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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

BEFORE THE HEARING BOARD OF THE

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

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| In the Matter of<br><br>SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT,<br><br>Petitioner,<br><br>v.<br><br>RECONSERVE OF CALIFORNIA, INC.<br>Facility ID # 135144;<br><br>Respondent. | Case No. 2876-9<br><br>PETITION FOR AN ORDER FOR ABATEMENT (STIPULATED)<br><br>District Rules 203(b), 1147(d)(2) & (3), 1147(e)<br><br>Hearing Date: November 19, 2026<br>Time: 9:30 a.m.<br>Place: 21865 Copley Drive<br>Diamond Bar, CA 91765-0940 |

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, (hereinafter referred to as "the District") petitions the Hearing Board for an Order for Abatement directed to Respondent, ReConserve of California, Inc. (hereinafter referred to as "ReConserve" or "Respondent") (collectively, the District and Respondent are "the Parties"). The District alleges as follows:

1. Petitioner is a body corporate and politic established and existing pursuant to Health and Safety Code § 40400, *et seq.* and is the sole and exclusive local agency with the responsibility for comprehensive air pollution control in the South Coast Basin.

2. ReConserve operates a facility located at 1163 Belmont Street, Ontario, California 91761 (Facility ID No. 135144) (the "Facility.") The Facility is located within the District's

jurisdiction and is subject to the District's regulations. It is neither a Title V nor a RECLAIM facility.

3. At its Facility, ReConserve receives and recycles bakery and cereal-grain by-products and processes them into an animal feed ingredient incorporated into various types of livestock feed. Specifically, ReConserve's process separates out the non-edible material from the baked product, then mixes, grinds and dries the mixture into the dense, dry feed ingredient product. This process entails the use of a dryer ("Dryer") and associated regenerative thermal oxidizer ("RTO").

4. The Dryer is described in District-issued permit no. G44830 as a drum dryer with a natural gas-fired Low NOx 17,500,000Btu/hr burner (the "Dryer Permit"); the burner is required to operate the Dryer. The Dryer Permit was issued February 2, 2017. Condition 5 of the Dryer Permit provides that Dryer NOx emissions shall not exceed 30 ppm measured by volume on a dry basis at 3% O2.

5. The RTO is an air pollution control device to control VOC emissions from the rotary dryer. As the dryer dries the baked products, the process converts sugars from the bread products resulting in VOCs. The RTO is required to control VOCs generated by the process. It utilizes a burner to start the RTO to bring it up to temperature until the unit self-sustains by burning VOC emissions generated in the dryer. The District issued permit no. G44984 on February 15, 2017 (the "RTO Permit"). This permit describes the RTO's burner as a 2,700,000Btu/hr natural gas-fired startup burner. Condition 5 of the RTO Permit provides that NOx emissions shall not exceed 30 ppmv measured by volume on a dry basis at 3% O2 averaged over 30 consecutive minutes.

6. The RTO and the dryer are operationally interlocked such that one cannot be used without the other. The RTO operates at high-fire for approximately a couple of hours per week while it is in startup mode, but during the rest of the 40-hour week it generally operates in low-fire mode. These are the only sources at the facility that generate NOx and CO emissions.

7. The RTO and Dryer are subject to District Rule 1147 and its NOx limits.

8. ReConserve and the District became aware that the Dryer and RTO at the Ontario Facility were not in compliance with provisions of Rule 1147, including the NOx limitations applicable to the RTO and the source testing requirement applicable to the Dryer.

9. ReConserve contends that once it identified the noncompliance, it began taking steps to come into compliance, including preparing permit applications, issuing a purchase order for a new RTO burner, and coordinating source testing of the Dryer burner. ReConserve also contends that it must continue to operate the Dryer and RTO in order to stay in business.

10. **District Rule 203(b)** states that permitted equipment shall not be operated contrary to the conditions specified in the permit to operate.

11. **District Rule 1147(d)(3)** states that equipment with an existing permit condition limiting NOx emissions in accordance with Table 1 of Rule 1147 shall operate that equipment in compliance with those limits until required to comply with the Table 2 NOx and CO limits in accordance with the implementation schedule in 1147(e)(2). Both the Dryer Permit and RTO Permit include conditions that meet the NOx emissions limits in Table 1, making them subject to the Table 2 emissions limits implementation deadlines specified in (e)(2).

12. **District Rule 1147(e)(2)** states that an owner or operator of equipment with permit conditions that meet Table 1 NOx limits must submit a permit application for each equipment unit to meet the Table 2 NOx and CO emissions limits based upon the age of the burner. The existing RTO permit does not include the applicable limits; therefore, the permit must be updated accordingly. Subdivision **(e)(2)(A)(ii)** states that on or before July 1 of the year when a unit's burner age reaches 32 years. The RTO burner is 32 years old this year, and thus a permit application should have been filed on or before July 1, 2026. The Dryer's current permit includes the Table 2 emissions for NOx and includes a provision requiring compliance with Rule 1147, but must be source tested consisted with 1147(h) to demonstrate compliance with the applicable Table 2 limits.

13. **District Rule 1147(d)(5)** states an owner or operator of an in-use unit shall not operate a unit that exceeds the applicable NOx and CO emissions limits specified in Table 2 after the applicable schedule set forth in subdivision (e). Here, the applicable Table 2 NOx and CO

limits for the RTO are 20ppmv and 1,000 ppmv CO. ReConserve has represented that it does not believe the RTO burner currently meets this NOx limit and has represented that it is procuring a new burner capable of meeting the limit.

14. The District, by this Petition, seeks an Order for Abatement to require Respondents to cease and desist from using the Dryer and RTO unless and until Respondent files conducts a source test of the Dryer pursuant to 1147(h) to demonstrate compliance with applicable emissions limits; and files an application to incorporate a new RTO burner and modify the permit to incorporate the current Rule 1147 emissions limits and thereafter conducts a source test to demonstrate compliance; and other conditions are met. The Parties intend to file Proposed Findings, along with supporting Declarations, so that the Hearing Board may consider this matter on its Consent Calendar.

15. It is not unreasonable to require Respondent to comply with District rules and regulations.

16. The issuance of an Order for Abatement upon a fully noticed hearing would not constitute a taking of property without due process of law.

17. Petitioner and Respondent have stipulated to place this matter on the Hearing Board's consent calendar.

18. This Order for Abatement is not intended to be, nor does it act as a variance.

19. The issuance of the prayed for Order for Abatement is not expected to result in the closing or elimination of an otherwise lawful business, but if it does result in such closure or elimination, it would not be without a corresponding benefit in reducing air contaminants.

WHEREFORE, the District prays for an Order for Abatement as follows:

1. That this Hearing Board issue an Order for Abatement requiring Respondent to cease operation the Preheat Oven in violation of Rules 203(b), 1147(d)(3) & (5), and 1147(e)(2), or, in the alternative, to comply with such conditions of operation that this Hearing Board deems appropriate

2. For such other and further relief that this Board deems just and proper.

Dated: November 4, 2026

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
OFFICE OF THE GENERAL COUNSEL
Mary Reichert, Senior Deputy District Counsel

By: _____
Mary Reichert
Attorney for Petitioner