

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

In The Matter Of:

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

Petitioner,

v.

BAKER COMMODITIES, INC.,

[Facility ID no. 800016]

Respondent.

Case No. 6223-1

**[PROPOSED] FINDINGS AND
DECISION GRANTING SECOND
MODIFIED ORDER FOR ABATEMENT**

Dates: May 29 ~~and~~, June 11, and July 2, 2024

Time: 9:30 a.m.

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

Baker Commodities Inc.'s ("Baker" or "Respondent") request to modify the June 21, 2023 Modified Order for Abatement ("First Modified Order for Abatement") to allow the facility located at 4020 Bandini Boulevard, Vernon, CA (the "Facility"), subject to certain improvements being constructed, to operate as a collection center for the receipt and short-term storage of raw rendering material within a Permanent Total Enclosure before transportation of the material offsite to a licensed rendering or processing facility, was heard on May 29 and June 11, 2024, pursuant to notice provided in accordance with the provisions of California Health and Safety Code, sections 40823 and 42451, subdivision (a), the South Coast Air Quality Management District's ("District" or "South Coast AQMD") Rule 812, and the Hearing Board Rules and Procedures, Rule 8, subdivision (k).

BACKGROUND

1. In 2022, the Hearing Board found Baker in violation of Rules 415, 2004, and 3002, and its permit conditions as set forth in the Hearing Board's Order for Abatement ("Original Order"). The Original Order shut down Baker's rendering, trap grease, and wastewater processing operations, until the Facility put certain operations or equipment into a permanent total enclosure or closed system. In 2023, the Hearing Board issued the First Modified Order for Abatement to allow the Facility to operate equipment necessary for its trap grease and used cooking oil operations and its associated wastewater treatment systems.

FINDINGS OF FACT

The Hearing Board finds and decides as follows:

1. Baker has decided to cease cooking and downstream operations related to rendering of animal products (colloquially known, as “rendering”) at the Facility and memorialize that in the relevant permits. Instead, Baker will utilize the Facility as a collection center for the receipt and short-term storage of raw rendering material within a Permanent Total Enclosure before transportation of the material offsite to a licensed rendering or processing facility and will make certain substantial capital and operational improvements at the Facility as further described in the Order and Conditions below.

CONCLUSIONS

1. Good cause exists to issue this Second Modified Order to allow Baker to operate, at the Facility, a collection center for the receipt and short-term storage of raw rendering material within a Permanent Total Enclosure before transportation of the material offsite to a licensed rendering or processing facility. This is in addition to its existing used cooking oil and trap grease recycling and associated wastewater operations.
2. The Second Modified Order will allow Baker, subject to the conditions set forth in Attachment A, to operate a collection center while it is constructing three new capital improvements described in Section 8 of Attachment A.
3. This Second Modified Order’s termination conditions shall be established by the Board in a subsequent status hearing.
4. Upon termination of the Second Modified Order and subject to permitting, Baker may continue to operate as a collection center with permanent capital and operational improvements in effect, in addition to its used cooking oil and trap grease recycling and associated wastewater operations.

ORDER AND CONDITIONS

THEREFORE, based on the Findings of Fact and evidence and testimony presented at the hearing, and good cause appearing, the Hearing Board orders Baker to abide by the modified conditions set forth in Attachment A. This Second Modified Order fully replaces both the First

Modified Order of Abatement and the Original Order.

This Second Modified Order 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 release, or to other administrative legal relief. The Findings of Fact are based on evidence presented by the Executive Officer and Baker as of the date hereof.

Good cause appearing, it is so ordered.

