DLA PIPER LLP (US)
ANGELA C AGRUSA (SBN 131337)
angela.agrusa@us.dlapiper.com

2000 Avenue of the Stars
Suite 400 North Tower
Los Angeles, California 90067-4735
Tel.: 310.595.3000
Fax: 310.595.3300

GEORGE GIGOUNAS (SBN 209334)
george.gigounas@us.dlapiper.com
CAROLINE LEE (SBN 293297)
caroline.lee@us.dlapiper.com
555 Mission Street, Suite 2400
San Francisco, California 94105-2933
Tel: 415.615.6005
Fax: 415.659.7305
Attorneys for Respondent
BAKER COMMODITIES, INC.

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., Respondent.	Case No. 6223-1 **DECLARATION OF JASON ANDREOLI IN SUPPORT OF BAKER COMMODITIES INC.'S REQUEST TO MODIFY THE JUNE 21, 2023 MODIFIED ORDER FOR ABATEMENT**

I, Jason Andreoli, declare as follows:

1. I am the Assistant Vice President—Los Angeles General Manager and Corporate Production Manager at Baker Commodities, Inc. ("Baker"). I have personal knowledge of the facts set forth in this Declaration, and I will testify competently to such facts under oath.

2. I submit this Declaration in support of Baker's Request to Modify the June 21, 2023 Modified Order for Abatement ("Request to Modify").

Background

3. In 2004, I received a Bachelor of Public Administration from San Diego State University, and in 2014, I received a Master of Business Administration from Southern New Hampshire University.

4. I have worked for Baker for approximately 19 years. I began my career at Baker in 2004, after graduating college.

5. My first position at Baker was working in the laboratory of Baker's facility at 4020 Bandini Boulevard, Vernon, California 90058 that is the subject of this action (the "Facility"). While working in the laboratory, my duties included reviewing raw material coming into the Facility before processing and checking the quality thereof. I worked in the laboratory at the Facility for approximately five to six months.

a. Ensuring the quality of raw material coming into the Facility was important for compliance with applicable regulations, and because Baker (and other renderers) were able to produce higher quality finished products with higher quality raw materials, meaning that finished products were more profitable when the raw materials were of good quality.

b. If raw material waits too long before processing, it begins to degrade, and the eventual finished product cannot be sold for as much as a finished product made of high-quality raw material.

6. After working in the Facility's laboratory, I left the company for approximately one year. When I returned, I began working in the Facility's offloading area for fat and bone, which was located where Baker's raw material receiving area permanent total enclosure ("PTE") sits today. In that position, I would offload raw material from trucks, and utilizing a Bobcat loader,

forklift, or skip loader (a tractor with a large shovel at its front) I would move raw material around within the enclosure. I worked at the fat and bone offloading area for approximately three to four months.

7. From there, I moved on to loading meat and bone meal into containers for shipment. Meat and bone meal was one of the finished products produced from Baker's rendering operations, and is used in fertilizer and animal feed. Meat and bone meal was loaded into shipping containers placed within truck beds using a screw conveyor (a mechanism using a rotating screw blade to move material).

8. After that position, I worked in the Facility's engineering department. There, I worked to design various types of rendering equipment, including catch basins and screws. I also created water plant designs. Aside from my design work in this position, I collected data from equipment around the Facility—such as how much natural gas a given piece of equipment was using, and how many hours our equipment had been running—to ensure our equipment was functioning correctly.

9. Following my engineering work, I worked at the Facility's "Star" Dock collecting used cooking oil. The used cooking oil would be offloaded from the container in which it arrived into a trough, where we inspected it for contaminants. After that, the oil would be transported through a closed system to a tank.

10. Next, I worked in grease processing. The grease processing function refines the used cooking oil through heating and gravity separation. I worked in grease processing for approximately two months.

11. After grease processing, I worked in rendering operations at the Facility's J&M plant, where raw material was cooked as part of the rendering process.

