

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

In the Matter of the Application of Sable	)	H.B. Case No. 2026-07-N
Offshore Corp. for a 90-Day Variance from	)	
District Rule, 206, Part 70/Permit to Operate	)	OBJECTION TO VARIANCE PETITION,
9102-R7, Conditions 9.C.3(a), 9.C.3(b)(i), and	)	REQUEST FOR CONTINUANCE TO
9.C.18	)	ACCOMMODATE REMOTE PARTICIPATION

The Center for Biological Diversity (Center) submits the following objections in this matter and requests the Santa Barbara County Air Pollution Control District Hearing Board (Board) deny Sable Offshore Corp.'s (Sable's) petition for a variance for the Company's Platform Heritage, Permit No. 9102-R7. The Center further requests the Board continue the June 25, 2026 hearing date in order to accommodate remote participation in any hearing in this matter. In support of these requests, the Center provides as follows.

I. Sable's Pattern and Practice of Requesting Variances

It's critical to first highlight the context in which Sable's latest variance petition has been filed. Following the 2015 Plains All American Pipeline oil spill and numerous reports of maintenance concerns at Sable's Santa Ynez Unit facilities (previously ExxonMobil's), Platform Heritage and Sable's other operations were shut-in and ceased operations. A decade later, the Company has been attempting to recommission its Santa Ynez Unit operations, seeming only to find that years of inactivity have created serious issues leading to malfunctions and other problems. This seems to be creating air quality compliance challenges, which in turn appear to be presenting very real risks to public health and the environment.¹

Unfortunately, rather than take appropriate action to cease or curtail operations and undertake the maintenance necessary to ensure compliance, Sable appears to be seeking "get out of jail free" cards from the Board. In 2025 and so far in 2026, Sable has sought and received at least 11 emergency variances from the Board, which have authorized violations of various permit conditions at all of its Santa Ynez Unit facilities. See Table below. Although some of

¹ The Center remains extremely concerned that the recommissioning of the Santa Ynez Unit triggered new Clean Air Act Prevention of Significant Deterioration (PSD) permitting obligations on Sable and the Santa Barbara County Air Pollution Control District. In April 2024 comments on the draft renewed operating permits for the Santa Ynez Unit, the Center detailed the legal obligation for Sable to obtain a new PSD permit and the District's duty to assure compliance with the Clean Air Act. These comments are attached as Exhibit 1. More than two years later now, Sable still has not been issued renewed operating permits. The fact that recommissioning of the Santa Ynez Unit is leading to air quality compliance challenges underscores the need to assure Sable obtains and operates in compliance with a new PSD permit.

these violations related to compliance reporting deadlines, a number of violations related to emission standards and limitations established for the protection of health and the environment. Instead of confronting the root cause of compliance issues at the Santa Ynez Unit facilities, Sable seeks to keep operating under free passes to pollute.

Emergency Variances Approved for Sana Ynez Unit Facilities

Facility	Emergency Variance Case No.
Platform Harmony	2025-07-E, 2025-10-E, 2025-17-E
Platform Heritage	2025-18-E
Platform Hondo	2025-19-E
Las Flores Canyon	2025-13-E, 2025-14-E, 2025-15-E, 2026-01-E, 2026-02-E
Pacific Offshore Pipeline Company Gas Plant	2025-16-E

This latest variance request for Platform Heritage underscores growing concerns that Sable is avoiding, rather than assuring, compliance with its air pollution permits. The request seeks a 90-day variance from Conditions 9.C.3(a), 9.C.3(b)(i), and 9.C.18 of Permit No. 9102-R7. These Conditions limit hourly, daily, quarterly, and annual emissions and volumes from the facility’s flare relief system. These Conditions limit emissions of nitrogen oxides (NO_x), reactive organic compounds (ROC), carbon monoxide (CO), sulfur oxides (SO_x), particulate matter, and greenhouse gases, all pollutants known to be harmful to public health and the environment.