BOARD MEMBER: _____

DATE: _____

ATTACHMENT A

Second Modified Conditions for Baker Commodities

1. Baker shall not resume grinding, cooking and downstream operations related to rendering of animal products at the Facility. Baker shall disconnect (if not already) and keep disconnected any gas, fuel, and/or steam lines to cookers used for rendering, including but not limited to Device D-411 and D-224. Within 14 days of the Second Modified Order's effective date, Baker shall pay expedited permit application fees and submit any necessary additional permit applications to modify other processes as may be necessary to operate as a collection center.
2. If Baker's permit application related to its raw materials receiving area enclosure expansion is withdrawn, denied or rejected, Baker shall submit a new permit application to operate as a collection center within 7 days from the date of withdrawal, denial or rejection.
3. Baker may use the Facility as a collection center, which is the receipt of raw rendering material for the purpose of short-term storage within a Permanent Total Enclosure (PTE) before transportation of the material offsite to another licensed rendering plant or pet food processor. The location of the collection center operation involved is identified in **Exhibit A**.
4. ~~The applications for permits to construct the three enclosures listed in Condition # 8 shall be deemed denied 120 calendar days after the date of filing if the applicant has not submitted sufficient information to enable the Executive Officer to deem it complete, unless the Executive Officer has, in writing, extended the time.~~ Baker shall cease operating as a collection center if the applications are denied and shall submit a new permit application (or applications) within 7 days of the denial or rejection. Baker may resume operating as a collection center once all three permits to construct have been issued.

Baker shall within 5 working days of this Order submit information on the use of the Pit area for storing Hard Materials to supplement Application No 648440 submitted for the PTE expansion.

[Baker shall not modify the pit in the raw materials receiving area until Baker receives a permit to construct for such modification.](#)
5. Baker shall not use the Open-Air Pit to store any "sludge" or water-bearing waste generated from the Facility unless such water-bearing waste is in an enclosure, covered container, or within a closed system.
6. Baker may operate its wastewater treatment system ~~to process rainwater, washdown water, and water related to processing of used cooking oil~~ per its permit conditions and the abatement order.
7. Baker shall continue to comply with all obligations to operate its trap grease deliveries or process trap grease, including any current permit requirements for fully enclosing or putting into a closed system elements of the wastewater treatment system.
8. Baker shall implement the following capital improvements:

New Capital Improvements: Baker shall construct enclosures over the (i) grease pit trash area, (ii) J&M skimmer trash bin, and (iii) Centrisys trash bin, the locations of which are identified in **Exhibit A**. Baker shall apply for any other permits that may be necessary to construct such features within 30 days of approval of this Second Modified Order. Baker shall complete construction of the three enclosures within 120 calendar days of the issuance of District Permits to Construct and notify the District of completion of each enclosure. If the enclosures ~~can not~~cannot be completed within those 120 days, and if Baker and the District are unable to reach agreement regarding an extension to time, either party may submit a request to the Hearing Board for extension to Baker's time to complete the enclosures, or for suspension of collection operations until such enclosures are complete.

If the District requests additional information to process the applications for enclosures and the raw material area expansion, Baker shall provide such additional information within 5 working days, or within the timeframe requested by the District, whichever is later.

9. 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, D-368, and D-369. When material is dropped into ~~roll-off~~Baker bins (that is, the initial sludge collection bins), the bins shall have their freefall height enclosed.
10. For any equipment that discharges trash materials or digested sludge from trap grease wastewater operations into trash bins via a freeboard drop, Baker shall cover the free board drop.
11. Collections Operations Conditions
 - a) Baker shall not use the Facility as a collection center until (1) it has conducted a demonstration of the use of loading and unloading equipment with rollup doors closed and truck inside the enclosure, and (2) applications for the permit to construct the three enclosures in 8.a. have been submitted, and (3) its Environmental Compliance Specialist (ECS) and other personnel with responsibility for compliance with the collections operations conditions of this Order have received training regarding its requirements (and Baker shall certify to AQMD when this condition has been satisfied).
 - b) ~~Baker shall~~Prior to modification of the pit (removal of rollers and placement of panels, or installation of the permitted screw conveyor system), Baker shall store a maximum of 60,000 lbs. of Hard Material on the slab within the Raw Material Enclosure at any time. After modification of the pit, Baker may store a maximum of 175,000 lbs. of Hard Material in its Raw Material Enclosure at any time, prior to completion of the extension of the Raw Material Enclosure. No other raw material shall be stored in the Raw Material Enclosure. "Hard Material" is defined as animal fat and bone, including animal carcasses and parts, packing house or grocery store cuttings and out-of-date products, viscera, offal, feces and other organic matter generated by food processors, but expressly excluding any trap or restaurant grease material.

