

ORIGINAL

Mod. O/A
12/13/22

RESPONDENT'S REQUEST FOR
MODIFICATION OF AN EXISTING ORDER FOR ABATEMENT
BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

22 NOV -8 8:12

RESPONDENT: Baker Commodities, Inc. CASE NO: 6223-1

FACILITY ID: 800016

FACILITY ADDRESS: 4020 Bandini Blvd.

CITY, STATE, ZIP: Vernon, CA 90058

1. TYPE OF MODIFICATION REQUESTED

- (a) **EXTENSION OF A FINAL COMPLIANCE DATE:** If you are operating under an existing Order for Abatement and will not be in full compliance by the final compliance date, you may request an extension of the ending date. **A petition requesting such an extension must be filed at least 21 days prior to the existing ending date in order to meet the legal notice requirement.** (Hearing will be held approximately 21 days from date of filing--10-day published notice required.)
- (b) **MODIFICATION OF CONDITIONS:** If you are unable to comply with one or more conditions of an existing Order for Abatement, you may request a modification of conditions. (Hearing will be held approximately 21 days from date of filing--10-day published notice required)
- (c) **OTHER:** Specify Removal of Conditions

2. CONTACT: Name, title, company, address and phone number of person(s) authorized to receive notices regarding this Petition (no more than two authorized persons).

Jeff Wilson, Vice President and General Counsel

Alene M. Taber, Esq.

Baker Commodities, Inc., 4020 Bandini Blvd.,

Hanson Bridgett LLP, 425 Market Street, 26th

Vernon, CA Zip 90058

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Persons with disabilities may request this document in an alternative format by contacting the Clerk of the Board at 909-396-2500 or by e-mail at clerkofboard@aqmd.gov.

If you require disability-related accommodations to facilitate participating in the hearing, contact the Clerk of the Board at least five (5) calendar days prior to the hearing.

[ALL DOCUMENTS FILED WITH CLERK'S OFFICE BECOME PUBLIC RECORD]

3. List the equipment and/or activity that are the subject of this request, if different from the existing order. **(You must attach a copy of last Minute Order and Findings and Decision regarding this Order for Abatement)**

Equipment/Activity	RECLAIM Device No.	Application/Permit No.
None		

4. If you are seeking to extend your final compliance date, what date are you requesting? _____
5. If you are unable to comply with any conditions or compliance dates in the existing Order for Abatement, identify each condition or date, and explain why you cannot comply.

6. Describe each new condition or compliance date you are proposing for the Order for Abatement. Include any dates, time periods, or other specific changes to the Order for Abatement that you are requesting.

7. Is it necessary to obtain permits, reviews, approvals, etc. from any other public agency before compliance with this order can be achieved? Yes No

If you answered yes, for each approval needed: list the full name of the agency, the type of permit and/or approval required, the expected timetable, and whether the agency has a provision or statute allowing for expedited review.

8. Explain the steps taken since the last hearing to achieve compliance, including how you have met each of your existing conditions.

9. Have you received any complaints from the public regarding the operation of the subject equipment or activity within the last six (6) months? Yes No

Date of Complaint	Number of Complainant(s)	Nature of Complaint

10. Were you issued any Notice(s) of Violation or Notice(s) to Comply concerning the subject equipment or activity since the last hearing? Yes No If yes, you must attach a copy of each notice.

The undersigned, under penalty of perjury, states that the above petition, including attachments and the items therein set forth, is true and correct.

Executed on November 7, 2022, at Vernon, California


Signature

Jeff Wilson
Print Name

Vice President and General Counsel
Title

PLEASE SEE ATTACHED ADDITIONAL INFORMATION ATTACHED AS EXHIBIT 1 AND THE FINAL ORDER FOR ABATEMENT ATTACHED AS EXHIBIT 2.

EXHIBIT 1

1 HANSON BRIDGETT LLP
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11 BAKER COMMODITIES INC.

12 **BEFORE THE HEARING BOARD OF THE**
13 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

14 **In The Matter Of**

15 SOUTH COAST AIR QUALITY
16 MANAGEMENT DISTRICT,

17 Petitioner,

18 v.

