

Petitioner National Raisin Company
Docket No. C-26-10E
Date April 28, 2026
Page 2

water flows into the anaerobic digester where it undergoes digestion. The wastewater digestion results in the creation of methane gas and carbon dioxide, also known as biogas. The biogas will be captured under a leak proof membrane cover and sent to a hydrogen sulfide scrubber before combustion in a boiler or engine. The boiler will also heat and maintain the temperature of the anerobic digester as needed, in addition to heating the incoming cold wastewater. The remaining biogas will be diverted to a lean burn engine/generator to supply electricity to operate the electric motors involved in the process. The digested water will exit the digester through a gravity overflow pipe and flow out to the sewer main.

On April 23, 2026, NATIONAL discovered a tear in the cover on the lagoon anaerobic digester as the result of an employee's drowning and subsequent death.

Therefore, NATIONAL has requested an emergency variance to repair the torn cover on the lagoon anaerobic digester. NATIONAL will need to determine if a new cover is needed, or if repairs can be made to the existing cover upon an integrity check by the manufacturer. Repairs may take the entire 30 day emergency variance period with the possibility of this becoming a short variance.

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 and Modified Stationary Source Review Rule*
2. District Rule 2070 requires that the subject equipment be operated in accordance with the conditions of the applicable permits. District Rule 2201 requires the use of an anaerobic digester.

FINDINGS OF FACT

Pursuant to California Health & Safety Code § 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 when the facility operates without a covered lagoon anaerobic digester, NATIONAL will be in violation of District Rules 2070 and 2201, as well as applicable conditions of the 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 the lagoon anerobic digester is required to be covered. The repair is necessary and beyond the reasonable control of NATIONAL. Requiring compliance would lead to the practical closing and elimination of a lawful business.

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

Petitioner National Raisin Company
Docket No. C-26-10E
Date April 28, 2026
Page 3

The Hearing Board finds that NATIONAL would lose \$110,065.00 per day due to lost sales, if they were not allowed to continue to operate. It is beyond the reasonable control of NATIONAL to prevent the venting of biogas with a torn lagoon anaerobic digester cover.

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 while the lagoon anerobic digester is shut down for repairs to the cover, NATIONAL will divert wastewater to The City of Fowler.

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 NATIONAL will perform the work as expeditiously as practicable.

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 it is not expected that excess emissions will occur. During the variance period, NATIONAL will continue to operate and divert wastewater to the City of Fowler.

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 operation likely create an immediate threat or hazard to public health or safety.

It should be noted that the United States Environmental Protection Agency (EPA), which monitors major sources, might not recognize this variance. NATIONAL 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 CENTRAL REGION HEARING BOARD ORDERS that an emergency variance be granted to NATIONAL, subject to the following conditions:

1. The variance shall be effective from April 28, 2026, to May 27, 2026, or until the repairs on the cover are completed and the anaerobic digester is returned to compliant operation, whichever occurs first.
2. Relief shall be granted from the requirements of the applicable sections of District Rules 2070 and 2201. In addition to the following permit conditions:
 - A. Conditions 2, 3, and 4 of C-861-11-0.

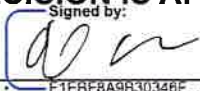
Petitioner National Raisin Company
Docket No. C-26-10E
Date April 28, 2026
Page 4

3. The variance shall allow the continued generation of biogas without a covered lagoon anaerobic digester.
4. There shall be no excess emissions as a result of this variance.
5. Should the facility experience operational conditions likely to cause a public nuisance, NATIONAL shall cease operations causing the problems and take all necessary actions to abate the problem immediately.
6. By June 11, 2026, or no later than 15 calendar days after repairing the cover and returning the anaerobic digester to compliant operation, whichever occurs first, NATIONAL 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, and
 - B. The date(s), time(s), and duration that the anaerobic digester was not covered.
7. The end of variance summary report shall be submitted to the attention of:

Will Coon
SJVAPCD, Compliance Department
1990 E. Gettysburg Avenue
Fresno, CA 93726
Telephone: (559) 230-5878
E-mail: will.coon@valleyair.org
8. 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.

THE FORGOING DECISION IS APPROVED:

Signed by:



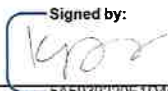
Daniel Hartwig, Chair
Hearing Board – Central Region
San Joaquin Valley APCD

5/5/2026

Date

ATTEST:

Signed by:



Katrina Rojas, Deputy Clerk to the Boards

5/5/2026

Date



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

PROOF OF SERVICE

I, Kamryn Anderson, declare:

I am a resident of the State of California and over the age of 18 years, and not a party to the within action; my business address is San Joaquin Valley Air Pollution Control District, 1990 E. Gettysburg, Fresno, California 93726.

On May 05, 2026, I served the within documents:

ORDER GRANTING A VARIANCE – **DOCKET No. C-26-10E**

☒ by placing the document(s) listed above in a sealed envelope, and placing the same for mailing in the United States mail at Fresno, California, in accordance with the company's ordinary practices, and addressed as set forth below.

☒ based on an agreement of the parties with email addresses below, to accept service by transmitting via email the above listed document(s) to the email addresses set forth below on this date before 5 p.m.

☐ by personally delivering the document(s) listed above to the person(s) at the address(s) set forth below:

Vincent Fernandez
National Raisin Company
626 S. 5th Street
Fowler, CA 93625

Roshni Brahmhatt
USEPA Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901
AEO_R9@epa.gov
CARB – Enforcement Division
PO Box 2815
Sacramento, CA 95814
variance@arb.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 05, 2026, at Fresno, California.

Kamryn Anderson
Office Assistant II

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4800 Enterprise Way
Modesto, CA 95356-8718
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