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8 **BON APPETIT BAKERY**

9 **BEFORE THE HEARING BOARD OF THE**

10 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

11 In the Matter of

12 **BON APPETIT BAKERY**

13 Petitioner.

Case No.: 6280-1

Facility I.D.: 167755

14 **DECLARATION OF SONNY**
15 **CUTWRIGHT IN SUPPORT OF**
16 **PETITION FOR INTERIM VARIANCE**

Hearing Date: November 18, 2025

1. I am the General Manager of Bon Appetit Bakery (“Bon Appetit”) and the person responsible for ensuring environmental compliance for the Bon Appetit facilities in Vernon, California, including the facility at 4525 District Blvd. (Facility ID 167755; the “Facility”). I have been the General Manager since 2016. I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently thereto under oath.

2. I am familiar with Bon Appetit's Petition for an *Ex Parte* Emergency, Interim and Regular Variance filed on October 23, 2025 in this case, including the District Rules referenced in the petition.

3. Bon Appetit is petitioning for an interim variance relief from District Rule 1153.1 (Table 1) as it pertains to NOx emissions limits and District Rule 203(b) as it pertains to Permits G78915 and G78618, Condition 7 and – if we cannot complete a successful source test on each oven prior to December 16, 2025 – Condition 8(b) of those permits. Additionally, we may be in violation of CO limits imposed by Rule 1153.1 (Table 1) and the permits as we continue to troubleshoot the cause of the NOx exceedance (as described in more detail in the Declaration of Robert MacDonald of Conservtech, Bon Appetit’s consultant).

4. This declaration is submitted pursuant to the Rules and Procedures of the District Hearing Board Rule 4(a) in support of Bon Appetit's Petition for an interim variance filed on October 23, 2025.

EQUIPMENT AND BACKGROUND

5. Bon Appetit operates a bakery at 4525 District Avenue in Vernon which produces individually-wrapped, single-serving bakery items for retail sale. These products are then sold at retailers nationwide.

6. The equipment that is the subject of the variance are two tunnel ovens, referred to as follows:

- Oven No. 1 is a Bakery Oven located in Building 4529 and referred to as the “4529 Oven,” (Permit no. G78618), which has three burners and is permitted to bake yeast-containing products; and

- Oven No. 2 is a Food Oven located in Building 4525 and referred to as the “4525 Oven,” (Permit no. G78915), which has four burners and is permitted to bake products containing cake batter.

The ovens typically operate approximately 20 hours per day, 5 days per week, though may occasionally run 24 hours. All of our products are baked in one of these two tunnel ovens.

7. The Permits to Operate (PTO) for these ovens were issued on January 23, 2025 (for the 4529 Oven) and February 25, 2025 (for the 4525 Oven). The PTOs required that initial source testing be completed within one year of permit issuance. The South Coast AQMD approved the source test protocol in September 2025, and we scheduled the source testing for October 20, 2025.

8. Prior to procurement of these ovens, Bon Appetit had been using 30 smaller, individual ovens as well as one older tunnel oven. Shortly after my onboarding in 2016, I contacted Mr. Robert “Bob” MacDonald, of Conservtech, to assist with efforts to ensure that all baking equipment was compliant.

9. In early 2019, the Bon Appetit executive managers authorized upgrades to our District Boulevard Processing Facilities. To streamline processes, we chose to replace our older ovens with newer and considerably more efficient Indirect Fired Impingement Tunnel Ovens. These ovens purportedly used significantly less natural gas and were to be fitted with California Compliant Natural Gas Burners. Bon Appetit committed to a capital expenditure of more than \$8 million to replace existing ovens with the two new large-capacity tunnel ovens. This included upcharges on both ovens for low-NOx burners. Specifically, the 4529 Oven has three Maxon Low NOx burners, and the 4525 Oven has four Maxon Low NOx burners.

