

1 OFFICE OF THE GENERAL COUNSEL
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
2 DAPHNE P. HSU, SBN 247256
PRINCIPAL DEPUTY DISTRICT COUNSEL
3 NICHOLAS P. DWYER, SBN 299144
SENIOR DEPUTY DISTRICT COUNSEL
4 21865 Copley Drive
Diamond Bar, California 91765
5 TEL: 909-396-3400 • FAX: 909-396-3458

6 Attorneys for Petitioner
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
7

8 **BEFORE THE HEARING BOARD OF THE**
9 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

10
11 **In The Matter Of**

12 SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

13 Petitioner,

14 vs.

15 BAKER COMMODITIES INC.,

16 [Facility ID No. 800016]

17 Respondent.
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Case No. 6223-1

**SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT'S
OPENING BRIEF IN RESPONSE TO
BAKER COMMODITIES, INC.'S
OPENING BRIEF IN SUPPORT OF ITS
REQUEST TO MODIFY THE ORDER
FOR ABATEMENT**

Date: December 13, 2022
Time: 9:00 am
Place: Hearing Board
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. MODIFICATION NEEDS TO BE REASONABLE CONSIDERING THE**
3 **VIOLATION**

4 South Coast Air Quality Management District (“South Coast AQMD” or “District”)
5 opposes in part Baker Commodities, Inc.’s (“Baker”) request that the Hearing Board modify the
6 Order for Abatement. The District disagrees with Baker’s interpretation of District Rules and
7 proposes its own modified conditions, which are attached to this brief as Exhibit 24¹. Baker’s trap
8 grease wastewater operations are not exempt from Rule 415, where the sole reason Baker is not
9 rendering is because of the Order for Abatement it now seeks to modify. Such reasoning leads to an
10 absurd result.

11 The District is not opposed to Baker restarting its wastewater operations to process
12 rainwater, washdown water, or water associated with its used cooking oil processes. However, the
13 District opposes Baker’s request to renew processing trap grease without bringing the related
14 wastewater processes into compliance with Rule 415. Wastewater from trap grease is odorous and
15 should be enclosed or within a closed system. (Dillon Decl. ¶¶ 3, 5.) The District proposes steps
16 for Baker to bring those processes into compliance before Baker can restart its trap-grease related
17 operations.

18 The District opposes entirely removing the washdown condition that was included because
19 of Rule 415 and Baker’s Title V and RECLAIM permit (“Facility Permit²”). Instead, the District
20 proposes revisions to the condition so that washing is only required once each working day in areas
21 where equipment has been operated, and where raw, processed, or waste materials containing
22 animal matter have been transported or stored.³

23 _____
24 ¹ For ease of reference, the District is following the exhibit numbering from the September 27-29th
25 hearing, where the District’s last exhibit was 23, thus the first exhibit here is 24.

26 ² The Hearing Board took official notice of the Facility Permit during the September 27-29th hearings
as Exhibit 1. Portions of the permit are attached for ease of reference to this brief as Exhibit 25.

27 ³ The abatement order does not relieve Baker from abiding by its permit conditions. Facility Permit
28 Condition E187.1 states, “The operator shall wash all exposed surfaces free of animal matter at least
(Continued...)”

1 **II. FACTS**

2 “Baker is a rendering company that collects and recycles protein, fat and bone waste, grease
3 trap material, and used cooking oil (collectively, the “Material”).” (Declaration of Jason Andreoli in
4 Support of Petitioner’s Motion to Stay of Order, p. 2, ¶ 3 [signed November 22, 2022] LASC Case
5 No. 22STCPO3597.) “Baker’s facility in Vernon, CA (the “Vernon Location”) recycles Material
6 collected from thousands of food service establishments located throughout Southern California.”
7 (*Id.* at p. 2, ¶ 5.)

8 Baker is permitted for rendering, wastewater treatment, and trap grease processing, among
9 other operations. The Hearing Board’s Order for Abatement temporarily requires Baker to cease
10 operating its rendering operations until Baker brings its facility into compliance with Rule 415. Baker
11 has not sought to remove its rendering operations from its permit and remains a rendering facility
12 even under the Order for Abatement. Baker is a Title V and RECLAIM facility with continuing
13 obligations to report its emissions and comply with its permit conditions.

14 District staff have seen little effort from Baker to bring its facility into compliance with Rule
15 415, so that it may resume rendering operations. Baker’s wastewater operations comingle rendering,
16 trap grease, and used cooking oil operations. Though Baker has submitted rough plans for an
17 enclosure and closed system for the trap grease wastewater operations, it has not answered follow-
18 up questions by District staff.⁴

19 **III. ARGUMENT**

20 **A. The Hearing Board’s Goal in Interpreting a Rule is to Effectuate the Purpose.**

21 The fundamental objective of statutory interpretation is to ascertain and effectuate the
22 legislative intent and “apparent purpose”. (*Burden v. Snowden* (1992) 2 Cal.4th 556, 562; *Industrial*
23 *Risk Insurers v. Rust Engineering Co.* (1991) 232 Cal.App.3d 1038, 1042 [effectuate the apparent
24 purpose].) The purpose of Rule 415 is “to reduce odors from facilities rendering animals and animal

25 _____
26 once each working day.” Baker is reminded that it is required to abide by this permit condition for
27 the following: Process 8, Star Grease Processing – D292, D293, D294, D295, D356, D357, D358
28 and Process 4, Wastewater Treatment – D368, D369. (Exhibit 25, SCAQMD000260.)

⁴ Baker has identified these documents as containing trade secrets and as part of a confidential settlement communication, as such they are not being attached to this brief.

1 parts” (Rule 415(a)) and the rule applies “to new and existing rendering facilities that process raw
2 rendering materials; and wastewater associated with rendering” (Rule 415(c))⁵.

3 The intent and purpose of Rule 415 is to reduce odors from rendering facilities. Baker is a
4 rendering facility subject to Rule 415. Baker is currently, as a result of the Order for Abatement, not
5 performing rendering services until it complies with Rule 415.

6 During the September 27th through 29th hearings, Baker argued its trap grease wastewater
7 operations were exempt from Rule 415. The Hearing Board was not persuaded by those arguments.
8 Now, following entry of the Order for Abatement, Baker is arguing that it is exempt because of the
9 Order for Abatement. Such reasoning leads to an absurd result that goes contrary to the apparent
10 purpose of the rule.

11 **B. A Rule Cannot Be Given Its Literal Meaning Where It Would Lead to An**
12 **Absurd Result.**

13 A well settled principle of statutory interpretation, recognized by our California Supreme
14 Court, is that language of a rule should not be given a literal meaning if doing so would result in
15 absurd consequences which the legislature did not intend. (*Horwich v. Superior Court* (1999) 21
16 Cal.4th 272, 276.) Baker’s request to modify the Order for Abatement relies on an absurd literal
17 meaning of an exemption that cannot be given effect.

