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6 Attorneys for Respondent  
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
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8 **BEFORE THE HEARING BOARD OF THE**  
9 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

10  
11 **In The Matter Of**

12 BAKER COMMODITIES, INC.,

13 [Facility ID No. 800016]

14 Petitioner,

15 vs.

16 SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT,

17  
18 Respondent.

Case No. 6223-2

**SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT'S  
REQUEST FOR OFFICIAL NOTICE IN  
SUPPORT OF ITS MOTION TO  
STRIKE PORTIONS OF BAKER'S  
PERMIT APPEAL; DECLARATION OF  
NICHOLAS DWYER**

Date: February 26, 2025  
Time: 9:30 am  
Place: Hearing Board  
South Coast Air Quality  
Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

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22 In connection with the upcoming hearing on Appellee/Respondent South Coast Air  
23 Quality Management District's ("District") Motion to Strike Portions of Baker Commodities,  
24 Inc.'s ("Baker") Petition for a Permit Appeal, the District hereby requests that the Hearing Board  
25 take official notice of the following:

- 26 1. The Hearing Board's June 21, 2023, Findings and Decision Granting Request to  
27 Amend and Modify Conditions in Order for Abatement, Case No. 6223-1, a true and  
28 correct copy of which is attached hereto as **Exhibit A**.

1           The grounds for official notice of these documents are set forth in the attached  
2 Memorandum of Points and Authorities, Rule 9(f) on “Official Notice” from the *Rules and*  
3 *Procedures of the South Coast Air Quality Management District Hearing Board* (Latest Revisions:  
4 March 26, 2024) [“Hearing Board Rules”], Evidence Code sections 450, 452 (c), (h), and 453, and  
5 the Declaration of Nicholas Dwyer.

6 Dated: February 12, 2025,

SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT



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

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. THIS BOARD MAY CONSIDER MATTERS OF WHICH JUDICIAL NOTICE**  
3 **MAY BE TAKEN**

4 Hearing Board Rule 9(f) states, in relevant part, that the Hearing Board may take official  
5 notice of “any fact which may be judicially noticed by the courts in the State of California.”  
6 Courts may take judicial notice of matters authorized or required by law. (Evid. Code § 450.)  
7 Trial courts must take judicial notice of any matter specified in Evidence Code section 452, if a  
8 party requests it and: (a) gives adverse parties sufficient notice of the request to enable the  
9 adverse party to prepare to meet the request, and (b) furnishes the court with sufficient  
10 information to enable it to take judicial notice of the matter. (Evid. Code § 453.) By providing  
11 copies of the matter of which judicial notice is requested, and by this Memorandum of Points and  
12 Authorities, the District has met the requirements of Evidence Code section 453.

13 California courts may consider matters that are properly the subject of judicial notice under  
14 Evidence Code section 452.

15 Evidence Code section 452 states in relevant part:

16 Judicial notice may be taken of the following matters...:

17 ...

18 (c) Official acts of the legislative, executive, and judicial departments of the United  
19 States and of any state of the United States.

19 ...

20 (d) Records of (1) any court of this state or (2) any court of record of the United States  
21 or of any state of the United States.

22 **II. UNDER EVIDENCE CODE SECTION 452 (C) OR (D), JUDICIAL NOTICE OF A**  
23 **HEARING BOARD RECORDS IS PROPER.**

24 The District Requests the Hearing Board take official notice of its own decision related to  
25 Case No. 6223-1. The Hearing Board serves a judiciary function similar to a court and similar to  
26 administrative law judges, so it follows that its records would be similarly officially noticed. (*In re*  
27 *N.A.* (2021) 64 Cal.App.5th 494, 500 [“It is undisputed that the ALJ decision is a judicially  
28 noticeable matter under Evidence Code section 452.”].) In addition, the document is an official act

1 of the Hearing Board and not subject to reasonable dispute. The records and files of an  
2 administrative board are properly the subject of judicial notice. (Evid. Code § 452(c); *Harris v.*  
3 *Alcoholic Beverage Control Appeals Bd.* (1965) 62 Cal.2d 589, 595.)