12. My next position within the company was in the Facility's tallow department, where I worked processing tallow, a finished product from the company's rendering operations.

13. From there, I moved on to working in the Facility's wastewater treatment center, which received wastewater from different parts of the Facility and cleaned it to be discharged into the sewer system.

14. After that, I worked at the Centrisys plant, where we extracted water from water-bearing solids or "sludge."

15. After working at the Centrisys plant, I worked in procurement department. In that department, we provide routing logistic support to drivers and provide customer service.

16. The first position I held in procurement began with used cooking oil truck routes, then moved onto grease trap, and finally moved on to fat and bone trucks. On the fat and bone trucks, I collected raw material from different types of customers serviced by the Facility, including food processing facilities, grocery stores, butcher shops, and family businesses. I worked in raw material trucking for approximately two months.

a. In fat and bone trucking, I visited different types of business that generated fat, bone that could not be sent to a landfill.

b. My routes included the entire Los Angeles area and stretched as far north as Santa Barbara.

17. After trucking, I transitioned to working in the procurement office weighing and documenting the trucks that entered and exited the Facility.

a. In that role, I learned how much a truck carrying raw material could be expected to weigh, depending on the amount of raw material in the truck.

b. In that role, I also learned how much raw material any one truck could carry.

18. I then became a customer service representative for the Facility. I would handle any issues existing customers faced and conduct outreach to solicit new customers.

19. From there, I moved on to the Facility's marketing department. My primary responsibilities in that role were to document and proper paperwork of finished product sales from the Facility's rendering operations on a mass scale.

20. After marketing, I moved on to accounting. In that role, I was responsible for general accounting, accounts receivable, and auditing.

21. I then moved on to working in the special products and financial overview department. There, I would review financial projections and conduct pricing analyses for different products based on those projections to ensure profitability. I stayed in this role for approximately

three years.

22. Finally, I became the General Manager of the Facility. At that point, I had worked in virtually every position at the Facility and was now the ultimate supervisor for all the previous roles in which I had worked. I still act as general manager of the Facility today, and also oversee rendering operations at other Baker facilities.

Baker's Operations Before Issuance of the Initial Order for Abatement

23. Baker was founded in 1937, opening its first plant across the street from the Facility's current location, where the company moved in 1948.

24. Before the South Coast Air Quality Management District Hearing Board ("Hearing Board") issued the September 29, 2022 initial Order for Abatement ("OA") shutting down the Facility's operations, the Facility had three lines of business: (1) rendering; (2) trap grease processing; and (3) used cooking oil processing. In addition, the Facility contained a wastewater treatment center to process wastewater from its other operations.

25. Prior to issuance of the OA, the Facility's rendering operations processed approximately 7,000 to 9,000 tons (14 to 18 million pounds) of material per month.

Baker's Current Operations Following the First Modification to the OA

26. The OA shut down all Facility operations but used cooking oil processing from September 29, 2022 until April 19, 2023, when, as memorialized in a June 21, 2023 written order, the Hearing Board approved a modification to the OA allowing the Facility to resume only its trap grease and wastewater processing operations (the "First Modified OA").

27. Currently, the Facility recycles trap grease and used cooking oil, in addition to processing wastewater from those operations. The Facility has not performed rendering operations since issuance of the OA and has no plans to resume those operations at any point in the future.

28. Baker has no plans to resume rendering operations at the Facility because rendering is not a viable or realistic business given the South Coast Air Quality Management Districts' ("District") approach to regulation of the Facility, local community perceptions and concerns, and Baker's ability to realistically address these issues. I note that most other rendering operations

have also ceased in the area, leaving only one public rendering company (Darling) in the Southern California Area.

