

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT
CENTRAL REGION
1990 E. Gettysburg
Fresno, CA 93726
(559) 230-5950**

STAFF REPORT

January 21, 2026

SHORT VARIANCE

DOCKET No. C-26-01S

PETITIONER: Ardagh Glass Inc.
24441 Avenue 12
Madera, CA 93637

LOCATION: Same as above

RULE VIOLATIONS: 2070 – *Standards for Granting Applications*
2201 – *New and Modified Stationary Source Review Rule*
2520 – *Federally Mandated Operating Permits*
4101 – *Visible Emissions*
4354 – *Glass Melting Furnaces*
California Health and Safety Code section 41701

PERMIT NUMBERS: C-801-0-5, C-801-1-24, and C-801-2-17

EPA AIRS NUMBER: 06-019-C0801

NOV NUMBER: N/A

TYPE OF BUSINESS: Container Glass Manufacturer

NATURE OF THE PROBLEM:

Ardagh Glass Inc. (ARDAGH) operates a container glass manufacturing operation which consists of 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 has a semi-dry scrubber and an electrostatic precipitator (EP).

ARDAGH plans to upgrade the Programmable Logic Controller (PLC) and Control Software for the ECS. The current PLC is no longer supported and the manufacturer recommends upgrading to a newer model. In order to complete the upgrade, the ECS must be shut down. ARDAGH plans to bring Furnace #2 into idle mode before going into bypass and shutting down the ECS. District Rule 4354 –*Glass Melting Furnaces* allows for excess NO_x, SO_x, CO, VOC, and PM emissions during annual maintenance of the ECS for up to 144 hours, of which ARDAGH currently has 144 hours remaining. However, visible emissions are not addressed in this rule, and District Rule 4101 – *Visible Emissions*, limits visible emissions to no more than 20% opacity for 3 minutes in any one hour. In the past, ARDAGH has experienced visible emissions as high as 95% opacity when bypassing the scrubber and EP. ARDAGH expects excess visible emissions to be brief and estimate that they may only occur within the first few hours of bypass. Even though the exhaust stream bypasses the scrubber and EP, it will still exit the main stack and the continuous emissions monitoring system (CEMS) and continuous opacity monitoring system (COMS) will still be in use measuring and recording emission levels.

A glass melting furnace is designed to operate for multiple years, known as a “campaign” and it operates 24 hours a day, seven days a week. If it is allowed to cool down, significant damage can be done to the refractory brick. During idle mode, minimal amounts of material will be going through the furnace throughout the variance period.

PETITIONER'S REQUEST:

ARDAGH has requested a short variance from the applicable requirements of District Rules 2070, 2201, 2520, 4101, 4354, and California Health and Safety Code (CH&SC) section 41701 in addition to the applicable conditions of the subject permits. The requested short variance would be for a consecutive 144-hour period to occur sometime between January 24, 2026, and February 1, 2026, inclusive. If granted, the variance would allow the continued operation of the glass melting furnace, and continued glass production in idle mode, with excess visible emissions while ARDAGH shuts down the ECS to upgrade the PLC and Control Software.

EXCESS EMISSIONS:

Total visible emissions shall be no greater than 98% opacity.

The visible emissions are estimated to occur only within the first few hours of shutdown and are caused by debris accumulation in the bypass flue that will get blown out the exhaust stack. In addition, they are caused by a cooling-water-mist-injector shooting mist into the exhaust stack to cool the exhaust stream.

NO_x, SO_x, CO, VOC, and PM emission limits are vacated during the 144 hours of annual maintenance allowed by permit and Rule 4354.

IMMEDIATE COMPLIANCE:

ARDAGH is currently in compliance.

COMMENTS ON REQUIRED FINDINGS:

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.***

Emanating excess visible emissions will result in a violation of applicable requirements of District Rules 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.***

ARDAGH must bypass the scrubber and EP to perform the upgrade to the ECS. The EP is extremely hot and must cool down before workers can access the internal components. Also, it is not safe to work around an operating EP because of the electrical current that is surging through the device. Maintenance per the manufacturer's specifications is an industry wide acceptable practice and is allowed for by District Rule 4354. In addition,

per conditions of their permits, they are required to conduct internal inspections of the control devices every 24 months.

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.

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

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.*

ARDAGH will put Furnace #2 into idle mode during the maintenance. Idle mode requires them to produce less than 25% of the normal Furnace #2 production. However, curtailing production will not limit visible emissions to 20% and the variance is still necessary to continue to operate with excess emissions. The excess visible emissions are caused from debris in the bypass flue that accumulates when it is not in use and steam from a cooling-water-injector-mist. The excess visible emissions are not from production.

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

ARDAGH will perform the maintenance as expeditiously as practicable. Excess visible emissions are only estimated to occur in the first hours of bypass.

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.*

During the variance period, the COMS will still be in use and will record the excess visible emissions. This data will be reported to the District at the conclusion of the variance in the summary report.

GENERAL COMMENTS:

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

RECOMMENDATIONS:

Should the Central Region Hearing Board make the required findings and move to grant a short variance to ARDAGH, the District would recommend the following conditions:

1. The variance shall be effective for a consecutive 144-hour period to occur sometime between January 24, 2026, and February 1, 2026, inclusive, inclusive, or until the maintenance has concluded, whichever occurs first.
2. Relief shall be granted from the requirements of the applicable sections of District Rules 2070, 2201, 2520, 4101, and CH&SC section 41701. In addition to the following:

C-801-0-5	Conditions 5 and 22
C-801-1-24	Conditions 1, 3, 20, 23, 28, 30, 31, 32, 50, 62, 72
C-801-2-17	Conditions 2, 3, 5, 12, 13, 34,36, 39, 44, 45, 46, 47, 48, 52, 56, 80, 93, 94
3. The variance shall allow for continued glass manufacturing with excess visible emissions while the exhaust stream bypasses the scrubber and EP to upgrade the PLC and Control Software for the ECS.
4. Visible emissions shall not exceed 98% opacity during the variance period as averaged over a three-minute period in any one hour.
5. ARDAGH shall operate Furnace #2 in idle mode during the variance period.
6. ARDAGH shall document the bypass time and shall count it towards their 144 hours of annual maintenance allowed per District Rule 4354, section 5.10.
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.

9. 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.
10. By February 16, 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 that the bypass period began and ended,
 - C. The total duration of the bypass period,
 - D. COMS data during the variance period, and
 - E. 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*.
11. 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) 230-5879
E-mail: shannon.moore@valleyair.org
12. 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.