4 It is appropriate for the Hearing Board to take official notice of the Hearing Board’s June  
5 21, 2023 Findings and Decision Granting Request to Amend and Modify Conditions in Order for  
6 Abatement, Case No. 6223-1. The document is relevant to the District’s Motion to Strike, because  
7 it illustrates the different factual scenario at issue in that matter versus Baker’s pending Permit  
8 Appeal. Further, the Findings and Decision is relevant, because it has the decision of the Hearing  
9 Board related to that other factual scenario. “Oral comments or statements made during  
10 deliberations cannot be used to impeach the board’s final decision. (See, e.g., *Key v. Tyler* (2019)  
11 34 Cal.App.5th 505, 539, fn.16, 246 Cal.Rptr.3d 224 [court’s comments from the bench “were not  
12 final findings and cannot impeach the court's subsequent written ruling”].” (*Valero Refining*  
13 *Company - California v. Bay Area Air Quality Management District Hearing Board* (2020) 49  
14 Cal.App.5th 618, 644, fn. 24.)

15 The District does not concede the relevance of the June 21, 2023 Findings and Decision for  
16 the Permit Appeal, but merely for the Motion to Strike and Motion in Limine to illustrate why  
17 relitigating the Order for Abatement history would be an inefficient and immaterial exercise.

18 **III. CONCLUSION**

19 The June 21, 2023 Findings and Decision is relevant to the upcoming hearing on the  
20 District’s Motion to Strike and Motion in Limine. It is officially noticeable under either Evidence  
21 Code section 452 (c) or (d). The District requests the Hearing Board take official notice of the  
22 findings and decision in relation to the District’ Motion to Strike and Motion in Limine.

23 Dated: February 12, 2025

SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT



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26 DAPHNE P. HSU  
Principal Deputy District Counsel  
27 NICHOLAS P. DWYER  
Senior Deputy District Counsel  
28 Attorneys for Respondent

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**DECLARATION OF NICHOLAS P. DWYER**

I, Nicholas P. Dwyer, declare as follows:

1. I am an attorney at law, duly licensed to practice law in all courts of the State of California. I am employed by the South Coast Air Quality Management District (South Coast AQMD) as a Senior Deputy District Counsel, and I am counsel of record for Respondent in this action. I have personal knowledge of the information set forth in this declaration.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Hearing Board’s June 21, 2023 Findings and Decision Granting Request to Amend and Modify Conditions in Order for Abatement, Case No. 6223-1.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed on February 12, 2025, in Diamond Bar, California.

\_\_\_\_\_  
NICHOLAS P. DWYER

# **EXHIBIT A**

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

<p><b>In The Matter Of</b></p> <p>SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>BAKER COMMODITIES INC.,</p> <p>[Facility ID No. 800016]</p> <p style="text-align: center;">Respondent.</p>	<p>Case No. 6223-1</p> <p><b>FINDINGS AND DECISION GRANTING REQUEST TO AMEND AND MODIFY CONDITIONS IN ORDER FOR ABATEMENT</b></p> <p>Dates: April 18 and 19, 2023 Time: 9:00 a.m. Place: Hearing Board Room South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765</p>
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Baker Commodities Inc.’s (“Baker”) request to modify the 2022 Order for Abatement was heard on April 18 and 19, 2023, pursuant to notice provided in accordance with the provisions of the California Health and Safety Code, sections 40823 and 42451, subdivision (a), the South Coast Air Quality Management District (“District” or “South Coast AQMD”) Rule 812, and the Hearing Board Rules and Procedures, Rule 8, subdivision (κ). The hearing was held in the Hearing Board Room at the South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, CA 91765. The following members of the Hearing Board were present: Cynthia Verdugo-Peralta, Chair; Robert Pearman, Vice Chair; Micah Ali; Mohan Balagopalan; and, Dr. Allan Bernstein, DPM, MBA. The Executive Officer of South Coast AQMD was represented by Daphne Hsu, Principal Deputy District Counsel and Nicholas Dwyer, Senior Deputy District Counsel. Baker, a facility located at 4020 Bandini Blvd. Vernon, CA 90058, was represented by Alene Taber and Niran Somasundaram of Hanson Bridgett LLP. A court reporter and Spanish translators were present for the hearing. The public was given the opportunity to testify, evidence was received, and the matter was submitted.