10. Bon Appetit contracted for the manufacture, delivery, and installation of these two ovens around the time of the Covid-19 pandemic (Purchase Orders were issued on November 13, 2019 and August 18, 2020, for the 4529 Oven and 4525 Oven, respectively). The ovens were placed into service in January 2023. There was initially a misunderstanding about whether BABBCO or Bon Appetit was responsible for obtaining the permits, since

1 written communication between the companies contained apparently conflicting information.
2 Once Bon Appetit determined we were responsible, we enlisted Mr. MacDonald's help in
3 August 2023 to again ensure permitting compliance, not realizing at the time that these ovens
4 underwent a different permitting process from the smaller ovens. While the application was in
5 the process of being developed, a District inspector conducted an inspection and issued an
6 Notice of Violation for not having obtained permits for the oven prior to their installation and
7 operation. Mr. MacDonald came on-site to explain to the inspector that the application was
8 underway. This NOV was resolved in March 2024; the permit applications had been submitted
9 in January 2024.

10 CIRCUMSTANCES LEADING TO THE VARIANCE

11 11. A detailed chronology of the events leading up to the need for a variance, as well
12 as our actions taken since then, is attached here as **Exhibit A**. This chronology reflects my
13 contemporaneous running log of notes and events, and has only been lightly edited and
14 reformatted for clarity.

15 12. Additionally, because we have been working with a number of consultants and
16 companies in a short period of time (and many of the company names and roles are similar), I
17 have included as **Exhibit B** an alphabetical list of companies, along with their respective roles
18 and engagement dates, for reference.

19 13. Since we had ordered and paid for Low NOx Burners with its two ovens, and
20 our understanding based on conversations with the manufacturer was that BABBCO was
21 familiar with South Coast AQMD rules regarding NOx limits for food ovens, we reasonably
22 expected that the ovens would demonstrate compliance with the applicable limits upon source
23 testing. Indeed, the ovens were installed and commissioned in consultation with BABBCO
24 and its authorized local service provider, Wirth Gas.

25 14. We were surprised when preliminary testing of the 4525 Oven on Friday,
26 October 17th revealed that oven appeared to be exceeding NOx emissions limits and would
27 require adjustments prior to the scheduled source testing the following week. In fact, we
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1 requested Wirth Gas, the manufacturer's authorizes service provider, come on-site over the
2 weekend to address the oven's issues, but the technician was only able to come out on Monday,
3 October 20th, 2025. Accordingly, I sought a second opinion as well as support for the
4 troubleshooting of the 4525 Oven, and so we engaged a burner technician with McKenna
5 boiler for their expertise.

6 15. Source testing of both ovens had been scheduled to begin on October 20, 2025,
7 but the technician for Alliance, the source testing company, was ill and so the start of the source
8 testing was rescheduled to Tuesday, October 21, 2025. However, both Wirth Gas and the
9 McKenna technician were on-site Monday to assess the 4525 Oven and assess the 4529 Oven.
10 Preliminary reading suggested the 4529 Oven would pass source testing. However, two of the
11 burners on the 4525 Oven were not able to be assessed, because they continually flamed out
12 on low fire (the remaining two burners appeared compliant). That night, after operations, we
13 shut down the 4525 Oven in order to be able to disassemble it and inspect the two burners that
14 could not be assessed earlier.

15 16. On Tuesday, October 21st, we began source testing the 4529 Oven. We were
16 surprised and dismayed when the official source test company, Alliance, showed preliminary
17 test numbers that were not in compliance, since our other preliminary testing on this oven
18 indicated it was compliant. The McKenna technician's instruments showed significantly lower
19 NOx emissions than Alliance's. Alliance was able to perform on-site instrument calibration to
20 validate their readings; McKenna was not. South Coast AQMD inspectors were onsite during
21 the testing. Given the troubling preliminary tests, we inquired whether we should proceed with
22 the official source test of the 4529 Oven, and were directed to do so. The source test did not
23 demonstrate compliance with the NOx limits.

24 17. Meanwhile, also on Tuesday, October 21st, the Wirth Gath technician inspected,
25 analyzed and adjusted the burners on the 4525 Oven, and asserted that his readings showed
26 that the burners were within NOx limits. Alliance, the official source tester, performed a
27 preliminary test that showed the Oven 4525 was still exceeding NOx limits. Throughout
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1 outside environmental engineer Robert MacDonald, we connected with Mark Abramowitz for
2 his expertise on properly addressing any regulatory compliance issues with the equipment.
3 After consulting with him, we decided to seek a variance and he notified the SCAQMD District
4 Counsel's office that we intended to do so. We also contacted District staff to let them know
5 that we intended to file for a variance and suspend further source testing of this oven until we
6 could identify the issue. We also began collecting documentation and began preparing the
7 variance petition.

