

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: Vitro Flat Glass, LLC

PHYSICAL ADDRESS OF FACILITY: 3333S. Peach Ave.

CITY: Fresno STATE: CA ZIP CODE: 93725

NAME OF PERSON FILLING OUT PETITION: Johnathon Garcia

TELEPHONE: 559-341-2457 E-MAIL: jongarcia@vitro.com

NAME OF PERSON AUTHORIZED TO RECEIVE NOTICES: Johnathon Garcia

MAILING ADDRESS: Same

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____ E-MAIL: _____

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
Glen Collins	Plant Manager	3333 S. Peach Ave. Fresno CA 93725

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.

Architectural Flat 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.

Process Description

Vitro's glass furnace uses an electrostatic precipitator (EP) to remove particulate matter (PM) from the furnace exhaust stream, thereby controlling PM emissions and opacity. A cooling tower/scrubber cools the gas stream before it enters the EP and caustic soda is injected to control SOx emissions. The furnace and associated emission controls (EP and scrubber) operate constantly (24 hours per day, 7 days per week). A flat glass furnace must operate continuously during the life of the furnace; it cannot be shut down.

The PM build-up in the interior of the EP needs to be clean out annually. Experience has shown that material build-up between the electrically charged plates of the EP will cause electrical short circuiting, grounding plates and reducing PM control efficiency. The EP and associated equipment cannot be cleaned or repaired while in operation because the EP interior plates are electrically charged and hot (500 degrees Fahrenheit). When the EP is shut down for cleaning and repair, the furnace exhaust is vented to a bypass stack instead of through the scrubber and EP. PM and SOx emissions and opacity cannot be controlled while the scrubber and EP are bypassed. While Vitro's permit and Rule 4354 allow exceedance of PM and SOx limits for up to 144 hours of EP maintenance per calendar year, the maintenance provision does not cover the facility's 20% opacity limit.

Vitro also has CEMS/COMS monitoring equipment in the EP stack which is used to comply with emission monitoring requirements in Vitro's furnace permit. The CEMS/COMS monitoring equipment cannot be used to monitor emissions while the EP is shutdown and the furnace exhaust is vented to the bypass stack. Therefore the CEMS/COMS monitoring requirements are not met during the time for EP cleanout and repair.

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).

See Attachment 1

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).

Attachment 1

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

Vitro Glass must operate the EP and scrubber to control particulate, sulfates (SO_x) and opacity. The EP and scrubber require annual maintenance work (including cleanout, equipment repair and replacement as necessary) for proper operation and this work cannot be done while the EP is in operation because of worker safety hazards of electric shock and elevated temperature (500 F) inside the EP. The furnace's CEMS/COMS monitors are located in the EP stack, so continuous emission monitoring is not possible when the EP is shutdown.

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.

Vitro has contractual obligations to supply customers with glass products. Fulfilling these obligations relies on a daily production of glass. If the variance were not granted, Vitro's only option would be to proceed with the cleanout of the EP without a variance. The EP cannot be returned to normal operation without a cleanout. A flat glass furnace cannot be shutdown, and a hot hold would not avoid the need for a variance from permit conditions cited above. In addition, a hot hold would halt glass production but not natural gas use and would cost Vitro over \$200,000 per day in energy costs, idle labor and lost sales. Vitro would also be unable to fulfill contractual obligations to supply its customers and a sister plant with glass products, which would result in costs that are not quantifiable at this time.

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

Vitro Engineering staff monitors the voltage in the EP as a parametric monitor of solid material build up. Historically, and in 2024 too, EP Voltage begins to vary more than normal. In 2024 the EP was shutdown for cleaning in June. Based on historic trends, the routine maintenance of EP shutdown and cleanout is scheduled every 18 months. Historically the EP shut down for clean out has lasted 4 - 5 days. This shutdown for clean out is expected to last 4-5 days.

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

Vitro continues to monitor system voltage and has scheduled outside contractors certified for confined space entry to perform the clean out and inspection of the EP in July 2026.

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

A flat glass furnace cannot be shut down in the middle of a multi-year furnace campaign, so cessation of operations during the EP shutdown is not an option. Putting the furnace on "hot hold" (maintaining glass tank temperature, eliminating production) would not eliminate the need for a variance because emissions would continue since the furnace must be kept hot by burning natural gas. The cost to Vitro of a hot hold would exceed \$200,000 per day, as outlined in the response to #6 above.

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	0.1 lb/ton	0.1 lb/ton		0
NO _x	2.8 lb/ton	2.8 lb/ton		0
CO	0.9 lb/ton	0.9 lb/ton		0
SO _x	1.7 lb/ton	1.7 lb/ton		2,254 lbs
PM ₁₀	0.2 lb/ton	0.2 lb/ton		6,370 lbs
PM _{2.5}	None			

Highest Opacity level anticipated: 30 %

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

Based on uncontrolled emissions measured at Vitro's sister plant in Meadville, PA
 PM₁₀ emission limit: 0.2 lb/ton x 650 ton/day = 130 lb/day
 Uncontrolled PM₁₀: 1.45 lb/ton x 600 tons/day = 870 lb/day
 Excess PM₁₀: 870 - 455 = 415 lb/day
 SO_x limit: 1.7 lb/ton x 650 ton/day = 1105 lb/day
 Uncontrolled SO_x: 2.11 lb/ton x 600 ton/day = 1266 lb/day
 Excess SO_x: 1266 - 1105 = 161 lb/day
 (NOTE: Vitro is permitted for a maximum production rate of 650 ton/day. During the variance period Vitro will limit production to 550 tons per day).