**BACKGROUND**

1. In 2022, Baker Commodities was found in violation of Rule 415(f) and (g) for not enclosing or configuring as a closed system rendering operations at Plant 1, its wastewater operations which is shared by Plant 1 and the J&M Plant, and by not enclosing its butcher trimmings receiving

operations, which has not been designated as part of either Plant 1 or the J&M Plant. Baker Commodities was also found in violation of its permit condition that requires it to properly wash down equipment. Baker Commodities was found in violation of District Rules 415, 2004, and 3002. Thus, Baker is subject to an Abatement Order (Order).

2. The Order required Baker to shut down its rendering, restaurant trap grease, and wastewater processing operations until the facility was brought into compliance with Rule 415. Before restarting rendering and associated wastewater operations, Baker must enclose or put within a closed system its equipment and operations that were found in violation of Rule 415. These requirements were set out in conditions 6 and 7 of the Order.

3. Baker's inedible rendering operation is shut down by the Order and without fully bringing its facility into compliance with Rule 415, Baker could not restart other portions of its facility not related to inedible rendering. Thus Baker sought to have the Hearing Board modify the Order.

### **FINDINGS OF FACT**

The Hearing Board finds and decides as follows:

1. The Hearing Board incorporates by reference its Order for Abatement decided on September 29, 2022 ("Order"), which includes the Findings and Decision and Attachment A, Conditions for Baker Commodities, including but not limited to the findings and reasoning therein.
2. Pursuant to the Order, Baker shut down its rendering operation at its Vernon facility and is currently not engaged in rendering operations. Baker cannot restart its rendering operation unless the current Order is modified by the Hearing Board.
3. Jason Andreoli, the facility's Title V responsible officer, testified that the facility has ceased all rendering operations, on-site wastewater processing, and stopped receiving trap grease. He testified that because of the Order, Baker had to significantly reduce its used cooking oil recycling operations. He testified that Baker holds an active rendering license with the State of California. Mr. Andreoli testified that Baker would



agree to not use the Open Air Pit for trash or wastewater from the trap grease process or used cooking oil recycling process and Baker has removed all materials from this area.

4. Azar Dabiri, Senior Engineering Manager for the District's Special Projects Team, testified that prior to the abatement order Baker processed approximately 2 million gallons of trap grease per month. She testified that Baker holds a permit that allows them to render and process trap grease.
5. Martin Perez, a public witness, testified that he is a member for Teamsters International Union, Local 63, and that Baker provides union jobs.
6. Rule 415, subdivision (l)(9) specifically exempts used cooking oil operations from regulation under Rule 415.
7. Rule 415, subdivision (l)(1)(C) specifically exempts "facilities that process trap grease but do not conduct inedible animal rendering operations" from regulation under Rule 415.

### CONCLUSIONS

1. Good Cause exists to modify the Order to allow portions of Baker's facility related to trap grease operations and wastewater treatment systems to reopen.
2. The Order should be amended and modified to allow Baker, subject to the modified conditions set forth in Attachment A, Modified Conditions for Baker Commodities, to operate equipment necessary for its restaurant trap grease and used cooking oil operations, and its associated wastewater treatment systems.

**ORDER AND CONDITIONS**

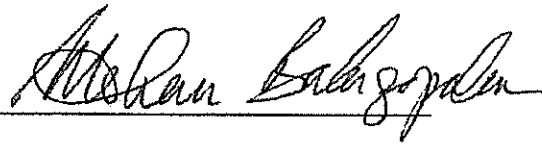
THEREFORE, based on the aforesaid Findings of Fact and evidence and testimony presented at the hearing, and Good Cause appearing, orders Baker to abide by the **modified** conditions set forth in **Attachment A**, where changes from the original conditions are shown as ~~strikethrough~~ for deletions and underline for additions. The Hearing Board considered the conditions proposed by both parties and made revisions thereto.