29. On May 24, 2024, Baker filed inactivation forms for the equipment associated with its previous rendering operations.

30. Baker has also removed pieces of equipment from the Facility that have previously been focal points of issues with the District. For example, the Facility's Star Dock previously included a screw conveyor used for offloading raw rendering material, which has been removed. In addition, a screw conveyor previously transported raw material from the loading dock to the Facility's rendering area but has been decommissioned. Baker also disconnected the steam line to the Facility's rendering cookers, making rendering operations inoperable. In addition, the Facility's open-air pit has been repurposed for construction equipment storage only.

31. The Facility's business was previously structured around rendering operations. When rendering operations ceased, the Facility continued to incur numerous costs built around rendering operations as well as the overall Facility overhead costs, without the revenue from rendering to offset those costs. For example, Baker made the decision to keep its loyal employees (most of whom are union members) as long as possible while its primary business was shut down, only recently determining it must lay off a number of employees.

32. The Facility's trap and wastewater operations do not drive revenue sufficient to maintain the business at the Facility. They are ancillary services for grease customers. While the Facility's current grease operations are minimally profitable, revenue from these operations is not enough to make the Facility a viable business long-term and has essentially been just enough to keep the Facility in business as it is structured.

33. Since the Hearing Board issued the OA, and even under the First Modified OA, Baker has lost millions of dollars in connection with the Facility.

34. The cessation of Baker's rendering operations has impacted Baker's employees. As noted, Baker's operations and the roles of its employees were designed around rendering. Before issuance of the OA, Baker employed more than 135 Facility workers (including on-site and trucking employees), the vast majority of whom were union employees. When Baker was no

longer permitted to conduct rendering operations, nearly 50 employee positions dedicated to rendering disappeared almost overnight.

35. Despite not having roles for them, Baker attempted to keep these employees on for as long as possible. For over a year following the issuance of the OA, Baker had these employees perform odd jobs such as painting, cleaning, and organizing the Facility, so that Baker could avoid laying them off. However, eventually it became impossible for Baker to keep all employees on at the Facility, and Baker was forced to lay off approximately 18 employees—the minimum amount possible.

36. If Baker is not able to expand operations at the Facility to include transloading, I estimate that Baker will have to lay off a significant number of employees and significantly modify operations at the Facility to stay in business. Conversely, if Baker is permitted to conduct transloading operations at the Facility, I estimate that Baker will be able to keep on all current employees and hire a number of additional employees.

37. Since the OA shut down the Facility's rendering operations, there is only one public rendering facility in Southern California. That facility took over all rendering that Baker previously performed, except for (1) the amounts of raw material Baker can collect and must truck long distances to its rendering facilities out of the region, and (2) the raw material that from time to time must be sent to a landfill because there is no capacity to process it.

38. Historically, Baker and the one remaining rendering facility in Southern California handled each other's raw material whenever one facility had a shutdown. Since Baker was forced to cease rendering operations at the Facility, the other rendering facility has had numerous shutdowns, resulting in it being unable to process hundreds of thousands of pounds of raw material. Without any other facilities in the area capable of handling the remaining facility's raw material, raw material needed to be taken to a landfill.

39. Additionally, prices for collecting raw material have increased following cessation of Baker's rendering operations, since customers have few options for their collection and rendering needs in Southern California. Some customers have reported that prices have doubled or tripled.

40. Baker has made numerous facility improvements since the OA was issued and has committed to make even more.

41. The Facility's PTE is equipped with air curtains. These devices force air straight down at velocity over openings in the PTE when the PTE's rollup doors are opened, creating a barrier of air between the inside of the PTE and the opening. This prevents the ambient air inside the PTE from escaping because ambient air within the PTE will go where it is pushed and cannot escape the barrier created by the air curtains.

42. When building the PTE (which was designed for intensive rendering operations, not the less intensive transloading operations now planned), the District specifically allowed Baker to choose between installing air curtains and an air scrubber as the odor mitigation tool for the PTE, and approved the use of the air curtains.

