

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

STAFF REPORT

March 18, 2026

SHORT VARIANCE

DOCKET No. C-26-05S

PETITIONER: Guardian Industries, LLC
11535 E. Mountain View Ave.
Kingsburg, CA 93631

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*
4101 – *Visible Emissions*
4354 – *Glass Melting Furnaces*
California Health and Safety Code section 41701

PERMIT NUMBERS: C-598-0-6 and C-598-4-21

EPA AIRS NUMBER: 06-019-C0598

NOV NUMBER: N/A

TYPE OF BUSINESS: Float Glass Manufacturer

NATURE OF THE PROBLEM:

Guardian Industries, LLC (GUARDIAN), operates a float glass manufacturing operation in Kingsburg, CA consisting of a 212 MMBtu/hour natural gas fired glass melting furnace with associated emission control system consisting of a dry scrubber, electrostatic precipitator, and selective catalytic reduction unit. Electrostatic precipitators require routine maintenance and cleaning.

GUARDIAN has plans to shut down the dry scrubber, EP, and SCR system in order to inspect, clean and conduct necessary maintenance of the EP. The EP operates by establishing a high voltage electrical charge on the discharge plates inside the unit. Particulate matter from the exhaust stream passes through the discharge plates, receiving an electrical charge. The charged particulate is then deposited on the grounded collector plates. Upstream of the EP, the dry scrubber uses injected trona as a reactant to reduce SO_x from the exhaust. This material accumulates on the internal components of the EP and the buildup can cause a short, reducing the effectiveness of the EP unless it is cleaned. After cleaning the EP, GUARDIAN must then clean the Continuous Opacity Monitoring System (COMS) and optical stack flow meter to ensure that no material has accumulated on their lenses which leads to erroneous readings.

On or about March 3, 2026, GUARDIAN's engineers determined that the facility would need to complete necessary maintenance activities. To conduct the maintenance, the furnace exhaust stream must bypass the emission control devices. District Rule 4354 allows for excess NO_x, VOC, CO, SO_x, and PM emissions for up to 144 hours per year during maintenance of the emission control devices. GUARDIAN has 144 maintenance hours remaining. However, GUARDIAN's facility wide permit and District Rule 4101 do not allow for excess visible emissions during routine maintenance of emissions control devices. Excess visible emissions are addressed in District Rule 4101 – *Visible Emissions*, which limits visible emissions to no more than Ringelmann 1 or 20% opacity for more than 3 minutes in any one hour. GUARDIAN expects excess visible emissions to be brief, but high, and estimate that they will primarily occur within the initial stages of bypass. During the transition into bypass mode for cleaning, dampers are moved that have trona built up in them. Moving the dampers will knock the trona material loose and it is frequently blown out the stack generating high opacity readings detected by the COMS.

Variance protection is necessary because the glass-melting furnace, once heated up, operates non-stop for many years in what is known as a "campaign." It cannot be shut off without causing significant damage to the furnace. A glass-melting furnace takes several days to shut down and several weeks to get back to operational temperature.

PETITIONER'S REQUEST:

GUARDIAN has requested a short variance from the applicable requirements of District Rules 1080, 2070, 2201, 2520, 4101, 4354, and California Health and Safety Code (CH&SC) section 41701, in addition to the applicable conditions of the subject permits. The requested short variance will be for a consecutive 48-hour period to occur sometime between March 19, 2026, and April 10, 2026, inclusive. If granted, the variance will allow the continued operation of the glass melting furnace, and continued glass production with excess visible emissions, while GUARDIAN shuts down the emission control system in order to perform routine maintenance on the EP.

EXCESS EMISSIONS:

District Rule 4354 allows for excess NO_x, VOC, CO, SO_x, and PM₁₀ emissions for up to 144 hours (six days) per year during maintenance of emission control equipment. In addition, GUARDIAN's permit conditions limit visible emissions to 20% opacity and they are expecting visible emissions to be as high as 95% opacity during the variance period.

IMMEDIATE COMPLIANCE:

GUARDIAN 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.***

Continuing glass manufacturing while bypassing the emission control devices will result in a violation of applicable requirements of District Rules 1080, 2070, 2201, 2520, 4101, 4354 and CH&SC § 41701, in addition to the applicable conditions on 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.***

GUARDIAN must bypass the scrubber, EP, and SCR to perform the maintenance. The devices are extremely hot and must cool down before workers can access the internal components. Also, it is not safe to work around an operating EP because of the electrical current that is surging through the device. Maintenance per the manufacturer's specifications is an industry wide acceptable practice and is allowed for by District Rule 4354.