This Order for Abatement is not and does not act as a variance. Baker is subject to all rules and regulations of the District and to all applicable provisions of California law. Nothing herein shall be deemed or construed to limit the authority of the District to issue Notices of Violation, to seek civil penalties or injunctive relief, or to other administrative or legal relief. The Findings of Fact are based on evidence presented by the Executive Officer and Baker as of the date hereof.

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

Good cause appearing, it is so ordered.

BOARD MEMBER:



DATED:

6-21-23

## Attachment A

### Modified 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 associated 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 in Plant ,operations or~~ Operations and equipment listed in eCondition 6 must be within a permanent total enclosure or within a

closed system (except for wastewater equipment or operations permitted by and subject to the Conditions below) prior to Respondent resuming rendering operations in Plant 1.

8. Respondent may operate its wastewater treatment system 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 comply with any current permit requirements for fully enclosing or putting into a closed system elements of the wastewater treatment system.

b. Respondent shall prepare and submit to SCAQMD any other permit applications or amendments and applicable fees necessary for a “stand-alone permitted trap grease operation.”

c. In lieu of enclosing or putting in a closed system a specific item or process, Respondent may request to inactivate permits or add or modify 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. Respondent shall disconnect any gas, fuel, and/or steam lines to cookers used for rendering including but not limited to devices D-411 and D-224.

11. Respondent shall not store any trash or wastewater or digested sludge in the Open-Air Pit.

12. All trash or wastewater, digested sludge shall be disposed of in roll-off bins that will remain covered except when such bins are being filled. This condition applies to devices, including but not limited to D-269, D-329, & D-234. When material is dropped into roll-off bins, the bins shall have its freeboard height enclosed.

13. Respondent shall not operate Device D-269 until the District issues a permit to operate the device as a closed system or as an enclosed device.

14. For any equipment that discharges trash materials or digested sludge from trap grease wastewater operations into trash bins via a freeboard drop, Respondent shall cover the free board drop

15. Nothing in these conditions 8 through 14 in any way diminishes or amends conditions 1 through 7 except as expressly set forth. Rendering remains stopped until conditions 6 and 7 are satisfied.

16. Every three months, Respondent shall notify the Clerk of the Board (ClerkofBoard@aqmd.gov) and SCAQMD inspector (plongoni@aqmd.gov) of status of compliance with the modified order, including with photos or videos.

17. Respondent shall notify the Clerk of the Hearing Board (ClerkofBoard@aqmd.gov) and South Coast AQMD inspector (plongoni harris@aqmd.gov) of final compliance within three (3) calendar days of achieving final compliance.

1 OFFICE OF THE GENERAL COUNSEL  
2 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
3 DAPHNE P. HSU, SBN 247256  
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11 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

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

14 **In The Matter Of**

15 BAKER COMMODITIES INC.,

16 [Facility ID No. 800016]

17 Petitioner,

18 vs.

19 SOUTH COAST AIR QUALITY  
20 MANAGEMENT DISTRICT,

21 Respondent.

Case No. 6223-2

**[PROPOSED] ORDER GRANTING  
SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT'S  
REQUEST FOR OFFICIAL NOTICE IN  
SUPPORT OF ITS MOTION TO  
STRIKE PORTIONS OF BAKER'S  
PERMIT APPEAL**

Date: February 26, 2025

Time: 9:30 am

Place: Hearing Board  
South Coast Air Quality  
Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

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24 This matter came on before the South Coast Air Quality Management District Hearing  
25 Board (“Hearing Board”) on February 26, 2025, before the Hearing Board Members. Angela C.  
26 Agrusa of DLA Piper LLP appeared for Appellant/Petitioner Baker Commodities Inc. (“Baker”).  
27 Daphne P. Hsu and Nicholas P. Dwyer appeared for Appellee/Respondent South Coast Air Quality  
28 Management District (“South Coast AQMD” or “District”).