19 BAKER COMMODITIES INC.,

20 [Facility ID No. 800016]

21 Respondent.

Case No. 6223-1

**RESPONDENT'S REQUEST TO
MODIFY THE ORDER FOR
ABATEMENT**

1 **I. INTRODUCTION.**

2 Respondent, Baker Commodities, Inc. ("Baker") requests that the Hearing Board modify
3 the Order for Abatement dated September 30, 2022 (the "Order"). The Order shut down Baker's
4 entire business located in the City of Vernon (the "Facility") and required compliance with eight
5 conditions of approval. Baker seeks the following modifications:

6 Condition 1: "Respondent shall stop receiving raw rendering materials, including trap
7 grease...." Baker seeks removal of the entire condition.

8 Condition 2: "Respondent shall cease all rendering and wastewater operations...." Baker
9 seeks a modification to permit Baker to resume wastewater treatment operations.

10 Condition 5: "Respondent shall wash all exposed surfaces free of animal matter, at least
11 once each working day." Baker seeks removal of the entire condition.

12 Condition 7: "Before Respondent can restart operations at Plant 1, operations or
13 equipment listed in condition 6 must be within a permanent total enclosure, or within a closed
14 system." Baker seeks to modify the condition to specify that the operations at issue at Plant 1 are
15 rendering operations only.

16 Good cause exists for Baker's requests:

- 17 ■ Baker complied with the Order by ceasing the collection of rendering materials and all
18 operations at the Facility, by removing all rendering materials and materials from the
19 trash area (open-pit), by washing all exposed surfaces, and by providing a written
20 timeline.
- 21 ■ Baker's collection of rendering materials, wastewater treatment operations, and
22 restaurant trap grease and used oil businesses are not subject to Rule 415.
- 23 ■ There are no exposed surfaces with raw rendering material to wash down. There is no
24 violation of Condition E187.1.
- 25 ■ The trash area (open-air pit), drainage systems, and troughs are not required to be
26 permitted and are not regulated by any District rule.

27

28

1 ▪ There are no conveyors, screws, grinders, or other devices moving raw rendering
2 material.

3 As such, Baker requests that the South Coast Air Quality Management District Hearing
4 Board ("Hearing Board") set a hearing on this matter immediately.

5 **II. DISTRICT RULE 415 ONLY APPLIES TO THE RENDERING OF RAW**
6 **MATERIALS.**

7 "The purpose of this rule is to reduce odors from facilities rendering animals and animals
8 parts." (Rule 415, subd. (a).) Rule 415 applies to new and existing rendering facilities that
9 process raw rendering materials, and wastewater associated with rendering. (Rule 415, subd. (b).)
10 Nowhere in these sections does it state that Rule 415 applies to restaurant trap grease and used oil
11 processes or wastewater treatment (that is not in association with rendering operations).

12 With the Hearing Board having shut down Baker's rendering operation permanently,
13 Baker is no longer defined under Rule 415 as a rendering facility (see Rule 415, subd. (c)(20)).
14 Since all of the requirements apply to the a rendering facility, these requirements do not apply to
15 Baker's other businesses located at its Facility. Baker is also permitted to now operate a
16 collection center as defined by Rule 415, subdivision (c)(3).

17 **III. CONCLUSION.**

18 For the foregoing reasons, the Hearing Board is requested to immediately set a hearing
19 date, publish the public notice, and modify the conditions of the Order as requested.

20 DATED: November 7, 2022

HANSON BRIDGETT LLP

21
22
23 By: _____



ALENE M. TABER
NIRAN S. SOMASUNDARAM
Attorneys for Respondents
BAKER COMMODITIES INC.

EXHIBIT 2

1 OFFICE OF THE GENERAL COUNSEL
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
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PRINCIPAL DEPUTY DISTRICT COUNSEL
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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 **In The Matter Of**

11 SOUTH COAST AIR QUALITY
12 MANAGEMENT DISTRICT,

13 Petitioner,

14 vs.

