



AUG 29 2013

Roger Messier  
Ralcorp Frozen Bakery Products  
1831 S. Stockton Street  
Lodi, CA 95241

**RE: Notice of Final Action - Authority to Construct**  
**Facility Number: N-8069**  
**Project Number: N-1120945**

Dear Mr. Messier:

The Air Pollution Control Officer has issued the Authority to Construct permits to Ralcorp Frozen Bakery Products for modifications to the bakery ovens, at 40 E. Neuharth Drive, Lodi, California. Enclosed are the Authority to Construct permits and a copy of the notice of final action to be published approximately three days from the date of this letter.

Notice of the District's preliminary decision to issue the Authority to Construct permits was published on November 27, 2012. The District's analysis of the proposal was also sent to CARB on November 20, 2012. All comments received following the District's preliminary decision on this project were considered.

Comments received by the District during the public notice period and the Consent Decree between Cottage Bakery, Inc and the EPA and District resulted in change to the proposed regenerative thermal oxidizer chamber temperature under permits N-8069-7, '-8 and '-9. Additionally, the facility is also required to operate equipment in accordance with the Consent Decree. These changes did not result in an increase in emissions from the facility, nor did they have any impact upon the Best Available Control Technology determination or on the amount of offsets required for project approval. Therefore, additional public notice is not required for this project.

Also enclosed is an invoice for the engineering evaluation fees pursuant to District Rule 3010. Please remit the amount owed, along with a copy of the attached invoice, within 60 days.

**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

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**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

Mr. Roger Messier  
Page 2

Thank you for your cooperation in this matter. If you have any questions, please contact Mr. Rupi Gill at (209) 557-6400.

Sincerely,

A handwritten signature in black ink, appearing to read "David Warner". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Warner  
Director of Permit Services

DW: JK

Enclosures

cc: Mike Tollstrup, CARB (w/enclosure) via email  
Cyntia Steiner, EPA Region 9 via email  
John Cadrett, Compliance Manager (Northern Region)

## Response to the Comment(s) from EPA

### Comment:

EPA states that it is not appropriate to establish an average RTO chamber temperature of 1,595°F over a 30-consecutive minute block for the bakery oven permits under permits N-8069-7, '-8 and '-9.

### Response:

To stay consistent with the requirements in Consent Decree # 2:12-CV-01697-KJM-JFM (8/19/13), the following condition is established in the permits N-8069-7, '-8 and '-9:

- The RTO shall be in operation at or above a chamber temperature of 1,630°F averaged over a 30-consecutive-minute block period during the bread baking process. The RTO chamber temperature, time interval and calculation method may be administratively revised by the District upon approval of an alternative limit and methodology by the EPA. [District Rule 2201 and Consent Decree]

Note that United States District Judge signed a Consent Decree # 2:12-CV-01697-KJM-JFM between United States of America, et.al., (Plaintiff) v. Cottage Bakery, Inc, et al., (Defendant) on August 19, 2013. This Consent Decree includes several operational, monitoring, recordkeeping and reporting requirements. Therefore, the following condition is included in permits N-8069-7, '-8 and '-9:

- The facility shall be operated in accordance with the requirements in Consent Decree # 2:12-CV-01697-KJM-JFM (8/19/13). [Consent Decree]

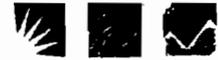
**NOTICE OF FINAL ACTION  
FOR THE ISSUANCE OF  
AUTHORITY TO CONSTRUCT PERMITS**

NOTICE IS HEREBY GIVEN that the Air Pollution Control Officer has issued the Authority to Construct permits to Ralcorp Frozen Bakery Products for modifications to the bakery ovens, at 40 E. Neuharth Drive, Lodi, California.

All comments received following the District's preliminary decision on this project were considered.

Comments received by the District during the public notice period and the Consent Decree between Cottage Bakery, Inc and the EPA and District resulted in change to the proposed regenerative thermal oxidizer chamber temperature under permits N-8069-7, '-8 and '-9. Additionally, the facility is also required to operate equipment in accordance with the Consent Decree. These changes did not result in an increase in emissions from the facility, nor did they have any impact upon the Best Available Control Technology determination or on the amount of offsets required for project approval. Therefore, additional public notice is not required for this project.