- c) Hard Material shall only be received from 6:00 am to 9:00 pm, except for an emergency (only nine days of emergency every 90 days shall be allowed), in which event Baker shall promptly advise AQMD of this circumstance: (by calling 1-800-CUT-SMOG and emailing plongini@aqmd.gov) and keep a log of the reason for the emergency. Emergency days cannot be taken consecutively without the approval of AQMD.
- d) Baker shall only receive 20 deliveries of Hard Material each day, except that number may be exceeded one time every 90 days in case of an emergency, in which event Baker shall promptly advise AQMD of this circumstance.
- e) ~~¶~~ No storage of Hard Material shall remain overnight at the Facility, unless contained in the PTE. ~~By 10:00 pm each day, all~~ or, in the event the PTE lacks capacity, in covered containers. No long-term storage of Hard Material shall ~~be removed from~~ occur at the Facility. ~~¶~~ All Hard Material shall leave the Facility as soon as practicable and, in any case, within three days of its arrival, at the latest.
- f) Before the screw conveyor in the Facility's Raw Material Enclosure is permitted and operating, Baker shall wash down the pit of its Raw Material Enclosure twice per week, on Wednesday or Thursday and Saturday or Sunday. In performing these washdowns, Baker is not required to remove all residue of animal matter from the pit, but must clean the pit to the extent reasonably practicable.
- g) ~~¶~~ Baker shall inspect the exterior of the Raw Material Enclosure daily, to ensure that no Hard Material escapes from the Raw Material Enclosure to the exterior.
- h) ~~¶~~ If Hard Material is discovered to have escaped from the Raw Material Enclosure to the exterior, Baker shall promptly clean up such material, investigate how such material escaped, and take corrective action to prevent Hard Material from escaping in the future.
- i) ~~¶~~ Baker shall not load or unload any Hard Material outside of the Raw Material Enclosure.
- j) ~~¶~~ Baker shall keep records, in the form of weight tickets from the Facility scale, of the inbound and outbound material to demonstrate compliance with the ~~175,000 lbs. of~~ Hard Material limit in its Raw Material Enclosure, as specified above. The records shall be made readily available during any inspection or upon any request from South Coast AQMD personnel.
- k) ~~¶~~ Baker shall send the previous month's material records to South Coast AQMD (Attn: Paolo Longoni at plongoni@aqmd.gov) on the first Tuesday of each month.

12. Odor Best Management Practices

a. Baker shall do the following:

- i. Covering of Incoming Transport Vehicles. Transport vehicles delivering raw rendering materials shall not be permitted past the first point of contact at a rendering facility for incoming trucks, such as a guard shack or weigh station, unless the cargo area of the vehicle is completely enclosed or fully tarped.
- ii. Delivery of Raw Rendering Materials. ~~The~~ If raw rendering materials arrive at the Facility uncovered, the owner or operator shall ensure those incoming raw rendering materials are transferred into the raw rendering receiving area enclosure

- or covered containers (including truck trailers with fully covered beds, e.g., by secured tarp) within 60 minutes after the inbound truck enters the facility.
- iii. Washing of Outgoing Transport Vehicles. Where raw rendering materials come directly into contact with a transport vehicle and the cargo area is exposed to the air, the cargo area shall be washed before exiting the enclosure. In addition, at the end of each working day, equipment and vehicles used to load and unload raw rendering material shall be washed inside the enclosure, ~~except that (i) Baker shall not be required to wash the interior of the Facility's Raw Material Enclosure screw conveyor; and (ii) Baker shall only be required to wash the pit of the Facility's Raw Material Enclosure twice per week, in compliance with Section 11.a.f above.~~
- iv. Washing of Drums and Containers. Open drums or containers holding raw rendering materials shall be washed prior to leaving ~~a rendering facility~~the Facility.
- v. Washdown of Receiving Area. Walls, floors, and other surfaces of the receiving area of a rendering facility, and any equipment operated in the receiving area, ~~including screw conveyors, pumps, shovels, hoses, etc.,~~ shall be thoroughly washed to remove animal matter before the start of collections on Monday, ~~Thursday, and Saturday.~~Wednesday, and Friday, except that (i) Baker shall not be required to wash the interior of the Facility's Raw Material Enclosure screw conveyor; and (ii) Baker shall only be required to wash the pit of the Facility's Raw Material Enclosure twice per week, in compliance with Section 11.a.f above.
- vi. Cleaning Floor Drains. Accessible interior and exterior floor drains shall be inspected and cleaned not less frequently than once per month to remove accumulation of rendering materials.
- vii. Odor Detection. If an odor is detected at or beyond the property line of the Facility by South Coast AQMD personnel and/or site staff, ~~the Baker shall determine the odor source(s) as soon as possible and shall undertake remedial measures immediately, and no later than 30 minutes, to correct the problem.~~complete the odor determination and remedial steps listed in its Odor Response Plan for Response for Unknown Odors or General Complaints within two hours of when Baker becomes aware of such odor if Baker is made aware of the odor within the Facility's business hours. If Baker is made aware of the odor outside of the Facility's business hours, Baker shall complete these steps within two hours of the beginning of the Facility's business hours. If Baker is made aware of the odor on a day the Facility is closed, Baker shall complete these steps within 8 hours of the time it is made aware of the odor. If the sources were identified as related to the collection center or transloading operations, and after remedial measures are taken an odor is still detected at or beyond the property line of the Facility, Baker shall take additional remedial measures as reasonably requested by the South Coast AQMD personnel, but *not* including immediately foregoing receipt of additional materials for collection or removal of existing materials within 3 hours unless under the circumstances of subpart 'a' below.
- a) if the District issues a Notice of Violation to the Facility ~~due to~~related to receiving Hard Material after odor complaints, for the next 30 calendar

