

	Case No / Date	2019-03-E	4/23/19
	Petitioner	Imerys	
	Permit #	5840-R5	
	Date Rec'd	4/8/19	
	Time Rec'd	0800 hours	
<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 Emergency Variance )  
 from District Rule 206 and Part )  
 70/Permit to Operate 5840-R5, Part I, )  
 Conditions 9.C.7(a)(i), 9.C.7(b)(iv) and )  
 9.C.12(a)(ii). )

**H.B. Case No. 2019-03-E**

**VARIANCE FINDINGS**

**AND ORDER**

Imerys Filtration Minerals, Inc. filed a Petition for an Emergency Variance on April 8, 2019. A hearing regarding the above-entitled matter was held on April 23, 2019. Vindi Ndulute 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 Emergency 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 the 7 System within the Power Mill. Each production line at the Powder Mill has baghouses used to capture exhausted diatomaceous earth material. Part 70/Permit to Operate 5840-R5, Part I, requires the Petitioner to source test these baghouses. Source testing on baghouse 110B (APCD Device ID 110652) was conducted

on February 21, 2019. On April 4, 2019, the Petitioner received the annual source test results from baghouse 110B, which indicated a Particulate Matter (PM10) exceedance (reported 0.18 lb/hr, PTO limit is 0.06 lb/hr). The Petitioner submitted the source test data noting the exceedance on April 4, 2019, and immediately scheduled maintenance activities to commence on April 5, 2019.

On February 18, 2019, the Petitioner conducted EPA Method 9 (Visible Emissions Evaluation) on baghouse 110B; no visible emissions observed. The Petitioner continues to conduct daily visible emissions inspections (emissions present/not present) with no visible emission observed.

5. The Petitioner requests continued operation of baghouse 110B for production, identifying and repairing the cause of the exceedance and to repeat source testing to demonstrate compliance. Source testing is currently scheduled for April 15, 2019.
6. Without Variance coverage, the Petitioner will be in violation of District Rule 206 and Part 70/Permit to Operate 5840-R5, Part I, Conditions 9.C.7(a)(i), 9.C.7(b)(vi) and 9.C.12(a)(ii).
7. The Petitioner will continue to conduct daily visible emissions inspection on baghouse 110B, as required by Part 70/Permit to Operate 5840-R5, Part I.
8. Excess facility emissions will be reduced to the extent feasible through curtailing operations Particulate Matter generating processes (e.g., baghouse 912).
- 9.
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 not 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 Emergency Variance be granted for the continued operation of the Petitioner's facility in violation of District Rule 206 and Part 70/Permit to Operate 5840-R5, Part I, Conditions 9.C.7(a)(i), 9.C.7(b)(vi) and 9.C.12(a)(ii), from April 4, 2019 through May 3, 2019, or the date compliance is achieved, whichever occurs first, with the following conditions:

1. Petitioner shall submit a written report to the Hearing Board and District by May 24, 2019. The report shall include the date compliance was achieved together with a description of the corrective action taken, visible emission inspections 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: 4/23/2019



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