The application review for Project #1120945 is available for public inspection at [http://www.valleyair.org/notices/public\\_notices\\_idx.htm](http://www.valleyair.org/notices/public_notices_idx.htm), the SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, 4800 ENTERPRISE WAY, MODESTO, CA 95356, and at any other District office. For additional information, please contact the District at (209) 557-6400.



# AUTHORITY TO CONSTRUCT

**PERMIT NO:** N-8069-7-1

**ISSUANCE DATE:** 08/28/2013

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS

**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF BREAD BAKING OVEN #1 TO REDUCE ALT-20 TESTING FREQUENCY FOR INLET NATURAL DRAFT OPENINGS; REQUIRE OVEN PRESSURE MONITORING USING A SENSOR INSTALLED AT THE TIE-IN OF EXHAUST FROM BREAD BAKING OVENS RATHER THAN INDIVIDUAL PRESSURE MONITORING SENSOR; ESTABLISH MINIMUM RTO CHAMBER TEMPERATURE; ESTABLISH NOX LIMITS USING 2.0 LB/DAY FOR EACH BURNER SYSTEM; ESTABLISH CO LIMITS USING LATEST SOURCE TEST RESULTS. THE POST-PROJECT EQUIPMENT DESCRIPTION WILL BE: BREAD BAKING OVEN #1: 3.2 MMBTU/HR (4 MAXON'S CYCLOMAX BURNERS, EACH RATED AT 0.8 MMBTU/HR) SASIB TURBOTHERMAL OVEN VENTED TO A 2.2 MMBTU/HR ADWEST TECHNOLOGIES INC, RETOX 7.4 RTO95, WITH TWO CHAMBERS, NATURAL GAS-FIRED, REGENERATIVE THERMAL OXIDIZER (RTO). THIS RTO SERVES PERMIT UNITS N-8069-7, '-8, AND '-9.

## CONDITIONS

1. This Authority to Construct permit cancels and replaces ATC N-8069-7-0. [District Rule 2201]
2. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
3. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
4. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
5. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
6. This oven and the RTO shall only be fired on PUC-regulated natural gas. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director / APGO

DAVID WARNER, Director of Permit Services

N-8069-7-1: Aug 28 2013 10:45AM - JAVL/ONU Joint Inspection NOT Required

7. The RTO shall be in operation at or above a chamber temperature of 1,630°F averaged over a 30-consecutive-minute block period during the bread baking process. The RTO chamber temperature, time interval and calculation method may be administratively revised by the District upon approval of an alternative limit and methodology by the EPA. [District Rule 2201 and Consent Decree]
8. The RTO chambers shall be permanently equipped with temperature measurement devices to determine the average combustion temperature. The combustion temperature shall be continuously monitored and recorded at least every 15-minutes, as long as the bread baking process operates. The recorded temperature data shall be averaged over a 30-consecutive-minute block to demonstrate compliance with the RTO combustion chamber temperature. Upon detecting any excursion, the permittee shall investigate the excursion and take corrective action to minimize excessive emissions and prevent recurrence of the excursion as expeditiously as practicable. [District Rule 2201]
9. The combined capture and control efficiency of the RTO system shall be at least 95% for VOCs during the baking process. [District Rule 2201]
10. The direction of air flow through each natural draft opening (NDO) shall occur into an associated oven compartment, which is ducted to the RTO. Upon successful compliance demonstration, VOC capture efficiency can be assumed 100 percent for the NDO. [District Rule 2201]
11. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
12. VOC emissions shall not exceed 23.0 pounds in any one day. These emissions include bread baking process emissions from this oven and natural gas combustion emissions in the RTO chambers. [District Rule 2201]
13. NO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.104 lb/MMBtu referenced as NO<sub>2</sub>. [District Rule 2201]
14. SO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.00285 lb/MMBtu. [District Rule 2201]
15. PM<sub>10</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0076 lb/MMBtu. [District Rule 2201]
16. CO emissions from natural gas combustion shall not exceed any of the following limits: 0.126 lb/MMBtu for burner #1, 0.007 lb/MMBtu for burner #2, 0.005 lb/MMBtu for burner #3, and 0.007 lb/MMBtu for burner #4. [District Rule 2201]
17. VOC emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0055 lb/MMBtu. [District Rule 2201]
18. Emissions from natural gas combustion in the RTO serving the baking process emissions shall not exceed any of the following limits: 30.0 ppmvd NO<sub>x</sub> @ 3% O<sub>2</sub> (referenced as NO<sub>2</sub>), 400 ppmvd CO @ 3% O<sub>2</sub>, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
19. Sampling facilities for source testing shall be provided in accordance with the provisions of Rule 1081 (Source Sampling). [District Rule 1081]
20. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified at least 30 days prior to any compliance source test, and a source test plan must be submitted for approval at least 15 days prior to testing. [District Rule 1081]
21. All emissions measurements shall be made with the unit operating either at conditions representative of normal operations or conditions specified in the Permit to Operate. No determination of compliance shall be established within two hours after a continuous period in which fuel flow to the unit is shut off for 30 minutes or longer, or within 30 minutes after a re-lighting of the unit resulting from an unscheduled or unavoidable shut off of the fuel flow or electrical power to the unit. [District Rule 2201]
22. During source testing, the oven shall either be operated at or above 90% of its maximum hourly processing capability, or at or above 90% of its maximum hourly production in the previous year. [District Rule 2201]

