

) Effective to: December 6, 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.

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BACKGROUND

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

GUARDIAN plans to shut down the ECS in order to inspect, clean and conduct necessary maintenance on the EP. In order to reduce SO_x emissions, trona is injected into the exhaust stream at the DS. The exhaust then passes through to the EP where the particulate matter receives an electric charge. The charged particles are then deposited on grounded collector plates. This material accumulates on moving parts, ducts, and the different fields within the EP. Overaccumulation of this material causes bridging between the EP fields which decreases the efficiency of the system. 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 the lenses, which could lead to erroneous readings.

On September 1, 2026, GUARDIAN's engineers determined that the facility would need to complete emergency maintenance activities. To conduct the maintenance, the furnace exhaust stream must bypass the ECS. 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 ECS (GUARDIAN has 112 maintenance hours remaining). However, GUARDIAN's facility wide permit and District Rule 4101 do not allow for excess visible emissions, which are limited to no more than 20% opacity for 3 minutes in any one hour. GUARDIAN expects excess visible emissions to be brief, but high, and estimates that they will primarily occur within the initial stages of bypass. When dampers are moved during the transition into bypass mode, the accumulated trona that has built-up over time is knocked loose and the particulate matter is frequently blown out the stack generating high opacity readings.

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. 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
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.

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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, 2010, 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 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.

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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 continue to gather opacity readings from their COMS during the variance period. This data is 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 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 non-consecutive 112-hour period between September 8, 2026 and December 6, 2026, inclusive, or until all the scheduled maintenance for calendar year 2026 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:

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C-598-0-6 Conditions 3 and 41

C-598-4-21 Conditions 2 and 4

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 December 21, 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

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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:

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

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.

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MOTION: Mulligan

SECOND: Goodwin

Ayes: Hartwig, Mulligan, Goodwin, Robertson

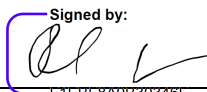
Noes: None

Abstained: None

Recused: None

Absent: Soldani

THE FOREGOING DECISION IS APPROVED:

Signed by:


9/23/2026

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

Date

ATTEST:

Signed by:


9/24/2026

Katrina Rojas, Deputy Clerk to the Boards

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-26-18S

☒ 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 Brahmbhatt
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

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

Central Region Office
1990 East Gettysburg Avenue
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