In its May 22, 2026 Petition for Variance (Petition), Sable discloses the reasons for these violations are tied to the challenges faced by the Company in recommissioning Platform Heritage. These challenges include “an unexpected number of equipment malfunctions, onshore and offshore production balancing issues, and well production issues which are related to restart of the platform [as well as] [u]nforeseen issues with the reestablishment of sweet gas well production[.]” Petition at 2-3. Although Sable discloses in its Petition that it could assure compliance with Conditions 9.C.3(a), 9.C.3(b)(i), and 9.C.18, the Company claims it would lead to delayed production and revenue and require planned flaring for depressurization and shutdown. In other words, compliance would cost the Company. Sadly, Sable is pursuing economic benefits from ongoing air quality violations.

It’s important to flag for this Board that denial of Sable’s Petition would not require the Company to do anything more than shoulder the liability of violating its permit. While this could subject the Company to penalties or other remedies, the Company would remain free to determine the course of action it believes to be most appropriate for managing this liability. The Company could decide to shut down and make any necessary repairs and adjustments or perhaps the Company could continue operating in noncompliance and accept any consequences as it works to bring Platform Heritage into compliance. A denial of the Petition would not dictate how Sable should manage liability, it would simply affirm the responsibilities of the Company.

In the interest of public health, the environment, and the integrity of Santa Barbara County's air quality regulatory and enforcement program, the Center requests the Board deny Sable's latest request for a variance and uphold the terms and conditions of Permit No. 9102-R7. For the following reasons, we urge the Board to put clean air first.

II. Request for Continuance to Accommodate Remote Participation in Hearing

Before detailing our objections to Sable's variance request, the Center first respectfully requests the Board continue the scheduled hearing in this matter in order to accommodate remote participation.

Although we understand an in-person hearing has already been scheduled and noticed for June 25, 2026, we request the Board continue this hearing to a later date so that it can accommodate remote participation and assure proper public notice of such accommodation. District Rule 516 authorizes the Board to grant any reasonable continuance. We believe a continuance is reasonable as follows.

The Center for Biological Diversity wishes to participate as a party in the hearing in this matter and to be afforded the rights conferred upon parties by District Rule 513. These rights include the right to testify, call and examine witnesses, introduce exhibits, cross-examine opposing witnesses, to impeach any witness, and to rebut evidence.

Unfortunately, the Center's authorized representative who would participate in any hearing on this matter on behalf of the organization is unable to attend the in-person hearing scheduled for June 25, 2026 due to familial obligations. Furthermore, the Center's authorized representative resides in Denver, Colorado and would be required to fly in to attend any in-person hearing. Although the Center's authorized representative may be able to fly in to an in-person hearing scheduled later than June 25, 2026, the Center requests the Board instead consider providing an opportunity for remote participation in order to afford flexibility and accommodation for others who may also wish to participate remotely. The Center understands that remote participation is routinely provided for during meetings of the Santa Barbara Air Pollution Control District Board of Directors.

Granting a continuance in this matter in order to accommodate remote participation is imminently reasonable. Sable, the petitioner, would not be prejudiced by a delay in a hearing. Sable's Petition seeks a 90-day variance for the dates May 22, 2026 to August 20, 2026. Whether the hearing proceeds on June 25, 2026 or at some later date does not affect Sable's ability to obtain variance relief for the requested 90 days. The Company's request is, in part, seeking retroactive variance relief, and the timing of a hearing also has no bearing on the Company's ability to obtain such relief for past violations.

Conversely, if a continuance is not granted, the Center will not be able to participate in the June 25, 2026 hearing and exercise its rights as a party in the proceeding. Although the Center is herein providing written objections, a hearing is meant to afford parties an

opportunity for cross-examination, to call and examine witnesses, to impeach witnesses, and to rebut evidence, all of which cannot be fulfilled via written submissions. Continuing the June 25, 2026 hearing and providing an opportunity for remote participation in any continued hearing will assure the Center is able to participate as a party and uphold the organization's procedural rights.

District Rules provide no mandatory deadline by which a hearing must be held in response to a petition for variance. Although Section 42359 of the Health and Safety Code of the State of California requires the Board to hold a hearing in response to a petition for a variance, it is up to the Board to determine the appropriate timing for a hearing. Accordingly, the Board has wide leeway to set a reasonable hearing date.

