

PETITION FOR A HEARING
BEFORE THE HEARING BOARD OF THE
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

☐ Northern Region Office 4800 Enterprise Way Modesto, CA 95356	☒ Central Region Office 1990 E. Gettysburg Ave. Fresno, CA 93726	☐ Southern Region Office 34946 Flyover Court Bakersfield, CA 93308
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<u>TYPE OF HEARING</u>	<u>FEES (Non-Refundable)</u>
☒ A. Short Variance (90 Days or Less)	\$ 913.00
☐ B. Interim & Short Variance	\$1335.00
☐ C. Emergency Variance	\$ 317.00
☐ D. Regular Variance	\$1051.00
☐ E. Interim & Regular Variance	\$1473.00
☐ F. Appeal Hearing	\$1051.00
☐ G. Extension of Variance	\$ 422.00
☐ H. Modification of Variance	\$ 422.00
☐ I. Modification of Variance Schedule of Progress	\$ 422.00
☐ J. Product Variance	\$1402.00
☐ K. Rehearing	\$1051.00
☐ L. Revocation of Variance	\$ 422.00
☐ M. Special Hearing	\$1051.00

In addition to the filing fee above, an excess emissions fee will be assessed at the conclusion of the variance at \$2.75 per pound on the excess emissions emitted during the variance period. Additionally, a \$3.75 per pound mitigation fee will be assessed if excess emissions are greater than 2000 pounds.

A. NAME OF FACILITY: Guardian Industries, LLC

PHYSICAL ADDRESS OF FACILITY: 11535 E. Mountain View Ave

CITY: Kingsburg STATE: CA ZIP CODE: 93631

NAME OF PERSON FILLING OUT PETITION: Janaina Quintiliano

TELEPHONE: 559-663-0005 **E-MAIL:** jquintiliano@guardian.com

NAME OF PERSON AUTHORIZED TO RECEIVE NOTICES: Rafael Latini

MAILING ADDRESS: 11535 E. Mountain View Ave

CITY: Kingsburg STATE: CA ZIP CODE: 93631

TELEPHONE: 559-896-6400 **E-MAIL:** rlatini@guardian.com

B. TYPE OF ENTITY (Check One)

☒ LLC

☐ Partnership

☐ Corporation

☐ Other Entity

Please include the name, title, and address of officers, if a corporation; partners, if a partnership; or the person(s) in control, if other entity.

(Attach additional sheets, if needed)

NAME	TITLE	ADDRESS
Rafael Latini	Plant Manager	11535 E. Mountain View Ave
		Kingsburg, CA 93631

In accordance with State Law, the District will provide assistance to small businesses in preparing and filing the petition for the hearing. Small business has the same meaning as defined in the Small Business Administration, except that no stationary source which is a major source can be a small business.

If you plan on having attendees participate via the video teleconferencing system in a region other than that of which you filed the petition, please check the box(s) below for the region they will be participating:

☐ Bakersfield

☐ Fresno

☐ Modesto

1. Describe the type of business conducted at your facility.

Float Glass Manufacturing

2. Describe in detail the equipment or activity that is the subject of this petition, what the equipment is used for, and why it is necessary to the operation of your facility. Include all pertinent information necessary to describe the activity including: fuels burned, raw materials processed, product produced, true vapor pressure of all volatile organic compounds, site diagrams, material flow charts, fuel systems, and diagrams of air pollution control systems if necessary. Provide photos as well.

PTO C-598-4-21, Guardian Industries, LLC (Guardian) operates a float glass manufacturing operation in Kingsburg, CA consisting of a 212 MMBtu/hour natural gas fired glass melting furnace with associated emission control system consisting of a dry scrubber, electrostatic precipitator, and selective catalytic reduction unit. Electrostatic precipitators require routine maintenance and cleaning. A float glass furnace operates continuously for 15-25 years, without stopping. Therefore, electrostatic precipitator cleaning, inspection, and any associated repairs must be performed during normal furnace operation while bypassing the emission control system.

District Rule 4354 and Permit C-598-4-21 allow furnace operation to continue while bypassing the emission control system for up to 144 hours per year during routine maintenance of emission control systems. Guardian has 144 hours remaining. Both the rule and permit exempt the facility from emission limits for NO_x, SO_x, VOC, CO, and PM during these 144 hours. The facility wide permit, C-598-0-6, does not include the same allowance, and thus, does not allow for periods of excess opacity that may occur while the emission control system is bypassed and undergoing maintenance.