1 Having reviewed the moving and opposing papers on the District's Request for Official  
2 Notice In Support of Its Motion to Strike Portions of Baker's Permit Appeal; and oral argument of  
3 counsel having been received by the Hearing Board, the Hearing Board finds, adjudges and orders  
4 as follows:

5 The District's Request for Official Notice is GRANTED as to the following matters:

- 6 1. The Hearing Board's June 21, 2023, Findings and Decision Granting Request to Amend  
7 and Modify Conditions in Order for Abatement, Case No. 6223-1, a true and correct  
8 copy of which, is attached hereto as **Exhibit A**.

9 IT IS SO ORDERED.

10 Dated: \_\_\_\_\_

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BOARD MEMBER

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# **EXHIBIT A**



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

<p><b>In The Matter Of</b></p> <p>SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>BAKER COMMODITIES INC.,</p> <p>[Facility ID No. 800016]</p> <p style="text-align: center;">Respondent.</p>	<p>Case No. 6223-1</p> <p><b>FINDINGS AND DECISION GRANTING REQUEST TO AMEND AND MODIFY CONDITIONS IN ORDER FOR ABATEMENT</b></p> <p>Dates: April 18 and 19, 2023 Time: 9:00 a.m. Place: Hearing Board Room South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765</p>
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Baker Commodities Inc.’s (“Baker”) request to modify the 2022 Order for Abatement was heard on April 18 and 19, 2023, pursuant to notice provided in accordance with the provisions of the California Health and Safety Code, sections 40823 and 42451, subdivision (a), the South Coast Air Quality Management District (“District” or “South Coast AQMD”) Rule 812, and the Hearing Board Rules and Procedures, Rule 8, subdivision (κ). The hearing was held in the Hearing Board Room at the South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, CA 91765. The following members of the Hearing Board were present: Cynthia Verdugo-Peralta, Chair; Robert Pearman, Vice Chair; Micah Ali; Mohan Balagopalan; and, Dr. Allan Bernstein, DPM, MBA. The Executive Officer of South Coast AQMD was represented by Daphne Hsu, Principal Deputy District Counsel and Nicholas Dwyer, Senior Deputy District Counsel. Baker, a facility located at 4020 Bandini Blvd. Vernon, CA 90058, was represented by Alene Taber and Niran Somasundaram of Hanson Bridgett LLP. A court reporter and Spanish translators were present for the hearing. The public was given the opportunity to testify, evidence was received, and the matter was submitted.

**BACKGROUND**

1. In 2022, Baker Commodities was found in violation of Rule 415(f) and (g) for not enclosing or configuring as a closed system rendering operations at Plant 1, its wastewater operations which is shared by Plant 1 and the J&M Plant, and by not enclosing its butcher trimmings receiving

operations, which has not been designated as part of either Plant 1 or the J&M Plant. Baker Commodities was also found in violation of its permit condition that requires it to properly wash down equipment. Baker Commodities was found in violation of District Rules 415, 2004, and 3002. Thus, Baker is subject to an Abatement Order (Order).

2. The Order required Baker to shut down its rendering, restaurant trap grease, and wastewater processing operations until the facility was brought into compliance with Rule 415. Before restarting rendering and associated wastewater operations, Baker must enclose or put within a closed system its equipment and operations that were found in violation of Rule 415. These requirements were set out in conditions 6 and 7 of the Order.

3. Baker's inedible rendering operation is shut down by the Order and without fully bringing its facility into compliance with Rule 415, Baker could not restart other portions of its facility not related to inedible rendering. Thus Baker sought to have the Hearing Board modify the Order.

