

) Effective to: October 28, 2026

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.

Petitioner: Guardian Industries, LLC
 Docket No. C-26-18S
 Date: September 16, 2026
 Page: 2

BACKGROUND

Guardian Industries, LLC, (GUARDIAN) operates a 212 MMBtu/hour float glass furnace with associated emission control systems (ECS) including a dry scrubber, an electrostatic precipitator (EP), and a selective catalytic reduction (SCR) system. Emissions from the stack are monitored by a Continuous Emissions Monitoring System (CEMS) and Continuous Opacity Monitoring System (COMS).

The furnace utilizes a pair of heat regenerators, which consist of refractory brick arranged in a checkerboard pattern, to capture waste heat from the exhaust and use it to preheat the incoming combustion air. Exhaust gas passes through the duct on one side, heating the brick and cooling the gas. The air flow then reverses and the exhaust duct becomes the intake duct. When the air flow is reversed the refractory brick releases its heat into the incoming air, allowing for higher furnace temperatures with less fuel use. Also, by capturing the waste heat, the exhaust gases are cooled before entering the ECS where excessive heat could trigger a bypass of the control systems.

As exhaust gases pass over the regenerator checker packs, precipitates of sulfates and other products of combustion are deposited on the refractory surface. Gradually, the sulfate deposits build up and reduce the system's efficiency and can lead to unsafe conditions in the furnace.

At regular intervals, it is necessary to remove the built-up deposits. This maintenance is done by utilizing auxiliary natural gas fired burners. The burners are moved manually from port to port along the furnace, heating the checker packs and melting the sulfates and other contaminants away from the refractory where they drip to the bottom of the regenerator and are later cleaned out manually. When the melted deposits are removed from the regenerator, the pressure difference in the furnace could push debris material through the exhaust resulting in excess visible emissions.

While the auxiliary burners are used during the cleanout, it is likely the overall air/fuel ratio in the furnace will change, causing brief periods of excess CO, SO_x and possibly NO_x emissions. In addition, a safety setpoint causes the ECS to automatically bypass if the incoming exhaust gas exceeds 860 deg F for more than 16 minutes. GUARDIAN will attempt to complete the cleanout without triggering a bypass. However, in order to achieve an effective cleanout, it may be necessary to operate at temperatures that could trigger a bypass.

RULE REQUIREMENTS

1. The equipment subject to this variance are regulated by the following District Rules:
 - A. 1080 – *Stack Monitoring*
 - B. 2010 – *Permits Required*
 - C. 2070 – *Standards for Granting Applications*
 - D. 2201 – *New and Modified Stationary Source Review Rule*
 - E. 2520 – *Federally Mandated Operating Permits*
 - F. 4101 – *Visible Emissions*
 - G. 4354 – *Glass Melting Furnaces*
 - H. CH&SC § 41701

Petitioner: Guardian Industries, LLC
Docket No. C-26-18S
Date: September 16, 2026
Page: 3

2. District Rules 1080, 2010, 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 operation of the facility with excess NO_x, SO_x, CO, and visible emissions will result in a violation of applicable requirements of District Rules 1080, 2010, 2070, 2201, 2520, 4101, 4354, and CH&SC section 41701 in addition to the applicable conditions of 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 if this variance is not granted, the only option would be to attempt to shut down the float glass furnace. A glass furnace takes several weeks to shut down and restart. The cost of lost production and potential equipment damage due to thermal stress from heating and cooling would be in excess of \$10 million.

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

The Hearing Board finds the closing or taking would be without a corresponding benefit in reducing air contaminants as the furnace would have to be shut down. The proposed sodium sulfate burn-off is expected to take 10 days. 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 startup 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 will produce a significant amount of emissions before the furnace comes up to temperature. During the downtime, GUARDIAN 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 curtailing operations is not an option as the furnace cannot shut down without damage occurring to the refractory. Additionally, to perform the burn-off, the furnace needs to be in operation to keep the checker packs hot. The excess emissions will be caused by products of combustion and not by materials from production, so curtailing production will not keep GUARDIAN in compliance.