18 Here, the reason Baker is not conducting its rendering operations and related trap grease
19 wastewater operations is because it did not comply with Rule 415 despite years of notice regarding
20 the requirements and multiple notices of violation. The District petitioned the Hearing Board for an
21 Order for Abatement that would require Baker to cease operating until it brought its facility into
22 compliance with Rule 415. After three days of hearings, the Hearing Board found Baker was
23 violating the requirements of Rule 415, which requires rendering facilities to enclose certain
24 processes and/or maintain a closed system. Baker is a rendering facility, permitted for rendering, and
25 the Order for Abatement only prohibits Baker from rendering until it brings its facility into
26 compliance with Rule 415.

27 _____
28 ⁵ For ease of reference, the relevant portions of Rule 415 are attached to this brief as Exhibit 26.

1 Applying the relevant exemption to allow Baker to renew its trap grease operations without
2 complying with Rule 415 leads to an absurd result. The intent of the exemption was to exempt
3 facilities that only process trap grease. Baker does not only process trap grease. Baker temporarily is
4 prohibited from rendering because of the Order for Abatement. The Governing Board would never
5 have intended for a rendering facility's trap grease wastewater operations to be temporarily exempt
6 from Rule 415, when the facility is not rendering. Interpreting the exemption to allow for temporary
7 cessation of rendering operations would lead to absurd situations where a facility stops operating its
8 rendering facility for a day, or even a few hours, so it can operate its trap grease operations without
9 complying with Rule 415.

10 C. **Baker is Currently Permitted as a Rendering Facility, with its Equipment and**
11 **Processes Analyzed Pursuant to Rule 415 During Permitting, and Baker**
12 **Cannot Simply Flip a Switch and Be a Permitted Trap Grease Processor.**

13 Baker's current permit has not been modified or abandoned, such that Baker can no longer
14 render in the future. Baker cannot flip flop between being considered a rendering facility and a trap-
15 grease facility that does not conduct inedible rendering. District staff's evaluations for Baker's
16 Facility Permit were based on the operations it set forth in its permit applications. The equipment
17 used for comingled processes was analyzed, with the consideration that the facility was rendering.
18 Depending on the use of the equipment, it may be subject to different rules and more stringent
19 requirements.

20 For example, Boilers C200, C215, and C216 are categorized as incinerators because they are
21 used to burn off gases from rendering operations. (See Exhibit 25, Facility Permit, SCAQMD000203,
22 204, 220, 217 – 219 (showing that the boilers are connected to cooking and rendering operations via
23 the condenser (Device ID C391)). In addition to serving as incinerators for rendering operations,
24 these boilers are also used to generate steam throughout the facility. As incinerators, these boilers are
25 currently permitted to have NOx emissions of 56 ppmv and will be required to meet the applicable
26 concentration limits under Rule 1147. However, if these boilers are used to generate steam or for
27 process heating only, they would be subject to much lower concentration limits for Rule 1146. It is
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1 likely the equipment would need to be replaced for Baker to comply with the more stringent
2 requirements found in the different rules.

3 Baker desires to keep rendering and has not abandoned its permit. The District has a formal
4 process for a facility to request inactivation of a permit. By keeping permits active, a facility benefits
5 by maintaining any Best Available Control Technology (BACT) emission limits established at the
6 time of permitting. Even if Baker permanently chose to not render inedible animal material and
7 abandon its permit, its trap-grease operations would not cease to be subject to other district rules.
8 The equipment may still need to be permitted, and during the permitting process, conditions could
9 be added to avoid violation of Rule 402. For example, Baker's current Facility Permit requires
10 washing of certain equipment each working day because of Rule 402. (*See, e.g.*, Facility Permit
11 Condition E187.1). Even for equipment that may not otherwise require a permit to operate, Rule
12 219(s)(2)(B) provides an exception where the Executive Officer has determined that the equipment
13 may not operate in compliance with all applicable District Rules and Regulation, including Rule 402
14 (Nuisance).

15 Furthermore, in the rule development process for Rule 415, Baker Commodities submitted
16 comments to staff asking the specific question "What parts of the trap grease process need to be
17 enclosed?" (Baker Commodities Comment 18, page A-13 of Rule 415 Staff Report, a true and correct
18 copy of which is attached as Exhibit 27; SCAQMD0019206)⁷ indicating that Baker understood that
19 the trap grease process was subject to the requirements of Rule 415. In response, staff replied "Trap
20 grease processing needs to be closed from the point of delivery, through separation and into
21 wastewater treatment, or conversely, these processes need to be conducted within a permanent total
22 enclosure." (Exhibit 27, SCAQMD001921.) Baker has yet to comply with this requirement which
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26 ⁷ The Hearing Board previously took official notice of the entire Agenda Packet for Rule 415, which
27 was accepted into evidence during the September 27-29th hearings as Exhibit 2. Also, the specific
28 portions of the staff report relating to this comment were introduced into evidence as Exhibit 21. The
specific portions of the staff report cited in this brief are attached as Exhibit 27.

1 was explained in a direct reply to their comment on the rule, and is now claiming that the process in
2 not subject to the rule, in direct conflict with the rule comment.

3 The Facility Permit reflects what was stated in the staff report. Related to trap grease
4 processing (See Exhibit 25, Facility Permit, SCAQMD000223), the permit references Device ID
5 D269, and has the following condition: “E448.8 The operator shall comply with the following
6 requirements: This device shall be configured as closed system as per guidelines in Rule 415(f)(3).”
7 (See Exhibit 25, Facility Permit, SCAQMD000261.) This equipment was analyzed with the
8 understanding the process was subject to Rule 415, and had that not been the case, the District may
9 have required a similar condition to reduce the risk of nuisance odors, and cited Rule 402.

10 **IV. CONCLUSION**

11 The District agrees the Order for Abatement can be amended to allow Baker to operate its
12 wastewater operations to process rainwater, washdown water, and water used for Baker’s used
13 cooking oil operations and to narrow the washdown requirement. The District does not agree the
14 Order for Abatement makes Baker’s trap-grease operations exempt from Rule 415. That would be
15 an absurd result. The District proposes reasonable steps for compliance that would allow Baker to
16 operate its trap-grease wastewater operations in the near future in compliance with Rule 415.

17 Dated: December 7, 2022

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT



DAPHNE P. HSU
Principal Deputy District Counsel
NICHOLAS P. DWYER
Senior Deputy District Counsel
Attorneys for Petitioner

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EXHIBIT 24

[Proposed] Modified Conditions for Baker Commodities

1. Respondent shall stop receiving raw rendering materials, including trap grease, by 5 p.m., on October 6, 2022.
2. Respondent shall cease all rendering and wastewater operations by 5 p.m., on October 6, 2022.
3. Respondent shall remove or render all raw rendering materials by 5 p.m., on October 6, 2022.
4. Respondent shall remove all wastewater materials from the Open-Air Pit and place it into a container or containers by 5 p.m., on October 6, 2022.
5. Respondent shall wash all exposed surfaces free of animal matter at least once each working day in areas:
 - a. where equipment has been operated, and
 - b. where raw, processed, or waste materials containing animal matter have been transported or stored.