43. Baker does not currently have air conditioning or refrigeration within the PTE. The District has never before suggested that Baker install air conditioning or refrigeration in the PTE, and I have never heard of a collections facility utilizing air conditioning or refrigeration, in Southern California or elsewhere.

44. Installing and operating air conditioning or refrigeration in a building the size of the PTE would be a monumental cost, use large amounts of energy, and contribute substantial amounts of additional carbon dioxide into the atmosphere. Further, it would serve little purpose, as (a) the PTE is a permanent, total enclosure that does not vent odors to the outside; (b) the protocols for operation of the PTE require all trucks containing raw material to be covered whenever PTE doors are opened or closed; and (c) air curtains and SOPs will minimize the escape of odors from the PTE.

Baker's Lawsuit Against the District and Hearing Board and Subsequent Settlement

45. On October 5, 2022, Baker filed a Petition for Writ of Mandate and Complaint challenging the issuance of the Original Order. On May 1, 2024, Baker and the District executed a Settlement Agreement, under which (1) Baker and the District settled Notices of Violation Nos. P67321, P67318, P67319, P72855, P65291, P72866, P63824, P65293, P72871, P72872, which formed the basis for the OA; and (2) and Baker agreed to dismiss the lawsuit, among other

obligations. Baker promptly paid the up-front payment required under the Settlement Agreement.

46. On May 9, 2024, the District provided Baker with a draft permit to construct the enclosure for the Facility's J&M Skimmer trash bin, and on May 16, 2024, the District provided Baker with a draft permit to construct the enclosure for the Centrisys trash bin, as agreed under the Settlement Agreement. Baker is currently reviewing and providing comments on these draft permits.

47. The District has not yet provided Baker with a draft permit to construct an extension to the Facility's PTE, which is required under the Settlement Agreement.

48. On May 24, 2024, Baker filed inactivation forms for the equipment associated with its rendering operations, as required by the Settlement Agreement.

Baker's Proposed Operations Under a Second Modified OA

49. Baker is requesting a modification to the operative First Modified OA to permit Baker to conduct transloading, also referred to as collections, operations. Baker proposes to begin transloading/collections operations at the Facility promptly after the Hearing Board's approval of a Second Modified OA lifting the First Modified OA's condition that no raw rendering materials be allowed onsite.

50. Under the Second Modified OA Baker requests, no rendering operations will occur at the Facility and all transloading operations will occur within the PTE.

51. Upon completion of permit approval and approval of a Second Modified OA, Baker will construct three new enclosures over the (1) grease pit trash area; (2) J&M skimmer trash bin; and (3) Centrisys trash bin.

a. The enclosure to be constructed around the Facility's grease pit trash area will fully enclose the area, and include a door to allow access.

b. The enclosure to be constructed around the Facility's J&M skimmer trash bin will similarly enclose the entire trash bin, with access via door.

c. The enclosure to be constructed around the Facility's Centrisys trash bin will cover the entire trash bin underneath the Facility's Centrisys equipment, and will have a door for access.

d. Each of these three enclosures can be constructed without any demolishment of existing structures.

e. Upon the District's issuance of the permits to construct and receipt of any other approval(s) from other governmental entities to construct each of the capital improvements, Baker anticipates that it will complete construction of the three enclosures within 30 days.

52. In addition, Baker will construct an extension to the Facility's existing PTE. Construction of the raw material receiving area PTE extension can occur while the Facility has begun its transloading operations because it will impact only one side of the existing PTE receiving area. The raw material receiving area PTE extension will be constructed while the existing walls remain intact.

53. As noted above, Baker and the District are in the process of developing the permits for these new capital improvements. Baker will apply for any other permits that may be necessary to construct these capital improvements within 30 days of the effective date of the Second Modified Order.