8 18. On October 22nd, formally retained counsel to assist with the variance process
9 and continued preparing the variance petition. We also collected the various documented
10 testing results and distributed them among the consultants to further advance the
11 troubleshooting.

12 19. On October 23rd, we filed the variance petition. We also contacted the oven
13 manufacturer, BABBCO, to request an urgent meeting to review these issues with both their
14 managers and engineers.

15 20. On Friday October 24th, we had extensive discussions with BABBCO's CEO
16 and engineer and confirmed that the ovens were designed to comply with the South Coast
17 AQMD NOx rule limitations. We discussed plans for their field engineer and third-party
18 combustion engineer to visit the facility to inspect, adjust and test the equipment.

19 21. Also on that Friday, District inspector Michael Pua conducted a routine
20 inspection. I was not at the facility at that time but I spoke with Mr. Pua by phone twice to
21 answer questions. Ultimately, a Notice to Comply was issued, and over the course of the next
22 two weeks we gathered supplied the necessary information ahead of the November 7, 2025
23 compliance deadline.

24 22. *Ex parte* variance relief was granted on Friday, October 24th.

25 **ACTIONS TAKEN TO DATE TOWARDS COMPLIANCE**

26 23. The week of October 27th, we continued extensive discussions with
27 manufacturer BABBCO to assess the findings thus far (including photographs of the burners).

1 We also contacted another third-party expert, Enviro-Energy Services, Inc., (“Enviro-Energy”)
2 a local combustion engineering company that specializes in baking oven emissions
3 compliance. Enviro-Energy’s engineers came onsite to inspect and assess the equipment and
4 operations and determined a plan for a follow-up site visit.

5 24. Over the weekend (Saturday and Sunday November 1st and 2nd), the new
6 consultant Enviro-Energy opened and inspected the 4529 Oven burners and towers, which
7 were in apparently excellent condition without significant dust infiltration or other buildup.

8 25. The following week (week of November 3rd), we worked with Enviro-Services
9 and BABBCO to ensure the former could make manufacturer-approved adjustments to the
10 burner. We executed a \$60,000 purchase order to Enviro-Services for continued assistance in
11 resolving the issues with these ovens in cooperation with BABBCO. Enviro-Energy also
12 recommended reexamining the source test protocol, and meeting with a recommended source
13 test company Energy Environmental Solutions, Inc.

14 26. This week (beginning over the weekend on November 8th), the burners on both
15 ovens were adjusted to Enviro-Energy’s specifications, and we tested baking product using
16 these specifications and determined that we could maintain product quality and oven
17 performance. We followed this with preliminary testing using hand analyzers with promising
18 results. Some combustion parameters are not accessible without access to the BABBCO’s
19 programming controls, so BABBCO will provide programming assistance to begin on
20 Thursday morning November 13th. At that time, Enviro-Energy expects to be able to complete
21 the calibration and preliminary testing, and we are optimistic that the ovens will meet
22 applicable limitations during operation. We are also continuing to communicate with South
23 Coast AQMD staff regarding some parameters of the approved source test protocol.

24 27. With these promising results, we intend to first focus on ensuring compliance of
25 the 4525 Oven, and then proceed immediately to the 4529 Oven.

26 28. Given Enviro-Services demonstrated expertise with these ovens burners, their
27 relationship with source testing company Energy Environmental, and those companies’ quick
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1 cooperation with manufacturer BABBCO, we will feel we have the most qualified team in
2 place and will continue working with them and their recommended source test company as we
3 move forward, rather than continuing with Alliance, Wirth Gas and McKenna. If necessary,
4 we are also ready to bring BABBCO's third-party team on-site, although that team is not local.

5 29. Although we are still working on how to achieve compliance, we are now
6 pursuing several paths in parallel with the assistance of these experts and the manufacturer
7 (although these paths are subject to change as we further investigate):

- 8 • (A) We are continuing to work to make adjustments to the burners and ovens that
9 we are optimistic will allow them to pass source testing using the approved protocol.
- 10 • (B) Simultaneously, however, we are exploring whether we need to request changes
11 to the approved source test protocols, in part because we are learning information
12 about the operation of these ovens that was not previously shared with us by the
13 manufacturer (see Declaration of Robert MacDonald).
- 14 • (C) Finally, depending on the success of the above pathways, we may need to
15 replace the existing Low-NOx burners with another type of Low NOx burner,
16 although based on our initial investigation into this option, the lead time for ordering
17 these burners is approximately 6 to 8 months.