This provision shall not apply to any equipment which has not been operated or areas not used for transportation or storage of raw, processed, or waste materials within the last 24 hours.

6. Respondent shall provide a written timeline by October 6, 2022, to the Clerk of the Board (ClerkofBoard@aqmd.gov) and to South Coast AQMD (dharris@aqmd.gov) as to how it would abate the following violations:
 - a. Wastewater equipment or operations that are not within a permanent total enclosure or within a closed system:
 - i. Open-Air pit
 - ii. Wastewater operations that are associated with grease processing beginning with the screw conveyor and ending with the Open-Air Pit
 - iii. Sludge handling
 - iv. Process from centrifuge to Open-Air Pit
 - b. Rendering equipment or operations that are not within a permanent total enclosure or within a closed system:
 - i. Receipt of butcher trimmings
 - ii. Conveyors
 - iii. Grinders
 - iv. Access door to magnet
 - v. Presses
 - vi. Clay press
 - vii. Trough outside of Plant 1
 - viii. Trough leading from Open-Air Pit to a sump
7. Operations and equipment listed in Condition 6 must be within a permanent total enclosure or within a closed system prior to Respondent resuming rendering operations in Plant 1.
8. Respondent may operate its wastewater operations to process rainwater, washdown water, and water related to processing of used cooking oil.

9. Respondent shall not receive any trap grease deliveries or process any trap grease, until the following have been completed:
 - a. Respondent shall prepare and submit to South Coast AQMD by January 13, 2023, complete permit applications and applicable fees to fully enclose or put in a closed system the items listed in Condition 6.a. and any and all wastewater operations not currently enclosed or in the closed system to satisfy the requirements of Rule 415 and any other applicable rules and laws.
 - b. Respondent shall submit detailed flow diagrams or Piping and Instrumentation Diagrams, which identify each device, operation, incoming and outgoing product and waste flows, for the trap grease and wastewater treatment systems and identify any proposed modifications. The diagrams shall be provided no later than January 13, 2023.
 - c. In lieu of enclosing or putting in a closed system a specific item or process, Respondent may request to inactivate permits or add permit conditions prohibiting operation of equipment or processes, to allow for the compliant operation of the trap grease system and associated equipment. Any affected equipment shall be rendered inoperable and have enforceable permit conditions in the permit.
 - d. Respondent shall pay for expedited permit processing.
 - e. Respondent shall complete construction pursuant to the Permit to Construct within 90 days of the issuance of the Permit to Construct.
10. Relating to condition 9, Respondent shall commence construction pursuant to the Permit to Construct within 10 days of the issuance of the Permit to Construct.
11. Relating to condition 9, ten days after issuance of the permit, Baker shall submit to South Coast AQMD written reports detailing construction status including increments of progress, photos, and upcoming scheduled work to be completed. The written reports shall be provided on the 1st and 15th of every month until Item 13 has been verified.
12. Relating to condition 9, Respondent shall operate pursuant to its revised Facility Permit, recognizing portions of the permit related to rendering remain subject to the Order for Abatement.
13. Relating to condition 9, prior to commencement of operations, Respondent shall notify South Coast AQMD when construction is complete to allow South Coast AQMD to conduct an onsite inspection to verify completion and compliance with the Permit to Construct. Notification shall be sent to dharris@aqmd.gov and akandhari@aqmd.gov.
14. Respondent shall notify the South Coast AQMD no later than 48 hours prior to commencement of operations. Notification shall be sent to dharris@aqmd.gov and akandhari@aqmd.gov.
15. Respondent shall notify the Clerk of the Hearing Board (ClerkofBoard@aqmd.gov) and South Coast AQMD (dharris@aqmd.gov) of final compliance within three calendar days of achieving final compliance.

EXHIBIT 25



South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178

Title Page	
Facility ID:	800016
Revision #:	56
Date:	July 01, 2022

FACILITY PERMIT TO OPERATE


**BAKER COMMODITIES INC
4020 BANDINI BLVD
VERNON, CA 90058**

NOTICE

IN ACCORDANCE WITH RULE 206, THIS PERMIT TO OPERATE OR A COPY THEREOF MUST BE KEPT AT THE LOCATION FOR WHICH IT IS ISSUED.

THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA OR THE RULES OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT. THIS PERMIT SHALL NOT BE CONSTRUED AS PERMISSION TO VIOLATE EXISTING LAWS, ORDINANCES, REGULATIONS OR STATUTES OF ANY OTHER FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCIES.

Wayne Natri
Executive Officer

By 
Jason Aspell
Deputy Executive Officer
Engineering and Permitting



FACILITY PERMIT TO OPERATE BAKER COMMODITIES INC

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

Equipment	ID No.	Connected To	RECLAIM Source Type/ Monitoring Unit	Emissions* And Requirements	Conditions
Process 1: RENDERING: BAKER COMMODITIES					P13.1
CONVEYOR, COOKER NO. 1 FEED A/N: 155019	D25				E187.1
CONVEYOR, SCREW, RATE CONTROL A/N: 155019	D26				E187.1
RENDERING COOKER, NO.2, PRECOOKER A/N: 155019	D27	C391			E187.1
CONVEYOR, SCREW, PRECOOKED TRANSFER A/N: 155019	D28				E187.1
CONVEYOR, SCREW, INCLINED PRECOOKER FEED A/N: 155019	D29				E187.1
CONVEYOR, SCREW, PRECOOKER UNLOADING A/N: 155019	D30				E187.1
CONVEYOR, SCREW, INCLINED, PRECOOKER RECYCLE A/N: 155019	D31				E187.1
System 3: COOKING					
RENDERING COOKER, NO. 2, SUPEROOKER 260U, CONTINUOUS COOKER, STEAM HEATED A/N: 625587	D411	C391			
VESSEL, SEPARATOR, ENTRAINMENT A/N: 625587	D33	C391			
VESSEL, SEPARATOR, ENTRAINMENT A/N: 625587	D34	C391			
CONVEYOR, SCREW, COOKER FEED TRANSFER A/N: 625587	D412	C391			E187.1

- * (1) (1A) (1B) Denotes RECLAIM emission factor
- (3) Denotes RECLAIM concentration limit
- (5) (5A) (5B) Denotes command and control emission limit
- (7) Denotes NSR applicability limit
- (9) See App B for Emission Limits

- (2) (2A) (2B) Denotes RECLAIM emission rate
- (4) Denotes BACT emission limit
- (6) Denotes air toxic control rule limit
- (8) (8A) (8B) Denotes 40 CFR limit (e.g. NSPS, NESHAPS, etc.)
- (10) See section J for NESHAP/MACT requirements

** Refer to section F and G of this permit to determine the monitoring, recordkeeping and reporting requirements for this device.