In requesting a continuance, the Center understands and fully respects the Board's interest in timely resolution of Sable's variance petition. We believe setting a new hearing date sometime in July would be reasonable, particularly if an opportunity for remote participation is provided.

III. Objections to Sable's Petition for Variance

The Center objects to Sable's Petition and requests the Board deny the Petition.

At the outset, it's important to emphasize that the Board is not bound to approve a petition for variance simply because it has been submitted. Although District Rules provide several criteria that must be addressed by petitioners, the Board must assess compliance with these criteria in determining whether a variance is appropriate. And while Section 42352 of the Health and Safety Code of the State of California requires that several findings be made if a variance is to be granted, the Board must engage in an inquiry if it is to justify such findings. All that's to say, the Board cannot simply rubberstamp Sable's Petition.

Here, it appears that the Board cannot grant Sable's Petition due to a number of deficiencies and omissions, as well as clear indications that granting such a variance would be contrary to District Rules regarding the modification of Operating Permits. Below we detail our objections.

A. Sable's Petition is Deficient

To sustain a petition, District Rules at Rule 504 require petitioners to address nine criteria to establish a prima facie case for a variance. Although the rules only require that petitioners briefly discuss these criteria, here, Sable did not even address a number of criteria necessary for the Board to determine whether there is a reasonable basis for deliberating the petition and scheduling a hearing.

District Rule 504.B states that petitioners must provide "facts showing why compliance with the section, Rule or order is unreasonable." Sable's Petition does not address this criterion

or otherwise present facts showing why compliance is unreasonable. Although the Company avers that compliance could result in delayed production and lost revenues, there is no explanation as to how this is unreasonable. The Company also asserts that compliance would require additional work at Platform Heritage, including a shutdown of operations, depressurization of equipment, and planned flaring, but again, there is no explanation as to how this is unreasonable. Although Sable may not like compliance, the Petition presents no facts indicating that compliance would be unreasonable, indicating the Petition is deficient.

Further, District Rule 504.F states that petitioners must address “[t]he advantages and disadvantages to the residents of the District resulting from requiring compliance or resulting from granting a variance.” Sable’s Petition does not address this criterion or even mention any impacts, advantageous or otherwise, to residents of the District. To be sure, the Petition addresses apparent advantages and disadvantages to Sable, but makes no effort to reasonably disclose advantages and disadvantages to those impacted by Sable’s violations.

Sable’s Petition does not present the information required by District Rule 504, which requires that petitioners “shall” provide all the required information. Accordingly, the Board must deny the Petition as deficient.

B. Sable Does not Qualify for the Requested Variance

Section 42352 of the Health and Safety Code of the State of California sets forth the criteria that must be met in order for the Board to grant a variance. Based on Sable’s Petition, it does not appear that the requested variances satisfies the criteria for the Board to find that a variance is warranted.

Section 42352(a)(2) first states that a variance may be granted only where there are violations that are “due to conditions beyond the reasonable control of the petitioner[.]” Here, there is no indication that the violations identified by Sable are “beyond the reasonable control” of the Company. In fact, Sable’s Petition indicates that compliance is completely within its control, it’s just that the Company would prefer not to exercise this control. These do not constitute conditions beyond the reasonable control of Sable and therefore a variance cannot be granted in this matter.

Even if the Board determines that conditions are beyond the reasonable control of Sable, Section 42352(a)(2)(A) and (B) states that a variance may only be granted if requiring compliance would result in either “an arbitrary or unreasonable taking of property” or “the practical closing and elimination of a lawful business.” Here, there is no indication that requiring compliance with Conditions 9.C.3(a), 9.C.3(b)(i), and 9.C.18 of Permit No. 9102-R7 would result in an arbitrary or unreasonable taking of property or lead to the practical closing and elimination of a lawful business. While Sable does not address these criteria directly in its Petition, it is clear that based on the information submitted that requiring compliance would not result in a taking of property. Requiring compliance would simply result in Sable taking steps to bring Platform Heritage into compliance. Similarly, requiring compliance would not

result in the practical closing or elimination of lawful business. Requiring compliance could result in Sable curtailing operations in order to bring Platform Heritage into compliance, but this not a “practical closing and elimination” of a business. According to Sable’s own Petition, the Company ultimately expects to bring Platform Heritage into compliance and makes no mention or insinuation that compliance would somehow lead to the permanent closure or elimination of its business. In accordance with Section 42352(a)(2)(A) and (B) of the Health and Safety Code of the State of California, the Board has no authority to grant Sable’s requested variance.