15 BAKER COMMODITIES INC.,
16 [Facility ID No. 800016]

17 Respondent.

Case No. 6223-1

FINDINGS AND DECISION

Dates: September 27, 28 & 29, 2022
Time: 9:00 am
Place: Hearing Board
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

18 This Petition for an Order for Abatement was heard on September 27, 28 & 29, 2022, pursuant
19 to notice in accordance with the provisions of California Health and Safety Code §§ 40823 and
20 42451(a) and District Rules 415, 2004, and 3002. The following members of the Hearing Board
21 were present: Cynthia Verdugo-Peralta, Chair; Robert Pearman, Vice Chair; Micah Ali; Mohan
22 Balagopalan; and Dr. Allan Bernstein, DPM, MBA. Petitioner, Executive Officer, was represented
23 by Daphne Hsu, Principal Deputy District Counsel and Nicholas Dwyer, Senior Deputy District
24 Counsel. Respondent Baker Commodities Inc. (hereinafter referred to as "Respondent" or "Baker"),
25 located at 4020 Bandini Blvd. Vernon, CA 90058, was represented by, Alene Taber and Niran
26 Somasundaram, of Hanson Bridgett LLP. The public was given the opportunity to testify, several
27 times during the 3-day hearing. Evidence was received, and the matter was submitted. The Hearing
28 Board finds and decides as follows:

FINDINGS OF FACT

1
2 1. Petitioner is a body corporate and politic established and existing pursuant to
3 California Health and Safety Code § 40000, et seq. and § 40400, et seq., and is the sole and
4 exclusive local agency with the responsibility for comprehensive air pollution control, in the South
5 Coast Basin.

6 2. Respondent operates a rendering plant facility (Facility ID No. 800016) located at
7 4020 Bandini Blvd. Vernon, CA 90058 (the "Facility"), within and subject to the jurisdiction of the
8 District. Baker is a Title V and RECLAIM facility and is required to operate pursuant to all
9 conditions specified in its permit. The facility specializes in processing waste animal material from
10 butcher shops, markets, slaughterhouses, and oils from restaurants. Two separate rendering plants
11 are operated at the facility. Plant 1 is the main rendering plant. It is also known as the main plant.
12 Plant 2, also known as the J&M plant, is the back-up plant used for overflow.

13 3. The purpose of **Rule 415** is to reduce odors from facilities rendering animals and
14 animal parts.

15 4. **Rule 415(f)(1)** requires certain rendering equipment be operated within a permanent
16 total enclosure, or in a closed system, within 24 months after a permit to construct is issued, unless
17 the applicant elects to show compliance pursuant to Rule 415(f)(5). If the Rule 415(f)(5) option is
18 elected, the facility needs to show compliance, within 12 months after a permit to construct is
19 issued. **Rule 415(f)(1)** specifies the following equipment and processes to be operated within a
20 closed system, or a permanent total enclosure: conveyors associated with raw material transfer
21 operations; size reduction and conveying equipment; raw rendering material cookers; and process
22 equipment, for separating rendered fat from protein materials.

23 5. **Rule 415(f)(3)(B) and (C)** requires that material conveyors, troughs, bins and
24 hoppers that are components of a closed system, "shall be completely enclosed on all sides, except
25 for doors or panels, as well as maintenance and personnel access."

26 6. **Rule 415(f)(5)** requires raw materials receiving areas to be within a permanent total
27 enclosure.

28 *///*

1 7. **Rule 415(d)(1)(C)** requires that wastewater treatment equipment and processes be
2 operated in a closed system, or within a permanent total enclosure, no later than 12 months after a
3 permit to construct is issued. **Rule 415(g)** specifies the following wastewater equipment and
4 processes to be operated within a closed system, or located within a permanent total enclosure:
5 screens; skimmers; clarifiers, including dissolved air flotation; settling tanks; sludge dewatering
6 equipment; sludge drying equipment; and the rendering facility treated wastewater outlet to the city
7 sewer.

8 8. **Rule 2004(f)(1)** requires a permit holder to “comply with all rules and permit
9 conditions applicable to the facility . . .” **Rule 2004(f)(2)** prohibits a person from building a new
10 source, or a modification without a Permit to Construct.