FACILITY PERMIT TO OPERATE BAKER COMMODITIES INC

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

Equipment	ID No.	Connected To	RECLAIM Source Type/ Monitoring Unit	Emissions* And Requirements	Conditions
Process 1: RENDERING: BAKER COMMODITIES					P13.1
CONVEYOR, SCREW, DRAINOR DISCHARGE TRANSFER A/N: 625587	D413	C391			E187.1
System 4: SCREENING, WASHING AND SEPARATING					
CONVEYOR, FLOOR SCREW A/N: 571187	D38	C391			C1.7, C1.8, C1.11
TANK, CLARIFIER A/N: 571187	D39	C391			C1.7, C1.8, C1.11
CONVEYOR, SCREW, FEED, 4 TOTAL A/N: 571187	D43	C391			C1.7, C1.8, C1.11
VESSEL, SCREW PRESSES NOS. 1 TO 5, 5 TOTAL A/N: 571187	D47	C391			C1.7, C1.8, C1.11
CONVEYOR, OVERPRESS RETURN SCREW A/N: 571187	D382	C391			C1.7, C1.8, C1.11
CYCLONE A/N: 571187	D383	C391			C1.7, C1.8, C1.11
BIN, DRY CRAX A/N: 571187	D58	C391			C1.7, C1.8, C1.11
TANK, DECANTER, SURGE TANK A/N: 571187	D60	C391			C1.7, C1.8, C1.11
TANK, CENTRIFUGE, SURGE TANK A/N: 571187	D61	C391			C1.7, C1.8, C1.11
CONVEYOR, RETURN SCREW A/N: 571187	D63				C1.7, C1.8, C1.11
TANK, DECANTER A/N: 571187	D70	C391			C1.7, C1.8, C1.11
VESSEL, SEPARATOR, 10 TOTAL A/N: 571187	D71	C391			C1.7, C1.8, C1.11
CONVEYOR, CENTRIFUGE SOLIDS SCREEN A/N: 571187	D385	C391			C1.7, C1.8, C1.11

- * (1) (1A) (1B) Denotes RECLAIM emission factor
 - (3) Denotes RECLAIM concentration limit
 - (5) (5A) (5B) Denotes command and control emission limit
 - (7) Denotes NSR applicability limit
 - (9) See App B for Emission Limits
 - (2) (2A) (2B) Denotes RECLAIM emission rate
 - (4) Denotes BACT emission limit
 - (6) Denotes air toxic control rule limit
 - (8) (8A) (8B) Denotes 40 CFR limit (e.g. NSPS, NESHAPS, etc.)
 - (10) See section J for NESHAP/MACT requirements
- ** Refer to section F and G of this permit to determine the monitoring, recordkeeping and reporting requirements for this device.



FACILITY PERMIT TO OPERATE BAKER COMMODITIES INC

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

Equipment	ID No.	Connected To	RECLAIM Source Type/ Monitoring Unit	Emissions* And Requirements	Conditions
Process 5: AIR POLLUTION CONTROL: BAKER COMMODITIES					
BOILER, , INCINERATOR, WITH HEAT RECOVERY, NO. 1 SOUTH, FUEL OIL, NATURAL GAS, YELLOW GREASE, BABCOCK AND WILCOX, MODEL VC-CD, 39.9 MMBTU/HR WITH A/N: 378514	C200	C370 C391	NOX: LARGE SOURCE**	CO: 2000 PPMV (5) [RULE 407, 4-2-1982]; NOX: 56 PPMV YELLOW GREASE (3) [RULE 2012, 5-6-2005; RULE 2012, 12-4-2015]; NOX: 56 PPMV FUEL OIL (3) [RULE 2012, 5-6-2005; RULE 2012, 12-4-2015] NOX: 56 PPMV NATURAL GAS (3) [RULE 2012, 5-6-2005; RULE 2012, 12-4-2015]; PM: 0.1 GRAINS/SCF (5) [RULE 409, 8-7-1981]; SOX: 500 PPMV (5) [RULE 407, 4-2-1982]	B59.1, B59.6, C6.7, C8.1, D12.6, D328.1, D371.1, K67.3
BURNER, TODD, NATURAL GAS, FUEL OIL, & YELLOW GREASE, WITH FLUE GAS RECIRCULATION, 3 TOTAL; 13.3 MMBTU/HR					

* (1) (1A) (1B) Denotes RECLAIM emission factor
 (3) Denotes RECLAIM concentration limit
 (5) (5A) (5B) Denotes command and control emission limit
 (7) Denotes NSR applicability limit
 (9) See App B for Emission Limits
 (2) (2A) (2B) Denotes RECLAIM emission rate
 (4) Denotes BACT emission limit
 (6) Denotes air toxic control rule limit
 (8) (8A) (8B) Denotes 40 CFR limit (e.g. NSPS, NESHAPS, etc.)
 (10) See section J for NESHAP/MACT requirements
 ** Refer to section F and G of this permit to determine the monitoring, recordkeeping and reporting requirements for this device.



FACILITY PERMIT TO OPERATE BAKER COMMODITIES INC

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

Equipment	ID No.	Connected To	RECLAIM Source Type/ Monitoring Unit	Emissions* And Requirements	Conditions
Process 5: AIR POLLUTION CONTROL: BAKER COMMODITIES					
BOILER, INCINERATOR, WITH HEAT RECOVERY, NO. 3 NORTH,, FUEL OIL, NATURAL GAS, YELLOW GREASE, BABCOCK AND WILCOX, MODEL EC 2, 39.313 MMBTU/HR WITH A/N: 378517 BURNER, FUEL OIL, NATURAL GAS, YELLOW GREASE, TODD, WITH FLUE GAS RECIRCULATION, 3 TOTAL; 39.313 MMBTU/HR	C215	C370 C391	NOX: LARGE SOURCE**	CO: 2000 PPMV (5) [RULE 407, 4-2-1982]; NOX: 56 PPMV YELLOW GREASE (3) [RULE 2012, 5-6-2005; RULE 2012, 12-4-2015]; NOX: 56 PPMV FUEL OIL 2 (3) [RULE 2012, 5-6-2005; RULE 2012, 12-4-2015] NOX: 56 PPMV NATURAL GAS (3) [RULE 2012, 5-6-2005; RULE 2012, 12-4-2015]; PM: 0.1 GRAINS/SCF (5) [RULE 409, 8-7-1981]; SOX: 500 PPMV FUEL OIL (5) [RULE 407, 4-2-1982]	B59.6, C6.7, C8.1, D12.6, D328.1, D371.1, K67.3

* (1) (1A) (1B) Denotes RECLAIM emission factor
 (3) Denotes RECLAIM concentration limit
 (5) (5A) (5B) Denotes command and control emission limit
 (7) Denotes NSR applicability limit
 (9) See App B for Emission Limits
 (2) (2A) (2B) Denotes RECLAIM emission rate
 (4) Denotes BACT emission limit
 (6) Denotes air toxic control rule limit
 (8) (8A) (8B) Denotes 40 CFR limit (e.g. NSPS, NESHAPS, etc.)
 (10) See section J for NESHAP/MACT requirements
 ** Refer to section F and G of this permit to determine the monitoring, recordkeeping and reporting requirements for this device.