18 30. We are working diligently to identify the potential causes of the NOx emissions
19 exceedance with these burners and are optimistic that we have the right team to achieve
20 compliance through one of the above pathways. We have acted swiftly and significant expense
21 to Bon Appetit, immediately seeking out and retaining the most qualified consultants, seeking
22 second and third opinions, and working diligently to advance multiple possible solutions at
23 once.

24 31. However, we are still early in this process, and as yet there has not been an
25 obvious solution, despite the experts on board. Even with the *ex parte* relief, which we are
26 grateful to have been granted, we could not have anticipated these continued challenges. We
27 also do not yet have a sense of how long it will be before we can achieve compliance. We also

1 do not know whether we will be able to complete the source testing within 90 days of approval
2 of the original source test protocol (as required by Condition 8 of both permits), which for both
3 ovens occurred on September 16, 2025, giving us a deadline of December 16, 2025. For that
4 reason, our petition sought an interim variance (as we did not have time for a regularly noticed
5 hearing) as well as a regular variance (currently scheduled for January 15, 2026).

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7 **HARM IF INTERIM VARIANCE WERE DENIED**

8 32. The effect of a denial of the variance will be the practical closing of a lawful
9 business activity. It would cause Bon Appetit to suffer economic loss of approximately
10 **\$405,000 per business day** and cause the loss of over 152 jobs at the Facility.

11 33. In addition to the lost sales, shorting customer orders may result in the long-term
12 loss of retail shelf space that could equate to more than \$500 million in additional losses over
13 five years.

14 34. We have 1800 independent distributors (including 50 in Southern California)
15 would soon be at risk of becoming insolvent if the supply chain was interrupted for an extended
16 period of time since we account for 50% to 80% of the products they distribute.

17 35. We do not have the ability shift our baking and packaging operations to another
18 facility or another company (companies who have such capabilities are our direct market
19 competitors).

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21 **CURTAILMENT IN LIEU OF OBTAINING A VARIANCE**

22 36. Bon Appetit has considered curtailment of the ovens but is unable to curtail its
23 operations without risking the cascading harms described above.

24 37. All of our finished goods require baking one of these two tunnel ovens. Our
25 products have a limited shelf life and need to be distributed fresh. There is no feasible option
26 to continue business without the ability to bake our products.

27 38. Since our product is perishable (28-day shelf life, with a 21-day shelf life on
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1 some products), we already run a very lean process, regularly reviewing demand along with
2 product already en route to inform ongoing production. Still, we evaluated our national
3 inventory and demand to determine if we are able to temporarily lower our production volume
4 without a damaging impact to the supply chain, but were unable to identify any options for a
5 throughput reduction that would not result in a substantial interruption in supply given the
6 leanness of existing product production and distribution.

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8 I declare under penalty of perjury under the laws of the State of California that
9 the foregoing is true and correct to my personal knowledge.

10 Executed this 12th day of November 2025, in the County of Los Angeles, State
11 of California.

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14 Sonny Cutwright
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Exhibit A

CHRONOLOGY OF BON APPETIT BAKERY OVENS CIRCUMSTANCES LEADING TO VARIANCE

Friday, Oct. 17	<u>Preparations for source testing reveal unexpected issues with the 4525 Oven :</u> ◦ Preliminary source testing conducted by Alliance, the source testing contractor, showed that the 4525 Oven emissions were higher than permitted. ◦ Bon Appetit requested that a burner technician from Wirth Gas (local authorized distributor and service provider for the Maxxon brand burner used on these BABBCO ovens) come onsite over the weekend; technician was unavailable for the weekend but scheduled for Monday morning, Oct. 20. ◦ Bon Appetit determined to begin the Monday source test with the 4529 Oven while the 4525 Oven issues would also be addressed Monday (before source testing that oven), with source testing for 4525 scheduled for Tuesday, Oct. 21.
Monday, Oct. 20	<u>Source testing technician ill and cancelled; other technicians brought in to troubleshoot :</u> ◦ Source testing company Alliance cancelled the scheduled test due to the illness of the main technician. ◦ The District was notified that the testing was postponed. ◦ Wirth Gas's technician called to report that he would be 6 hours late (he arrived around noon).