Petitioner: Guardian Industries, LLC
Docket No. C-26-18S
Date: September 16, 2026
Page: 4

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 maintenance as expeditiously as practicable. GUARDIAN will keep their emissions control systems in operation during the checker pack cleaning as long as the temperature does not reach a temperature that can cause damage.

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, GUARDIAN will monitor the emissions with their CEMS/COMS. Those records will be available to the District via the CEMS/COMS polling program whereby CEMS data is sent automatically and electronically to the District. GUARDIAN will also use this data to calculate excess emissions at the conclusion of the variance period. GUARDIAN will report excess emissions to the District 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 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 from September 28, 2026, to October 28, 2026, or until the scheduled work 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 of the subject permits

C-598-0-6 Conditions 3 and 41
C-598-4-21 Conditions 2, 4, 13, 19, 24

3. The variance shall allow the continued operation of the furnace and glass manufacturing with excess NO_x, SO_x, and CO, and excess visible emissions while the regenerator checker packs are cleaned.

Petitioner: Guardian Industries, LLC
Docket No. C-26-18S
Date: September 16, 2026
Page: 5

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. Excess **CO emissions** shall not exceed **2,000 pounds** over the duration of the variance period.
6. Excess **NOx emissions** shall not exceed **2,000 pounds** over the duration of the variance period.
7. Excess **SOx emissions** shall not exceed **2,000 pounds** over the duration of the variance period.
8. The excess emissions fee will be assessed at the conclusion of the variance at \$3.25 per pound. Additionally, should the total excess emissions per pollutant exceed one ton (2,000 pounds), GUARDIAN shall pay \$3.75 of mitigation fees for each pound of total excess emissions. Payment of the excess emissions fee shall occur within 30 days of being issued an invoice from the District. Payment shall be made to the District and shall be directed to the "Miscellaneous Incentive Grant – Hearing Board," account.
9. 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.
10. 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.
11. 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.
12. By November 11, 2026, or no later than 15 calendar days after returning the emission control systems 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(s), time(s), and duration that the emission control equipment was offline,
 - 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*.

Petitioner: Guardian Industries, LLC
Docket No. C-26-18S
Date: September 16, 2026
Page: 6

13. The end of variance summary report shall be submitted to the attention of:

Shannon Moore
SJVAPCD, Compliance Department
1990 E. Gettysburg Avenue
Fresno, CA 93726
Telephone: (559) 230-5878
E-mail: shannon.moore@valleyair.org

14. 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.

MOTION: Goodwin

SECOND: Mulligan

Ayes: Hartwig, Mulligan, Goodwin, Robertson

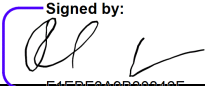
Noes: None

Abstained: None

Recused: None

Absent: Soldani

THE FOREGOING DECISION IS APPROVED:

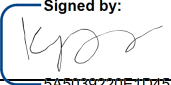
Signed by:

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

9/23/2026

Date

ATTEST:

Signed by:

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Katrina Rojas, Deputy Clerk to the Boards

9/24/2026

Date



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

PROOF OF SERVICE

I, Lien Vong, 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 September 25, 2026, I served the within documents:

ORDER GRANTING A VARIANCE – DOCKET No. C-26-19S

☒ 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:

Rafael Latini
Guardian Industries, LLC
11535 E. Mountain View Ave
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 September 25, 2026, at Fresno, California.

Lien Vong
Office Assistant II

Northern Region Office
4800 Enterprise Way
Modesto, CA 95356-8718
(209) 557-6400 ♦ FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000 ♦ FAX (559) 230-6062
www.valleyair.org

Southern Region Office
34946 Flyover Court
Bakersfield, CA 93308-9725
(661) 392-5500 ♦ FAX (661) 392-5585