11 9. Similarly, **Rule 3002(c)(1)** requires a person to “operate a Title V facility and all
12 equipment located at a Title V facility, in compliance with all terms, requirements, and conditions
13 **specified** in the Title V permit at all times.” **Rule 3002(a)** prohibits a Title V facility from building
14 a new source, or a modification without a Permit to Construct.

15 **I. BACKGROUND**

16 10. Residential areas most impacted by odors from rendering facilities are, but
17 not limited to Boyle Heights, Huntington Park, Maywood, Commerce, and Bell.

18 11. Baker has been a repeat violator of Rule 415. Before the completion deadline
19 of the permanent total enclosures, facilities were required to store raw rendering materials
20 in a covered container, or in a permanent total enclosure, within 4 hours after delivery.
21 (See Rule 415(e)(5).) Baker has received six notices of violations, for violations of Rule
22 415(e)(5), from August 2019 to January 2022.

23 **a. General Description of Processes**

24 **i. J&M Plant**

25 12. The facility has a raw material receiving area for each of the rendering plants
26 and a separate butcher trimming receiving area. On April 23, 2020, Baker received a
27 permit to construct a 4,050-square-foot enclosure for J&M Plant’s receiving area. In
28 February 2022, Baker informed South Coast AQMD that its approved design for the J&M

1 Plant receiving area would not work. On or about March 29, 2022, Baker submitted an
2 application to modify the permit to construct a 250-square-foot enclosure (A/N 635940).
3 But before it received a modified permit to construct, Baker constructed the 250-square-
4 foot enclosure, in violation of Rule 203. As of April 26, 2022, an inspection of the J&M
5 Plant verified it is not operating.

6 **ii. Plant 1**

7 13. Other than the butcher trimmings, raw rendering materials are delivered to the
8 facility and are placed in the Plant 1 receiving area (since it is South Coast AQMD's
9 understanding that J&M Plant is not currently in operation). The materials are pushed into
10 a pit with a tractor. The materials are then ground and cooked, as part of a continuous
11 rendering process. The final product is held in silos, until placed into trucks, to be
12 delivered to buyers.

13 14. The facility staff sprays water at the facility, including material receiving
14 areas, and trucks, to remove blood and other debris. The water and materials are collected
15 in drains throughout the plant, which gets pumped to the wastewater sludge tank
16 ("Wastewater Sludge Tank"). The material is then moved/pumped via pipes, to a covered
17 catch basin, where the equipment skims off animal parts and separates grease.

18 **b. Rule 415 Requires Enclosures or Closed Systems**

19 15. Enclosures or configuring the processes as closed systems, as required by
20 Rule 415, also reduce potential odors. Pursuant to Rule 415, facilities have the following
21 options (1) configuring processes as closed systems, (2) conducting operations in a
22 permanent total enclosure, with ventilation standards set forth in Rule 415(f)(2)(B), or (3)
23 conducting operations in a permanent total enclosure, with alternative ventilation standards
24 (known as, an alternative PTE). While other rendering facilities, in the same area, have
25 fully configured their processes as closed systems, or have built a permanent total
26 enclosure, Baker has not complied and has not fully, or properly done so. This means odors
27 are more likely to emanate from the Baker facility.

28 16. On March 10, 2020, South Coast AQMD issued permits to construct, to the

1 facility for Plant 1's operations: Plant 1's raw material receiving area and cooking and
 2 related processes. In addition, on March 10, 2020, South Coast AQMD issued permits to
 3 construct for the facility's wastewater and related processes, which is shared by both Plant
 4 1 and the J&M Plant.

5 17. On April 23, 2020, South Coast AQMD issued a permit to construct, to the
 6 facility for J&M plant's operations: J&M plant's raw material receiving area, cooking, and
 7 related processes.

8 18. Pursuant to Rule 415, the facility sought and received one-year extensions as
 9 shown below in the chart.