FACILITY PERMIT TO OPERATE BAKER COMMODITIES INC

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

Equipment	ID No.	Connected To	RECLAIM Source Type/ Monitoring Unit	Emissions* And Requirements	Conditions
Process 5: AIR POLLUTION CONTROL: BAKER COMMODITIES					
BOILER, INCINERATOR, WITH HEAT RECOVERY, NO. 2 CENTER, FUEL OIL, NATURAL GAS, YELLOW GREASE, BABCOCK AND WILCOX, MODEL VC CD, 39.387 MMBTU/HR WITH A/N: 378516 BURNER, FUEL OIL, NATURAL GAS, YELLOW GREASE, TODD, WITH FLUE GAS RECIRCULATION, 3 TOTAL; 39.387 MMBTU/HR	C216	C370 C391	NOX: LARGE SOURCE**	CO: 2000 PPMV (5) [RULE 407, 4-2-1982]; NOX: 56 PPMV YELLOW GREASE (3) [RULE 2012, 5-6-2005]; NOX: 56 PPMV FUEL OIL 2 (3) [RULE 2012, 5-6-2005]; NOX: 56 PPMV NATURAL GAS (3) [RULE 2012, 5-6-2005]; PM: 0.1 GRAINS/SCF (5) [RULE 409, 8-7-1981]; SOX: 500 PPMV FUEL OIL (5) [RULE 407, 4-2-1982]	B59.6, C6.7, C8.1, D12.6, D328.1, D371.1, K67.3

* (1) (1A) (1B) Denotes RECLAIM emission factor
 (3) Denotes RECLAIM concentration limit
 (5) (5A) (5B) Denotes command and control emission limit
 (7) Denotes NSR applicability limit
 (9) See App B for Emission Limits
 (2) (2A) (2B) Denotes RECLAIM emission rate
 (4) Denotes BACT emission limit
 (6) Denotes air toxic control rule limit
 (8) (8A) (8B) Denotes 40 CFR limit (e.g. NSPS, NESHAPS, etc.)
 (10) See section J for NESHAP/MACT requirements
 ** Refer to section F and G of this permit to determine the monitoring, recordkeeping and reporting requirements for this device.



FACILITY PERMIT TO OPERATE BAKER COMMODITIES INC

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

Equipment	ID No.	Connected To	RECLAIM Source Type/ Monitoring Unit	Emissions* And Requirements	Conditions
Process 6: RENDERING: J & M					P13.1
CONVEYOR, SCREW, FEED A/N: C34012	D254			PM: (9) [RULE 405, 2-7-1986]	D323.1, E187.1
CONVEYOR, SCREW, OVERBINS A/N: C34012	D255			PM: (9) [RULE 405, 2-7-1986]	D323.1, E187.1
BIN, SURGE, 7800 GALS A/N: C34012	D256			PM: (9) [RULE 405, 2-7-1986]	D323.1, E187.1
CONVEYOR, SCREW, DISTRIBUTION A/N: C34012	D257			PM: (9) [RULE 405, 2-7-1986]	D323.1, E187.1
CONVEYOR, SCREW, UNLOADING A/N: C34012	D258			PM: (9) [RULE 405, 2-7-1986]	D323.1, E187.1
BIN, SURGE, 7800 GALS A/N: C34012	D259			PM: (9) [RULE 405, 2-7-1986]	D323.1, E187.1
CONVEYOR, SCREW, DISTRIBUTION A/N: C34012	D260			PM: (9) [RULE 405, 2-7-1986]	D323.1, E187.1
CONVEYOR, SCREW, CROSS A/N: C34012	D262			PM: (9) [RULE 405, 2-7-1986]	D323.1, E187.1
CONVEYOR, SCREW, INCLINED A/N: C34012	D263			PM: (9) [RULE 405, 2-7-1986]	D323.1, E187.1
HOPPER, MEAT-MEAL, BAGGING A/N: C34012	D264			PM: (9) [RULE 405, 2-7-1986]	D323.1, E187.1
CONVEYOR, SCREW, UNLOADING A/N: C34012	D265			PM: (9) [RULE 405, 2-7-1986]	D323.1, E187.1
System 4: TRAP GREASE PROCESSING					
TANK, DRYER, C-COOKER A/N: A75423	D268	C401			
CLARIFIER, CATCH BASIN, J & M AREA A/N: A75423	D269				E448.8
TANK, DRYER NO. 1 A/N: A75423	D271	C401			
System 5: GREASE DRYING					

- * (1) (1A) (1B) Denotes RECLAIM emission factor
- (3) Denotes RECLAIM concentration limit
- (5) (5A) (5B) Denotes command and control emission limit
- (7) Denotes NSR applicability limit
- (9) See App B for Emission Limits
- (2) (2A) (2B) Denotes RECLAIM emission rate
- (4) Denotes BACT emission limit
- (6) Denotes air toxic control rule limit
- (8) (8A) (8B) Denotes 40 CFR limit (e.g. NSPS, NESHAPS, etc.)
- (10) See section J for NESHAP/MACT requirements

** Refer to section F and G of this permit to determine the monitoring, recordkeeping and reporting requirements for this device.



FACILITY PERMIT TO OPERATE BAKER COMMODITIES INC

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

E166.3 The operator shall keep all openings from this equipment closed when in use except during equipment maintenance to prevent any odor escaping.

[RULE 402, 5-7-1976]

[Devices subject to this condition : D201, D377, D378, D379, D380, D395, D396, D397, D398]

E175.1 The operator shall not use this equipment unless all exhaust air passes through the following:

Flexible socks must be maintained on all loading spouts.

[RULE 1303(a)(1)-BACT, 5-10-1996; RULE 1303(a)(1)-BACT, 12-6-2002]

[Devices subject to this condition : D136, D137, D141]

E187.1 The operator shall wash all exposed surfaces free of animal matter at least once each working day.

[RULE 402, 5-7-1976]

[Devices subject to this condition : D1, D3, D11, D12, D14, D15, D16, D20, D23, D24, D25, D26, D27, D28, D29, D30, D31, D217, D218, D219, D220, D221, D222, D223, D224, D225, D227, D228, D229, D230, D231, D233, D234, D235, D236, D237, D238, D239, D240, D241, D243, D244, D245, D246, D247, D248, D249, D251, D252, D253, D254, D255, D256, D257, D258, D259, D260, D262, D263, D264, D265, D290, D292, D293, D294, D295, D356, D357, D358, D368, D369, D412, D413]



FACILITY PERMIT TO OPERATE BAKER COMMODITIES INC

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

E193.2 The operator shall construct, operate, and maintain this equipment as follows:

All phase I and phase II vapor recovery equipment at this facility shall be installed, operated and maintained to meet all California Air Resources Board certification requirements.

[RULE 461, 4-6-2012; RULE 461_Balance, 4-6-2012]

[Devices subject to this condition : D194, D195]

E202.1 The operator shall clean and maintain this equipment according to the following specifications:

Filters socks on the grinders must be properly maintained.

