

Effective to: June 16, 2026

1. ARDAGH operates a container glass manufacturing facility located at 24441 Avenue 12 in Madera, CA 93637.
2. The subject equipment is the semi-dry scrubber and the electrostatic precipitator (EP) serving two furnaces.
3. Duly issued District permits authorize the operation of the subject equipment.

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BACKGROUND

Ardagh Glass Inc. (ARDAGH) operates a container glass manufacturing facility which utilizes two 75 MMBtu/Hr natural gas-fired glass-melting furnaces. To control air pollution, the two furnaces vent through a common stack into an Emissions Control System (ECS) that includes a semi-dry scrubber and an electrostatic precipitator (EP).

In March 2026, ARDAGH upgraded the analyzers on their Continuous Emissions Monitoring System (CEMS) as part of their obligation under a Downtime Reduction Consent Decree to replace outdated monitoring equipment. When new analyzers are installed a Relative Accuracy Test Audit (RATA) is required before data collected by the new analyzers is considered valid. ARDAGH is required to complete a RATA on the CEMS in the first quarter of the year. They planned to complete a 7-day drift and RATA by March 19, 2026. However, they discovered an issue with the new O₂ analyzers for Furnace 1 and Furnace 2 that required additional time to resolve. As a result, they are not able to complete the RATA before March 30, 2026. Therefore, they are requesting additional time to complete the 7-day drift and RATA.

During the variance period both furnaces will be in full production mode and the Emissions Control System (ECS) will be operating as intended. ARDAGH technicians will monitor the furnaces while the CEMS are down to ensure they operate within normal parameters. However, the data will not be considered valid until ARDAGH successfully completes the RATA. Therefore, ARDAGH is also seeking relief from the emissions monitoring and reporting requirements.

RULE REQUIREMENTS

1. The equipment subject to this variance is regulated by the following District Rules:
 - A. 2070 – *Standards for Granting Applications*
 - B. 2201 – *New & Modified Stationary Source Review Rule*
 - C. 2520 – *Federally Mandated Operating Permits*
 - D. 4101 – *Visible Emissions*
 - E. 4354 – *Glass Melting Furnaces*
 - F. CH&SC § 41701
2. District Rules 2070 and 2520 require that the facility operate within the conditions of its permits and meet specific operating limits as required by applicable rules. Rule 2201 states the requirement for properly operating control equipment. Rule 4101 and CH&SC § 41701 requires that visible emissions be limited to 20% opacity for three minutes within any one hour.

FINDINGS OF FACT

Pursuant to CH&SC § 42352, the following findings have been made:

1. ***That the petitioner for a variance is, or will be, in violation of Section 41701 or of any rule, regulation, or order of the District.***

The Hearing Board finds that failing to complete annual source testing on time, and operating without a valid CEMS will result in a violation of applicable requirements of

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District Rules 1080, 2070, 2201, 2520, 4101, 4354, and CH&SC section 41701 in addition to the applicable conditions on the subject permits.

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 practical closing and elimination of a lawful business.***

The Hearing Board finds that ARDAGH has entered into a Downtime Reduction Consent Decree agreement that requires them to upgrade the CEMS. Once the new CEMS monitors are installed they must be calibrated while the furnace is operating as normal. For ARDAGH to continue to stay in compliance, they would have to shut down Furnaces #1 and #2 while the scrubber and EP are off-line. This is not an acceptable industry practice because it would bring about an unreasonable taking of property through severe damage to the furnaces and process equipment. A glass melting furnace is designed to run non-stop for many years, which is known as a “campaign.” If it is cooled down, the refractory has a tendency to crack and break. A glass melting furnace takes several days to shut down and several weeks to get back to operational temperature. Due to severe weather across the country the CEMS replacement was delayed and ARDAGH could not complete the RATA within the annual testing window. It would be unreasonable to require them to complete two RATAs in the same quarter, 30 days apart.

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

The Hearing Board finds that the closing or taking would be without a corresponding benefit in reducing air contaminants as Furnaces #1 and #2 would have to be shut down. The proposed maintenance period is expected to take a few days. The shutdown of the furnaces would take several days, and the startup would take several weeks. The shutdown could result in damage to the furnaces as well. To start the furnaces back up, ARDAGH would have to submit a start-up plan to the District and bring in a specialized crew to handle the intricacies of bringing a glass melting furnace up to temperature without causing any damage. A cold start of the furnaces would produce considerable emissions before the furnaces comes up to temperature and the EP is hot enough to restart. During the downtime, ARDAGH would not be able to provide their customers with product and could lose valuable market share to their competitors.

