree
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