23. At least once every five years, or sooner if required by the EPA, ARB, or the District, source testing to determine the direction of air flow through each NDO shall be conducted using "Negative Pressure Enclosure Qualitative Test Method for Bakery Ovens" protocol (available at <http://www.epa.gov/ttn/emc/approalt/alt-020.pdf>). Should the permittee decide to use different test methodology, the methodology must be approved by the District. [District Rule 2201]
24. At least once every five years, or sooner if required by the EPA, ARB, or the District, a presurvey must be done prior to source testing to determine VOC compound analytes present in the effluent stream using the methodology described in EPA Method 18, Section 16. The presurvey will be used to develop the appropriate sampling approach to ensure efficient collection of all VOCs present in the effluent and to develop a specific list of target compounds to be quantified during the subsequent total VOC source testing. Should the permittee decide to use a different test methodology, the methodology must be approved by the District and EPA. [District Rule 2201]
25. Annual source testing to determine compliance with each VOC emission limit shall be conducted using EPA Methods 2, 2A, or 2D for measuring flow rates and EPA Methods 18, 25, 25A, or 308 to measure VOC emissions. EPA Methods 25 or 25A can be used to determine the total VOCs only if the analyzer is calibrated with ethanol, or appropriate compound as determined in the pre-survey of the latest source test, and the total carbon mass is scaled to the mole fraction of ethanol (or appropriate compound), with the balance being scaled to the relative mole fraction of other the identified compounds. The Method 25 or 25A scaling factor shall be listed in the Permit to Operate. Should the permittee decide to use a different test methodology, the methodology must be approved by the District. [District Rule 2201]
26. The VOC control efficiency of the RTO (at least 95%) shall be conducted annually using EPA Methods 18, 25, 25A, or 308. Should the permittee decide to use a different test methodology, the methodology must be approved by the District. [District Rule 2201]
27. For emissions source testing, the arithmetic average of three 30-consecutive-minute test runs shall apply. If two of three runs are above an applicable limit the test cannot be used to demonstrate compliance with an applicable limit. [District Rules 1081 and 2201]
28. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081]
29. The permittee shall determine and record the daily VOC emissions by multiplying the total bread baked (tons/day) in this oven and the emission factor (EF, lb-VOC/ton of bread baked). The emission factor shall be determined using the results from the latest source test. [District Rule 2201]
30. The permittee shall keep records of the date and time of burner inspection, burner identification (e.g. compartment 1, 2, 3 or 4), name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
31. The permittee shall keep records of the date and time of oxidizer inspection, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
32. The permittee shall maintain a daily record of the following items: (a) total bread baked per day by bread product type (tons/day), (b) RTO combustion temperature data, (c) operating pressure as measured by the pressure transmitter at the tie-in of oven #1, #2 and #3 (in inches of water or mercury), (d) total fuel use in MMscf/day in this oven, (e) total fuel use in MMscf/day in the RTO, (f) number of ovens in operation, and (g) RTO downtime and the reason of downtime. [District Rule 2201]
33. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]
34. The facility shall be operated in accordance with the requirements in Consent Decree # 2:12-CV-01697-KJM-JFM (8/19/13). [Consent Decree]