Description of Permit	Permit to Construct Issued	Deadline	Extension of Deadline
<ul style="list-style-type: none"> • Plant 1 alternative PTE for the raw material receiving area. • Plant 1 closed system for rendering operations. 	March 10, 2020	March 9, 2021 (for alternative PTE) March 9, 2022 (for closed system for rendering operations)	March 9, 2022 (for alternative PTE)
<ul style="list-style-type: none"> • Wastewater operations – closed system (e.g., tanks and catch basins) and PTE with air pollution control system (e.g., dewatering press and filter press) 	March 10, 2020	March 9, 2021	March 9, 2022
<ul style="list-style-type: none"> • J&M Plant alternative PTE for raw material receiving area • J&M Plant closed system for rendering operations 	April 23, 2020	April 22, 2021 (for alternative PTE) April 22, 2022 (for closed system for rendering operations)	April 22, 2022

19. Baker Commodities failed to:

i. Properly configure, as a closed system, its rendering operations in Plant 1, by

1 March 9, 2022.

- 2 ii. Properly or fully enclose, or configure as a closed system, its wastewater
3 operations, which is shared by both Plant 1 and the J&M Plant, by March 9,
4 2022.
- 5 iii. Enclose its butcher trimmings receiving operations. (This has not been
6 designated as part of Plant 1, or the J&M Plant.)

7 20. Inspector Dillon Harris, inspected the facility several times in 2022, and observed
8 multiple violations. These violations were observed on March 11, 2022, and on follow-up
9 inspections, including most recently on September 22, 2022, verifying that the facility continued to
10 violate the rules, as described below.

11 **II. BAKER FAILED TO CONFIGURE AS CLOSED SYSTEM OR OPERATE
12 WITHIN A PERMANENT TOTAL ENCLOSURE**

13 **a. Baker Violates Rule 415(g), Which Requires Wastewater Equipment and
14 Processes to be Operated as a Closed System, or within Permanent Total
15 Enclosure**

16 21. Rule 415(g) requires that wastewater treatment equipment and processes be operated
17 in a closed system, or within a permanent total enclosure. Baker failed to operate the following
18 wastewater treatment operations, shared by both Plant 1 and the J&M Plant, in a closed system, or
19 enclose the following materials, processes, or equipment that is part of their wastewater treatment
20 operations.

21 i. Open air pit.

22 22. The facility dumps materials from several processes (as detailed elsewhere),
23 including from wastewater treatment, into one open-air pit ("Open-Air Pit"), located west of the
24 silos holding the finished product, in violation of Rule 415(g). This process must be enclosed.

25 ii. Wastewater operations that are associated with grease processing.

26 23. Tanker trucks collect grease and wastewater from restaurants. The grease and
27 wastewater from restaurants are pumped from tanker trucks into the wastewater tank, located at the
28 facility's centralized wastewater area. This restaurant material from the wastewater tank is then
moved, using a screw conveyor, which separates the oil, water, and sludge then unloads the sludge

1 into an open bin. This sludge is then dumped into an Open-Air Pit. The process beginning with
2 the screw conveyor and ending with the Open-Air Pit, is in violation of Rule 415(g). This process
3 must be enclosed.

4 24. Rule 415 has a limited exemption for "trap grease unloading operations." It does not
5 apply to the wastewater operations associated with trap grease unloading.

6 iii. Sludge from dewatering press

7 25. The dewatering press is located in the wastewater permanent total enclosure and
8 serves the whole facility. Sludge from the dewatering press is deposited into an open bin, then
9 removed from the PTE, and transported and dumped into the Open-Air Pit. The sludge handling
10 must be done within an enclosure, at all times, per Rule 415(g).

11 iv. Materials and processes located at the J&M Plant

12 1. Centrifuge located at J&M Plant

13 26. Material from the cooking process and general wastewater, is collected in the sludge
14 tank. Material from the sludge tank (which is located east of the J&M plant), the cooker, and other
15 processes is processed in the J&M centrifuge, to separate sludge from the wastewater. Sludge from
16 the centrifuge is then dumped into the Open-Air Pit. This entire process, from the centrifuge to the
17 Open-Air Pit, must be enclosed, per Rule 415(g).

