

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

STAFF REPORT

February 18, 2026

SHORT VARIANCE

DOCKET No. C-26-03S

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

LOCATION: Same as above

RULE VIOLATIONS: 1080 – *Stack Monitoring*
2070 – *Standards for Granting Applications*
2201 – *New and Modified Stationary Source Review Rule*
2520 – *Federally Mandated Operating Permits*
4354 – *Glass Melting Furnaces*

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 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).

ARDAGH plans to replace their Continuous Emissions Monitoring System (CEMS) as part of their obligation under a Downtime Reduction Consent Decree to replace out dated monitoring equipment. They plan to install new monitors that allow for better control, communications, connectivity and data storage. Once the new monitors are installed ARDAGH is required to complete a Relative Accuracy Test Audit (RATA) before the collected data is considered valid. ARDAGH normally completes their annual RATA in January. Unfortunately, they were not able to schedule the CEMS replacement during their annual testing window. Therefore, in order to avoid completing two RATAs in one quarter they are requesting to postpone their annual source test/ RATA until the week of March 16, 2026.

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. Once the new monitors are installed, they will begin collecting data. 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.

PETITIONER'S REQUEST:

ARDAGH has requested a short variance from the applicable requirements of District Rules 1080, 2070, 2201, 2520 and 4354, in addition to the applicable conditions of the subject permits. The requested short variance will be from February 16, 2026 through March 19, 2026, inclusive. If granted, the variance would allow ARDAGH to postpone their annual source test and continue glass manufacturing without a certified CEMS until the new monitors are installed and they complete a RATA.

EXCESS EMISSIONS:

The emissions control equipment will continue to operate during the variance period. ARDAGH expects no excess emissions.

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.***

Failing to complete annual source testing on time, and operating without a valid CEMS will result in a violation of applicable requirements of 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.***

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 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 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.***

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

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.***

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:

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 from February 16, 2026 through March 19, 2026, inclusive. If granted, the variance would allow ARDAGH to postpone their annual source test and continue glass manufacturing without certified a CEMS until the new monitors are installed and they complete a RATA.
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 4, 5, 6, 7, 8, 9, 29, 31 69, 70, 72, 73, 75, 76
C-801-2-17 Conditions 15, 16, 17, 18, 19, 20, 21, 45, 47, 78, 92, 95, 96, 99
3. The variance shall allow ARDAGH to postpone their annual source test until March 19, 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.
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.
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 April 3, 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*.

11. The end of the variance summary report shall be submitted to the attention of:

Shannon Moore
SJVAPCD – Compliance Department
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Fresno, CA 93726
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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.