# AUTHORITY TO CONSTRUCT

**PERMIT NO:** N-8069-8-1

**ISSUANCE DATE:** 08/28/2013

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS

**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF BREAD BAKING OVEN #2 TO REDUCE ALT-20 TESTING FREQUENCY FOR INLET NATURAL DRAFT OPENINGS; REQUIRE OVEN PRESSURE MONITORING USING A SENSOR INSTALLED AT THE TIE-IN OF EXHAUST FROM BREAD BAKING OVENS RATHER THAN INDIVIDUAL PRESSURE MONITORING SENSOR; ESTABLISH MINIMUM RTO CHAMBER TEMPERATURE; ESTABLISH NOX LIMITS USING 2.0 LB/DAY FOR EACH BURNER SYSTEM; ESTABLISH CO LIMITS USING LATEST SOURCE TEST RESULTS; RE-ESTABLISH HEAT INPUT RATING OF THE OVEN. THE POST-PROJECT EQUIPMENT DESCRIPTION WILL BE: BREAD BAKING OVEN #2: 4.0 MMBTU/HR (4 MAXON'S CYCLOMAX, 3 BURNERS RATED AT 0.8 MMBTU/HR EACH, 1 BURNER RATED AT 1.6 MMBTU/HR) GOUET STONE SOLE TUNNEL OVEN VENTED TO A 2.2 MMBTU/HR ADWEST TECHNOLOGIES INC, RETOX 7.4 RTO95, WITH TWO CHAMBERS, NATURAL GAS-FIRED, REGENERATIVE THERMAL OXIDIZER (RTO). THIS RTO SERVES PERMIT UNITS N-8069-7, '-8, AND '-9.

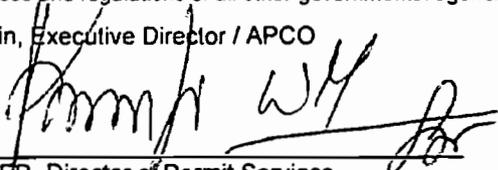
## CONDITIONS

1. This Authority to Construct permit cancels and replaces ATC N-8069-8-0. [District Rule 2201]
2. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
3. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
4. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
5. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
6. This oven and the RTO shall only be fired on PUC-regulated natural gas. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director / APCO