### **FINDINGS OF FACT**

The Hearing Board finds and decides as follows:

1. The Hearing Board incorporates by reference its Order for Abatement decided on September 29, 2022 ("Order"), which includes the Findings and Decision and Attachment A, Conditions for Baker Commodities, including but not limited to the findings and reasoning therein.
2. Pursuant to the Order, Baker shut down its rendering operation at its Vernon facility and is currently not engaged in rendering operations. Baker cannot restart its rendering operation unless the current Order is modified by the Hearing Board.
3. Jason Andreoli, the facility's Title V responsible officer, testified that the facility has ceased all rendering operations, on-site wastewater processing, and stopped receiving trap grease. He testified that because of the Order, Baker had to significantly reduce its used cooking oil recycling operations. He testified that Baker holds an active rendering license with the State of California. Mr. Andreoli testified that Baker would

agree to not use the Open Air Pit for trash or wastewater from the trap grease process or used cooking oil recycling process and Baker has removed all materials from this area.

4. Azar Dabiri, Senior Engineering Manager for the District's Special Projects Team, testified that prior to the abatement order Baker processed approximately 2 million gallons of trap grease per month. She testified that Baker holds a permit that allows them to render and process trap grease.
5. Martin Perez, a public witness, testified that he is a member for Teamsters International Union, Local 63, and that Baker provides union jobs.
6. Rule 415, subdivision (l)(9) specifically exempts used cooking oil operations from regulation under Rule 415.
7. Rule 415, subdivision (l)(1)(C) specifically exempts "facilities that process trap grease but do not conduct inedible animal rendering operations" from regulation under Rule 415.

### CONCLUSIONS

1. Good Cause exists to modify the Order to allow portions of Baker's facility related to trap grease operations and wastewater treatment systems to reopen.
2. The Order should be amended and modified to allow Baker, subject to the modified conditions set forth in Attachment A, Modified Conditions for Baker Commodities, to operate equipment necessary for its restaurant trap grease and used cooking oil operations, and its associated wastewater treatment systems.

**ORDER AND CONDITIONS**

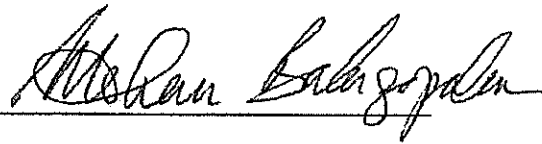
THEREFORE, based on the aforesaid Findings of Fact and evidence and testimony presented at the hearing, and Good Cause appearing, orders Baker to abide by the **modified** conditions set forth in **Attachment A**, where changes from the original conditions are shown as ~~strikethrough~~ for deletions and underline for additions. The Hearing Board considered the conditions proposed by both parties and made revisions thereto.

This Order for Abatement is not and does not act as a variance. Baker is subject to all rules and regulations of the District and to all applicable provisions of California law. Nothing herein shall be deemed or construed to limit the authority of the District to issue Notices of Violation, to seek civil penalties or injunctive relief, or to other administrative or legal relief. The Findings of Fact are based on evidence presented by the Executive Officer and Baker as of the date hereof.

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

Good cause appearing, it is so ordered.

BOARD MEMBER:



DATED:

6-21-23

## Attachment A

### Modified 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 associated 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.
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    - 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
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7. ~~Before Respondent can restart operations in Plant ,operations or~~ Operations and equipment listed in eCondition 6 must be within a permanent total enclosure or within a

closed system (except for wastewater equipment or operations permitted by and subject to the Conditions below) prior to Respondent resuming rendering operations in Plant 1.

8. Respondent may operate its wastewater treatment system 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 comply with any current permit requirements for fully enclosing or putting into a closed system elements of the wastewater treatment system.

b. Respondent shall prepare and submit to SCAQMD any other permit applications or amendments and applicable fees necessary for a “stand-alone permitted trap grease operation.”

c. In lieu of enclosing or putting in a closed system a specific item or process, Respondent may request to inactivate permits or add or modify 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. Respondent shall disconnect any gas, fuel, and/or steam lines to cookers used for rendering including but not limited to devices D-411 and D-224.

