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SOUTH COAST AQMD  
CLERK OF THE BOARDS

PETITION FOR VARIANCE  
BEFORE THE HEARING BOARD OF THE  
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

2025 OCT 23 PM 4:17

PETITIONER: BON APPETIT BAKERY CASE NO: 6280-1

FACILITY ID: 167755

FACILITY ADDRESS: 4525 District Blvd.  
[location of equipment/site of violation; specify business/corporate address, if different, under Item 2, below]

City, State, Zip: Vernon, CA 90058

1. TYPE OF VARIANCE REQUESTED (more than one box may be checked; see Attachment A, Item 1, before selecting)

- INTERIM    SHORT    REGULAR    EMERGENCY    EX PARTE EMERGENCY

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

<u>Sonny Cutwright, General Manager</u>	<u>Maya Lopez Grasse, Counsel</u>
<u>Bon Appetit Bakery</u>	<u>Alston &amp; Bird LLP</u>
<u>4525 District Blvd.</u>	<u>350 S. Grand Ave., 51<sup>st</sup> Floor</u>
<u>Vernon, CA      Zip    90058</u>	<u>Los Angeles, CA      Zip 90071</u>
<u>☎ (    )                      Ext.</u>	<u>☎ ( 213 )    576-2526      Ext.</u>
<u>Fax (    )</u>	<u>Fax (    )</u>
<u>E-mail <u>sonny.c@bonappetitbakery.com</u></u>	<u>E-mail <u>maya.grasse@alston.com</u></u>

3. RECLAIM Permit    Yes    No      Title V Permit    Yes    No

4. **GOOD CAUSE:** Explain why your petition was not filed in sufficient time to issue the required public notice. (Required only for Emergency and Interim Variances; see Attachment A, Item 4)

Good cause exists to grant the requested ex parte emergency and interim variance relief from emissions limits applicable to the subject equipment: two bakery ovens that are critical to Petitioner's ability to operate. As described in more detail below, Petitioner has been in the process of timely completing the initial source testing on the ovens which began Monday, October 20, but has encountered unexpected problems. Specifically, some of the burners on the ovens are exceeding applicable NOx limits, and at this stage appear likely to require substantial troubleshooting. Accordingly, Petitioner is requesting ex parte emergency and interim relief to allow it to continue operating despite unsatisfactory source test results, along with a regular variance to allow Petitioner the necessary time to assess and resolve the issues.

As described above, Petitioner owns and operates two tunnel ovens for which permits to operate were issued in January and February 2025. Petitioner's facility comprises two adjacent buildings on Petitioner's property. While there is a single facility ID, the ovens are referred to by the addresses of the two buildings, which are at 4525 and 4529 District Blvd., in Vernon, CA. "Oven 4529" (Permit G78618) has three burners, while "Oven 4525" (Permit G78915) has four. The burners are all identical Maxxon-brand burners.

On Friday, October 17, in preparation for the ovens' initial source tests on Monday, October 20, required under its permit, the equipment vendor (Wirth Gas, the authorized distributor and service provider for Maxxon) tuned the engines. Preliminary testing by the vendor showed that the 4525 Oven emissions were higher than permitted. Despite Petitioner's request, the vendor was not able to work over the weekend to address these high preliminary testing results.

On Monday, October 20, the date of the scheduled source test, the source testing contractor was ill and unable to carry out the source test as scheduled. This was only conveyed to Petitioner on Monday morning. Petitioner notified District staff of the postponement of the source testing.

However, Petitioner continued to work diligently on Monday to prepare for the source testing and address the initial problems with Oven 4525. Wirth Gas, the vendor, was on site, and after tuning and making further adjustments, the vendor ostensibly fixed problems they had identified with two of the four burners on the 4525 Oven, which now preliminarily tested within permit and rule emissions limits. However, the vendor could not get readings on the other two burners. Therefore, Oven 4525 was shut down in the evening so that it could be dismantled, the burners evaluated, and placed back into service the following day. Source testing for Oven 4525 was rescheduled to Wednesday, October 23.

Additionally, seeking a second opinion on the burner issues as well as additional support for the source testing, Petitioner reached out on Monday to McKenna Boiler and requested that they send a Combustion Burner Technician, who arrived around noon on Monday, and returned on Tuesday for the source testing.

On the following day, Tuesday October 21, the source test was performed with District staff present. During the course of the source test, the Petitioner discovered that the 4529 Oven being tested would likely exceed its emission limits. This came as a surprise, because this was not the 4525 Oven that had the previously identified – and purportedly remedied – problem. Petitioner was surprised to learn of the likely exceedance because all of the engines had showed compliance when tested with the vendor's handheld tester, and the vendor had opined that the emissions were

within applicable limits.

During the source testing of Oven 4529, the McKenna technician attempted to make minor calibration adjustments, but these were unsuccessful in bringing the emissions within limits. It also became apparent that there was an unexplained discrepancy between the source tester's instruments and McKenna's instruments (the latter's read significantly lower). Ultimately, the Petitioner completed source testing on the 4529 Oven did not show compliance with the emissions limits.