[RULE 1303(a)(1)-BACT, 5-10-1996; RULE 1303(a)(1)-BACT, 12-6-2002]

[Devices subject to this condition : D118, D119, D120]

E448.8 The operator shall comply with the following requirements:

This device shall be configured as closed system as per the guidelines in Rule 415 (f) (3).

[RULE 415, 11-3-2017]

[Devices subject to this condition : D269]

J. Rule 461

EXHIBIT 26

RULE 415. ODORS FROM RENDERING FACILITIES

(a) Purpose

The purpose of this rule is to reduce odors from facilities rendering animals and animal parts.

(b) Applicability

This rule applies to new and existing rendering facilities that process raw rendering materials; and wastewater associated with rendering.

(c) Definitions

- (1) BATCH COOKER means a cooking vessel used for rendering into which raw rendering material is loaded in discrete batches, cooked and unloaded at the end of the cooking cycle.
- (2) CLOSED SYSTEM means a system handling any combination of solids, liquids, vapors, and air at a rendering facility, in which odors are contained within the system. A system that meets the requirements of paragraph (f)(3) is a closed system. A batch cooker is not a closed system.
- (3) COLLECTION CENTER means a receiving area not located at a rendering facility or an integrated rendering facility, for the temporary storage of animal carcasses, packinghouse waste, or other products, prior to their transportation to a licensed rendering plant or pet food processor.
- (4) CONFIRMED ODOR EVENT means the occurrence of a rendering-related odor resulting in three or more complaints by different individuals from different addresses, and the source of the odor is verified by District personnel trained in odor inspection techniques.
- (5) CONTROL EFFICIENCY means the percentage value representing the reduction of odorous compounds in an odor control system. Control efficiency is calculated as the uncontrolled rate minus the controlled rate, divided by the uncontrolled rate, multiplied by 100.
- (6) EDIBLE RENDERING means an operation that produces edible fats and protein commodities for human consumption.
- (7) ENCLOSURE ENVELOPE means the total surface area of a building directly enclosing rendering operations and includes the enclosure's exterior walls, floor and horizontal projection of the roof on the ground.

- (8) EXISTING FACILITY means a facility subject to the requirements of this rule that began operation prior to November 3, 2017.
- (9) FAT COMMODITY means a finished fat product from rendering and derived from animal fat or plant sources.
- (10) INTEGRATED FACILITY or INTEGRATED RENDERING FACILITY means for the purpose of this rule a rendering facility operated at the same physical location as a slaughterhouse or meat-packing plant.
- (11) NEW FACILITY means a facility subject to the requirements of this rule that begins operation on or after November 3, 2017.
- (12) ODOR means the perception experienced by a person when one or more chemical substances in the air come into contact with the human olfactory nerves.
- (13) ODOR CONTROL SYSTEM means equipment serving a permanent total enclosure that is designed to reduce odorous emissions captured in the permanent total enclosure. Odor control equipment does not mean a closed system.
- (14) ODOR GENERATING SOURCE means a process at a rendering facility from which odors may be emitted, including raw material receiving, size reduction, cooking, separating and processing of cooked materials into fat commodities and protein commodities, and wastewater treatment.
- (15) PERMANENT TOTAL ENCLOSURE means for the purpose of this rule an enclosure having a permanently installed roof and exterior walls which are constructed of solid material, and completely surround one or more odor-generating sources such that all odors from processes conducted within the enclosure are contained therein.
- (16) PROTEIN COMMODITY means a finished protein produced from rendering and derived from raw rendering materials of either animal or plant origin.
- (17) RAW RENDERING MATERIALS means materials introduced into the receiving area at a rendering facility, and may include animal carcasses and parts, packing house or grocery store cuttings, out-of-date products from grocery stores, blood, viscera, offal, feces and other organic matter generated by food processors. Raw rendering materials does not include used cooking oil.
- (18) RECEIVING AREA means the area, tank or pit within a rendering facility where raw rendering materials are unloaded from a vehicle or container, or transferred from another portion of the facility for the purpose of rendering these materials.
- (19) RENDERING means operations and processes that convert raw rendering materials into fat commodities and protein commodities by heat and mechanical separation.

- (20) RENDERING FACILITY means a facility engaged in rendering operations.
 - (21) ROUTINE ENCLOSURE OPENING means any of the following areas that may be open during normal operations at facilities subject to this rule, and through which odors have the potential to escape from a permanent total enclosure:
 - (A) Vents for natural or forced-air ventilation, including but not limited to gable vents, eave vents, wall vents and rooftop vents;
 - (B) Windows, doors and doorways; and
 - (C) Spaces below metal sheathing that do not reach the foundation.
 - (22) SPECIFIC CAUSE ANALYSIS means a process used by a facility subject to this rule to investigate the cause of a confirmed odor event, identify corrective measures needed and measures taken or that will be taken to prevent recurrence of a similar event.
 - (23) TRAP GREASE means cooking grease, food waste, and wastewater from a restaurant grease trap or interceptor.
 - (24) USED COOKING OIL means oils and fats that have been used for cooking or frying in the food processing industry, restaurants or fast food establishments.
 - (25) VENTILATION SYSTEM means an air-handling system serving odor control equipment that is designed and operated to: (a) draw air from within a permanent total enclosure and deliver it to approved odor control equipment; and (b) maintain negative air pressure through each routine enclosure opening. Ventilation system does not mean a system for heating, ventilation, or air conditioning (HVAC) used for comfort heating or cooling.
 - (26) WASTEWATER TREATMENT means, for the purpose of this rule, any chemical, biological, or mechanical procedure used to remove, reduce, or neutralize contaminants in water at a rendering facility from rendering- and trap grease-related operations.
- (d) Requirements for New and Existing Facilities
- (1) Core Requirements for all Facilities
 - (A) Odor Best Management Practices (BMP)

The owner or operator of a rendering facility shall implement all applicable odor BMP identified in subdivision (e) upon startup of a new facility, or within 90 days after November 3, 2017 or other schedule as required in the BMP for an existing facility.
 - (B) Permanent Total Enclosure or Operation in Closed System