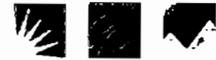


DAVID WARNER, Director of Permit Services

N-8069-8-1: Aug 28 2013 10:45AM - KAHLOUJ : Joint Inspection NOT Required

7. The RTO shall be in operation at or above a chamber temperature of 1,630°F averaged over a 30-consecutive-minute block period during the bread baking process. The RTO chamber temperature, time interval and calculation method may be administratively revised by the District upon approval of an alternative limit and methodology by the EPA. [District Rule 2201 and Consent Decree]
8. The RTO chambers shall be permanently equipped with temperature measurement devices to determine the average combustion temperature. The combustion temperature shall be continuously monitored and recorded at least every 15-minutes, as long as the bread baking process operates. The recorded temperature data shall be averaged over a 30-consecutive-minute block to demonstrate compliance with the RTO combustion chamber temperature. Upon detecting any excursion, the permittee shall investigate the excursion and take corrective action to minimize excessive emissions and prevent recurrence of the excursion as expeditiously as practicable. [District Rule 2201]
9. The combined capture and control efficiency of the RTO system shall be at least 95% for VOCs during the baking process. [District Rule 2201]
10. The direction of air flow through each natural draft opening (NDO) shall occur into an associated oven compartment, which is ducted to the RTO. Upon successful compliance demonstration, VOC capture efficiency can be assumed 100 percent for the NDO. [District Rule 2201]
11. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
12. VOC emissions shall not exceed 23.0 pounds in any one day. These emissions include bread baking process emissions from this oven and natural gas combustion emissions in the RTO chambers. [District Rule 2201]
13. NO<sub>x</sub> emissions from natural gas combustion shall not exceed any of the following limits: 0.104 lb/MMBtu for burner #1, 2 and 3 and 0.086 lb/MMBtu for burner #4 referenced as NO<sub>2</sub>. [District Rule 2201]
14. SO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.00285 lb/MMBtu. [District Rule 2201]
15. PM<sub>10</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0076 lb/MMBtu. [District Rule 2201]
16. CO emissions from natural gas combustion shall not exceed any of the following limits: 0.724 lb/MMBtu for burner #1, 0.195 lb/MMBtu for burner #2, 0.594 lb/MMBtu for burner #3, and 0.985 lb/MMBtu for burner #4. [District Rule 2201]
17. VOC emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0055 lb/MMBtu. [District Rule 2201]
18. Heat input rate to burner #4 in this oven shall not exceed 23.3 MMBtu in any one day. [District Rule 2201]
19. A non-resettable, totalizing mass or volumetric fuel flow meter to measure the amount of natural gas combusted in burner #4 shall be installed, utilized and maintained. [District Rule 2201]
20. Emissions from natural gas combustion in the RTO serving the baking process emissions shall not exceed any of the following limits: 30.0 ppmvd NO<sub>x</sub> @ 3% O<sub>2</sub> (referenced as NO<sub>2</sub>), 400 ppmvd CO @ 3% O<sub>2</sub>, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
21. Sampling facilities for source testing shall be provided in accordance with the provisions of Rule 1081 (Source Sampling). [District Rule 1081]
22. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified at least 30 days prior to any compliance source test, and a source test plan must be submitted for approval at least 15 days prior to testing. [District Rule 1081]
23. All emissions measurements shall be made with the unit operating either at conditions representative of normal operations or conditions specified in the Permit to Operate. No determination of compliance shall be established within two hours after a continuous period in which fuel flow to the unit is shut off for 30 minutes or longer, or within 30 minutes after a re-lighting of the unit resulting from an unscheduled or unavoidable shut off of the fuel flow or electrical power to the unit. [District Rule 2201]