	◦ Seeking a second opinion and support for the troubleshooting efforts, Bon Appetit called McKenna Boiler and requested that they send a Combustion Burner Technician who arrived around noon as well. <u>4529 Oven:</u> ◦ Source testing for the 4529 Oven was rescheduled for Tuesday, Oct. 21 at 4:30am. ◦ The McKenna Boiler technician provided readings that showed all of the emissions were in compliance for the 3 burners that are on the 4529 system. <u>4525 Oven:</u> ◦ The Wirth Gas technician began calibrating the burners for the 4525 Oven. He provided emission readings for the 1st two burners (4 on this system) that showed the NOx and CO were in compliance. He was not able to calibrate the last two burners as they would flame out on Low Fire, although they appeared to show compliance prior to flaming out. ◦ The 4525 Oven was scheduled to be shut down in the evening so that the 4525 burners that did not pass the Wirth Gas technician's test could be dismantled, evaluated and placed back into service on 10/21/25. ◦ Source testing for the 4525 Oven was rescheduled to Wednesday Oct. 23.
Tuesday, Oct. 21	<u>Source test of 4529 Oven; Troubleshooting of 4525 Oven; Neither in compliance; Experts hired</u> <u>4529 Oven:</u> ◦ Source tester Alliance and the McKenna technician returned in the morning to begin source testing the 4529 Oven. ◦ The AQMD inspectors arrived at 9am to evaluate the source testing protocol.

	◦ Surprisingly, the Alliance preliminary testing showed higher than permitted emissions when testing the unloaded oven (heated but no product baking). The McKenna technician attempted to make minor calibration adjustments when it became apparent that his instrumentation readings were significantly different (lower) than the Alliance readings. ◦ Alliance confirmed that their readings were accurate through onsite calibration. McKenna was not able to provide instrumentation reading calibration onsite. None of the McKenna adjustment attempts were successful in bringing the emissions readings within the permit limits. ◦ Bon Appetit conferred with the onsite District inspectors, who contacted their supervisor who directed completion of the source testing (even though the Alliance technicians informed them that the 4529 Oven would fail). <u>4525 Oven :</u> ◦ Meanwhile, the 4525 Oven's suspect burners were cleaned, serviced and reinstalled. The McKenna technician checked all of the burner emissions and determined that none of the results were in compliance. However, it was already determined that his analyzer, although recently recalibrated, was not reading the same as the Alliance Source Testing instruments. ◦ The Wirth Gas technician arrived at 1pm and completed his inspection, analysis and adjusted the 4525 burners. He claimed that he was able to adjust the burners within the permit limits. He then took his analyzer to the 4529 facility (where the Alliance group was in the process the source testing that oven) where he confirmed that his unit was matching the results from the ongoing source test. ◦ After Alliance completed the 4529 Oven source testing, they moved their equipment to the 4525 facility and performed a courtesy preliminary test. Despite the purportedly compliant readings the Wirth Gas technician was getting on this oven, the Alliance results were dramatically different and not in compliance with the permit levels for NOx and CO. ◦ Bon Appetit GM Sonny Cutwright contacted ConservTech and who recommended consulting with Mark Abramowitz, Environmental Consultant. Mr. Abramowitz suggested that at we will
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	need to petition the AQMD for an Emergency Variance so we can have some time to sort this out with the oven manufacturer and Alliance Source Testing. He also suggested that we retain legal representation (attorney Maya Grasse) Mr. Cutwright authorized the execution of contractual agreements with both Mr. Abramowitz and Ms. Grasse. ◦ Bob Macdonald, ConservTech, notified the AQMD of potential changes to the source testing schedule and our intent to petition for an Emergency Variance. ◦ Bon Appetit determined in consultation with Mark Abramowitz that we should seek variance relief. The team began preparing the petition. ◦ Later in the evening, outreach was also made to outside environmental attorney Maya Grasse (who was traveling on vacation back east and returning the following day).
Wednesday, Oct. 22	<u>Variance Petition prepared ; Further source testing suspended</u> ◦ Rommel Macoy, Bon Appetit's Industrial Engineer, notified Alliance that we would be postponing further source testing while we address the discrepancies. At this time, official source test data for the 4529 Oven shows the oven noncompliant. Source testing of the 4525 Oven was suspended given the noncompliant results from the preliminary courtesy test done by Alliance. ◦ Bon Appetit retained outside counsel Maya Grasse to assist with the variance proceeding. ◦ The team continued preparing the variance petition.
Thursday, Oct. 23	<u>Variance Petition Filed; Continued Troubleshooting with Experts</u>