The dry scrubber uses injected Trona as a reagent to reduce SO₂ from the exhaust. This material can accumulate on moving parts and duct walls. During transition to and from bypass mode, and during cleaning and maintenance activities, accumulated dust is loosened from the interior surfaces of ducts, dampers, scrubber, electrostatic precipitator, and selective catalytic reduction units. Some of this dust can become entrained in the exhaust stream and blown out the stack, where it is detected by the facility's Continuous Opacity Monitoring System (COMS), resulting in potential exceedances of the opacity limit in the C-598-0-6 permit. After cleaning the emission control system, the facility must then clean the COMS and optical stack flow meter to ensure that no material has accumulated on their lenses, leading to erroneous readings.

3. List all the District Permits to Operate and/or Authorities to Construct and the corresponding permit conditions for which you are requesting variance protection and **explain** how you are violating, or will violate the condition(s). Please list the current version(s).

PTO C-598-0-6

Condition #3: The permittee must comply with all conditions of the permit including permit revisions originated by the District. All terms and conditions of a permit that are required pursuant to the Clean Air Act (CAA), including provisions to limit potential to emit, are enforceable by the EPA and Citizens under the CAA. Any permit noncompliance constitutes a violation of the CAA and the District Rules and Regulations, and is grounds for enforcement action, for permit termination, revocation, reopening and reissuance, or modification; or for denial of a permit renewal application.

Condition #41 - No air contaminants shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark or darker than Ringelmann #1 or equivalent to 20% opacity and greater, unless specifically exempted by District Rule 4101 (11/15/01). If the equipment or operation is subject to a more stringent visible emission standard as prescribed in a permit condition, the more stringent visible emission limit shall supersede this condition.

PTO C-598-4-21

Condition #2 - The Control Devices, SCR, DS, and PD, shall be in operation at all times during normal operations, and whenever technologically feasible including during Furnace Start-up, Idling and Shutdown conditions.

Condition #4 - At all times, including during Idling, a Furnace Start-up, a Control Device Start-up, Malfunction, and Maintenance, the Permittee shall maintain and operate the Furnace, all Control Devices, and any other associated air pollution control equipment in accordance with 40 CFR 60.11(d).

4. List all District Rule numbers, including subsections, for which you are requesting variance protection and **explain** how you are violating or will violate the rule(s).

2070 Operating outside of existing permit conditions.

2201 Conducting an activity not specifically permitted under our new source review.

2520 Operating outside of Federally Mandated Permit Conditions.

4101 Opacity from the stack during transition into emission control system bypass and emission control system cleaning will exceed 20% for periods in excess of 3 minutes per hour.

5. Why is it beyond your reasonable control to comply with the rule(s) and/or permit condition(s)?

The float glass production process is continuous so shutting down the furnace for this maintenance activity is not feasible. Further, shutting down an entire glass furnace takes many weeks, and likely will cause greater emissions than cleaning the electrostatic precipitator while bypassing. Rule 4354, the glass furnace rule, recognizes that this equipment must be maintained, and establishes an alternate particulate emissions limits during those periods. However, Rule 4101 does not include glass furnaces under emission control system bypass in the list of recognized exemptions. Opacity in this operation is caused by particulate matter, and the facility has no viable way to control particulate matter generated by emission control system maintenance.

6. What would be the harm to your business if the variance were not granted? Include business closure, economic losses in dollar amounts, breach of contracts, hardships on customers, employee lay-offs, loss of market share to competitors, etc.

If this variance is not granted, the only option would be to attempt to shut down the float glass furnace. A glass furnace takes several weeks to shutdown and re-start. The cost of lost production and potential equipment damage due to thermal stress from heating and cooling would be more than \$10 million.

7. What date, and under what circumstances, did your facility first become aware that it would **not** be in compliance?

On or about March 03, 2026, Kingsburg engineers determined that the facility would need to complete necessary maintenance activities, to be done sometime in March-May. Planning and prioritization activities followed.

8. What actions have you taken since that time to achieve compliance?

The facility is currently in compliance. Scheduling this activity will ensure that the facility sustains the proper operation of the ECS to maintain compliance with applicable operating permit limits.

9. Explain what options have been evaluated towards curtailment or termination of operations in lieu of obtaining a variance.

