

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)	\$ 913.00
☐ B.	Interim & Short Variance	\$1335.00
☐ C.	Emergency Variance	\$ 317.00
☐ D.	Regular Variance	\$1051.00
☐ E.	Interim & Regular Variance	\$1473.00
☐ F.	Appeal Hearing	\$1051.00
☐ G.	Extension of Variance	\$ 422.00
☐ H.	Modification of Variance	\$ 422.00
☐ I.	Modification of Variance Schedule of Progress	\$ 422.00
☐ J.	Product Variance	\$1402.00
☐ K.	Rehearing	\$1051.00
☐ L.	Revocation of Variance	\$ 422.00
☐ M.	Special Hearing	\$1051.00

In addition to the filing fee above, an excess emissions fee will be assessed at the conclusion of the variance at \$2.75 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

Please 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.

Electrostatic Precipitator and Scrubber System (EP System). Emissions control equipment.

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).

PTOs C-801-0-5 Cond.# 5, 8, and 22; C-801-1-24 Cond.# 1, 3, 8, 9, 20, 23, 28, 29, 30, 31, 32, 50, 62, 69, 70, 72, 73, 75, 76, and 77; C- 801-2-17 Cond.# 2, 3, 5, 12, 13, 19, 20, 21, 34, 36, 39, 44, 45, 46, 47, 48, 52, 56, 73, 80, 92, 93, 94, 95, 96, and 99:

Ardagh Glass Inc at Madera, CA plans to perform an EP System PLC Upgrade on the Scrubber and Electrostatic Precipitator (EP) system as per the manufacturer's recommendation. During the variance period, furnace #2 (-2-17) will be idling. In the event of the EP system maintenance, excess opacity emission is anticipated. During necessary power outages and wiring connection activity the CEMS monitors may lose connectivity with brief periods of data loss and monitoring requirements will be affected.

EP System PLC Upgrade – The EP PLC and Control Software require replacement due to obsolescence and Ardagh's legal obligations set forth in a Downtime Reduction Consent Decree. The project installs an upgraded PLC which allows better control, communications, connectivity, and data storage. These steps will improve the EP operations and reduce EP downtime.

Cause of the opacity exceedance is speculated either due to steam formation in the bypass duct from cooling the exhaust gas (to avoid damage to the stack fan) or loosening up the build up dust in the bypass duct (i.e. accumulated for several months

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. Permit # C-801-0-5 Facility Wide Requirements #22 requires no air contaminants 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 or greater.

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 #22 requires no air contaminants 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 or greater.

Rule 4101 Section 5.0 states a person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three (3) minutes in any one (1) hour which is as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines. The facility anticipates exceeding this permit limitation during the variance event.

Rule 4354: Section 5.0 sets requirements for NOx, CO, VOC, SOx, and PM10 emissions. Although unlikely, there is possibility that an exceedance of one of these pollutants could occur, which would also violate rules 2070 and 2520. Ardagh Glass does not anticipate violating this rule during the variance event.

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 it is critical to perform the upgrade of the EP system while it is off-line. Failing to complete the upgrade could result in unprecedented repair and shut down of the EP system during normal production resulting in emissions exceedances.

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.

Failure to perform the upgrade of the now obsolete EP PLC control system as recommended by the manufacturer and not doing the upgrade might result in unprecedented repair and shut down of the control device during normal production causing emission exceedances and eventual furnace shutdown. As part of the Consent Decree the upgrade is to be completed by April 1, 2026.

Complete shutdown of production close to the recent Christmas shutdown would result in consecutive fixed costs loss of \$48,000 per day per seven shops. In addition there is additional wear and tear strain on furnaces and forming machines and personnel due to shutdown and startup events. Therefore, Ardagh is requesting to continue to run the three shops associated with Furnace 1 and stop production only on the 4 shops associated with Furnace 2 which will be in idle mode during this shutdown event to accomplish the EP control system upgrade.

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

From previous years' experiences with EP system maintenance, it has been determined that opacity exceedances could not be mitigated.

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

Post maintenance shutdowns and return to normal operation, none of the permit conditions and district rules were deviated or in non-compliance.

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

Shutting off the EP system for this upgrade project is mandatory, hence no other options are available in lieu of obtaining a variance.

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: 98 %

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

Opacity - Source: 2022 December 27 CEMView Data.
Max opacity observed: 98% 1 min max
Source: 2021 December 30 CEMView Data.
Max opacity observed: 77% 1 min max
Source: 2020 December 30 CEMView Data.
Max opacity observed: 77% 1 min max
Source: 2019 December 24 CEMView Data.
Max opacity observed: 84% 1 min max
Source: 2018 December 24 CEMView Data.
Max opacity observed: 87% 1 min max

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)

Since the EP system control equipment will be shut down during the EP upgrade, mitigating the excess opacity is beyond the reasonable control. However, Ardagh Glass Inc. will make every effort to reduce the exceedance by curtailing Furnace 2 production.

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.

Except during any necessary power or server interruptions for the EP PLC project, the CEMS equipment will continue to operate and provide emissions data.

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.

EP System Maintenance - The facility will return to compliance after completion of the EP system upgrade and optimizing the EP operations (8 hrs from the time the exhaust gas was diverted from the bypass to the EP system).

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: 2/8/2026 End variance: 2/15/2026

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

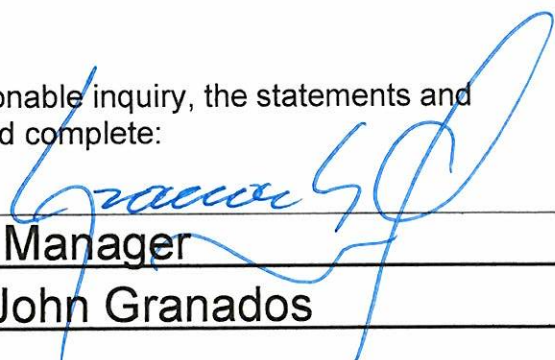
Within the variance period we need 144 consecutive hours for bypass between 2/8/2026 and 2/15/2026.

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. Preet Bath and Ms. Claire Gottschalk.

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

Date: January 28, 2026

*Signature: 

Title: Plant Manager

Print Name: John Granados

**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

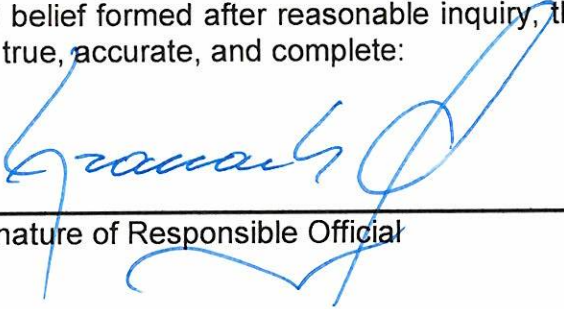
**San Joaquin Valley
Unified Air Pollution Control District**

Certification of Truth and Accuracy

Company Name: Ardagh Glass Inc.

Facility ID: C-801-

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:



Signature of Responsible Official

1/28/2026

Date

John Granados

Name of Responsible Official (please print)

Plant Manager

Title of Responsible Official (please print)

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"