

 <p><b>Santa Barbara County Air Pollution Control District</b></p>	<b>Case No / Date</b>	<b>2017-14-I</b>	<b>04/14/17</b>
	<b>Petitioner</b>	<b>Imerys</b>	
	<b>Permit #</b>	<b>PTO 5840-R5</b>	
	<b>Date Rec'd</b>	<b>03/29/17</b>	
	<b>Time Rec'd</b>	<b>15:08</b>	
<b>FOR OFFICIAL USE ONLY</b>			

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

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

**H.B. Case No. 2017-14-I**

**VARIANCE FINDINGS**

**AND ORDER**

Imerys filed a Petition for an Interim/Regular Variance on March 29, 2017. A hearing regarding the above-entitled matter was held on April 14, 2017. Michael McKay represented the Santa Barbara County Air Pollution Control District and David Schmarje represented the Hearing Board for this Interim 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.

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 PM<sub>10</sub> 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. The Petitioner

requested and was granted Variance coverage through March 31, 2017 to replace the defective part.

5. The Petitioner states they contacted the blower manufacturer in December of 2016 and received a quote for the replacement part. The order for the replacement part was confirmed on January 17, 2017 with an expected initial delivery date of March 24, 2017. This expected delivery date would allow the Petitioner time to install the part, source test, and return to compliance before the end of the 90-Day Variance period. According to the Petitioner, there was a delay in manufacturing and shipping, which did not allow the Petitioner to return to compliance within the Variance period.
6. As a result, the Petitioner is applying for this Interim Variance in conjunction with a Regular Variance for extended relief from the source testing requirements for baghouse 901 until repairs can be made. Imerys will continue to perform the required daily monitoring for visible emissions during operation and will conduct source testing once it is fully repaired.
7. Without continued 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.
8. 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.
9. 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.
10. 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.
11. During the requested variance period the Petitioner will reduce excess emissions to the maximum extent feasible by stopping operations each day of the variance for at least one of the silo baghouses. The eight (8) silo baghouses are each permitted for maximum operations of 2.411 scfm and 2.48 lb/day PM and PM<sub>10</sub>. In comparison, baghouse 901 is permitted for maximum operations of 2.550 scfm and 2.62 lb/day PM and PM<sub>10</sub>. Imerys will continue daily monitoring for visible emissions.

12. During the variance period the Petitioner will monitor the dates, hours, and all emissions related to the operation of baghouse 901.
13. 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.
14. The District staff supports the Petition as conditioned below.

**THEREFORE, THE HEARING BOARD ORDERS,** as follows:

That an Interim 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 April 01, 2017 through June 30, 2017, or the date a successful source test is performed, or the date of decision on the Petitioner's request for a Regular Variance, whichever occurs first, with the following conditions:

1. Petitioner shall keep District staff informed regarding their efforts to achieve compliance. By no later than 30-calendar days after returning to compliance, 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: 17 April 2017

  
David Schmarje  
Santa Barbara County Air Pollution Control District  
Hearing Board