days after such issuance, the additional remedial measures that may be reasonably requested by the South Coast AQMD personnel *may include* immediately foregoing receipt of additional materials for collection or removal of existing materials within 3 hours.

- viii. Odor Log. ~~Baker shall keep a contemporaneous daily log of~~ If South Coast AQMD personnel and/or on-site staff detect odors ~~detected~~ at or beyond the property line of the Facility ~~by South Coast AQMD personnel and/or on-site staff~~. Baker shall keep a contemporaneous daily log of those odors and any remedial measure(s) taken. Such records shall be available to South Coast AQMD staff upon request.
 - ix. Environmental Compliance Specialist (“ECS”).
 - a) Qualifications; this position is to be held by a person who has technical training and/or experience in this field.
 - b) an ECS or other responsible Baker agent shall be available on call to the Facility to respond to odor issues, take remedial measures and respond to AQMD requests. The name, email address, and phone number of this agent shall be provided to AQMD.
13. Baker’s standard operating procedures and Odor Response Plan (contained in exhibits to Baker’s petition for modified order and related filings) shall be deemed incorporated as necessary to facilitate compliance with this Order, and if there is a conflict between the standard operating procedures and Odor Response Plan and the conditions in Attachment A, the conditions in this Attachment A prevail and must be followed. It is expressly stated that the reference in the Transloading SOP, General Conditions 1) “After the enclosure extension is permitted and construction is completed, the total maximum capacity shall be 400,000 lbs.” is NOT incorporated into this Order.
14. Baker shall keep a copy of the abatement order, standard operating procedures, and Odor Response Plan onsite and available.
15. ~~14.~~ Baker shall notify the Clerk of the Hearing Board (ClerkofBoard@aqmd.gov) and South Coast AQMD inspector (plongoni@aqmd.gov) within 7 calendar days of achieving final compliance.
16. ~~15.~~ A hearing on the status on the matter and possible modification of the order shall be heard on ~~July 2~~ _____, 2024, or as soon thereafter as the Hearing Board and the parties may schedule. Upon the stipulation of both parties, the hearing may be requested to be taken off calendar.
17. ~~16.~~ This Second Modified Order’s termination conditions shall be established by the Board in a subsequent status hearing.

Summary report: Litera Compare for Word 11.2.0.54 Document comparison done on 7/1/2024 5:49:37 PM	
Style name: DLA Piper	
Intelligent Table Comparison: Active	
Original filename: C:\Users\IN39592\OneDrive - DLA Piper LLP (US)\Documents\Baker Commodities\2024.06.26 Redline\Proposed findings and decision (AQMD 6.7.24) RCP 0623 edited.docx	
Modified filename: C:\Users\IN39592\OneDrive - DLA Piper LLP (US)\Documents\Baker Commodities\2024.06.26 Redline\Baker Proposed Revisions - Proposed Findings and Decision (AQMD 6.7.24)(1611085859.10).docx	
Changes:	
<u>Add</u>	53
Delete	33
Move From	2
<u>Move To</u>	2
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	90