Finally, Section 42352(a)(4) of the Health and Safety Code of the State of California states that a variance may only be granted where the petitioner has given consideration to curtailing operations of the source in lieu of obtaining a variance. Here, Sable expressly states in its Petition that it has not given consideration to the curtailment of operations. The Company asserts that curtailment of production at Platform Heritage would “not necessarily reduce the volume of flaring,” yet its Petition indicates that the flaring violations are largely a function of production activities. For example, the Company explains that “production balancing issues,” “well production issues,” and “sweet gas well production have resulted in excess unplanned flaring. Sable Petition at 2-3. The Company also explains that it must flare produced gas that cannot be injected at Platform Heritage. In these instances, it is unclear how curtailed production would not reduce unplanned flaring or otherwise ameliorate any perceived need for a variance.

For the aforementioned reasons, pursuant to Section 42352 of the Health and Safety Code of the State of California, the Board has no grounds to grant Sable’s request for a variance. Accordingly, the Company’s Petition must be denied.

C. Approval of the Requested Variance Requires a Significant Modification of the Platform Heritage Operating Permit

Finally, the Board cannot approve Sable’s Petition as it would improperly modify the Company’s operating permit without adherence to proper procedures.

In this case, Sable is requesting the Board to exempt the Company from compliance with Conditions 9.C.3(a), 9.C.3(b)(i), and 9.C.18 of Permit No. 9102-R7. Effectively, Sable is asking the Board to modify Permit No. 9102-R7 to remove the requirements of Conditions 9.C.3(a), 9.C.3(b)(i), and 9.C.18 from Permit No. 9102-R7, albeit on an interim basis. In this case, the Board cannot approve such a request unless it complies with District Rules at Rule 1304 regarding the significant modification of operating permits.

Here, Permit No. 9102-R7 was approved pursuant to the Santa Barbara County Air Pollution Control District’s federally approved operating permit program. Permit No. 9102-R7, including Conditions 9.C.3(a), 9.C.3(b)(i), and 9.C.18, was approved pursuant to District Rule 1304. Rule 1304 sets forth requirements for the significant modification of permits, providing that modifications are subject to public notice and comment, an opportunity for EPA review, and an opportunity for the public to petition the EPA to object.

Sable's request for a variance is effectively an application for a significant modification to Permit No. 9102-R7. Given this, the Board cannot approve the variance without adherence to procedures regarding the significant modification of operating permits.

Although the Health and Safety Code of the State of California provides that variances may be granted by the Board, the Santa Barbara County Air Pollution Control District's federally approved operating permit program does not incorporate this Code. Therefore, the Health and Safety Code cannot serve to allow the Board to unilaterally modify operating permits without adherence to proper procedure. Effectively, this state law is subordinate to the District's duty to comply with its federally approved operating permit program. This means that although the Board may have authority to approve Sable's requested variance, such a variance cannot take effect and serve to modify the terms and conditions of an operating permit unless and until the operating permit is modified consistent with District Rule 1304.

Accordingly, if the Board is to proceed with Sable's requested variance, it must process the petition as an application for a significant operating permit modification and process it according to District Rule 1304.

The Center greatly appreciates the Board's thoughtful and careful consideration of our requests and arguments and looks forward to further participation in this proceeding. We also look forward to the Board's response to our request for a continuance to accommodate remote participation.

Submitted via e-mail June 18, 2026,



Jeremy Nichols
Senior Advocate and
Authorized Representative
Center for Biological Diversity
1536 Wynkoop St., Ste. 421
Denver, CO 80202
(303) 437-7663
jnichols@biologicaldiversity.org