

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

TYPE OF HEARING

FEES (Non-Refundable)

☒ A.	Short Variance (90 Days or Less)	\$ 987.00
☐ B.	Interim & Short Variance	\$1443.00
☐ C.	Emergency Variance	\$ 343.00
☐ D.	Regular Variance	\$1136.00
☐ E.	Interim & Regular Variance	\$1592.00
☐ F.	Appeal Hearing	\$1136.00
☐ G.	Extension of Variance	\$ 456.00
☐ H.	Modification of Variance	\$ 456.00
☐ I.	Modification of Variance Schedule of Progress	\$ 456.00
☐ J.	Product Variance	\$1515.00
☐ K.	Rehearing	\$1136.00
☐ L.	Revocation of Variance	\$ 456.00
☐ M.	Special Hearing	\$1136.00

In addition to the filing fee above, an excess emissions fee will be assessed at the conclusion of the variance at \$3.00 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: Ardagh Glass Inc.

PHYSICAL ADDRESS OF FACILITY: 24441 Avenue 12

CITY: Madera STATE: CA ZIP CODE: 93637

NAME OF PERSON FILLING OUT PETITION: Manuel Salinas

TELEPHONE: (559) 975-9231 E-MAIL: Manuel.Salinas@ardaghgroup.com

NAME OF PERSON AUTHORIZED TO RECEIVE NOTICES: John Granados

MAILING ADDRESS: 24441 Avenue 12

CITY: Madera STATE: CA ZIP CODE: 93637

TELEPHONE: (559) 474-0043 E-MAIL: John.Granados@ardaghgroup.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

See attached.

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.

Glass container 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.

Glass melting furnaces controlled by an EP/Scrubber system and monitored by CEMS system.

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).

C-801-0-5; cond. 5, 8, and 9, C-801-1-24; cond. 8, 9, 29, 31, 69, 70, 72, 73, 75, 76, and 77, C-801-2-17; cond. 19, 20, 21, 45, 47, 73, 92, 95, 96, and 99

Ardagh Glass Inc at Madera, CA performed a CEMS Replacement as per the manufacturer's recommendation and is completing certification of the CEMS. During the variance period, Furnace #1 and Furnace #2 will be in full production with the control equipment in full operation.

CEMS Replacement was required due to obsolescence and Ardagh's legal obligations set forth in a Downtime Reduction Consent Decree. The project replaced the Furnace 1, Furnace 2, EP Inlet and Outlet monitors with new monitors which allows better control, communications, connectivity, and data storage. These steps will improve monitoring operations and reduce CEMS downtime.

Replacement of the CEMS monitors required a RATA which is normally completed in January every year. Rather than have two stack testing events Ardagh requested a delay in testing from January to the week of March 16, 2026. It was discovered that there was an issue with the new O2 cells in the analyzers for Furnace 1 and Furnace 2 and that a 7-day drift would not pass without adjustments by March 19, 2026. The cells have been replaced but additional time is needed to ensure the issue with the O2 cells is resolved and the 7-day drift/RATA successfully completed.

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).

Rule 2070: Section 7.0 states no source can operate contrary to the permitted conditions.
Rule 2520: Section 9.8.1 states the source must comply with all provisions of its permit.

Permit #

C-801-0-5 Facility Wide Requirements, cond. 5, 8, and 9.

#5 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. [District Rules 2070, 7.0; 2080; and 2520, 9.8.1 and 9.13.1] Federally Enforceable Through Title V Permit

#8 The operator shall maintain records of required monitoring that include: 1) the date, place, and time of sampling or measurement; 2) the date(s) analyses were performed; 3) the company or entity that performed the analysis; 4) the analytical techniques or methods used; 5) the results of such analysis; and 6) the operating conditions at the time of sampling or measurement. [District Rule 2520, 9.4.1] Federally Enforceable Through Title V Permit

#9 The operator shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, or report. Support information includes copies of all reports required by the permit and, for continuous monitoring instrumentation, all calibration and maintenance records and all original strip-chart recordings. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit

C-801-1-24:

#11 The owner/operator shall perform a relative accuracy test audit (RATA) as specified by 40 CFR Part 60, Appendix F, 5.1.1 at least once every four calendar quarters. The permittee shall comply with the applicable requirements for quality assurance testing and maintenance of the continuous emission monitor equipment in accordance with the procedures and guidance specified in 40 CFR Part 60, Appendix F. [District Rule 1080] Federally Enforceable Through Title V Permit

C-801-2-17:

#23 The owner/operator shall perform a relative accuracy test audit (RATA) as specified by 40 CFR Part 60, Appendix F, 5.1.1 at least once every four calendar quarters. The permittee shall comply with the applicable requirements for quality assurance testing and maintenance of the continuous emission monitor equipment in accordance with the procedures and guidance specified in 40 CFR Part 60, Appendix F. [District Rule 1080] Federally Enforceable Through Title V Permit

Operation with uncertified CEMS system until full completion of the RATA to certify the system.

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

It is beyond reasonable control to comply with the current rules and/or permit conditions because replacement of the obsolete CEMS monitors while the monitors were off-line, removed, and replaced with the new monitors was a decertifying event. The RATA to certify the new monitors including a 7-day drift was to be completed by 3/19/26. Additional time is needed to resolve an issue with the O2 cells for Furnaces 1 and 2 analyzers. The testing is expected to be completed by the end of Quarter 1 but no later than 4/30/2026.

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.

Replacement of the obsolete CEMS monitors requires the new system to be certified. Ardagh would be subject to NOVs for operating without a certified CEMS. As part of the Consent Decree the upgrade project is to be completed by April 1, 2026. Ardagh may be subject to further legal action if not completed. If the extension in source testing was not approved Ardagh would have to conduct an annual source test/RATA again the week of March 23. An additional \$48k in source test costs would be incurred.

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

Entering into the Consent Decree started the compliance deadline for the project to be completed by April 1, 2026.

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

Control equipment will be in full operation and compliance with emission limits is expected. Monitors are operational.

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

CEMS monitors were disconnected, removed, and replaced. Furnace tenders utilized some parametric monitoring as usual. Control equipment is operational.

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				
NO _x				
CO				
SO _x				
PM ₁₀				
PM _{2.5}				

Highest Opacity level anticipated: _____ %

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

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)

EP/Scrubber system is in full operation.

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.

Monitors are recording data. Uncertified until completion of the RATA.

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.

Ardagh expects to be in compliance with emission limits during the period where the monitors will be replaced.

3/13/26 - 3/19/2026: System configuration work and new CEMS checkout. Source Test and RATA.

3/19/2026 - 4/30/26: Resolution of O2 cell issue and completion of 7-day drift tests and any further testing as required if needed.

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: 3/19/2026 End variance: 4/30/2026

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

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.

Ms. Claire Gottschalk, Ms. Preet Bath, Mr. Shannon Moore

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

Date: 3/18/2026

*Signature: Richard M Tomicek

Title: Vice President, Environmental, Health and Safety

Print Name: Richard Tomicek

**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

B. Type of Entity - Corporation**Officers List**

Name	Title	Address
Brian Brandstatter	Chairman, CEO, President	10194 Crosspoint Blvd. Suite 410, Indianapolis, Indiana 46256
Janice Anderson	Director, Treasurer, CFO	"Same as above"
Chris Thornton	Director, Vice President	"Same as above"
Joshua Markus	Director, Secretary	"Same as above"
Jason Ty Sibbitt	Assistant Secretary	"Same as above"
Carolyn Clay Hall	Assistant Secretary	"Same as above"
Mary Schnurr	Assistant Secretary	"Same as above"
Daniel Ahasay	Assistant Secretary	"Same as above"
Cormac Maguire	Assistant Treasurer	"Same as above"

**San Joaquin Valley
Unified Air Pollution Control District**

Certification of Truth and Accuracy

Company Name: Ardagh Glass Inc.	Facility ID: C-801-
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I declare, under penalty of perjury under the laws of the state of California that based on information and belief formed after reasonable inquiry, the statements and information provided in the document are true, accurate, and complete:



3/18/2026

Signature of Responsible Official

Date

Richard Tomicek

Name of Responsible Official (please print)

Vice President, Environmental, Health and Safety

Title of Responsible Official (please print)