INTRODUCTION

Industrial Silica Products (Petitioner) operates a sand drying plant located at 650 Georgia Pacific Way, Oroville, CA 95965. The plant consists of One (1) Hauck, Model BETA 2118, 34 MMBTU/hr Natural Gas-fired Fluid Bed Sand Dryer with Baghouse Control (BH-405); VSI Sand Crusher, One(1) 3-deck Midwestern MEV5 Scalping Screen, Associated Belt Conveyors, Bucket Elevators, Scales and Feeders with Three (3) Baghouse Controls (BH-292, BH-421, and BH-431); One (1) 100 TPH Wilson Manufacturing Portable Railcar Loading Conveyor with One (1) Donaldson-Torit Baghouse control rated at 1200 CFM; One (1) Rock Systems Model 101-36 Rock Hopper; One (1) Manual Bulk Sack Hopper; Black Sand Chutes and Storage. The plant is designed to produce various grades of sand (silica) which is used as raw material in various industrial manufacturing operations.

BACKGROUND

Industrial Silica Products, formerly known as Sierra Silica, began construction of their sand drying plant in 2011. The District issued the facility a Permit to Operate in 2015. The permit specified limitations regarding the open storage of material as follows: open storage of out of spec/overburden material not to exceed 5000 tons; open storage of rock material not to exceed 5000 tons; staging of wet sand not to exceed 5000 tons. Due to cancelled jobs and a shift in market demands, Industrial Silica Products has amassed stockpiles of material that exceed their permit limitations. The facility is requesting a Regular Variance, after being granted an Interim Variance, to allow the facility time to install equipment to reprocess and sell the material.

FINDINGS OF FACT TO GRANT A REGULAR VARIANCE

Pursuant to the requirements of the California Health and Safety Code (HSC) Section 42352, the Hearing Board must make the six findings to grant a variance. The following section of the staff report states the six findings required and topics for discussion assembled by staff to explore the petition in considering the findings.

1. That the Petitioner for a variance is, or will be, in violation of Section 41701 of the California Health and Safety Code, or of any rule, regulation, or order of the District.

Discussion: Industrial Silica Products is currently in violation of District Rule 700 and Permit to Operate ISP-11-01-2 conditions regarding limitations for the open storage of material on-site.
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2. That, due to conditions beyond the reasonable control of the Petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the impractical closing and elimination of a lawful business.

Discussion: Requiring the Petitioner to cease operations would result in an unreasonable restriction that would not allow the facility to reprocess the material into marketable sizes and would result in lost revenue and potential closing of a lawful business. The facility has applied for and been issued an Authority to Construct to add equipment to aid in reprocessing the material.

3. That the closing or taking would be without a corresponding benefit in reducing air contaminants.

Discussion: The closing of Industrial Silica Products would not reduce or eliminate air contaminants as the stockpiled material would remain on-site.

4. That the Petitioner has given consideration to curtailing operations in lieu of obtaining a variance.

Discussion: The Petitioner has already curtailed operations.

5. During the period the variance is in effect, that the Petitioner will reduce excess emissions to the maximum extent feasible.

Discussion: The Petitioner agrees to keep the stockpiles of material wetted as needed to reduce excess emissions to the maximum extent feasible.

6. During the period the variance is in effect, that the Petitioner will monitor or otherwise quantify emission levels from the source, if requested to do so by the District, and report these emission levels to the District pursuant to a schedule established by the District.

Discussion: The Petitioner agrees to monitor or otherwise quantify emission levels and report these levels to the District as requested.

The Petitioner has been notified that the Hearing Board must make each of the six findings before granting a Regular Variance. Copies of the Regular Variance petition are attached for reference and will be made available to interested members of the public upon request.

**IMPOSITION OF ADDITIONAL REQUIREMENTS/DISCRETION OF HEARING BOARD**

Upon making the specific findings set forth in Section 42352, the Hearing Board shall prescribe requirements other than those imposed by statute or by any rule, regulation, or order of the District board, applicable to similar plants or equipment or business. In prescribing additional requirements, the Hearing Board shall exercise wide discretion in weighing the equities involved and advantages to the residents of the District from the reduction in air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.
The Air Pollution Control Officer (APCO) recommends that the following conditions, at a minimum, be placed in the Order should the Hearing Board grant the petition for a Regular Variance:

1. This Regular Variance shall be effective from October 16, 2019 through July 31, 2020, or until the excess amount of stockpiled material is reprocessed and the stockpiles at the facility are within permit limitations, whichever occurs first.

2. This Regular Variance is valid for relief from the following requirement of Permit to Operate ISP-11-01-2 and applicable rules:

   • Open storage of out of spec/overburden material not to exceed 5000 tons; open storage of rock material not to exceed 5000 tons; staging of wet sand not to exceed 5000 tons.

3. Industrial Silica Products shall comply with all other requirements of Authority to Construct permit ISP-11-01-2-AC and Permit to Operate ISP-11-01-2.

4. Industrial Silica Products shall submit monthly written reports to the APCO on all work completed to install equipment, process material and remove material from the site. The first report shall be submitted by November 1, 2019. Additional reports shall be submitted on the 1st of each month until compliance is achieved, or the variance expires, whichever occurs first.

5. By August 30, 2020 (30 days after the expiration of this variance), the Petitioner shall submit a final written compliance report to the APCO which includes actions taken to achieve compliance with air quality permit requirements and any excess emissions recorded during the variance period.

6. Failure to comply with any condition of this Regular Variance may render the variance null and void.

Staff contact for this Regular Variance petition is Ali Roohani.

W. James Wagoner,
Air Pollution Control Officer

By: _________________________________ Date: _______________