

EXHIBIT 13

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HEARING BOARD

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

In the Matter of the)	Case No. 5855-7
)	
Petition for Modification of a Condition of)	
)	
the Regular Variance by)	DECLARATION OF IVAN
)	TETHER IN SUPPORT OF
Beta Offshore Operating, LLC)	PETITION FOR MODIFICATION
)	OF A REGULAR VARIANCE
)	CONDITION
)	
)	<u>Date:</u> July 18,2024
)	<u>Time:</u> 9:30 A.M.

DECLARATION OF IVAN TETHER

1. I am the Attorney representing Beta Offshore in this matter before the Hearing Board. I am familiar with the facts of this matter, and I am authorized to speak for Beta Offshore regarding the subject of this Declaration. The facts set forth herein are known personally to me to be true and correct, and I could and would so testify under oath if called as a witness.

2. Scope of Request by Beta Offshore for this Hearing: The question was raised before the December 7, 2023 and April 23, 2024 hearings for this case why this request for a modification was not filed as an Alternative Operating Condition (AOC) pursuant to District Rule 518.2. To clarify its response for the July 18, 2024 hearing, Beta Offshore responds as follows:

- District Rule 518.2 is permissive, rather than directive, and Beta Offshore exercised its

discretion in proceeding with this matter. The Rule states that a Title V Facility “may obtain approval of an Alternative Operating Condition from the SCAQMD Hearing Board that would be recognized by the United States Environmental Protection Agency.”
[*Emphasis added.*]

- Beta Offshore provided testimony at the Regular Variance hearing on December 7, 2023 demonstrating that Beta Offshore was knowingly moving forward with the regular variance only.

- Beta Offshore seeks continuing relief from District Rules as those Rules were adopted by the District, and has not additionally sought relief from the US EPA adopted versions.

- In compliance with Variance Condition 23, Beta Offshore notified US EPA of the Variance on or about February 24, 2024. US EPA has been made aware of the Variance.

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct to the best of my knowledge and that this affidavit was executed this 10th day of July 2024 at Portland, Maine.



Ivan Tether, Attorney for
Beta Offshore Operating, LLC