18 b. **Baker Violates Rule 415(f)(1), Which Requires Rendering Equipment to be**
19 **Within a Permanent Total Enclosure or Closed System**

20 27. Receipt of Butcher Trimmings. Baker blatantly violates the requirement that all
21 "conveyors associated with raw material transfer operations," must be enclosed. *See* Rule
22 415(f)(1)(A). In an area on the far west portion of the property, near the grease dock, known as the
23 star dock, Baker's staff empty trash cans of raw material into a hopper, which is transported via a
24 screw conveyor and deposited into a dump truck. Typically, the truck then transports the raw
25 material to either Plant 1, or the J&M plant receiving area for processing. At this time, the J&M
26 plant is not in operation.

27 c. **By Not Properly Enclosing Plant 1 Equipment, Baker Violates Rule 415(f)(3),**
28 **Which Requires Material Conveyors and Troughs to Be Enclosed on All Sides**

1 28. Rule 415(f)(3) provides closed system standards, requiring the facility to minimize
2 leaks and prevent odors from escaping. The facility has a continuous rendering process. In Plant 1,
3 raw materials are transported by a conveyor and moved across a magnet (that is, dropped in a chute
4 with a magnet on one side) to remove ferrous metal. Afterwards, a raw material grinder grinds the
5 material to a smaller size. The ground material is conveyed into the cooker. The cooked material
6 is then pressed. The remaining cooked solid material is dumped into a truck and sent to the silos.

7 29. The facility collects wastewater from throughout the plant. The facility elected a
8 closed system and a PTE for its wastewater operations but has failed to properly implement that
9 system.

10 30. Baker flouts Rule 415(f)(3) throughout Plant 1, by operating many of the processes
11 designated as closed systems, with panels that are not properly sealed, or designated for
12 maintenance access that are left open, even when no maintenance is being conducted. In addition,
13 Baker's permitted Title V equipment requires that the "operator shall maintain all equipment in
14 such a manner that ensures proper operation of the equipment." (See Title V Permit, Section E.2.)

- 15 a. Conveyors. There are several processes in which conveyors are open, allowing
16 odors and animal material to escape. This violates Rule 415(f)(3)(B), which
17 states "material conveyors and troughs that are components of a closed system
18 shall be completely enclosed on all sides, except for doors or panels for
19 maintenance and personnel access."
- 20 b. Grinders. Baker's grinders are leaking animal material. This violates Rule
21 415(f)(3)(A), which states "each component of a closed system shall be
22 maintained in a manner that minimizes leaks from occurring . . ."
- 23 c. Access door to magnet. During multiple inspections, the access door to the
24 magnet was observed open, even when no one is performing any maintenance.
25 This violates Rule 415(3)(A), which states that "each component of a closed
26 system shall be maintained in a manner that minimizes leaks from occurring and
27 prevents odors from escaping . . ." from the system Access door always being
28 left open.

- 1 d. Presses. The presses used to press cooked materials are not sealed and leak
2 animal material in violation of Rule 415(f)(3)(D). Rule 415(f)(3)(D) states
3 “mating metal surfaces on doors or access panels under this paragraph shall be
4 sealed with gasket material.”
- 5 e. Clay Press. The clay press further removes residual solids from the tallow
6 received from the other presses. The pressed material is then put into an open
7 bin and dumped into the Open-Air Pit. The tallow from this press is kept.
8 Baker is in violation because the clay press is not configured as a closed system,
9 or not operated inside a PTE.
- 10 f. Trough outside of Plant 1. The trough on the outside of the Plant I enclosure for
11 raw materials was initially designed to handle runoff from the materials pile
12 before the enclosure was built. The trough is grated and open to the atmosphere.
13 After the enclosure for raw materials was built, this trough remained outside the
14 enclosure. The facility now has a drain from inside the enclosure that feeds
15 blood, animal fat, animal material, and wastewater to the trough, which now sits
16 outside the enclosure. This trough is graded in such a way that the low side is
17 farthest away from the sump which pumps the wastewater to the wastewater
18 treatment plant, resulting in a buildup of animal matter in this trough and
19 potentially causing odors. Now that the enclosure is built and a closed system
20 for wastewater is past due, this trough should not be open to the atmosphere.
21 (See Rule 415(f)(3)(B).) By sending animal material from inside the enclosure
22 to outside the enclosure, where it is open to the atmosphere, Baker is in
23 violation. Its wastewater operations must be configured as a closed system, or
24 conducted within an enclosure.