- (i) The owner or operator of a new rendering facility shall not conduct rendering operations unless the requirements for enclosure, ventilation and odor control system standards in subdivision (f) are met.
 - (ii) The owner or operator of an existing rendering facility shall submit a permit application for each permanent total enclosure required under this rule within 12 months after November 3, 2017.
 - (iii) The owner or operator of an existing rendering facility shall meet the requirements for either a permanent total enclosure and applicable requirements for ventilation of a permanent total enclosure to odor control equipment, or a closed system pursuant to subdivision (f) no later than 24 months after the date a Permit to Construct is issued.
- (C) Wastewater Treatment
- (i) The owner or operator of a new rendering facility shall not conduct rendering operations unless the requirements for wastewater treatment in subdivision (g) are met.
 - (ii) The owner or operator of an existing rendering facility shall submit a permit application for each permanent total enclosure for wastewater operations required under this rule within 12 months after November 3, 2017.
 - (iii) The owner or operator of an existing rendering facility shall meet the requirements for permanent total enclosure or closed system, and the requirements for ventilation of permanent total enclosures to odor control equipment pursuant to subdivision (f) no later than 12 months after the date a Permit to Construct is issued.
- (D) Notification of Intent to Enclose or Operate in a Closed System
- The owner or operator of an existing rendering facility shall submit a letter of intent to the Executive Officer within 6 months after November 3, 2017 stating an intent to either enclose odor-emitting operations and processes within a permanent total enclosure or operate them in one or more closed systems, for all equipment and processes subject to paragraph (f)(1) or subdivision (g) that are not located within a permanent total enclosure or operated in a closed system as of November 3, 2017.
- (E) Increments of Construction Progress

- (D) All access doors shall not be open except during ingress and egress of vehicles, equipment or people.
- (E) Openings on opposite ends of a building where air movement can pass through both openings shall not be simultaneously open for more than 5 minutes.
- (F) All routine enclosure openings for vehicles or equipment ingress and egress shall use one of the following:
 - (ix) Automated doors with an air curtain mounted on the interior of the opening with a design velocity of 3,000 feet per minute, that is operated continuously when the door is open,
 - (x) Vestibule;
 - (xi) Air lock system; or
 - (xii) An alternative method to minimize release of odors from each enclosure opening of the building enclosure may be used if the owner or operator can demonstrate to the Executive Officer (an equivalent or more effective method(s) to those specified in this subparagraph.
- (G) If a building enclosure meeting the requirements of this paragraph is ventilated, the ventilation system shall meet the requirements of paragraph (f)(2) and shall be ventilated to an odor control system that meets the requirements of paragraph (f)(4).

(g) Wastewater Treatment

After the date a permanent total enclosure is required under subparagraph (d)(1)(C), the owner or operator of a rendering facility shall not operate the following wastewater treatment equipment and processes handling wastewater at a rendering facility, including water used in rendering operations, equipment and area washdown water related to rendering, and water from control equipment related to rendering except in a closed system or located within a permanent total enclosure subject to paragraph (f)(2):

- (1) Screens;
- (2) Skimmers;
- (3) Clarifiers, including dissolved air flotation;
- (4) Settling tanks;
- (5) Sludge dewatering equipment;
- (6) Sludge drying equipment; and
- (7) The rendering facility treated wastewater outlet to city sewer.

- (5) The owner or operator of the rendering facility that will be receiving and processing additional raw rendering materials complies with all the provisions of this rule with the following allowances:
 - (A) If a permanent total enclosure is constructed pursuant to subdivision (f), incoming raw rendering materials shall be transferred into the permanent total enclosure or into covered containers within 4 hours after the end of material delivery;
 - (B) If the permanent total enclosure is not constructed pursuant to subdivision (f), incoming raw rendering materials shall be stored in a covered container within 6 hours after delivery of material delivered at ambient temperature, or within 8 hours after delivery for materials delivered below ambient temperature.
- (l) Exemptions
 - (1) The following facilities are not subject to Rule 415:
 - (A) Facilities conducting only edible rendering operations that do not conduct inedible rendering or handle or process trap grease;
 - (B) Collection centers that do not conduct inedible rendering or handle or process trap grease; and
 - (C) Facilities that process trap grease but do not conduct inedible animal rendering operations.
 - (2) Wastewater treatment operations at a rendering facility shall not be subject to the enclosure requirement of subdivision (g), provided that:
 - (A) Each volume of rendering wastewater at a rendering facility integrated with a slaughterhouse or meat packing plant is diluted with more than 30 volumes of wastewater from other sources within the facility, based on a ratio of the most recent three-year average of rendering wastewater to non-rendering wastewater processed in the wastewater treatment plant; or,
 - (B) Each volume of rendering wastewater at a rendering facility not integrated with a slaughterhouse or meat packing plant is diluted with wastewater from other sources within the facility, provided that:
 - (i) The owner or operator demonstrates to the Executive Officer that an appropriate dilution volume of non-rendering wastewater to rendering wastewater is processed in the wastewater treatment plant;
 - (ii) The ratio of non-rendering wastewater to rendering wastewater is not less than 30:1; and

EXHIBIT 27

ATTACHMENT G

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Final Staff Report Proposed Rule 415 – Odors from Rendering Facilities

November 2017

Deputy Executive Officer

Planning, Rule Development, and Area Sources
Philip Fine, Ph.D.

Assistant Deputy Executive Officer

Planning, Rule Development, and Area Sources
Susan Nakamura

Planning and Rules Manager

Planning, Rule Development, and Area Sources
Tracy A. Goss, P.E.

Author: Bob Gottschalk - Air Quality Specialist

Contributor: Elaine Shen, Ph.D. – Program Supervisor

Reviewed by: Tracy A. Goss, P.E. – Planning and Rules Manager
Jillian Wong, Ph.D. – Planning and Rules Manager
Nicholas Sanchez – Acting Assistant Chief Deputy Counsel
Susan Nakamura – Assistant Deputy Executive Officer
Barbara Baird – Chief Deputy Counsel
Kurt Wiese – General Counsel

Responses to Baker Commodities Comment Letters

1. Comment: Rendering protects the environment, prevents disease and provides products for other industries. Without rendering plants, diseased and rotting carcasses would cause a stench and the spread of viruses and bacteria. Inedible wastes containing carbon and nitrogen are recycled into usable materials. Without recycling, financial and environmental costs of these products would likely increase.

Response: SCAQMD staff agrees that rendering is an important industry.

2. Comment: Waste recycled by a rendering facility will not disappear if the rendering operations shut down. What does SCAQMD propose happen to these wastes in the absence of rendering operations in the South Coast Air Basin?

Response: SCAQMD staff has repeatedly said at working group meetings and other public meetings that it is not the intent of PR 415 to cause any rendering facility to shut down. Staff has worked in good faith with the commenter as well as other rendering facilities to minimize cost impacts, including making substantial changes to the scope of PR 415 from early versions of draft rule language. The commenter has not substantiated that provisions of PR 415 would require it to shut down. In fact, staff has learned that the commenter has used similar controls in other facilities it operates in the United States. The commenter's question regarding the absence of rendering operations within the SCAQMD is hypothetical and supposes every existing rendering facility will not be able to operate under the requirements of PR 415. Staff does not believe such a scenario is supported by the requirements of PR 415 or the impacts on rendering facilities.

3. Comment: SCAQMD has regulated odors since 1976 under Rule 402. Rule 402 conforms to California H&SC §41700. PR 415 is unnecessary because the SCAQMD already has Rule 402.

