

 <p><b>Santa Barbara County Air Pollution Control District</b></p>	Case No / Date	2017-25-I	10/19/17
	Petitioner	Imerys	
	Permit #	5840-R5	
	Date Rec'd	10/17/17	
	Time Rec'd	12:17	
<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.6(a)(i) and 9.C.6(c)(xiii) of Part )  
 70/Permit to Operate 5840-R5. )

**H.B. Case No. 2017-25-I**

**VARIANCE FINDINGS**

**AND ORDER**

Imerys Minerals California, Inc. filed a Petition for an Interim Variance in conjunction with a 90-Day Variance on October 17, 2017. A hearing regarding the above-entitled matter was held on October 19, 2017. Vindi Ndulute and Bill Wolford appeared for the Petitioner, Aimee Long appeared for the Santa Barbara County Air Pollution Control District, and Terence Dressler appeared for 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 Mineral California, Inc., located at 2500 Miguelito Road, Lompoc, California.
4. The Petitioner mines and processes diatomaceous earth at its Lompoc Plant and is permitted to operate two product lines, the 6 System and 7 System, within the Power Mill. The 7 System is currently the Petitioners main operating system and includes the following equipment: combined furnace (APCD Device ID 109857), kiln (APCD Device ID 103370), and the venturi scrubber/pack bed tower (APCD Device ID 109866).

On October 17, 2017, the Petitioner requested breakdown coverage (Breakdown #11447) for a daily NOx exceedance from the 7 System combined furnace/kiln at the venturi scrubber/pack bed tower outlet (monitoring location). The daily portable analyzer indicated an exceedance, measured at 5.6 lb/hr NOx (limit 5.55 lb/hr). Continued operation is required to identify and correct the problem.

5. Without Variance coverage, the Petitioner will be in violation of District Rules 206, Conditions 9.C.6(a)(i) and 9.C.6(c)(xiii) of Part 70/Permit to Operate 5840-R5.
6. The Petitioner is applying for this Interim Variance in conjunction with a 90-day Variance.
7. Due to conditions beyond the reasonable control of the Petitioner, compliance would result in an arbitrary or unreasonable taking of property as the Petitioner would be required to shutdown the entire 7 System production line. The shutdown would result in a loss of revenue of approximately \$250,000 - \$300,000 per day and the potential for 32 employees to be laid off. In addition, the Petitioner may lose long-term customers if they are unable to fulfill orders.
8. Closing or taking would be without a corresponding benefit in reducing air contaminants, as the associated emissions are expected to be negligible. The Petitioner will continue to conduct daily portable analyzer emissions readings to document the progress and effectiveness of the corrective actions.
9. Curtailing operations will not completely eliminate emissions as the equipment would need to continue to operate to identify the problem and make repairs.
10. The Petitioner will monitor the dates, hours, and all emissions, if any, related to the granting of this Variance.
11. If, due to reasons beyond the control of the Petitioner, successful equipment repairs are unable to be completed during this Variance period, additional relief will be sought.
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 an Interim Variance be granted for the continued operation of the Petitioner's facility in violation of Rule 206, 9.C.6(a)(i) and 9.C.6(c)(xiii) of Part 70/Permit to Operate 5840-R5, from October 17, 2017 through January 15, 2018, or the date compliance is achieved, or the date of decision on the Petitioner's request for a 90-day Variance, whichever occurs first with the following conditions:

1. Petitioner shall submit a written report to the Hearing Board and District by February 15, 2018. The report shall include the date compliance was achieved together with a description of the corrective action taken, and emissions (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.
5. The Environmental Protection Agency does not recognize California's Variance program, therefore, this Variance does not protect the Petitioner from Federal Enforcement actions.

DATED: 10/19/2017



Terence Dressler, Member  
Santa Barbara County Air Pollution Control District  
Hearing Board