Meanwhile, the 4525 Oven's burners were cleaned, serviced and reinstalled. All three service providers - the source tester, the vendor, and the McKenna technician – took their own preliminary readings. The vendor's reading showed compliance, but the others' preliminarily indicated non-compliance with NOx limits.

While the source test was still being performed, Petitioner began taking steps to prepare and file this request for an ex parte emergency variance, interim variance, and regular variance.

A more detailed timeline, based upon the company's daily notes, is attached as **Attachment A** to this Petition.

Petitioner is taking steps to determine the cause of any excess emissions with the manufacturer and the vendor. Petitioner intends to present any preliminary assessments at the Interim Variance hearing, and should the problem not yet be resolved, will identify further steps, timelines, and contingencies at that time.

Petitioner filed this request for ex parte emergency relief immediately upon learning that its efforts to appropriately tune the units were not successful, and that the manufacturer's preliminary testing of equipment may not have been accurate when it showed compliance.

Given that the current apparent emissions of the equipment exceed applicable limits, Petitioner's operation of the ovens will continue to violate District rules and permit conditions unless they receive the required variance protection. For the reasons outlined in Section 17, Petitioner must continue to operate the ovens even while it troubleshoots the cause of and remedy for the excess emissions. Accordingly, Petitioner urgently requests that the Hearing Board grant ex parte emergency relief for the ovens to continue to operate until a hearing on the interim variance can be held, and likewise grants interim relief until a hearing on a regular variance can be held.

Petitioner is not seeking ex parte emergency or interim variance relief for the requirement that they perform a source test showing compliance within 90 days of the approval of the source test protocol because they will not be in violation of that permit condition prior to the regular variance hearing. Additionally, Petitioner is not currently exceeding applicable CO limits to its knowledge. While CO numbers did not appear over the limits, CO levels may be affected as adjustments are made to reduce NOx – therefore, Petitioner may need relief from the CO limits as facts develop. However, Petitioner anticipates that information gained up until the regular variance hearing may warrant seeking relief from these provisions as well, and so they are being requested as part of the regular variance petition.

5. Briefly describe the type of business and processes at your facility.

Bon Appetit Bakery's 4525 District Avenue facility in Vernon produces individually-wrapped, single-serving bakery items for retail sale. All of our products are baked in one of two tunnel ovens (natural gas, indirect fired convection heated baking chamber) and cooled before packaging. One oven is bakery oven permitted to bake yeast-containing products, and the other is a food oven that bakes products containing cake batter. The facility also has active air quality permits for flour silos and a sugar silo.

6. List the equipment and/or activity(s) that are the subject of this petition (see Attachment A, Item 6, Example #1). **Attach copies of the Permit(s) to Construct and/or Permit(s) to Operate for the subject equipment. For RECLAIM or Title V facilities, attach *only* the relevant sections of the Facility Permit showing the equipment or process and conditions that are subject to this petition. You must bring the entire Facility Permit to the hearing.**

Equipment/Activity	Application/Permit No.	RECLAIM Device No.	Date Application/Plan Denied (if relevant)*
Oven #1, Bakery Oven, Bldg. 4529 ("Oven 4529")	A/N: 649772 P/N: G78618	n/a	n/a
Oven #2, Food Oven, Bldg. 4525 ("Oven 4525")	A/N: 657448 P/N: G78915	n/a	n/a

\*Attach copy of denial letter

7. Briefly describe the activity or equipment, and why it is necessary to the operation of your business. A schematic or diagram may be attached, in addition to the descriptive text.

Both ovens are fundamental to Petitioner's business: all of Petitioner's products are baked in tunnel ovens (natural gas, indirect fired, convection heated baking chamber). Petitioner does not have any other option for baking their products, so if they are unable to bake; 100% of their business would shut down.

8. Is there a regular maintenance and/or inspection schedule for this equipment? Yes  No

If yes, how often: Daily Date of last maintenance and/or inspection 10/21/25

Describe the maintenance and/or inspection that was performed.

All ovens are inspected daily for mechanical wear and the basic proper operation of the burners.

9. List all District rules, and/or permit conditions [indicating the specific section(s) and subsection(s)] from which you are seeking variance relief (if requesting variance from Rule 401 or permit condition, see Attachment A). Briefly explain how you are or will be in violation of each rule or condition (see Attachment A, Item 9, Example #2).