Response: SCAQMD staff disagrees that PR 415 is unnecessary. PR 415 intends to establish odor control standards as well as best management practices (BMP) to prevent or minimize odors that can cause verified odor complaints and public nuisances in the communities surrounding Vernon. Under Rule 402, enforcement action can only be taken after the SCAQMD receives and verifies a sufficient number of complaints. Moreover, because there are several rendering facilities located within a relatively small area, in some cases the odors cannot be ascribed to one specific facility and indeed are likely contributed to by several of the facilities. Rule 402 does not contain any mechanisms to reduce odors from new and existing rendering facilities. In addition, Rule 402 does not establish minimum standards to prevent or minimize odors. Rule 402 is reactive, where PR 415 is proactive in terms

sources, until a probable emissions source can be identified. The inspector documents these findings, and may prepare a table or map that shows the surveillance route(s) taken, wind data collected, and the character and intensity of odor emissions detected at key locations along the route. Once a probable source has been determined, the inspector typically enters to verify whether the emissions detected at that source match those described by the complainant(s) and/or detected by the inspector at locations downwind of that location, and to identify the particular equipment and/or process from which the emissions emanate.

17. Comment: Our facility should be permitted to use alternative methods to address odors when there is a violation of Rule 402. Construction of a permanent enclosure is cost-prohibitive and our facility cannot retrofit existing structures because of control system requirements.

Response: As indicated in the response to comment #6 of this letter, staff has observed objectionable odors emanating from all rendering facilities staff visited. However, in many cases it is difficult to pinpoint a particular odor nuisance as coming from one specific facility. Indeed, odors from two or more facilities may contribute to a single nuisance event. Therefore, staff believes reasonable preventative measures are necessary for all affected facilities. SCAQMD staff has worked in good faith with the commenter to modify the language and requirements of PR 415 in order to accommodate the commenter's existing facility configuration and minimize the number and size of permanent total enclosures that the commenter would need to construct under the proposed rule. Regarding the commenter's assertion of prohibitive construction costs for enclosure, SCAQMD staff is aware of other facilities subject to PR 415 where cost estimates for new permanent total enclosures are considerably lower on a per-square-foot basis than estimated by the commenter. Moreover, staff has learned that the commenter has at least one other facility that uses a similar control strategy as would be required under PR 415 in terms of enclosure of rendering operations, maintaining negative pressure on the enclosure and routing to odor control equipment.

18. Comment: We have not received an answer regarding whether our facility's existing operation complies with the closed system requirement. What standards will determine if a system is closed? Is our facility's equipment, excepting the raw material pit considered a closed system? Is a screw that is covered considered a closed system? What areas is our facility required to permanently enclose under PR 415? What parts of the trap grease process need to be enclosed? What materials should be used for the permanent enclosure?

Response: The commenter's existing operation in the main processing building is not considered a closed system. During a site visit in April 2015, SCAQMD

staff noted several pieces of equipment that are not closed, including two inclined screw conveyors as well as a hopper feeding the grinder. These would need to be enclosed in order to consider the conveying, grinding, cooking and post-cooking processing equipment in the main building a closed system. Paragraph (f)(3) defines the standards for a closed system, including sealing requirements. A screw conveyor that meets these minimum requirements would be acceptable as part of a closed system. Trap grease processing needs to be closed from the point of delivery, through separation and into wastewater treatment, or conversely, these processes need to be conducted within a permanent total enclosure. Subparagraph (f)(3)(D) defines acceptable materials from which a permanent total enclosure may be constructed. Notwithstanding the materials used in construction, the receiving area must be enclosed, including the receiving pit from which the screw conveyors move material toward processing equipment.

19. Comment: PR 415 must include language stating that our current operation fully complies with the closed system requirement and no more will be required. Why is a permit application for enclosure required if a facility complies by a closed system?

Response: PR 415 does not include language stating the existing operations at the commenter's facility or any other facility subject to PR 415 fully comply with the closed system requirements. As noted in the response to comment #18 of this letter, the facility does not currently comply with the requirements for a closed system. Under subparagraph (d)(1)(B), a permit application for a permanent total enclosure is required to be submitted within 12 months after the date of rule adoption. A permit application is required for a closed system only if modifications are made to currently permitted equipment that is part of a closed system. Otherwise, a permit application is not required for a closed system. The proposed rule has been clarified to provide that a permit application for an enclosure must be submitted only where an enclosure is required, and that a facility must give notice if it is instead intending on using a closed system.

20. Comment: What types of negative air pressure systems are acceptable? Does a closed system need a negative pressure system? Is the negative air pressure standard reasonable considering some enclosures are partially open or regularly opened?

Response: PR 415 does not specify the type of negative pressure system; only that the system is capable of meeting the inward face velocity requirements of paragraph (f)(2). A negative pressure system for a partially-open enclosure will need to be designed to maintain the required minimum inward face velocity through all openings. Likewise, a system for an enclosure with regularly opened doors will need to maintain minimum face velocity

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 21865 Copley Drive, Diamond Bar, CA 91765.

On December 7, 2022, I served the within document(s) described as **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT'S OPENING BRIEF IN RESPONSE TO BAKER COMMODITIES, INC.'S OPENING BRIEF IN SUPPORT OF ITS REQUEST TO MODIFY THE ORDER FOR ABATEMENT** on the interested parties in this action as stated below: [on the *attached service list*].

(BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this District's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service, with postage thereon fully prepaid at Diamond Bar, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained by Overnight Express, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents, a true copy of the foregoing document(s) in a sealed envelope or package designated by the express service carrier, addressed as set forth above, with fees for overnight delivery paid or provided for.

(BY FAX) By transmitting a true copy of the foregoing document(s) via facsimile transmission from this District's sending facsimile machine, whose telephone number is (909) 396-2961, to each interested party at the facsimile machine telephone number(s) set forth on the attached mailing list. Said transmission(s) were completed on the aforesaid date at the time stated on the transmission record issued by the District's sending facsimile machine. Each such transmission was reported as complete and without error and a transmission report was properly issued by the District's sending facsimile machine for each interested party served. A true copy of each transmission report is attached to the office copy of this proof of service and will be provided upon request.

(BY PERSONAL SERVICE) I caused to be delivered a true copy of the foregoing document(s) in a sealed envelope by hand to the offices of the above addressee(s).

(BY E-MAIL) By transmitting a true .pdf copy of the foregoing document(s) by e-mail transmission from Jiledan@aqmd.gov to each interested party at the e-mail address(es) set forth above [on the attached service list]. Said transmission(s) were completed on the aforesaid date at the time stated on declarant's e-mail transmission record.

Executed on December 7, 2022, at Diamond Bar, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Joyce Iledan
(Type or print name)


(Signature)

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SERVICE LIST

<p>Alene M. Taber Dana Dean Niran S. Somasundaram Wiemond Wu Hanson Bridgett LLP 425 Market Street, 26th Floor San Francisco, California 94105 Telephone: (415) 777-3200 Facsimile: (415) 541-9366 ataber@hansonbridgett.com ddean@hansonbridgett.com nsomasundaram@hansonbridgett.com wwu@hansonbridgett.com</p>	<p><i>Attorneys for Baker Commodities, Inc. Facility ID No. 800016</i></p>
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