	◦ All documented testing results (Wirth Gas, McKenna Boiler & Alliance) were collected, scanned and distributed to outside consultants (Mr. Abramowitz, Mr. MacDonald and Ms. Grasse). ◦ Contacted the manufacturer of the ovens, BABBCO Tunnel Ovens, to expedite a meeting to review the issues with their executive managers and engineers. ◦ Variance petition filed electronically.
Friday, Oct. 24	<u>Ex Parte Relief Granted; Troubleshooting Continued; SCAQMD Inspection</u> ◦ Participated in discussions with BABBCO's CEO (Bill Foran) and Engineer (Jerry Barns): ✦ Confirmed that the ovens were designed to comply with the SCAQMD regulations. ✦ Shared pictures of this burner from the 4525 Oven that was found to be partially covered in an oily paste from cooking oils (before and after cleaning (which may have been the cause of the flame out on October 21). ✦ Discussed having their Field Engineer and their 3rd party Combustion Engineers arrange for a visit inspect, adjust and test the equipment. They feel comfortable that their 3rd party engineer's emissions testing equipment is adequate and properly calibrated for them to perform this service as they recently successfully did so at another local manufacturing facility. ◦ AQMD Inspector Michael Pua arrived at our facility at 4pm for a routine inspection. ✦ Our Industrial Engineer (Rommel), who manages our Regulator Compliance had left for the day and General Manager Sonny Cutwright was away as well. ✦ Another of Bon Appetit's Industrial Engineers met with him and coordinated a telephone conference so that Mr. Cutwright could speak with Mr. Pua. Mr. Cutwright informed him of the currently source testing activity and the submitted petition for an emergency variance. ✦ At approximately 6pm that same day; Mr. Pua asked to speak with Mr. Cutwright again and proceeded to ask several questions regarding the results of the recent source test and requested other information regarding VOC's and throughput. I informed the inspector that only Rommel and I had immediate access to that information and that we would be happy

	to provide it as soon as we returned to the facility on Monday morning (as it was late on Friday and we do not leave this information lying around). ✦ SCAQMD issued a Notice(s) to Comply (NTC) for the following items: ✦ <i>“Make sure model number and make for burners match with permits and install name places with BTU reading and model number per condition #5” (Rule 203)</i> ✦ <i>“Register 2 boilers (1,999,000 BTU/hr) per Rule 222 or show proof of registration” (Rule 222)</i> ✦ <i>“Provide 2024 daily/monthly throughput records for sugar and flour silos” (HSC 42303)</i> ✦ <i>“Provide 2024 monthly VOC calculations for ovens” (HSC 42303)</i> ✦ In response to the NTC: ✦ The water heaters were registered online ✦ Balance of the compliance items should be completed this week, ahead of the Nov. 7 deadline. ◦ Ex Parte Emergency variance was granted. ◦ Communicated with our Attorney and Environmental Consultants in regards to the Emergency and Regular Variance requests (through the weekend).
Monday, Oct. 27	<u>Continued conversations with manufacturer</u> ◦ Sent all Source Testing and Combustion Testing information and other data to BABBCO and scheduled a telephone meeting to review the next steps.
Tuesday, Oct. 28	<u>Manufacturer Troubleshooting; Additional Third-Party Experts Sought</u> ◦ BABBCO (manufacturer) troubleshooting: ✦ Reviewed the photographs and information related to the burner that required cleaning. ✦ Discussed and scheduled the cleaning of all burners & combustion towers prior to their visit (scheduled for the upcoming weekend). ✦ Received quotation for the pending technical visit from their engineers.