Requiring compliance would mean that GUARDIAN would have to shut down their glass melting furnace before performing the maintenance. This is not an acceptable industry practice. A glass melting furnace runs for a "campaign" which typically lasts for a decade or more. GUARDIAN had a complete furnace rebuild in 2008-2009 is not planning on another rebuild until 2026-2028. Shutting down the furnace mid-campaign can subject the furnace refractory bricks to substantial damage. Requiring compliance would result in an arbitrary or unreasonable taking of property through the loss of production, breach of contractual obligations, and damage to the furnace.

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 the furnace would have to be shut down. The shutdown of the furnace would take several days, and the startup would take several weeks. The shutdown could result in damage to the furnace as well. To start the furnace back up, GUARDIAN 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 furnace would produce a significant amount of emissions before the furnace comes up to temperature and the EP is hot enough to restart. During the downtime, GUARDIAN would not be able to provide their customers with product and could lose valuable market share to their competitors. GUARDIAN has indicated that they would lose approximately \$10,000,000.00 if they have to shut down.

4. ***That the applicant for the variance has given consideration to curtailing operations of the source in lieu of obtaining a variance.***

GUARDIAN considered curtailing operations but found that it would not obviate the need for a variance. Curtailing production will not limit criteria air pollutants to the degree that a variance is not required nor will it limit visible emissions to 20% and the variance is still necessary to continue to operate with excess emissions. The excess visible emissions are not from production, but are due to the build-up of material on the dampers and ducts that is knocked loose during bypass mode.

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

GUARDIAN will perform the work as expeditiously as practicable. Excess visible emissions are estimated to occur primarily in the initial stages 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.***

GUARDIAN will monitor visible emissions from the bypass stack daily using personnel certified in visible emissions evaluations. This information will be provided to the District at the end of the variance.

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. GUARDIAN 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 GUARDIAN, the District would recommend the following conditions:

1. The variance shall be effective for a consecutive 48-hour period between March 19, 2026, and April 10, 2026, inclusive, or until the scheduled maintenance is completed and the emissions control equipment is returned to compliant operation, whichever occurs first.
2. Relief shall be granted from the requirements of the applicable sections of District Rules 1080, 2070, 2201, 2520, 4101, 4354, and CH&SC section 41701. In addition to the following permit conditions:

Conditions 3 and 41 of C-598-0-6 and
Conditions 2 and 4 of C-598-4-21

3. The variance shall allow the continued operation of the glass melting furnace and continued glass production with excess visible emissions while bypassing the emission control equipment and emissions monitoring equipment.
4. GUARDIAN shall notify the District 48 hours prior to going into bypass mode. Notification shall be sent by email to Preet Bath at preet.bath@valleyair.org.
5. Visible emissions shall not exceed 95% opacity or Ringelmann 4 ½ for a period aggregating more than 3 minutes in any one hour during the variance period.

6. GUARDIAN shall conduct a visible emissions evaluation 1 time per day during daylight hours. Determination of visible emissions shall be made in accordance with EPA Method 9 with a minimum of 24 consecutive observations recorded in fifteen-second intervals. The person(s) monitoring visible emissions shall be certified by CARB to read visible emissions. A written report of each visible emissions evaluation shall be maintained and a copy shall be provided to the District along with the summary report.
7. GUARDIAN shall document the bypass time and shall count it towards their 144 hours of annual maintenance allowed per Rule 4354, section 5.10.
8. At the conclusion of this variance GUARDIAN must be in compliance with all their permit conditions and applicable District Rules. If GUARDIAN 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.
9. 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.
10. Should the facility experience operational conditions likely to cause a public nuisance, GUARDIAN shall cease operations causing the problems and take all necessary actions to abate the problem immediately.
11. By April 25, 2026 or no later than 15 calendar days after returning the emissions control equipment to compliant operation, whichever occurs first, GUARDIAN 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 date 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 limited liability company, as required by Sections 9.13.1 and 10.0 of District Rule 2520 – *Federally Mandated Operating Permits*.
12. The end of variance summary report shall be submitted to the attention of:

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

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13. 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.