4. ***That the applicant for the variance has given consideration to curtailing operations of the source in lieu of obtaining a variance.***

The Hearing Board finds that ARDAGH does not expect any excess emissions. The ECS will be operating during the variance period.

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

The Hearing Board finds that ARDAGH does not expect any excess emissions. The ECS will be operating during the variance period.

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

The Hearing Board finds that no excess emissions are expected since the ECS will be operating during the variance period. ARDAGH will use the data gathered by the new CEMS monitors as “credible evidence” until it can be fully certified. Those records will be available to the District for review.

GENERAL COMMENTS

The Hearing Board also finds that a nuisance as defined in District Rule 4102 is not expected to occur as a result of this variance. Nor would continued operations likely create an immediate threat or hazard to public health or safety.

It should be noted that the US Environmental Protection Agency (EPA), which monitors major sources, might not recognize this variance. ARDAGH should be aware that the EPA could take enforcement action on this matter if it deems such action is appropriate.

CONCLUSIONS AND ORDER

NOW, THEREFORE, the SOUTHERN REGION HEARING BOARD ORDERS that a short variance be granted to ARDAGH subject to the following conditions:

1. The variance shall be effective from March 19, 2026 through June 16, 2026, inclusive. If granted, the variance would allow ARDAGH to postpone their requirement to complete a RATA and continue glass manufacturing without certified a CEMS until the new monitors are installed and the RATA is complete.
2. Relief shall be granted from the requirements of the applicable sections of District Rules 1080, 2070, 2201, 2520 and 4354. In addition to the following:

C-801-0-5 Conditions 5
C-801-1-24 Conditions 8, 9, 29, 31 69, 70, 72, 73, 75, 76, 77
C-801-2-17 Conditions 19, 20, 21, 45, 47, 73, 92, 95, 96, 99
3. The variance shall allow ARDAGH to postpone their annual source test requirement to complete a RATA until April 30, 2026. In addition, it will allow ARDAGH to continue glass manufacturing without certified a CEMS until a RATA completed and the new CEMS are certified.
4. The variance shall end upon completion of the certification.
5. There shall be no excess emissions during the variance.

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6. Notwithstanding the protection granted by this variance pending full certification, a failed RATA will not be protected under this variance and the District may take enforcement action upon failure.
7. At the conclusion of this variance, ARDAGH must be in compliance with all their permit conditions and applicable District Rules. If ARDAGH will not achieve compliance prior to conclusion of this variance they must contact the District as soon as possible and before the variance period ends.
8. A Federal Title V deviation report shall be submitted to the District within 10 days of discovery each time a Federal Title V permit condition is violated. It should be noted that multiple deviation reports may need to be submitted during this variance period. The deviation report must be sent to the facility inspector.
8. Should the facility experience operational conditions likely to cause a public nuisance, ARDAGH shall cease operations causing the problems and take all necessary actions to abate the problem immediately.
9. By July 1, 2026, or no later than 15 calendar days after completing the maintenance and returning to compliant operation, whichever occurs first, ARDAGH shall submit to the District a summary report. If the report due date should fall on a day the District is closed, it shall be due the next business day. The report shall include the following:
 - A. A summary of all actions and activities undertaken during the variance period,
 - B. The dates, times and duration the CEMS was offline, and
 - C. The required certification of truth and accuracy, and completeness, signed by the designated responsible official of the corporation, as required by Sections 9.13.1 and 10.0 of District Rule 2520 – *Federally Mandated Operating Permits*.
10. The end of the variance summary report shall be submitted to the attention of:

Shannon Moore
SJVAPCD – Compliance Department
1990 E. Gettysburg Ave.
Fresno, CA 93726
Telephone: (559) 230-5874
E-mail: shannon.moore@valleyair.org
11. Failure to comply with any condition of this variance may render the variance null and void with the possibility of enforcement action taken that may include monetary penalties.

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MOTION: Goodwin

SECOND: Robertson

Ayes: Hartwig, Goodwin, Robertson, Soldani

Noes: None

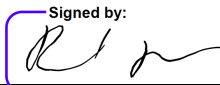
Abstained: None

Recused: None

Absent: Mulligan

THE FOREGOING DECISION IS APPROVED:

Signed by:



4/21/2026

Daniel Hartwig, Chair
Hearing Board – Central Region
San Joaquin Valley APCD

Date

ATTEST:

Signed by:



4/21/2026

Katrina Rojas, Deputy Clerk to the Boards

Date

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Operations Support Supervisor

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Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
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