

PETITION FOR A HEARING
BEFORE THE HEARING BOARD OF THE
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

☒ Northern Region Office
4800 Enterprise Way
Modesto, CA 95356

☐ Central Region Office
1990 E. Gettysburg Ave.
Fresno, CA 93726

☐ Southern Region Office
34946 Flyover Court
Bakersfield, CA 93308

TYPE OF HEARING

FEES (Non-Refundable)

☒ A.	Short Variance (90 Days or Less)	\$1066.00
☐ B.	Interim & Short Variance	\$1559.00
☐ C.	Emergency Variance	\$ 371.00
☐ D.	Regular Variance	\$1227.00
☐ E.	Interim & Regular Variance	\$1720.00
☐ F.	Appeal Hearing	\$1227.00
☐ G.	Extension of Variance	\$ 493.00
☐ H.	Modification of Variance	\$ 493.00
☐ I.	Modification of Variance Schedule of Progress	\$ 493.00
☐ J.	Product Variance	\$1637.00
☐ K.	Rehearing	\$1227.00
☐ L.	Revocation of Variance	\$ 493.00
☐ M.	Special Hearing	\$1227.00

In addition to the filing fee above, an excess emissions fee will be assessed at the conclusion of the variance at \$3.25 per pound on the excess emissions emitted during the variance period. Additionally, a \$3.75 per pound mitigation fee will be assessed if excess emissions are greater than 2000 pounds.

A. NAME OF FACILITY: Owens-Brockway Glass Container Inc

PHYSICAL ADDRESS OF FACILITY: 14700 W Schulte Road

CITY: Tracy STATE: CA ZIP CODE: 95377

NAME OF PERSON FILLING OUT PETITION: Carolina Tirado

TELEPHONE: 209 200 0170 E-MAIL: Carolina.Tirado@o-i.com

NAME OF PERSON AUTHORIZED TO RECEIVE NOTICES: Dan Riemenschneide

MAILING ADDRESS: 14700 W Schulte Road

CITY: Tracy STATE: CA ZIP CODE: 95377

TELEPHONE: 510-206-5337 E-MAIL: Dan.Riemenschneider@o-i.com

B. TYPE OF ENTITY (Check One)

☐ LLC

☐ Partnership

☒ Corporation

☐ Other Entity

Please include the name, title, and address of officers, if a corporation; partners, if a partnership; or the person(s) in control, if other entity.

(Attach additional sheets, if needed)

NAME	TITLE	ADDRESS
Gordon Hardie	Chief Executive Officer	Perrysburg, Ohio
Tim Connors	General Manager, Americas North	Perrysburg, Ohio
Arnaldo DeMarzi	Director of Operations, Americas North	Perrysburg, Ohio

In accordance with State Law, the District will provide assistance to small businesses in preparing and filing the petition for the hearing. Small business has the same meaning as defined in the Small Business Administration, except that no stationary source which is a major source can be a small business.

If you plan on having attendees participate via the video teleconferencing system in a region other than that of which you filed the petition, please check the box(s) below for the region they will be participating:

☐ Bakersfield

☐ Fresno

☒ Modesto

1. Describe the type of business conducted at your facility.

Glass container manufacturing

2. Describe in detail the equipment or activity that is the subject of this petition, what the equipment is used for, and why it is necessary to the operation of your facility. Include all pertinent information necessary to describe the activity including: fuels burned, raw materials processed, product produced, true vapor pressure of all volatile organic compounds, site diagrams, material flow charts, fuel systems, and diagrams of air pollution control systems if necessary. Provide photos as well.

C Furnace N-593-10-21

60 MMBTU/HR GLASS MELTING FURNACE #22-C WITH A CUSTOM GEA BISCHOFF INC. DRY SOX SCRUBBER, A GEA BISCHOFF MODEL BS 780 10 / 5.0 / 2 X 11 / 0.4 ELECTROSTATIC PRECIPITATOR, A 10 MMBTU/HR DUCT BURNER SYSTEM (OR EQUIVALENT). A GEA PROCESS ENGINEERING SELECTIVE CATALYTIC REDUCTION SYSTEM, AND AN ELECTROSTATIC PRECIPITATOR DUST HANDLING SYSTEM CONSISTING OF A 153 CUBIC FOOT STORAGE SILO AND A 190 CUBIC FOOT STORAGE SILO, ACH WITH A MET-PRO CORP FLEX-KLEEN BIN VENT FILTER (OR EQUIVALENT).

The O2 system failed its daily calibration, requiring the O probe to be replaced with a spare unit.

3. List all the District Permits to Operate and/or Authorities to Construct and the corresponding permit conditions for which you are requesting variance protection and **explain** how you are violating, or will violate the condition(s). Please list the current version(s).

C Furnace N-593-10-21

Condition 42: The applicant shall install, maintain, and operate a continuous emissions monitoring system (CEMS) to measure stack NO_x, SO_x, CO, O₂ concentration (if required for compliance determination), and stack gas volumetric flow rate and shall meet the performance specification requirements in 40 CFR, Part 60, Appendix B, Performance Specifications 2, 3, and 4, or shall meet equivalent specifications established by mutual agreement of the District, the California Air Resources Board, and EPA. The CEM systems shall also be operated, maintained, and calibrated pursuant to the requirements of 40 CFR 60.7(c) and 40 CFR 60.13. [District Rules 1080, 2201, and 4354] Federally Enforceable Through Title V Permit

4. List all District Rule numbers, including subsections, for which you are requesting variance protection and **explain** how you are violating or will violate the rule(s).