54. Baker has developed multiple Standard Operating Procedures (SOPs) and other measures for its proposed operations that will ensure minimized odors, comprising:

a. SOPs for its proposed transloading/collections operations;

b. SOPs for its sludge offload and containment practices;

c. SOPs for housekeeping practices at the Facility;

d. An Environmental Specialist position (Baker has already hired a full-time environmental specialist and will maintain this position upon beginning transloading operations);

e. An Odor Response Plan.

These policies are attached as exhibits B, D, E, F, and G to Baker's Request to Modify. Baker will strictly comply with these policies.

55. Baker has always intended these SOPs and other measures to be binding and enforceable. I am informed and believe that Baker's representatives and counsel have always made that clear to the District and its counsel. I am informed and believe that the District specifically asked that these SOPs and other measures not be attached to Baker's proposed

Modified Order of Abatement, under its Request to Modify.

56. Baker has no problem with these SOPs and other measures being attached to the Modified Order of Abatement or otherwise being made enforceable with the District.

Transloading Operations

57. Multiple prospective customers have been in contact with Baker and have requested transloading/collections services. Upon issuance of Baker's requested Second Modified OA, Baker will be able to begin servicing these customers almost immediately.

58. Under Baker's requested Second Modified OA, Baker will conduct transloading operations at the Facility as follows:

a. Trucks containing raw material covered by roller tarps will enter the Facility and pass through the Facility's security checkpoint. There, the trucks will be weighed. Specifically, when an empty truck leaves the Facility to being its route, it will be weighed and a ticket for that truck will be created. When the truck returns loaded with raw material, it will be weighed again, and its weight will be compared to the weight of the truck when empty to determine the weight of the raw material loaded on the truck. The average weight of raw material on any given truck is expected to range from 5,000 to 50,000 pounds, depending on that truck's route and customers served on that route.

b. After passing through security, the truck will travel straight to the Facility's PTE or, if another truck is already within the PTE, to the Facility's staging area. *At all times within the Facility, any truck containing raw material will remain covered unless it is in the PTE with PTE doors closed.*

c. When the truck arrives at the PTE, an employee will open the door to the PTE, and the air curtains will automatically turn on, preventing air within the PTE from escaping. The truck will then enter the PTE, the PTE's rollup door will close, and the air curtain will turn off. The truck will remain covered until it enters the PTE.

d. Once inside the closed PTE, the truck's driver will tilt the truck's trailer to offload the raw material contained within onto the raw material deck. Raw material will, at most, fill the PTE's pit and loading dock, and will not completely filling the PTE.

e. Once all raw material has been offloaded, an employee will thoroughly wash the truck payload with a hose. The wastewater from this washing will drain into a sump pump within the PTE, and then be discharged to the Facility's wastewater treatment center via a closed system.

f. After washing, the PTE's rollup doors will be opened and the air curtains turned on again. The driver will exit the enclosure, and the rollup door will close behind the truck.

g. The truck will then again pass through the Facility's security checkpoint and be weighed while empty before exiting the Facility.

h. The raw material stored in the PTE will be loaded onto empty trucks to be delivered to a licensed rendering facility.

i. Before the extension to the PTE is constructed, the empty trucks will pull into the current PTE and be loaded with a skip loader and telehandler/front shovel or loading claw.

j. After the construction of the PTE extension, the empty trucks will pull into the extension and be loaded with a permitted screw conveyor. All raw material will be covered with rollup tarps in the truck bed before exiting the PTE or PTE extension. After the truck beds are covered, the air curtains will turn on, the PTE or PTE extension rollup doors will open, and the trucks will proceed out of the PTE, through security to be weighed, and out of the Facility.

Proposed Time Restrictions on Transloading/Collections Operations

59. Baker's transloading SOP, attached as Exhibit B to its Request to Modify, dictates that "Baker shall typically receive Hard Material between 6 a.m. and 10 p.m. but may also receive Hard Material after hours." As discussed in this Declaration, Baker's business is built around maximizing efficiency and, to be successful, Baker *must* move material out of the Facility as quickly as possible. However, both the business and the community's best interests require reasonable flexibility to receive raw material throughout the day and after hours if necessary.