Rule	Explanation
<b>4529 Oven (Oven #1, Bakery Oven)</b>	
1153.1 (Table 1)	Table 1 specifies applicable NOx and CO limits for this equipment. Currently, the equipment is exceeding the NOx limit of 30 ppmv @ 3% O2. It is not yet exceeding the 800 ppm CO at 3% O2, but adjustments to NOx levels can inversely impact CO. Therefore, relief may be sought for CO limits as information develops.
Permit G78618, Cond. 7	This condition prohibits the equipment from emitting more than 30 ppmv NOx and more than 800ppm of CO as measured by volume on a dry basis at 3% O2. The initial source test shows the equipment is exceeding NOx limits; as facts develop and NOx levels are adjusted, there is the potential for exceeding CO limits as well.
Permit G78618, Cond. 8	This condition requires completion of a source test within 12 months of permit issuance date of 1/23/25.  While Petitioner is in the process of conducting an initial source test, this source test did not demonstrate compliance. Petitioner does not yet know the extent of the problem. If troubleshooting the issue prevents Petitioner from completing a source test before January 23, 2026, Petitioner will be in violation of the permit condition.
Permit G78618, Cond. 8(b)	The condition requires that a source test be completed within 90 days of the approval of the source test protocol date of 9/17/25.  While Petitioner is in the process of conducting an initial source test, this source test did not demonstrate compliance. Petitioner does not yet know the extent of the problem. If troubleshooting the issue prevents Petitioner from completing a source test before December 16, 2025, Petitioner will be in violation of the permit condition.
Rule 203(b)	This rule requires that all equipment be maintained and operated in compliance with rules and permit conditions applicable to the Facility. Because the oven currently exceeds NOx limits, Petitioner is not in compliance with this rule.
<b>4525 Oven (Oven #2, Food Oven):</b>	
1153.1 (Table 1)	Table 1 specifies applicable NOx and CO limits for this equipment. Currently, the equipment is exceeding the NOx limit of 30 ppmv @ 3% O2. It is not yet exceeding the 800 ppm CO at 3% O2, but adjustments to NOx levels can inversely impact CO. Therefore, relief may be sought for CO limits as information develops.
Permit G78915, Cond. 7	This condition prohibits the equipment from emitting more than 30 ppmv more than 800ppm of CO as measured by volume on a dry basis at 3% O2. The courtesy source test shows the equipment is exceeding NOx limits; as facts develop and NOx levels are adjusted, there is the potential for exceeding CO limits as well.

Permit G78915, Cond. 8	This condition requires completion of a source test within 12 months of permit issuance date of the permit issuance date of 2/25/25.  While Petitioner is in the process of conducting an initial source test, this source test did not demonstrate compliance. Petitioner does not yet know the extent of the problem. If troubleshooting the issue prevents Petitioner from completing a source test before February 25, 2026, Petitioner will be in violation of the permit condition.
Permit G78915, Cond. 8(b)	The condition requires that a source test be completed within 90 days of the approval of the source test protocol date of 9/17/25.  While Petitioner is in the process of conducting an initial source test, this source test did not demonstrate compliance. Petitioner does not yet know the extent of the problem. If troubleshooting the issue prevents Petitioner from completing a source test before December 16, 2025, Petitioner will be in violation of the permit condition.
Rule 203(b)	This rule requires that all equipment be maintained and operated in compliance with rules and permit conditions applicable to the Facility. Because the oven currently exceeds NOx limits, Petitioner is not in compliance with this rule.

10. Are the equipment or activities subject to this request currently under variance coverage? Yes  No

Case No.	Date of Action	Final Compliance Date	Explanation

11. Are any other equipment or activities at this location currently (or within the last six months) under variance coverage? Yes  No

Case No.	Date of Action	Final Compliance Date	Explanation

12. Were you issued any Notice(s) of Violation or Notice(s) to Comply concerning this equipment or activity within the past year? Yes  No

If yes, you must attach a copy of each notice.

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

If yes, you should be prepared to present details at the hearing.

14. Explain why it is beyond your reasonable control to comply with the rule(s) and/or permit condition(s). Provide specific event(s) and date(s) of occurrence(s), if applicable.

Petitioner expended significant capital to procure and install two new ovens that would replace approximately 35 smaller and aging ovens in its operations. These two new ovens would streamline operations and ensure compliance with District rules. Petitioner understood that it was purchasing low-NOx burners with these ovens – indeed, Petitioner required the vendor to provide California-compliant burner systems – and accordingly believed that its new burners were meeting the requirements of District rules.

Petitioner had followed the manufacturer's maintenance recommendations, and further had the burners tuned by Wirth Gas, an authorized service provider of the manufacturer. Petitioner was surprised when some of the new burners were non-compliant in preliminary testing, and they immediately took steps to fix the problem, which subsequent testing showed were resolved, as described in more detail in Section 4 and Attachment A. Petitioner was again surprised and dismayed when source testing began and the oven that had not shown any problems preliminarily showed that the new burners' emissions were not meeting the expected levels. There was nothing else Petitioner could have done, and the petitioner consistently acted diligently to ensure that any problems were addressed immediately. Unfortunately, however, Petitioner, working with the manufacturer, service provider, and source tester, is still in the process of assessing and resolving the excess NOx emissions of several of the burners.

Even as the source testing continued, petitioner acted immediately to pull together the facts and then file this petition. Petitioner expects to provide additional updates on steps that it is taking to assess and resolve these issues, but it is currently not within Petitioner's control to comply with the applicable Rules and permit conditions.

15. When and how did you first become aware that you would not be in compliance with the rule(s) and/or permit condition(s)? Provide specific event(s) and date(s) of occurrence(s).

Petitioner was not aware that it would be in violation of District rules until Tuesday, October 21, when the source test being performed on Oven 4529 revealed problems meeting the applicable emissions limits. The burners in that oven had never had a problem before, and preliminary hand-held readings that were done indicated that the burners were in compliance.