24. During source testing, the oven shall either be operated at or above 90% of its maximum hourly processing capability, or at or above 90% of its maximum hourly production in the previous year. [District Rule 2201]
25. At least once every five years, or sooner if required by the EPA, ARB, or the District, source testing to determine the direction of air flow through each NDO shall be conducted using "Negative Pressure Enclosure Qualitative Test Method for Bakery Ovens" protocol (available at <http://www.epa.gov/ttn/emc/approalt/alt-020.pdf>). Should the permittee decide to use different test methodology, the methodology must be approved by the District. [District Rule 2201]
26. At least once every five years, or sooner if required by the EPA, ARB, or the District, a presurvey must be done prior to source testing to determine VOC compound analytes present in the effluent stream using the methodology described in EPA Method 18, Section 16. The presurvey will be used to develop the appropriate sampling approach to ensure efficient collection of all VOCs present in the effluent and to develop a specific list of target compounds to be quantified during the subsequent total VOC source testing. Should the permittee decide to use a different test methodology, the methodology must be approved by the District and EPA. [District Rule 2201]
27. Annual source testing to determine compliance with each VOC emission limit shall be conducted using EPA Methods 2, 2A, or 2D for measuring flow rates and EPA Methods 18, 25, 25A, or 308 to measure VOC emissions. EPA Methods 25 or 25A can be used to determine the total VOCs only if the analyzer is calibrated with ethanol, or appropriate compound as determined in the pre-survey of the latest source test, and the total carbon mass is scaled to the mole fraction of ethanol (or appropriate compound), with the balance being scaled to the relative mole fraction of other the identified compounds. The Method 25 or 25A scaling factor shall be listed in the Permit to Operate. Should the permittee decide to use a different test methodology, the methodology must be approved by the District. [District Rule 2201]
28. The VOC control efficiency of the RTO (at least 95%) shall be conducted annually using EPA Methods 18, 25, 25A, or 308. Should the permittee decide to use a different test methodology, the methodology must be approved by the District. [District Rule 2201]
29. For emissions source testing, the arithmetic average of three 30-consecutive-minute test runs shall apply. If two of three runs are above an applicable limit the test cannot be used to demonstrate compliance with an applicable limit. [District Rules 1081 and 2201]
30. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081]
31. The permittee shall determine and record the daily VOC emissions by multiplying the total bread baked (tons/day) in this oven and the emission factor (EF, lb-VOC/ton of bread baked). The emission factor shall be determined using the results from the latest source test. [District Rule 2201]
32. The permittee shall keep records of the date and time of burner inspection, burner identification (e.g. compartment 1, 2, 3 or 4), name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
33. The permittee shall keep records of the date and time of oxidizer inspection, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
34. The permittee shall maintain a daily record of the following items: (a) total bread baked per day by bread product type (tons/day), (b) RTO combustion temperature data, (c) operating pressure as measured by the pressure transmitter at the tie-in of oven #1, #2 and #3 (in inches of water or mercury), (d) total fuel use in MMscf/day in this oven, (e) total fuel use in MMscf/day in the RTO, (f) number of ovens in operation, (g) RTO downtime and the reason of downtime, and (h) Heat input rate to burner #4 in this oven (MMBtu/day). [District Rule 2201]
35. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]
36. The facility shall be operated in accordance with the requirements in Consent Decree # 2:12-CV-01697-KJM-JFM (8/19/13). [Consent Decree]



## AUTHORITY TO CONSTRUCT

**PERMIT NO:** N-8069-9-1

**ISSUANCE DATE:** 08/28/2013

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS

**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF BREAD BAKING OVEN #3 TO REDUCE ALT-20 TESTING FREQUENCY FOR INLET NATURAL DRAFT OPENINGS; REQUIRE OVEN PRESSURE MONITORING USING A SENSOR INSTALLED AT THE TIE-IN OF EXHAUST FROM BREAD BAKING OVENS RATHER THAN INDIVIDUAL PRESSURE MONITORING SENSOR; ESTABLISH MINIMUM RTO CHAMBER TEMPERATURE; ESTABLISH NOX LIMITS USING 2.0 LB/DAY FOR EACH BURNER SYSTEM; ESTABLISH CO LIMITS USING LATEST SOURCE TEST RESULTS; RE-ESTABLISH HEAT INPUT RATING OF THE OVEN. THE POST-PROJECT EQUIPMENT DESCRIPTION WILL BE: BREAD BAKING OVEN #3: 4.0 MMBTU/HR (4 MAXON'S CYCLOMAX, 3 BURNERS RATED AT 0.8 MMBTU/HR EACH, 1 BURNER RATED AT 1.6 MMBTU/HR) GOUET STONE SOLE TUNNEL OVEN VENTED TO A 2.2 MMBTU/HR ADWEST TECHNOLOGIES INC, RETOX 7.4 RTO95, WITH TWO CHAMBERS, NATURAL GAS-FIRED, REGENERATIVE THERMAL OXIDIZER (RTO). THIS RTO SERVES PERMIT UNITS N-8069-7, '-8, AND '-9.