C Furnace N-593-10-21

Condition 42: The applicant shall install, maintain, and operate a continuous emissions monitoring system (CEMS) to measure stack NO_x, SO_x, CO, O₂ concentration (if required for compliance determination), and stack gas volumetric flow rate and shall meet the performance specification requirements in 40 CFR, Part 60, Appendix B, Performance Specifications 2, 3, and 4, or shall meet equivalent specifications established by mutual agreement of the District, the California Air Resources Board, and EPA. The CEM systems shall also be operated, maintained, and calibrated pursuant to the requirements of 40 CFR 60.7(c) and 40 CFR 60.13. [District Rules 1080, 2201, and 4354] Federally Enforceable Through Title V Permit

5. Why is it beyond your reasonable control to comply with the rule(s) and/or permit condition(s)?

This is a unforeseen breakdown and failure of components within the analyzer that caused the downtime for O2 which effects emissions calculation

6. What would be the harm to your business if the variance were not granted? Include business closure, economic losses in dollar amounts, breach of contracts, hardships on customers, employee lay-offs, loss of market share to competitors, etc.

If the variance is not granted, the business may face a prolonged period of invalid CEMS data, potentially resulting in a citation and penalty.

7. What date, and under what circumstances, did your facility first become aware that it would not be in compliance?

On August 30, 2026 at 8:35 (DAS Time) the O2 analyzer failed its daily calibration. STI, the CEMS maintenance contractor, was contacted and scheduled to visit the plant on August 31, 2026, to troubleshoot and evaluate the analyzer.

8. What actions have you taken since that time to achieve compliance?

Owens initiated corrective action on the O2 analyzer and associated system by rebooting the unit. Following the reboot, the probe was unable to achieve or sustain the required consistent temperature, resulting in system failure. CEM-STI, the CEMS vendor, was mobilized to the facility and replaced the O2 probe with a spare unit.

9. Explain what options have been evaluated towards curtailment or termination of operations in lieu of obtaining a variance.

Not applicable

10. Estimate the excess emissions in total pounds over the duration of the variance period. *Estimate the maximum amount of excess emissions that will occur.*

Pollutant	Pollutant Limit	Actual Emissions	<i>Excess emissions are those that are in excess of the rules or permit conditions or otherwise lawfully allowed</i>	Total Estimated Excess Emissions
VOC	NA	NA		NA
NO _x	NA	NA		NA
CO	NA	NA		NA
SO _x	NA	NA		NA
PM ₁₀	NA	NA		NA
PM _{2.5}	NA	NA		NA

Highest Opacity level anticipated: 0 %

11. Show all calculations and provide references for emission factors used in estimating excess emissions.

Not applicable

12. Explain how you can reduce or mitigate excess emissions during the variance period. (such as shutting equipment down or reducing production to offset excess emissions)

Owens doesn't expect excess emissions during this period. Only CEMS (O2) downtime.

13. If there are excessive hazardous or toxic emissions, attach a health risk assessment and receptor modeling data.

14. Can you monitor or quantify emission levels from the subject equipment or activity during the variance period and make such records available to the District? Source tests, engineering tests, or portable emission analyzers can be utilized.

Yes: ☒ No: ☐ Provide an explanation of your response.

Everything except C Furnace O2

15. How do you intend to achieve compliance with the rules or permit conditions? Include a detailed description of any equipment to be installed and/or modifications to be made, a listing of the dates by which the actions will be completed, and an estimate of the total cost, if available.

Owens has mobilized a 3rd party cems vendor (STI-CEMS) to the facility to troubleshoot and repair the O2 system. Ultimately, the O2 probe had to be replaced due to failures in critical components. As a result of this replacement, a Relative Accuracy Test Audit (RATA) will be required to recertify the monitoring system and restore compliance.

16. State the dates you are requesting the variance to begin and end (the end date should be the date you expect to achieve compliance with the rules, regulations, and permit conditions). Please overestimate the time needed to allow for any contingencies.

Begin variance: September 3, 2026 End variance: October 30, 2026

17. Please state if you need special time designations. For example: "We need 15 non-consecutive days between such and such date."

18. If a variance, or series of variances, is to extend beyond one year, you must attach a Schedule of Increments of Progress pursuant to Rule 5050 –*Compliance Schedule* which must specify certain dates or milestones to be met in achieving compliance.

19. List the names of any District personnel who are familiar with the facility (inspectors, permit engineers, etc.) or with whom facility representatives have had contact concerning this variance petition, or any related NOV or NTC.

Catalina Olea, Esthela Soto, and Clay Bishop

Based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete:

Date: September 3, 2026

*Signature:

D-I R-I-L

Title: Plant Manager

Print Name: Dan Riemenschneider

**must be signed by a responsible official if petitioner is a Title V source*

The original petition in this format, and any attachments must be submitted to the District. Any attachments that are extraordinarily difficult to reproduce, such as full color photographs, must be submitted as six copies. Petitions which are incomplete, illegible, submitted in the wrong format, or without the necessary filing fee will be returned. If you need assistance completing this petition and/or developing a compliance schedule, contact the Compliance Department in your region.

Northern Region Office
(209) 557-6440

Central Region Office
(559) 230-5950

Southern Region Office
(661) 392-5540

You may hand deliver, mail, or email this petition to variance@valleyair.org