The 4525 Oven did have a problem that was discovered on Friday, October 17, but the cause was identified and ostensibly corrected on Monday, October 20. (See Attachment A) However, because an issue was identified with one of the hand-held units, and because the source test appears to indicate that the burners exceeded their permit limits and District rule 1153.1, Petitioner is unclear as to the extent of the issue. Between now and the interim hearing Petitioner will be working to determine the extent of the problem, its cause or causes, and be prepared to provide an update to the Hearing Board.

16. List date(s) and action(s) you have taken since that time to achieve compliance. That the Petition Form HB-V, and any related instructions, include requirement that the Petitioner include a timeline in suitable, chronological format to address the events, dates, and actions called for by Questions 15 and 16, including the dates of communication with the South Coast AQMD to notify them of the occurrence(s) giving rise to the requested variance.

Please see Section 4, Section 14 and Attachment A to this Petition.

17. What would be the harm to your business during **and/or after** the period of the variance if the variance were not granted?

Economic losses: \$ 405,000 per business day

Number of employees laid off (if any): 152

Provide detailed information regarding economic losses, if any, (anticipated business closure, breach of contracts, hardship on customers, layoffs, and/or similar impacts).

In addition to the lost sales, shorting customer's orders may result in the long-term loss of retail shelf space that could equate to > \$500MM in additional losses over 5 years.

Our 1800 independent distributors would soon become insolvent if the supply chain was interrupted for an extended period of time as we account for 50% to 80% of the products they distribute.

18. Can you curtail or terminate operations in lieu of, or in addition to, obtaining a variance? Please explain.

100% of our finished goods require baking in the affected equipment. Our products have a limited shelf life and need to be distributed fresh. There is not feasible option to continue business without the ability to bake our products. As described in Section 17 above, there would be significant economic consequences from shorting even some customer sales with the potential loss of retail space as a result, which would occur even with reduced production.

19. Estimate excess emissions, if any, on a daily basis, including, if applicable, excess opacity (the percentage of total opacity above 20% during the variance period). If the variance will result in no excess emissions, insert "N/A" here and skip to No. 20.

Pollutant	(A)	(B)	(C)*
	Total Estimated Excess Emissions (lbs/day)	Reduction Due to Mitigation (lbs/day)	Net Emissions After Mitigation (lbs/day)



NOx (Oven #1; 4529)	TBD		
NOx (Oven #2; 4525)	TBD		

\* Column A minus Column B = Column C

Excess Opacity: N/A %

20. Show calculations used to estimate quantities in No. 19, or explain why there will be no excess emissions.

Please see **Attachment C** to this Petition for very preliminary calculations.

21. Explain how you plan to reduce (mitigate) excess emissions during the variance period to the maximum extent feasible, or why reductions are not feasible.

Petitioner will work diligently with its team to identify as quickly as possible the cause for the excess emissions and work as quickly as possible to correct the issues and achieve compliance.

Unfortunately, Petitioner does not know the cause of the issues and it is not otherwise feasible to reduce excess emissions during the variance period. Petitioner considered whether it could shift any production from the non-compliant ovens to one of their other facilities; unfortunately, the products that are produced in the non-compliant ovens cannot be made at their other facilities.

Petitioner also considered whether it could contract with other companies to meet its customer obligations, but its products are unique and so it does not have that option and even if it did, doing so would be economically detrimental to the business.

22. How do you plan to monitor or quantify emission levels from the equipment or activity(s) during the variance period, and to make such records available to the District? **Any proposed monitoring does not relieve RECLAIM facilities from applicable missing data requirements.**

Petitioner will track operating hours and fuel consumption for the equipment.

23. How do you intend to achieve compliance with the rule(s) and/or permit condition(s)? Include a detailed description of any equipment to be installed, modifications or process changes to be made, permit conditions to be amended, etc., dates by which the actions will be completed, and an estimate of total costs.

Initially, we would have our technical service vendors and equipment manufactures' attempt to adjust the equipment and bring it into compliance; as it was designed. If this effort fails, we would

have the combustion systems retrofitted with available compliant equipment, however, this could take several months. We are diligently working to identify potential actions to take and will provide an update at the hearings.

24. State the date you are requesting the variance to begin: Immediately; and the date by which you expect to achieve final compliance: TBD.

If the regular variance is to extend beyond one year, you **must** include a **Schedule of Increments of Progress**, specifying dates or time increments for steps needed to achieve compliance. See District Rule 102 for definition of Increments of Progress (see Attachment A, Item 24, Example #3).

List Increments of Progress here:  
N/A

25. List the names of any District personnel with whom facility representatives have had contact concerning this variance petition or any related Notice of Violation or Notice to Comply.

\_\_\_\_\_  
Ext. \_\_\_\_\_  
\_\_\_\_\_  
Ext. \_\_\_\_\_

If the petition was completed by someone other than the petitioner, please provide their name and title below.

