

1. VITRO operates a flat glass manufacturing plant located at 3333 South Peach Avenue in Fresno, California.
2. The subject equipment is the wet scrubber, electrostatic precipitator (EP), continuous emissions monitoring system (CEMS), and the continuous opacity monitoring system (COMS).
3. The operation of the subject equipment is authorized by duly issued District permits.

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BACKGROUND

VITRO operates a 206 MMBtu per hour Oxy-fuel/natural gas-fired furnace that heats raw material into molten glass to produce flat architectural glass. Oxides of nitrogen (NO_x) emissions are reduced with an oxy-fuel process that removes the available nitrogen from the combustion air. To control oxides of sulfur (SO_x) and particulate matter (PM), the exhaust gas is routed through a wet scrubber and an EP. The EP operates by establishing a high voltage electrical charge on the discharge plates inside the unit. PM from the exhaust stream passes through the discharge plates, receiving an electrical charge. The charged particulate is then deposited on the grounded collector plates and is periodically knocked off with pneumatic rappers, falling into a hopper and routed back into the glass manufacturing process.

After restarting the EP from a recent cleanout, VITRO experienced a major failure on the bearing of the ID Fan on July 17, 2026. To conduct the required repairs, the emissions control equipment will have to be shut down and bypassed. District Rule 4354 –*Glass Melting Furnaces*, allows for excess NO_x, VOC, CO, SO_x, and PM emissions for up to 144 hours per year during maintenance of the pollution control devices.

VITRO's facility wide permit and District Rule 4101 limits visible emissions to no more than Ringelmann 1 or 20% opacity for more than 3 minutes in any one hour. VITRO expects excess visible emissions to be as high as 30% opacity while the emissions control equipment is bypassed. During the bypass, the exhaust stream will be diverted to the bypass stack. This will also bypass the CEMS and the COMS as required by the permit and Rule 4354 which are both located in the main stack.

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." A shut off or cool down may cause significant damage to the furnace and can take several days. Getting a furnace back to operational temperature can take several weeks.

RULE REQUIREMENTS

1. The equipment subject to this variance is 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
2. District Rules 2070 and 2520 require that the subject equipment be operated in accordance with the conditions of the applicable permits. District Rules 1080, 2201, and 4354 sets applicable emission limits and standards for emissions and require the use of CEMS. Rule 4101 and CH&SC § 41701 sets visible emission limits.

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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 when visible emissions exceed 20 percent opacity and the emissions control equipment is bypassed, VITRO will be in violation of District Rules 1080, 2070, 2201, 2520, 4101, 4354, and CH&SC § 41701, as well as applicable conditions of 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 VITRO needs to replace the faulty equipment and must bypass the emissions control equipment to conduct the repairs. For VITRO to continue to stay in compliance, they would have to shut down the furnace while the emissions control equipment is off-line. This is not an acceptable industry practice because it would bring about an unreasonable taking of property through severe damage to the furnace and process equipment. A glass melting furnace is designed to run non-stop for many years. 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. Requiring compliance would lead to the practical closing and elimination of a lawful business.

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

The Hearing Board finds that VITRO would lose \$200,000 per day due to lost sales, labor costs, and energy costs if they were not allowed to continue to manufacture glass. The closing or taking would also be without a corresponding benefit in reducing air contaminants as the furnace would have to be shut down. The proposed maintenance period is expected to take no more than six 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, VITRO would have to submit a start-up plan to the District and bring in a specialized crew to bring a glass melting furnace up to temperature without causing any damage. A cold start of the furnace would produce considerable emissions before the furnace comes up to temperature and the EP is hot enough to restart. For these reasons, a closing or taking would be without a corresponding benefit in reducing air contaminants.

- 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 VITRO will limit production to 550 tons per day. However, curtailing production will not limit visible emissions to below 20%.

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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 VITRO will perform the repair work as expeditiously as practicable.

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 VITRO will monitor visible emissions from the source by 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 United States Environmental Protection Agency (EPA), which monitors major sources, might not recognize this variance. VITRO 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 an emergency variance be granted to VITRO, subject to the following conditions:

1. The variance shall be effective from July 17, 2026, to July 23, 2026, or until the repairs are 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 § 41701. In addition to the following permit conditions:
 - A. Conditions 6 and 23 of C-948-0-4 and
 - B. Conditions 2, 7, 11, 12, 15, 16, 22, and 34 of C-948-11-22.
3. The variance shall allow the continued operation of the glass melting furnace and continued glass production with excess emissions and excess visible emissions while bypassing the emissions control equipment and emissions monitoring equipment.
4. VITRO 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.

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5. Excess emissions of SO_x shall not exceed **2,705 pounds** over the duration of the variance period.
6. Excess emissions of PM₁₀ shall not exceed **7,644 pounds** over the duration of the variance period.
7. An 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), VITRO shall pay \$3.75 of mitigation fees for each pound of total excess emissions. Payment of the excess/mitigation emission fees 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.
8. Visible emissions shall not exceed 30% opacity or Ringelmann 3 during the variance period.
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, VITRO shall cease operations causing the problems and take all necessary actions to abate the problem immediately.
11. At the conclusion of this variance VITRO must be in compliance with all their permit conditions and applicable District Rules. If VITRO 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.
12. By August 7, 2026, or no later than 15 calendar days after returning the emissions control equipment to compliant operation, whichever occurs first, VITRO 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 emissions control equipment was offline,
 - C. A calculation of the total excess SO_x and PM₁₀ emissions during the variance period,
 - D. Documentation of the visible emissions observations, including the name of person(s) responsible for conducting the visible emission evaluation and copies of their CARB certification, 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*.

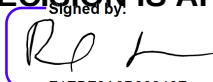
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13. The end of variance summary report shall be submitted to the attention of:

Chris Kalashian
SJVAPCD, Compliance Department
1990 E. Gettysburg Avenue
Fresno, CA 93726
Telephone: (559) 230-5963
E-mail: chris.kalashian@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.

THE FORGOING DECISION IS APPROVED:

Signed by:


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

7/22/2026

Date

ATTEST:

Signed by:


Katrina Rojas, Deputy Clerk to the Boards

7/22/2026

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 July 22, 2026, I served the within documents:

ORDER GRANTING A VARIANCE – **DOCKET No. C-26-17E**

☒ 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:

Jonathon Garcia
Vitro Flat Glass LLC
3333 South Peach Avenue
Fresno, CA 93725

Roshni Brahmabhatt
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 July 22, 2026, at Fresno, California.

Lien Vong
Office Assistant II

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4800 Enterprise Way
Modesto, CA 95356-8718
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