11. Respondent shall not store any trash or wastewater or digested sludge in the Open-Air Pit.

12. All trash or wastewater, digested sludge shall be disposed of in roll-off bins that will remain covered except when such bins are being filled. This condition applies to devices, including but not limited to D-269, D-329, & D-234. When material is dropped into roll-off bins, the bins shall have its freeboard height enclosed.

13. Respondent shall not operate Device D-269 until the District issues a permit to operate the device as a closed system or as an enclosed device.

14. For any equipment that discharges trash materials or digested sludge from trap grease wastewater operations into trash bins via a freeboard drop, Respondent shall cover the free board drop

15. Nothing in these conditions 8 through 14 in any way diminishes or amends conditions 1 through 7 except as expressly set forth. Rendering remains stopped until conditions 6 and 7 are satisfied.

16. Every three months, Respondent shall notify the Clerk of the Board (ClerkofBoard@aqmd.gov) and SCAQMD inspector (plongoni@aqmd.gov) of status of compliance with the modified order, including with photos or videos.

17. Respondent shall notify the Clerk of the Hearing Board (ClerkofBoard@aqmd.gov) and South Coast AQMD inspector (plongoni harris@aqmd.gov) of final compliance within three (3) calendar days of achieving final compliance.

## James Chavez

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**From:** Lucy Tom-Cao  
**Sent:** Wednesday, February 12, 2025 4:57 PM  
**To:** Clerk of Board  
**Cc:** Nicholas Dwyer; Daphne Hsu; [george.gigounas@us.dlapiper.com](mailto:george.gigounas@us.dlapiper.com); [caroline.lee@us.dlapiper.com](mailto:caroline.lee@us.dlapiper.com)  
**Subject:** FW: Re: Baker Commodities, Inc. v. South Coast AQMD, Case No. 6223-2  
**Attachments:** (Baker) District's Motion to Strike Final.pdf; Attachment A.pdf; Attachment B.pdf; Attachment C.pdf; Attachment D.pdf; (Baker) District's Motion to Strike Prop'd Order.pdf; (Baker) District's Motion in Limine final.pdf; (Baker) District's Motion in Limine Prop'd Order.pdf; (Baker) Request for Official Notice in Support of Motion to Strike Final.pdf; (Baker) Proposed Order Request for Official Notice in Support of Motion to Strike.pdf

Dear Clerk of the Board and Counsel,

Please find attached for filing with the Hearing Board and service to all counsel in connection with the above-referenced matter.

Thank you.



Lucy Tom-Cao  
Legal Secretary  
Office of the General Counsel  
South Coast Air Quality Management District  
21865 Copley Drive, Diamond Bar, California 91765  
Telephone (909) 396-3400 | Direct (909) 396-3412 | Fax (909) 396-2961  
[ltomcao@aqmd.gov](mailto:ltomcao@aqmd.gov)

The District's normal business hours are Tuesday-Friday, 7:30am-5:30pm



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---

**From:** Lucy Tom-Cao  
**Sent:** Wednesday, February 12, 2025 4:51 PM  
**To:** Clerk of Board <[Front\\_PC@aqmd.gov](mailto:Front_PC@aqmd.gov)>  
**Cc:** Nicholas Dwyer <[NDwyer@aqmd.gov](mailto:NDwyer@aqmd.gov)>; Daphne Hsu <[dhsu@aqmd.gov](mailto:dhsu@aqmd.gov)>; [George.Gigounas@us.dlapiper.com](mailto:George.Gigounas@us.dlapiper.com); [Caroline.Lee@us.dlapiper.com](mailto:Caroline.Lee@us.dlapiper.com)  
**Subject:** Re: Baker Commodities, Inc. v. South Coast AQMD, Case No. 6223-2

Dear Clerk of the Board,



Please find attached for filing with the Hearing Board in connection with the above-referenced matter. Counsel for all parties are copied hereto.

Thank you.



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Legal Secretary  
Office of the General Counsel  
South Coast Air Quality Management District  
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