Maya Lopez Grasse                      Alston & Bird LLP                      Counsel  
Name                                      Company                                      Title

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

Executed on 10/23/2025, at Tehachapi, California

                      Maya Lopez Grasse  
Signature                                      Print Name

Title: Counsel

ATTACHMENT A

## ATTACHMENT A

- Friday, 10/17/25
  - Preliminary source testing conducted by Alliance, the source testing contractor, showed that the 4525 Oven emissions were higher than permitted.
  - Maxxon is the brand of burner that is used on the BABBCO ovens. Their local authorized distributor and service provider is Wirth Gas.
  - The Wirth Gas Combustion Burner Technician was requested for the weekend but eventually scheduled to be onsite on the morning of Monday 10/20/25.
  - We proposed moving the scheduled 10/20/25 test to the 4529 building while we evaluated and addressed the 4525 issues on that Monday morning.
- Monday, 10/20/25
  - The source testing company (Alliance) called off the scheduled test for the day; due to the illness of the main technician.
  - The AQMD was notified that the testing was postponed.
  - Wirth Gas's technician called to inform us that he would be 6 hours late (arrived around noon).
  - Bon Appetit called McKenna Boiler and requested that they send a Combustion Burner Technician who arrived around noon as well.
  - 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 within compliance. He was not able to calibrate the last two burners as they would flame out on Low Fire.
  - 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.
  - The source testing for 4529 was rescheduled for 10/21/25 at 4:30am.
  - The 4525 oven was scheduled to be shut down in the evening so other of 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 4525 was rescheduled to 10/23/25.
- Tuesday, 10/21/25
  - Alliance (source testing) and the McKenna technician returned in the morning to begin source testing.
  - 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 we noticed that his instrumentation readings were significantly different (lower) than the Alliance readings.
  - Alliance confirmed that their readings were accurate. 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.
  - We discussed this with the onsite AQMD inspectors who contacted their supervisor who insisted on going through with the source testing (even though the Alliance group informed them that we would fail).
  - The 4525 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. It was already determined that his analyzer 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 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 contacted ConservTech and who recommended that we discuss this with Mark Abramowitz, Environmental Consultant.
  - Bob Macdonald, Conservtech, notified the AQMD of potential changes to the source testing schedule and our intent to petition for an Emergency Variance.
- 
- Wednesday, 10/22/25
    - 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, we have the official source test data for the 4529 Oven, which shows the oven noncompliant. We suspended source testing of the 4525 Oven given the noncompliant results from the preliminary courtesy test done by Alliance.
    - We determined in consultation with Mark Abramowitz that we should seek variance relief and began preparing the petition.

**ATTACHMENT B**



South Coast Air Quality Management District  
 21865 Copley Drive, Diamond Bar, CA 91765-4178  
**PERMIT TO OPERATE**

Page 1  
 Permit No.  
 G78618  
 A/N 649772

This initial permit must be renewed ANNUALLY unless the equipment is moved, or changes ownership.  
 If the billing for the annual renewal fee (Rule 301(d)) is not received by the expiration date, contact the District.

Legal Owner  
 or Operator:

BON APPETIT BAKERY  
 4525 DISTRICT BLVD  
 VERNON, CA 90058

ID 167755

Equipment Location: 4525 DISTRICT BLVD, VERNON, CA 90058

Equipment Description :

Oven No. 1, Babbco, Model No. AH-170-90-3, Serial No. 19501-000-111319, 20'-1" W. X 109'-5" L. X 11'-3" H., Natural Gas Fired, with Three 2.50 MMBtu/hr Low NOx Burners, Eclipse Winnox, Model No. WX0200, Total Rating 7.5 MMBtu/hr.

Conditions :

1. Operation of this equipment shall be conducted in accordance with all data and specifications submitted with the application under which this permit is issued unless otherwise noted below.
2. This equipment shall be properly maintained and kept in good operating condition at all times.
3. This equipment shall be fired on natural gas only.
4. This equipment shall comply with all applicable requirements of Rule 1153.1.
5. This equipment shall display and maintain the model number and rated heat input capacity on the burners for the oven on a permanent rating plate.
6. Total uncontrolled VOC emissions from baking in this equipment shall not exceed 510.00 lb/month. The uncontrolled VOC emissions from baking in this equipment shall be calculated as follows:

VOC Emissions (lb/month) = Tons of Bakery Product (tons/month) x Emission Factor (lb VOC/ton of Bakery Product),

Where Emission Factor (lb VOC/ton of Bakery Product) =  $0.4042 + (0.4446 \times Yt)$   
 and  $Yt = \text{Yeast Percentage (\%)} \times \text{Fermentation Time (hr)}$ .

7. The burner in this equipment shall not emit more than 30 ppm of Oxides of Nitrogen (NOx), calculated as NO2, and not more than 800 ppm of Carbon Monoxide (CO) per Rule 1153.1, all measured by volume on a dry basis at 3% O2.