25 31. Trough leading from Open Air Pit to a sump. In, or around May 2022, a new trough
26 was built leading from the Open-Air Pit to a sump for the wastewater operations shared by both
27 Plant 1 and the J&M Plant. This trough, which is part of its wastewater operations, must be
28 configured as a closed system, or conducted within an enclosure.

1 law. Nothing herein shall be deemed or construed to limit the authority of the District to issue
2 Notices of Violation, to seek civil penalties, or injunctive relief, or to other administrative or legal
3 relief. The Findings of Fact are based on evidence presented by Petitioner and Respondent, as of
4 the date hereof.

5 The Hearing Board shall retain jurisdiction over this matter until September 28, 2023, or
6 until Respondent has fully complied with the terms of this Order, whichever occurs later, unless this
7 Order is amended and modified.

8 Good cause appearing, it is so ordered.

9
10 BOARD MEMBER:

Cynthia Verdugo-Peralta
Cynthia Verdugo-Peralta, Chair

11
12
13 DATED: 09/30/22

14
15
16 I VOTE NO:

Mohan Balagopalan
Mohan Balagopalan 9/30/22

17
18
19 Attachment A

20 My dissenting vote are for the following reasons:

21 I do not agree with the Petitioner allegations that the sludge handling operations and
22 the activities at the Open-Air Pit are subject to Rule 415 (g) (5) and (g)(6). This is
23 also the case in my opinion of the butcher trimmings operation which load the material
24 on to a truck that is sent to the receiving area as defined in (c)(18). These
25 processes were also not included in the Facility Permit issued July 1st 2022. They
26 could be subject instead to Rule 402 pursuant to Rule 219 (s) (3)(B). Exhibit #4
27 which was submitted into evidence by the Petitioner also indicated that the
28 permanent total enclosure and odor scrubber and alternative enclosure was completed
by 3/9/2022. The inspector also testified conveyors that were left open have been
enclosed and the access door to the material separation equipment using magnets
has been closed.

Attachment A

Conditions for Baker Commodities

1. Respondent shall stop receiving raw rendering materials, including trap grease, by 5 p.m., seven (7) days after the order is entered.
2. Respondent shall cease all rendering and wastewater operations by 5 p.m., seven (7) days after the order is entered.
3. Respondent shall remove or render all raw rendering materials by 5 p.m., seven (7) days after the order is entered.
4. Respondent shall remove all wastewater materials from the Open-Air Pit and place it into a container or containers by 5 p.m., seven (7) days after the order is entered.
5. Respondent shall wash all exposed surfaces free of animal matter, at least once each working day.
6. Respondent shall provide a written timeline within seven (7) days after the order is entered 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. Before Respondent can restart operations at Plant 1, operations or equipment listed in condition 6 must be within a permanent total enclosure, or within a closed system.
8. Respondent shall notify the Clerk of the Hearing Board (ClerkofBoard@aqmd.gov) and South Coast AQMD (dharris@aqmd.gov), of final compliance within three (3) calendar days of achieving final compliance.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF CONTRA COSTA

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Contra Costa, State of California. My business address is 1676 N. California Blvd., Suite 620, Walnut Creek, CA 94596.

On November 7, 2022, I served true copies of the following document(s) described as

- **RESPONDENT'S REQUEST TO MODIFY THE ORDER FOR ABATEMENT WITH TWO EXHIBITS ATTACHED**


on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address emaestro@hansonbridgett.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on November 7, 2022, at Concord, California.


Elaine T. Maestro

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SERVICE LIST

In the Matter of SCAQMD v. Baker Commodities, Inc.
Case No. 6223-1

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Nicholas Dwyer; Joyce Lledan; Bayron
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