Because a glass furnace needs weeks to shut down and restart, and refractory furnace lining can be damaged by thermal shock in both conditions, a furnace needs to run non-stop in a campaign of 15-25 years. Stopping the furnace is not an option without the complete reconstruction of the furnace, known as a "cold tank repair". This last took place in 2007 & 2008, meaning that this furnace is expected to run about 4 more years without shut down. In addition, the process of shutting down and re-starting can cause more emissions than those released during a short-term bypass for cleaning and maintenance.

10. Estimate the excess emissions in total pounds over the duration of the variance period.
Estimate the maximum amount of excess emissions that will occur.

Pollutant	Pollutant Limit	Actual Emissions	<i>Excess emissions are those that are in excess of the rules or permit conditions or otherwise lawfully allowed</i>	Total Estimated Excess Emissions
VOC	Exempted	1.02 ppm / 0.089 lb/hr		0
NO _x	Exempted	49.5 lb/hr / 2.01 lb/ton		0
CO	Exempted	8.54 ppm / 1.74 lb/hr		0
SO _x	Exempted	25.9 lb/hr / 1.13 lb/ton		0
PM ₁₀	Exempted	4.00 lb/hr / 0.163 lb/ton		0
PM _{2.5}	N/A			0

Highest Opacity level anticipated: 95 %

11. Show all calculations and provide references for emission factors used in estimating excess emissions.

Emissions of NO_x, CO, VOC, SO_x, and PM₁₀ are exempt from limits during the 144 hours of scheduled annual maintenance for emission controls.

The facility CEMS will continue to operate during the bypass period.

12. Explain how you can reduce or mitigate excess emissions during the variance period. (such as shutting equipment down or reducing production to offset excess emissions)

The best way to mitigate emissions from this procedure is to ensure all resources are in place to reduce the time the system is bypassed. The facility has scheduled appropriate manpower and dedicated knowledgeable individuals to the project.

13. If there are excessive hazardous or toxic emissions, attach a health risk assessment and receptor modeling data.

14. Can you monitor or quantify emission levels from the subject equipment or activity during the variance period and make such records available to the District? Source tests, engineering tests, or portable emission analyzers can be utilized.

Yes: ☒ No: ☐ Provide an explanation of your response.

The facility CEMS monitors NO_x, SO₂, CO and COMS for Opacity. All records are available to the District upon request.

15. How do you intend to achieve compliance with the rules or permit conditions? Include a detailed description of any equipment to be installed and/or modifications to be made, a listing of the dates by which the actions will be completed, and an estimate of the total cost, if available.

After cleaning the electrostatic precipitator, opacity meter, and flow meter, the facility will restore operation of the emission control system and be able to demonstrate compliance with the conditions subject to this variance.

16. State the dates you are requesting the variance to begin and end (the end date should be the date you expect to achieve compliance with the rules, regulations, and permit conditions). Please overestimate the time needed to allow for any contingencies.

Begin variance: March 19, 2026 End variance: June 01, 2026

17. Please state if you need special time designations. For example: "We need 15 non-consecutive days between such and such date."

We need 48 consecutive hours between March 19, 2026, and June 01, 2026.

18. If a variance, or series of variances, is to extend beyond one year, you must attach a Schedule of Increments of Progress pursuant to Rule 5050 – *Compliance Schedule* which must specify certain dates or milestones to be met in achieving compliance.

19. List the names of any District personnel who are familiar with the facility (inspectors, permit engineers, etc.) or with whom facility representatives have had contact concerning this variance petition, or any related NOV or NTC.

Vishal Patel, Lupe Jauregui, Clay Bishop, Sajjad Ahmad, Shannon Moore, Chris Kalashian, Tristen Kuhn.

Based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete:

Date: 3/3/2026

*Signature: Rafael Latini Franca

Title: Plant Manager

Print Name: Rafael Latini Franca

**must be signed by a responsible official if petitioner is a Title V source*

The original petition in this format, and any attachments must be submitted to the District. Any attachments that are extraordinarily difficult to reproduce, such as full color photographs, must be submitted as six copies. Petitions which are incomplete, illegible, submitted in the wrong format, or without the necessary filing fee will be returned. If you need assistance completing this petition and/or developing a compliance schedule, contact the Compliance Department in your region.

Northern Region Office
(209) 557-6440

Central Region Office
(559) 230-5950

Southern Region Office
(661) 392-5540

You may hand deliver, mail, or email this petition to variance@valleyair.org