**FILE COPY**  
 South Coast Air Quality Management District  
 Certified Copy



8. The owner or operator of this equipment shall conduct an initial source test on the oven's burner within 12 months of the issuance of this permit, unless otherwise approved in writing by the Executive Officer and conduct subsequent source tests every five years thereafter, pursuant to the following conditions to verify compliance with Rule 1153.1 and Condition No. 7 in this permit.
- A. The test shall be performed by a testing laboratory certified by the California Air Resources Board or South Coast AQMD Laboratory Approval Program (LAP) in the required test methods for criteria pollutant(s) to be measured, and in compliance with South Coast AQMD Rule 304 (No Conflict of Interest).
  - B. A source test shall be conducted within 90 days after issuance of a written approval of the Source Test Protocol by the Executive Officer.
  - C. The test shall measure NOx, CO, carbon dioxide, oxygen content, moisture content, temperature, and the exhaust flow rate at the outlet of this equipment using the appropriate test methods specified in Rule 1153.1. The report shall present the emission data in pounds per hour and parts per million on a dry basis corrected to 3% oxygen.
  - D. The tests shall be conducted at the maximum heat input that the unit normally operates and at a heat input of less than 35 percent of the rated heat input capacity. The tests shall determine the firing rate (as percent of the rated heat input capacity) of the burner during the test.
  - E. Written notice of the source test shall be submitted to the South Coast AQMD (addressed to South Coast AQMD, PO Box 4941, Diamond Bar, CA 91765) at least 14 days prior to testing so that an observer may be present.
9. A source test protocol for Rule 1153.1 shall be submitted to the South Coast AQMD for approval (addressed to the South Coast AQMD Attn: Faye Ganser, 21865 Copley Drive, Diamond Bar, CA 91765) at least 60 days prior to conducting the initial source test, unless otherwise approved in writing by the South Coast AQMD. The test protocol shall be approved by the South Coast AQMD in writing before the test commences. The protocol shall include the completed South Coast AQMD Forms ST-1 and ST-2 and specifying the operating conditions of the equipment during the test, identity of the testing laboratory, a statement from the laboratory certifying that it meets the criteria in District Rule 304(k) and a description of the sampling and analytical procedures to be used.
10. The source test report shall contain, at a minimum, all testing data required by this permit. The source test report shall be submitted to the South Coast AQMD no later than 30 calendar days after the final source test date. A copy of the source test report shall be kept on file and shall be made available to South Coast AQMD personnel upon request.
11. The operator shall perform combustion system maintenance in accordance with manufacturer recommended maintenance schedule. Copy of the manufacturer's manual or other written guidance materials supplied by the manufacturer or distributor and records of maintenance activities shall be retained on-site for at least five years and shall be made available to South Coast AQMD personnel upon request.
12. Records shall be maintained to demonstrate compliance with the Conditions on this permit. Records shall be kept in a format acceptable to the South Coast AQMD, shall be retained at the facility for a minimum of five years, and shall be made available to South Coast AQMD personnel upon request.



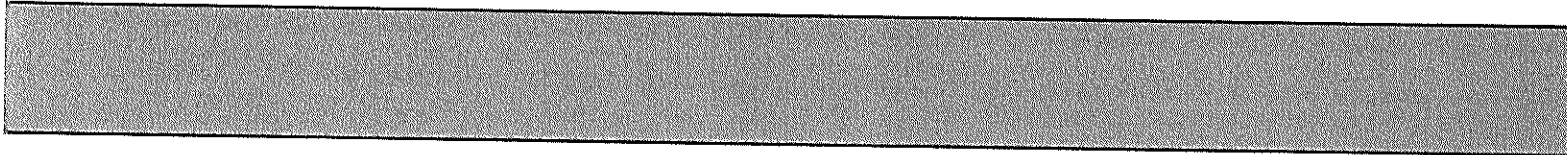




South Coast Air Quality Management District  
21865 Copley Drive, Diamond Bar, CA 91765-4178

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Permit No.  
G78618  
A/N 649772

**PERMIT TO OPERATE**



**NOTICE**

In accordance with Rule 206, this Permit to Operate or copy shall be posted on or within 8 meters of the equipment.

This permit does not authorize the emission of air contaminants in excess of those allowed by Division 26 of the Health and Safety Code of the State of California or the applicable Rules and Regulations of the South Coast Air Quality Management District (SCAQMD). This permit cannot be considered as permission to violate existing laws, ordinances, regulations or statutes of other government agencies.

Executive Officer

BY JASON ASPELL/FG04

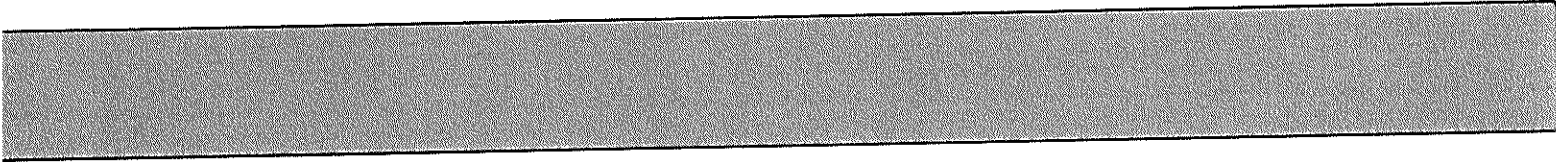
1/23/2025



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PERMIT TO OPERATE

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Permit No.  
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This initial permit must be renewed ANNUALLY unless the equipment is moved, or changes ownership.  
If the billing for the annual renewal fee (Rule 301(d)) is not received by the expiration date, contact the District.