60. Trucks delivering raw material to the Facility typically arrive later in the afternoon, because material is picked up from customers on multi-stop routes, anytime from 4 a.m. to 4 p.m. and must then travel to the Facility.

61. Baker's routes are built as efficiently as possible, based on, for example, volume constraints, efficiency of distance, proximity of customers to one another, fuel efficiency, restrictions on the number of hours drivers can work, operating hours of the businesses from which the trucks need to pick up material, and city or county ordinances.

62. In addition, the Facility's customers often need raw material picked up on an emergency basis, so it is impossible to predict when Baker's services will be needed. When raw material must be picked up on an emergency basis, it is important that the material be taken into Baker's PTE, rather than sitting at the customer's location, or in trucks lined up outside of Baker's facility, to degrade. The best practice for both Baker and the community is to get raw material collected and into the enclosure as soon as possible. The alternatives are bad for the community and the customer.

a. If customers must send raw material to a landfill (which is permitted under California law only in an emergency), that material will decompose without processing, create more odor, attract vermin, and increase the risk of hosting and spreading diseases.

b. If trucks must wait outside the Facility, or in other locations, because they are not permitted to enter the Facility, that risks increasing noise, traffic, odors, and disturbances in other areas of the community, and it creates potentially unsolvable logistical problems for pickup routes. It also increases the strain and risk to truck drivers, risks violating mandatory rest periods, and likely would make the business not viable.

63. Thus, Baker needs flexibility to accept raw material based on the needs of its customers.

64. In addition, Baker is incentivized to move material through the Facility as quickly as possible. Baker receives payment from selling finished product to renewable fuel and agricultural customers. The better the quality of the material, the higher price that customers will pay for it. If material degrades too much, customers may even reject or charge back Baker for low quality product. In addition, degraded raw material is more difficult to offload and reload.

65. The quality of raw material degrades as it sits while waiting to be rendered because moisture breaks down the material. The longer material sits before being sold, the less revenue

Baker can make from selling it. Accordingly, there is no danger of raw material being left to sit in the Facility for any longer than strictly necessary.

Proposed Weight Restrictions on Storage of Raw Material

66. Baker's transloading SOP provides that "Baker shall store a maximum of 200,000 lbs. of Hard Material in its Raw Material Enclosure prior to completion of the enclosure extension." And "[a]fter the enclosure extension is permitted and construction is completed, the total maximum capacity shall be 400,000 lbs."

67. Baker's engineering department has determined that the Facility's PTE is more than capable of storing this much raw material, and the ability to store this amount is necessary for the Facility to operate as a viable business. Under my instruction, Baker's engineering has calculated the volume of raw material and capacity of each area within the PTE.

68. The volumetric calculations Baker's engineering department have made show that the raw material pit within the PTE *alone* can store more than 222,000 pounds of raw material. Additionally, the concrete slab unloading zone next to the raw material pit can easily store more than 60,000 pounds of material without coming close to filling the PTE at all, and leaving substantial room for a truck and personnel to maneuver in the PTE.

69. After the extension is completed, the Facility will be capable of storing far more than Baker's proposed capacity of 400,000 pounds of raw material in its PTE, because the extension would allow a loading truck to be within an enclosure while not inhibiting offloading of raw material in what is the current enclosure. In essence, the current PTE will be used for offloading raw material, while the extension will be used for loading raw material onto empty trucks.

70. Neither Baker's proposed interim capacity limit of 200,000 pounds, nor its proposed post-PTE extension limit of 400,000 pounds will come close to the actual volumetric limits of the PTE for raw material.