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)

Vitro can mitigate excess emissions by reducing daily production. Vitro will limit production to 550 tons per day during the EP shutdown period.

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.

Although the CEMS cannot operate while the EP is shutdown, Vitro can use actual emission factors based on actual uncontrolled emission measurements from a similar facility to quantify emissions of SOx and PM10. Vitro personnel certified for VEE will monitor opacity at least once during the Variance period.

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.

The EP shutdown, clean out and repairs is expected to take 4 days. Commencing with the shutdown and cool down of the EP on 7/12/26 (anticipated). Vitro requests the SOx and PM10 emissions during the first 144 hours of this routine maintenance be counted against the annual allowance provided for in Rule 4354.

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: 7/12/2026

End variance: 7/17/2026

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

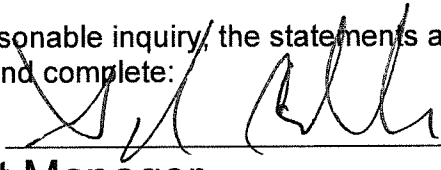
18. If a variance, or series of variances, is to extend beyond one year, you must attach a Schedule of Increments of Progress pursuant to Rule 5050 –*Compliance Schedule* which must specify certain dates or milestones to be met in achieving compliance.

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.

Ayanna Alewine

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

Date: May, 27 2026

*Signature: 

Title: Plant Manager

Print Name: Glen Collins

**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

Variance Application Attachment #1

Permit Reference	Rule Citation	Requirement	Specific Expected Non-compliance Issue
C-948-0-4, Condition #6	District Rule 2070	Permittee shall comply with all conditions of the permit	
C-948-0-4, Condition #23	District Rule 4101	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 (02/17/05). 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.	Rule 4354 Section 5.10 provides an exemption from compliance with applicable NOx, Sox, and CO emission limits during "routine maintenance". However, the opacity is not included in the exemption. While the EP is turned off, elevated particulate emissions of sodium sulfates may cause an exceedance of the 20% opacity for 3 minutes in any one hour.
C-948-11-22, Condition #2	District Rule 2201	All equipment shall be maintained in good operating condition and shall be operated in a manner to minimize emissions of air contaminants into the atmosphere	During the routine maintenance of the EP and EP Cooling Tower the exhaust from the glass furnace bypasses this equipment and is rerouted to a bypass ejector stack.
7	District Rule 2201	The glass furnace shall be vented to a dry scrubber/electrostatic precipitator system anytime the furnace is operating	During the routine maintenance of the EP and EP Cooling Tower the exhaust from the glass furnace bypasses this equipment and is rerouted to a bypass ejector stack.
11	District Rule 2201	Particulate Matter emissions (as PM10) shall not exceed 18.80 pounds per hour from the electrostatic precipitator.	Rule 4354 Section 5.10 provides an exemption from compliance with applicable NOx, Sox, and CO emission limits during "routine maintenance". However, the opacity is not included in the exemption. While the EP is turned off, elevated particulate emissions of sodium sulfates may cause an exceedance of the PM10 emission limit
12	District Rule 4354	Particulate Matter emissions (as PM10) shall not exceed 0.70 pounds per ton pulled on a block 24 hour average from the glass melting furnace.	Rule 4354 Section 5.10 provides an exemption from compliance with applicable NOx, Sox, and CO emission limits during "routine maintenance". However, the opacity is not included in the exemption. While the EP is turned off, elevated particulate emissions of sodium sulfates may cause an exceedance of the PM10 emission limit
15	District Rule 2201	SOx emissions from the dry scrubber/electrostatic precipitator system shall not exceed 16.25 pounds	Rule 4354 Section 5.10 provides an exemption from compliance with applicable NOx, Sox, and CO emission

Variance Application Attachment #1

		per hour based on a 24-hour rolling average when firing the furnace on natural gas, nor 49.9 pounds per hour based on a 24-hour rolling average when firing the furnace on standby fuel oil #2.	limits during "routine maintenance". However, the opacity is not included in the exemption. While the EP is turned off, elevated emissions of sodium sulfates may cause an exceedance of the SOx emission limit
16	District Rule 2201	Oxides of sulfur (SOx) emissions shall not exceed 1.7 lb SOx/ton, based on a 24-hour block average, as defined by Rule 4354. In no case shall SOx emissions exceed 1.2 lb SOx/ton on a rolling 30-day average. [District Rule 4354] Federally Enforceable Through Title V Permit	Rule 4354 Section 5.10 provides an exemption from compliance with applicable NOx, Sox, and CO emission limits during "routine maintenance". However, the opacity is not included in the exemption. While the EP is turned off, elevated emissions of sodium sulfates may cause an exceedance of the SOx emission limit
22	District Rule 2201	The permittee shall utilize a continuous in-stack ammonia monitor to verify compliance with the ammonia emissions limit. If this option is chosen, the permittee shall submit a monitoring plan for District approval at least 60 days prior to commencement of operation.	During the routine maintenance of the EP and EP Cooling Tower the exhaust from the glass furnace bypasses this equipment and is rerouted to a bypass ejector stack, which is not equipped with CEMS.
34	District Rule 2201	The requirement to use CEMS to monitor NOx, Sox, CO, and Opacity	During the routine maintenance of the EP and EP Cooling Tower the exhaust from the glass furnace bypasses this equipment and is rerouted to a bypass ejector stack, which is not equipped with CEMS.