Legal Owner  
or Operator:

BON APPETIT BAKERY  
4525 DISTRICT BLVD  
VERNON, CA 90058

ID 167755

Equipment Location: 4525 DISTRICT BLVD, VERNON, CA 90058

Equipment Description :

Oven No. 2, Babbco, Model No. AH-170-120-4, Serial No. 20172-000-081820, 20'-10" W. X 139'-3" L. X 11'-5" H., Natural Gas Fired, with Four 2.50 MMBtu/hr Eclipse Winnox Low NOx Burners, Model No. WX0200, Total Rating 10 MMBtu/hr.

Conditions :

1. Operation of this equipment shall be conducted in accordance with all data and specifications submitted with the application under which this permit is issued unless otherwise noted below.
2. This equipment shall be properly maintained and kept in good operating condition at all times.
3. This equipment shall be fired on natural gas only.
4. This equipment shall comply with all applicable requirements of Rule 1153.1.
5. This equipment shall display and maintain the model number and rated heat input capacity on the burners for the oven on a permanent rating plate.
6. The dough processed in this equipment shall not contain any yeast and any Volatile Organic Compounds (VOC) containing material.
7. The burner in this equipment shall not emit more than 30 ppm of Oxides of Nitrogen (NOx), calculated as NO<sub>2</sub>, and not more than 800 ppm of Carbon Monoxide (CO) per Rule 1153.1, all measured on a dry basis at 3% O<sub>2</sub>.
8. The owner or operator of this equipment shall conduct an initial source test on the oven's burner within 12 months of the issuance of this permit, unless otherwise approved in writing by the Executive Officer and conduct subsequent source tests every five years thereafter, pursuant to the following conditions to verify compliance with Rule 1153.1 and Condition No. 7 in this permit.
  - A. The test shall be performed by a testing laboratory certified by the California Air Resources Board or South Coast AQMD Laboratory Approval Program (LAP) in the required test methods for criteria pollutant(s) to be measured, and in compliance with South Coast AQMD Rule 304 (No Conflict of Interest).



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- B. A source test shall be conducted within 90 days after issuance of a written approval of the Source Test Protocol by the Executive Officer.
- C. The test shall measure NO<sub>x</sub>, CO, carbon dioxide, oxygen content, moisture content, temperature, and the exhaust flow rate at the outlet of this equipment using the appropriate test methods specified in Rule 1153.1. The report shall present the emission data in pounds per hour and parts per million on a dry basis corrected to 3% oxygen.
- D. The tests shall be conducted at the maximum heat input that the unit normally operates and at a heat input of less than 35 percent of the rated heat input capacity. The tests shall determine the firing rate (as percent of the rated heat input capacity) of the burner during the test.
- E. Written notice of the source test shall be submitted to the South Coast AQMD (addressed to South Coast AQMD, PO Box 4941, Diamond Bar, CA 91765) at least 14 days prior to testing so that an observer may be present
9. A source test protocol for Rule 1153.1 shall be submitted to the South Coast AQMD for approval (addressed to the South Coast AQMD, PO Box 4941, Diamond Bar, CA 91765) at least 60 days prior to conducting the initial source test, unless otherwise approved in writing by the South Coast AQMD. The test protocol shall be approved by the South Coast AQMD in writing before the test commences. The protocol shall include the completed South Coast AQMD Forms ST-1 and ST-2 and specifying the operating conditions of the equipment during the test, identity of the testing laboratory, a statement from the laboratory certifying that it meets the criteria in District Rule 304(k) and a description of the sampling and analytical procedures to be used.
10. The source test report shall contain, at a minimum, all testing data required by this permit. The source test report shall be submitted to the South Coast AQMD no later than 30 calendar days after the final source test date. A copy of the source test report shall be kept on file and shall be made available to South Coast AQMD personnel upon request.
11. The operator shall perform combustion system maintenance in accordance with manufacturer recommended maintenance schedule. Copy of the manufacturer's manual or other written guidance materials supplied by the manufacturer or distributor and records of maintenance activities shall be retained on-site for at least five years and shall be made available to South Coast AQMD personnel upon request.
12. Sampling facilities shall comply with the South Coast AQMD guidelines for construction of sampling and testing facilities, pursuant to Rule 217.
13. Records shall be maintained to demonstrate compliance with the Conditions on this permit. Records shall be kept in a format acceptable to the South Coast AQMD, shall be retained at the facility for a minimum of five years, and shall be made available to South Coast AQMD personnel upon request.



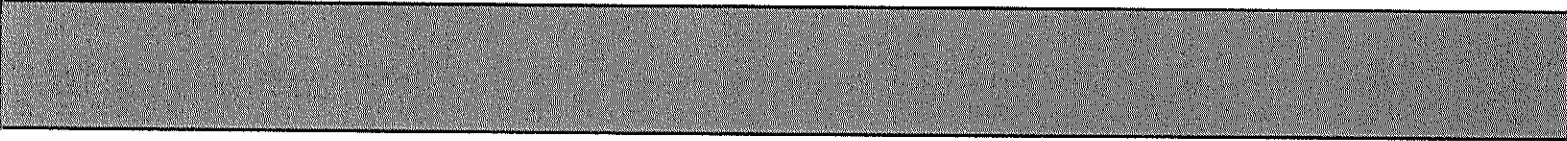
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Executive Officer