71. I am informed and believe that the District proposes to limit Baker's interim capacity to 60,000 pounds (and has not proposed a larger post-PTE extension limit). This limitation is not just arbitrary and without any scientific, volumetric, or mathematical basis, it is

also not feasible for an operating collection business.

a. As described above, one truck filled to capacity can carry 50,000 pounds of material. Limiting Baker's operation to 60,000 pounds at one time and per day (i.e., slightly more than one full truck) would leave most of Baker's potential customers with *no* opportunity for pick up.

b. Under this limitation, Baker's PTE would remain mostly empty nearly all of the time, despite no significant reduction in the overhead expense of maintaining the business.

c. Neither Baker, nor, in my educated opinion, any transloading operation, can operate a viable collection/transloading business limited to 60,000 pounds of material within the Facility.

The Facility Cannot Feasibly Remove all Raw Material by a Set Time Each Day

72. Baker's transloading SOP also states that "[n]o long-term storage of Hard Material shall occur at the Facility."

73. As Baker has communicated to the District numerous times, Baker has no intention of storing raw material in the PTE any longer than absolutely necessary. To the contrary, Baker is strongly incentivized to move raw material out of the Facility and truck it to rendering facilities outside the area.

74. However, Baker cannot guarantee that all raw material will be removed from the Facility's PTE by a set time each day. As noted above, trucks bearing raw material tend to arrive at the Facility later in the day. Trucks then need to pass through security, be weighed, and in some instances wait to enter the Facility's PTE. Once trucks bearing raw material enter the PTE, Baker requires sufficient time to unload the material and reload it onto empty trucks in a manner that is safe for truck drivers and prevents odors to the maximum extent possible.

75. Baker requires flexibility in removing raw material from the Facility each day. For example, if Baker had to ensure that all raw material was removed by 8 p.m. each day, the Facility would only be able to accept approximately three truckloads of raw material per day (setting aside the additional, arbitrary poundage limitations the District proposes). This is far below the volume necessary for the Facility to meet customer demand or operate as a viable business.

76. In addition, there is no need to require that the Facility remove all raw material by a given time each day. The PTE is a complete enclosure and all raw material would remain within a complete enclosure until it is loaded into trucks, which will then remain covered throughout their time at the Facility. This is *unlike the prior rendering operation that Baker operated, which included substantial operations outside of the PTE.*

77. As explained above, Baker is incentivized to move raw material through the Facility as quickly as possible and not leave it sitting any longer than strictly necessary. There is thus no danger of Baker storing raw material within the PTE indefinitely and Baker will handle raw material as quickly as possible.

Daily Washout of the PTE is Unnecessary and Impracticable

78. The housekeeping SOP Baker developed for the Facility, attached as Exhibit E to its Request to Modify, requires Baker's designated housekeeping employee (required to be on duty at all times while transloading/collections or trap grease operations occur at the Facility) to, among other things, (1) clean out wash down drains and sump pumps within the PTE at least once per day; (2) immediately clean any spills or leaks within the PTE upon discovery; (3) ensure no raw material leaks or otherwise escapes from the PTE and ensure there is no buildup of raw material on equipment; (4) thoroughly wash the walls, floors, and other surfaces of the PTE on a regular basis when those surfaces are not occupied by raw material or in use; and (5) inspect the Facility's Centrisys and J&M Skimmer at least once per day for spills and leaks and wash down their slabs and drains daily.

///

///

///

///

79. Washing out the Facility's PTE on a daily basis is not necessary to prevent odors and would not be feasible. As noted, the PTE is completely enclosed and the escape of ambient air within the PTE is minimized to guard against odors. Additionally, Baker cannot completely wash out the PTE every day and operate a viable business at the Facility, since, as I explain above, it is impossible to predict when raw material will need to be handled in the PTE, given the timing of trucks arriving at the Facility and the frequent need for Baker to accept its customers' raw material on an emergency basis. Further, washing out the PTE unnecessarily would waste copious amounts of water and create unnecessary volumes of wastewater.

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

Executed this 27th day of May 2024 at San Diego, California.

By: _____
Jason Andreoli