	✦ Requested updated oven nameplates. Will be sent this week. ◦ Contacted Enviro-Energy Services, Inc. as a potential additional third-party expert. They are a local combustion engineering company that specializes in baking oven emissions compliance. An onsite meeting was scheduled for the next day, Oct. 29. ◦ Collected data to for the 10/24 NTC and sent it to ConservTech ◦
Wednesday, Oct. 29	<u>Continued Manufacturer Troubleshooting; Additional Third-Party Expert On-Site</u> ◦ BABBCO Troubleshooting: ✦ Manufacturer Is shipping filter assemblies for the burners. These will be installed on 11/3/25. ✦ PO issued for the BABBCO engineering visit. Visit dates will be confirmed during virtual meeting on Nov. 3. • Enviro-Energy's engineers visited today at 9:30am. ◦ Bon Appetit arranged for an inspection of the operating systems and provided all of the emissions testing data and other information to their engineer. ◦ They are planning to be present when we open, inspect and clean all burners this upcoming weekend (Nov. 1&2). ◦ Operational testing planned for Nov. 4th. (<i>Ultimately, it was conducted on Nov. 5th</i>) During this visit, they will attempt to adjust the burner control program to eliminate any dramatic modulation during the baking process. ◦ General Manager Mr. Cutwright intends to introduce them to Bon Appetit's Environmental Consultant (Mr. MacDonald, ConservTech) so they can discuss the Source Testing Protocol and determine when further testing can be scheduled.
Thursday, Oct. 30	<u>Additional Data to New Specialist Consultant</u> ◦ Sent Source Test and Combustion Test results to Enviro-Energy

Friday, Oct. 31	<u>Continued Assessment of Potential Oven Emissions</u> ◦ Collected production data for the yeast-based products and forwarded it to ConservTech for emissions calculations.
Saturday Nov. 1 & Sunday Nov. 2	<u>4529 Oven Opened & Inspected by New Expert Enviro-Energy</u> ◦ Opened the 4529 Oven burners and towers for inspection. ✦ Enviro-Energy (combustion technicians) onsite. ✦ Burners external assemblies do show signs of flour dust infiltration. Internal burner assemblies show some signs of minor flour dust infiltration but mostly clean. Pictures sent to BABBCO for evaluation. ✦ All burner towers were spotless. ✦ All burner exhaust ducts and fans were cleaned (through the rooftop) and did not show signs of excessive buildup.
Monday, Nov. 3	<u>Secured Manufacturer Approval for Burner Adjustment and Test Plan</u> ◦ Conducted a virtual meeting with BABBCO's senior leadership and engineering team. ✦ Introduced them to the Enviro-Energy technician who explained that he had a great deal of experience with this specific burner. ✦ Agreed to allow Enviro-Energy to attempt to adjust the oven burners for both the 4529 and 4525 Oven and bring them into compliance. ✦ Agreed to a test plan using portable emissions analyzers. ✦ BABBCO's 3rd party combustion engineers will be on standby should this effort fail.

Tuesday, Nov. 4	<u>Further Assessment of Any Curtailment Options</u> ◦ Reviewed finished goods supply with our Supply Chain team and will attempt to minimize production and inventory during the requested Variance period. Sent email to our Environmental Attorney and Consultants.
Wednesday, Nov. 5	<u>Retain New Food Oven Specialist Consultant; Meet On-Site to Assess Approach</u> ◦ Conducted an onsite meeting with Enviro-Energy ✦ PO #11195 was Issued to Enviro-Energy for \$60K (to include Source Testing Fees). ✦ Present at the meeting were: ◊ Bob MacDonald, Environmental Engineer (3rd party – ConservTech) ◊ Bon Appetit Engineering Staff (Rommel Macoy and Martin Almarez) ◊ John Mayo, Bon Appetit Director of Operations ◊ Victor Ortega, Bon Appetit Maintenance Manager ◊ Carlos Flores, Bon Appetit Project Manager ◦ Topics Discussed ✦ Enviro-Energy's Combustion Evaluation Testing Plan ◊ Combustion technicians to evaluate our operations (oven startup, burner operational review during production, burner observation during product category changes (5oz Muffins to 2LB Cakes). ◊ Attempt minor adjustments to burners to see the impact on: flame, emissions and the impact on the quality of the baked goods. ✦ Enviro-Energy's scope of work and the timeline for their presentation of a formal estimate. ✦ Presentation of current AQMD Permits and approved Source Testing Protocol. ✦ Enviro-Energy's desire to change our Source Testing service provider to a firm he customarily partners with to coordinate preliminary testing and confirm results and finalize operating parameters (Energy Environmental Solutions, Inc – sourcetester.com)