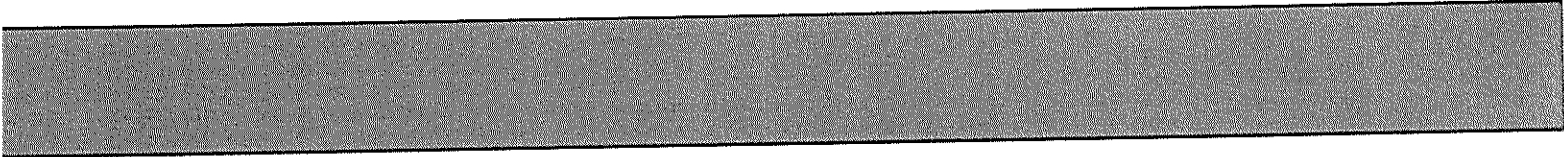
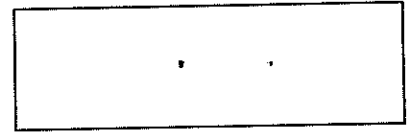
BY JASON ASPELL/FG04  
2/25/2025



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ATTACHMENT C

### Oven #1

Oven #1 (Bldg. 4529) has three burners with a maximum heat input value of 7.5 MMBtu/hr. Under the permit application maximum emissions were calculated using an operating time of 24 hours/day, 7 days/week, 52 weeks/year. Hourly emissions were calculated to be 0.273 lbs NOx/hour, and the 30-Day Daily Average emissions were calculated to be 6.55 lbs NOx/day.

Between 10/17/25 & 10/21/25 NOx emissions were measured by three different companies: Alliance Technical Group, the company that was contracted to conduct formal source tests on the ovens; McKenna Boiler, a company hired to tune the ovens; and Whirth, the representative for the manufacturer of the burners on these ovens. Worst case emissions were taken by Alliance on 10/17/25 & 10/21/25, averaging 66.5 ppm NOx @ 3% oxygen.

The NOx emission factor for 30 ppmv is 38.46 lbs NOx/mmcf of fuel. The NOx emission factor for 66.5 ppm NOx is therefore:

$$(66.5 \text{ ppm NOx} / 30 \text{ ppm NOx}) \times (38.46 \text{ lbs NOx/mmcf}) = 85.25 \text{ lbs NOx/mmcf}$$

Maximum gas usage for this oven is 0.0071 mmcf/hr. Hourly NOx emissions at 66.5 ppm NOx would be:

$$(0.0071 \text{ mmcf/hr}) \times (85.25 \text{ lbs NOx/mmcf}) = 0.605 \text{ lbs NOx/hour}$$

Oven #1 had the following operating schedule for the period in question:

Date	Operating Hours	x	Hourly Emissions (lbs NOx/hr)	=	Daily Emissions (lbs NOx/day)
10/17/25	12	x	0.605	=	7.26
10/18/25	0				0.00
10/19/25	0				0.00
10/20/25	20				12.10
10/21/25	15				9.08
TOTAL					28.44

Permitted NOx emissions for this oven for the five-day period were:

$$(6.55 \text{ lbs NOx/day}) \times (5 \text{ days}) = 32.75 \text{ lbs NOx}$$

Even though the NOx concentration was higher than allowed, the total NOx emitted by mass is less than the maximum allowed over those five days.

### Oven #2

Oven #2 (Bldg. 4525) has four burners with a maximum heat input value of 10.0 MMBtu/hr. Under the permit application maximum emissions were calculated using an operating time of 24 hours/day, 7 days/week, 52 weeks/year. Hourly emissions were calculated to be 0.365 lbs NOx/hour, and the 30-Day Daily Average emissions were calculated to be 8.76 lbs NOx/day.



Between 10/17/25 & 10/21/25 NOx emissions were measured by McKenna Boiler only. Worst case emissions were taken by them on 10/21/25, averaging 57.0 ppm NOx @ 3% oxygen.

The NOx emission factor for 30 ppmv is 38.46 lbs NOx/mmcf of fuel. The NOx emission factor for 57.0 ppm NOx is therefore:

$$(57.0 \text{ ppm NOx} / 30 \text{ ppm NOx}) \times (38.46 \text{ lbs NOx/mmcf}) = 73.07 \text{ lbs NOx/mmcf}$$

Maximum gas usage for this oven is 0.0095 mmcf/hr. Hourly NOx emissions at 57.0 ppm NOx would be:

$$(0.0095 \text{ mmcf/hr}) \times (73.07 \text{ lbs NOx/mmcf}) = 0.694 \text{ lbs NOx/hour}$$

Oven #2 had the following operating schedule for the period in question:

Date	Operating Hours	x	Hourly Emissions (lbs NOx/hr)	=	Daily Emissions (lbs NOx/day)
10/17/25	12	x	0.694	=	8.33
10/18/25	0				0.00
10/19/25	0				0.00
10/20/25	20				13.88
10/21/25	12				8.33
TOTAL					30.54

Permitted NOx emissions for this oven for the five-day period were:

$$(8.76 \text{ lbs NOx/day}) \times (5 \text{ days}) = 43.80 \text{ lbs NOx}$$

Again, even though the NOx concentration was higher than allowed, the total NOx emitted by mass is less than the maximum allowed over those five days.