

) **Effective to:** February 15, 2026

1. ARDAGH operates a container glass manufacturing facility located at 24441 Avenue 12 in Madera, CA 93637.
2. The subject equipment is the semi-dry scrubber and the electrostatic precipitator (EP) serving two furnaces.
3. Duly issued District permits authorize the operation of the subject equipment.

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## **BACKGROUND**

Ardagh Glass Inc. (ARDAGH) operates a container glass manufacturing facility that 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 upgrade the Programmable Logic Controller (PLC) and Control Software for the ECS. The current PLC is no longer supported and the manufacturer recommends upgrading to a newer model. In order to complete the upgrade, the ECS must be shut down. ARDAGH plans to bring both furnaces into idle mode before going into bypass and shutting down the ECS. During the shutdown there will be a brief period of time when the CEMS is not collecting data while the new PLC is wired into the system. District Rule 4354 – *Glass Melting Furnaces* allows for excess NO<sub>x</sub>, SO<sub>x</sub>, CO, VOC, and PM emissions during annual maintenance of the ECS for up to 144 hours, of which ARDAGH currently has 144 hours remaining. However, visible emissions are not addressed in this rule, and District Rule 4101 – *Visible Emissions*, limits visible emissions to no more than 20% opacity for 3 minutes in any one hour. In the past, ARDAGH has experienced visible emissions as high as 95% opacity when bypassing the scrubber and EP. ARDAGH expects excess visible emissions to be brief and estimate that they may only occur within the first few hours of bypass. Even though the exhaust stream bypasses the scrubber and EP, it will still exit the main stack where the continuous emissions monitoring system (CEMS) and continuous opacity monitoring system (COMS) will measure and record emission levels. A glass melting furnace is designed to operate for multiple years, known as a “campaign” and it operates 24 hours a day, seven days a week. If it is allowed to cool down, significant damage can be done to the refractory brick. During idle mode, minimal amounts of material will be going through the furnace throughout the variance period.

## **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 & Modified Stationary Source Review Rule*
  - C. 2520 – *Federally Mandated Operating Permits*
  - D. 4101 – *Visible Emissions*
  - E. 4354 – *Glass Melting Furnaces*
  - F. CH&SC § 41701
2. District Rules 2070 and 2520 require that the facility operate within the conditions of its permits and meet specific operating limits as required by applicable rules. Rule 2201 states the requirement for properly operating control equipment. Rule 4101 and CH&SC § 41701 requires that visible emissions be limited to 20% opacity for three minutes within any one hour.

## **FINDINGS OF FACT**

Pursuant to CH&SC § 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.***

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The Hearing Board finds that emanating excess visible emissions will result in a violation of applicable requirements of District Rules 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.***

The Hearing Board finds that ARDAGH must bypass the scrubber and EP to perform the PLC upgrade to the ECS. 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.

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

The Hearing Board finds that 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.***

The Hearing Board finds that ARDAGH will go into idle mode during the maintenance. Idle mode requires them to produce less than 25% of normal production. They will produce 150 tons per day and the permit allows up to 600 tons per day. However, curtailing production will not limit visible emissions to 20% and the variance is still necessary to continue to operate with excess emissions. The excess visible emissions are caused from debris in the bypass flue that accumulates when it is not in use and steam from a cooling-water-injector-mist. The excess visible emissions are not from production.

5. ***During the period, the variance is in effect, that the applicant will reduce excess emissions to the maximum extent feasible.***

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The Hearing Board finds that ARDAGH will perform the maintenance as expeditiously as practicable. Excess visible emissions are only estimated to occur in the first hours of bypass.

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 during the variance period, the COMS will still be in use and will record the excess visible emissions. This data will be reported to the District at the conclusion of the variance in the summary report.

### **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 operations likely create an immediate threat or hazard to public health or safety.

It should be noted that the US Environmental Protection Agency (EPA), which monitors major sources, might not recognize this variance. ARDAGH 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 SOUTHERN REGION HEARING BOARD ORDERS that a short variance be granted to ARDAGH subject to the following conditions:

1. The variance shall be effective for a consecutive 144-hour period to occur sometime between February 8, 2026 and February 15, 2026, inclusive, or until the maintenance has concluded, whichever occurs first.
2. Relief shall be granted from the requirements of the applicable sections of District Rules 1080, 2070, 2201, 2520, 4101, and CH&SC section 41701. In addition to the following:  
  
C-801-0-5 Conditions 5 and 22  
C-801-1-24 Conditions 1, 3, 4, 5, 6, 7, 8, 9, 20, 23, 28, 29, 30, 31, 32, 50, 62, 69, 70, 72, 73, 75, 76, 77  
C-801-2-17 Conditions 2, 3, 5, 12, 13, 15, 16, 17, 18, 19, 20, 21, 34, 36, 39, 44, 45, 46, 47, 48, 52, 56, 73, 80, 92, 93, 94, 95, 96, 99
3. The variance shall allow for continued glass manufacturing in idle mode with excess visible emissions and without a CEMS while the ECS is shut down to upgrade the PLC and Control Software.
4. Visible emissions shall not exceed 98% opacity during the variance period as averaged over a three-minute period in any one hour.

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5.      ARDAGH shall operate Furnaces 1 and 2 in idle mode during the variance period.
6.      ARDAGH shall document the bypass time and shall count it towards their 144 hours of annual maintenance allowed per District Rule 4354, section 5.10.
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 March 2, 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 that the bypass period began and ended,
  - C. The total duration of the bypass period,
  - D. COMS data during the variance period, and
  - E. 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  
1990 E. Gettysburg Ave.  
Fresno, CA 93726  
Telephone: (559) 230-5874  
E-mail: [shannon.moore@valleyair.org](mailto:shannon.moore@valleyair.org)
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.

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**MOTION:**        Miller

**SECOND:**      Dunn

**Ayes:**            Weber, Miller, Dunn

**Noes:**            None

**Abstained:**    None

**Recused:**       None

**Absent:**         Stovall, Na, Penner

**THE FOREGOING DECISION IS APPROVED:**

Signed by:



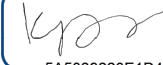
2/13/2026

Kory Weber, Vice Chair  
Hearing Board – Southern Region  
San Joaquin Valley APCD

Date

**ATTEST:**

Signed by:



2/13/2026

Katrina Rojas, Deputy Clerk to the Boards

Date



# San Joaquin Valley

## AIR POLLUTION CONTROL DISTRICT

### PROOF OF SERVICE

I, Bailey Chavez, 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 February 27, 2026, I served the within documents:

ORDER GRANTING A VARIANCE – **DOCKET No. C-26-04S**

☒ 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.

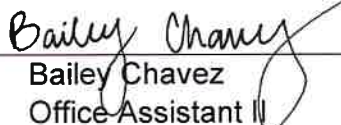
☐ by personally delivering the document(s) listed above to the person(s) at the address(s) set forth below:

John Granados  
Ardagh Glass Inc.  
24441 Avenue 12  
Madera, CA 93637

Roshni Brahmabhatt  
USEPA Region IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901  
[AEO\\_R9@epa.gov](mailto:AEO_R9@epa.gov)  
CARB – Enforcement Division  
PO Box 2815  
Sacramento, CA 95814  
[variance@arb.ca.gov](mailto: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 February 27, 2026, at Fresno, California.

  
Bailey Chavez  
Office Assistant II

Northern Region Office  
4800 Enterprise Way  
Modesto, CA 95356-8718  
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1990 East Gettysburg Avenue  
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