Thursday, Nov. 6	<u>Confirmed Internal Processes to Continue Compliance with Variance Conditions</u> ◦ Reviewed changes to our internal reporting to more readily capture the usage data for our ovens to accommodate the necessary reporting. Weekly reports will now be sent to me and forwarded to ConservTech for the calculation of emissions.
Friday, Nov. 7	<u>Preliminary Discussions with New Source Tester & Consultant On Potential Issues</u> ◦ Conducted a virtual meeting ✦ Attendees: ✦ Ken Kumar, CEO of Energy Environmental Solutions, Inc (MSME, MSCE and Technical Advisor for the California Energy Commission) ✦ Dinesh Subherwal, CEO of Enviro-Energy Services ✦ Manny Villagrana, Technical Manager of Enviro-Energy Services ✦ Bon Appetit's Operations, Engineering and Maintenance Staff ✦ Bob MacDonald, CEO of ConservTech (3rd party Environmental Engineers who helps process all of our compliance permits) ◦ Topics Reviewed in Meeting ✦ Burner and oven design. ✦ Recent Source Testing results. ✦ Current Source Test Protocol ✦ General Failure Assumptions and notations ✦ Burner not designed to meet NOx threshold unless it is operating > 30% of its rated range. ✦ Source Test Protocol may not accommodate this ✦ Burner exhaust out of adjustment ✦ Some burner adjustments may dramatically affect the bake quality/design throughput and needs to be tested to confirm. ✦ Established parameters to begin burner re-calibration and evaluation on 11/11/25. ◦ Timely submitted all of the NTC Responses resulting from 10/24/25 AQMD Inspection

Saturday, Nov. 8 & Sunday, Nov. 9	<u>Tested Operational Abilities Under Potential New Parameters</u> ◦ Bon Appetit tested baking product with the burner system adjusted to the Enviro-Energy's parameters to see the potential impact on the product's bake quality and the performance of the tunnel oven. All test went well and the burner technicians were notified of the results.
Tuesday, Nov. 11	<u>Promising Preliminary Testing Results Using New Parameters</u> ◦ Enviro-Energy technicians onsite for burner testing and adjustment. Test results after calibration were very promising. Some combustion parameters are not accessible without access to the oven vendor's programming controls. Oven vendor will provide programming assistance to begin on to morning of 11/13/25. At that time, Enviro-Energy expects to be able to complete the calibration and testing; within the parameters of the current permit. They will be conferring with the AQMD Source Test Engineer as to how to address the potential issue with the startup portion of the Source Test Protocol as the burner has a limited performance range. ◦

Exhibit B

Table of Experts & Consultants

Company Name	Role	When Engaged
Alliance	Original source testing company.	March 2025 for June source test protocol submission
BABBCO	Manufacturer of the two tunnel ovens with Low NOx burners.	2019 & 2020, procurement ovens in service 2023
Community Environmental Services <i>(Mark Abramowitz)</i>	Independent environmental consultant hired to advise Bon Appetit on properly addressing the compliance issues, including the variance process.	Oct. 22, 2025
ConservTech <i>(Bob McDonald – Environmental Engineer)</i>	Bon Appetit’s longtime environmental consultant serving in role of outside environmental engineer for permitting assistance.	Beginning 2016 onward, as needed.
Energy Environmental Solutions	New source testing company with specific expertise in source testing food ovens.	Nov. 2025
Enviro-Energy Services, Inc.	New consultant; Local combustion engineering company that specializes in baking oven emissions compliance.	Nov. 5, 2025
McKenna Boiler	Boiler manufacturer, sales and service provider. Originally engaged early on for additional technical support to trouble shoot the oven burners.	Oct. 20, 2025
Wirth Gas	Local distributor and service provider for BABBCO. Originally engaged to prepare for source testing and help in early troubleshooting and adjustments within manufacturer parameters.	Oct. 2025