

**BEFORE THE HEARING BOARD
OF THE
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT
CENTRAL REGION
STATE OF CALIFORNIA**

In the matter of:	)	DOCKET No. C-26-05S
Guardian Industries, LLC	)	
11535 East Mountain View Avenue	)	
Kingsburg, CA 93631	)	ORDER GRANTING
	)	A SHORT VARIANCE
For a variance from:	)	
	)	
1080 – <i>Stack Monitoring</i>	)	
2070 – <i>Standards for Granting Applications</i>	)	
2201 – <i>New and Modified Stationary Source</i>	)	
<i>Review Rule</i>	)	
2520 – <i>Federally Mandated Operating</i>	)	
<i>Permits</i>	)	
4101 – <i>Visible Emissions</i>	)	
4354 – <i>Glass Melting Furnaces</i>	)	
California Health and Safety Code § 41701	)	
	)	
District Permit Numbers:	)	
C-598-0-6 and C-598-4-21	)	Granted on: March 18, 2026
	)	
	)	Effective from: March 19, 2026
EPA AIRS Number:	)	
06-019-C0598	)	Effective to: April 10, 2026

On March 3, 2026, Guardian Industries LLC (GUARDIAN) filed with the Central Region Hearing Board a petition for a short variance. An interim variance was not required. Notice of the short variance petition and the hearing were given at least 10 days prior to the hearing. GUARDIAN requested that the Hearing Board grant a short variance from San Joaquin Valley Air Pollution Control District (District) Rules 1080, 2070, 2201, 2520, 4101, 4354, and California Health and Safety Code (CH&SC) § 41701.

On March 18, 2026, a hearing on the petition for short variance was held. Gabriel Gonzales Jr. and Raquel Navarro represented GUARDIAN, while Will Coon represented the District. All persons, including the public, were given the opportunity to give testimony or make comment.

The Hearing Board declared the hearing closed after receiving testimony and took the matter under submission for the decision. The Hearing Board made the following findings of fact.

LOCATION AND EQUIPMENT

1. GUARDIAN operates a flat glass manufacturing operation at 11535 East Mountain View Avenue, in Kingsburg, California.
2. The subject equipment includes a 212 MMBtu/Hr natural gas-fired glass-melting furnace and the associated emissions control system.
3. Duly issued District permits authorize the operation of the subject equipment.

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BACKGROUND

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. GUARDIAN plans on conducting the maintenance sometime between mid-September-November. 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.

RULE REQUIREMENTS

1. The equipment subject to this variance are regulated by the following District Rules:
 - A. 1080 – *Stack Monitoring*
 - B. 2070 – *Standards for Granting Applications*
 - C. 2201 – *New and Modified Stationary Source Review Rule*
 - D. 2520 – *Federally Mandated Operating Permits*
 - E. 4101 – *Visible Emissions*
 - F. 4354 – *Glass Melting Furnaces*
 - G. CH&SC § 41701

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2. District Rules 1080, 2070, and 2520 require that the facility operate within the conditions of its permits and meet specific operating limits as required by applicable rules. Rules 2201 and 4354 states the requirement for properly operating control equipment. Rule 4101 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.***

The Hearing Board finds that 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.***

The Hearing Board finds that 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 Hearing Board finds that 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.

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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.*

The Hearing Board finds that GUARDIAN considered curtailing operations but has found that it would not obviate the need for a variance. Curtailing production will not limit excess 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.*

The Hearing Board finds that GUARDIAN will perform the routine maintenance 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.*

The Hearing Board finds that 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

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 US Environmental Protection Agency (EPA), which monitors major sources, might not recognize this variance. GUARDIAN 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 a short variance be granted to GUARDIAN, subject to 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.

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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,

- 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 March 24, 2026, I served the within documents:

ORDER GRANTING A VARIANCE – **DOCKET No. C-26-05S**

☒ 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:

Janaina Quintiliano
Guardian Industries, LLC
11535 East Mountain View Avenue
Kingsburg, CA 93631

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 March 24, 2026, at Fresno, California.


Kamryn Anderson
Office Assistant II

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