

	Case No / Date	2016-45-N	01/04/17
	Petitioner	Imerys	
	Permit #	PTO 5840-R5	
	Date Rec'd	12/13/16	
	Time Rec'd	18:19	
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**BEFORE THE HEARING BOARD
OF THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

In The Matter of the Application of)
Imerys for a 90-Day Variance from)
District Rule 206, Conditions)
9.C.7(c)(viii) and 9.C.12(a)(ii) of)
Permit to Operate 5840-R5)

*** DRAFT ***
H.B. Case No. 2016-45-N

VARIANCE FINDINGS

AND ORDER

Imerys filed a Petition for an Interim/90-Day Variance on December 13, 2016. On December 21, 2016, Interim Variance Order 2016-44-I was granted by Hearing Board member Lee-Volker Cox, for the period of January 1, 2017 through March 31, 2017, or the date a successful source test is performed, or the date of decision of the Petitioner's request for a 90-Day Variance, whichever occurs first. The 90-Day Variance was heard on January 04, 2017, in accordance with Health and Safety Code §40808 with Vindi Ndulute appearing for the Petitioner and Mike McKay appearing for the Santa Barbara County Air Pollution Control District.

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

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. The Petitioner operates the equipment described in the Petition at Imerys Minerals California, Inc., located at 2500 Miguelito Road, Lompoc, California.
4. The Petitioner operates several plants within the facility. These plants include the Powder Mill, Specialties, Quarry, and Celpure. At the Powder Mill, baghouse 901 provides PM and PM₁₀ control for the 901 bin. Baghouse 901, is subject to annual source testing, which was scheduled on October 25, 2016. During the source test equipment setup, it was discovered there was insufficient airflow to conduct the source test. As a result,

source testing was not performed. Imerys requested and was granted a short term source test extension through December 31, 2016, to determine the cause. It was determined the rotor of the associated blower was the cause of insufficient air flow. Imerys has contacted the blower manufacturer and is also investigating another supplier. However, repairs and source testing cannot be completed prior to December 31, 2016. As a result, the Petitioner is requesting relief from the source testing requirements for baghouse 901 until repairs can be made. During the variance period, the Petitioner has committed to decreasing the inlet air flow of baghouse 901 to ensure the damaged equipment operates as permitted. Imerys will continue to perform the required daily monitoring for visible emissions during operation and will conduct source testing once it is fully repaired.

5. An Interim Variance was requested in conjunction with this 90-Day Variance. However, if the Petitioner is unable to return baghouse 901 to compliance, additional relief will be sought.
6. Without Variance coverage, the Petitioner will be in violation of District Rule 206, Conditions 9.C.7(c)(viii) and 9.C.12(a)(ii) of PTO 5840-R5.
7. Due to conditions beyond the reasonable control of the Petitioner, requiring immediate compliance with the requirements would result in an unreasonable taking of property. Without the use of the equipment, certain products could not be produced. If not allowed to operate, it would result in the lost revenue of \$10,000 per day and the potential to lay off two (2) employees. In addition, if the Petitioner cannot operate, future revenue losses may occur due to long term loss of customers if orders cannot be filled.
8. Closing or taking would be without a corresponding benefit in reducing air contaminants as potential emissions related to the granting of this variance are expected to be within permitted limits.
9. The Petitioner has given consideration to curtailing operations of the source in lieu of obtaining a variance. However, any unscheduled system downtime will cause economic harm to the Petitioner and potentially two (2) employees due to layoffs.
10. During the requested variance period the Petitioner will reduce excess emissions to the maximum extent feasible by stopping operations associated with at least one of the silo baghouses each day of the variance. The eight (8) silo baghouses are each permitted for maximum operations of 2.411 scfm and 2.48 lb/day PM and PM₁₀. In comparison, baghouse 901 is permitted for maximum operations of 2.550 scfm and 2.62 lb/day PM and PM₁₀. Imerys will continue daily monitoring for visible emissions.
11. During the variance period the Petitioner will monitor the dates, hours, and all emissions related to the operation of baghouse 901.

12. A nuisance as defined in District Rule 303 is not expected to occur as a result of this variance and continued operation is not likely to create an immediate threat or hazard to public health or safety.
13. The District staff supports the Petition as conditioned below.

THEREFORE, THE HEARING BOARD ORDERS, as follows:

That a 90-Day Variance be granted for the continued operation of the Imerys baghouse 901 while in violation of District Rule 206, Conditions 9.C.7(c)(viii) and 9.C.12(a)(ii) of PTO 5840-R5 from January 04, 2017 through March 31, 2017, or the date a successful source test is performed, whichever occurs first, with the following conditions:

1. Petitioner shall keep District staff informed regarding their efforts to achieve compliance. By no later than April 15, 2017, the Petitioner shall submit a report to the District and Hearing Board documenting compliance. The report shall include the date compliance was achieved together with a description of the cause, corrective actions taken and the excess emission, if any, that occurred during the variance.
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. Each day during any portion of which a violation occurs is a separate offense.

DATED: _____

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair
Santa Barbara County Air Pollution Control District
Hearing Board