## CONDITIONS

1. This Authority to Construct permit cancels and replaces ATC N-8069-9-0. [District Rule 2201]
2. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
3. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
4. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
5. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
6. This oven and the RTO shall only be fired on PUC-regulated natural gas. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director / APCO

DAVID WARNER, Director of Permit Services

N-8069-9-1: Aug 28 2013 10:45AM - KAJ/LODI : Joint Inspection NOT Required

7. The RTO shall be in operation at or above a chamber temperature of 1,630°F averaged over a 30-consecutive-minute block period during the bread baking process. The RTO chamber temperature, time interval and calculation method may be administratively revised by the District upon approval of an alternative limit and methodology by the EPA. [District Rule 2201 and Consent Decree]
8. The RTO chambers shall be permanently equipped with temperature measurement devices to determine the average combustion temperature. The combustion temperature shall be continuously monitored and recorded at least every 15-minutes, as long as the bread baking process operates. The recorded temperature data shall be averaged over a 30-consecutive-minute block to demonstrate compliance with the RTO combustion chamber temperature. Upon detecting any excursion, the permittee shall investigate the excursion and take corrective action to minimize excessive emissions and prevent recurrence of the excursion as expeditiously as practicable. [District Rule 2201]
9. The combined capture and control efficiency of the RTO system shall be at least 95% for VOCs during the baking process. [District Rule 2201]
10. The direction of air flow through each natural draft opening (NDO) shall occur into an associated oven compartment , which is ducted to the RTO. Upon successful compliance demonstration, VOC capture efficiency can be assumed 100 percent for the NDO. [District Rule 2201]
11. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
12. VOC emissions shall not exceed 23.0 pounds in any one day. These emissions include bread baking process emissions from this oven and natural gas combustion emissions in the RTO chambers. [District Rule 2201]
13. NOx emissions from natural gas combustion shall not exceed any of the following limits: 0.104 lb/MMBtu for burner #1, 2 and 3 and 0.052 lb/MMBtu for burner #4 referenced as NO2. [District Rule 2201]
14. SOx emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.00285 lb/MMBtu. [District Rule 2201]
15. PM10 emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0076 lb/MMBtu. [District Rule 2201]
16. CO emissions from natural gas combustion shall not exceed any of the following limits: 0.165 lb/MMBtu for burner #1, 0.439 lb/MMBtu for burner #2, 0.021 lb/MMBtu for burner #3, and 0.871 lb/MMBtu for burner #4. [District Rule 2201]
17. VOC emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0055 lb/MMBtu. [District Rule 2201]
18. Emissions from natural gas combustion in the RTO serving the baking process emissions shall not exceed any of the following limits: 30.0 ppmvd NOx @ 3% O2 (referenced as NO2), 400 ppmvd CO @ 3% O2, 0.00285 lb-SOx/MMBtu, 0.0076 lb-PM10/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
19. Sampling facilities for source testing shall be provided in accordance with the provisions of Rule 1081 (Source Sampling). [District Rule 1081]
20. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified at least 30 days prior to any compliance source test, and a source test plan must be submitted for approval at least 15 days prior to testing. [District Rule 1081]
21. All emissions measurements shall be made with the unit operating either at conditions representative of normal operations or conditions specified in the Permit to Operate. No determination of compliance shall be established within two hours after a continuous period in which fuel flow to the unit is shut off for 30 minutes or longer, or within 30 minutes after a re-lighting of the unit resulting from an unscheduled or unavoidable shut off of the fuel flow or electrical power to the unit. [District Rule 2201]
22. During source testing, the oven shall either be operated at or above 90% of its maximum hourly processing capability, or at or above 90% of its maximum hourly production in the previous year. [District Rule 2201]

23. At least once every five years, or sooner if required by the EPA, ARB, or the District, source testing to determine the direction of air flow through each NDO shall be conducted using "Negative Pressure Enclosure Qualitative Test Method for Bakery Ovens" protocol (available at <http://www.epa.gov/ttn/emc/approalt/alt-020.pdf>). Should the permittee decide to use different test methodology, the methodology must be approved by the District. [District Rule 2201]
24. At least once every five years, or sooner if required by the EPA, ARB, or the District, a presurvey must be done prior to source testing to determine VOC compound analytes present in the effluent stream using the methodology described in EPA Method 18, Section 16. The presurvey will be used to develop the appropriate sampling approach to ensure efficient collection of all VOCs present in the effluent and to develop a specific list of target compounds to be quantified during the subsequent total VOC source testing. Should the permittee decide to use a different test methodology, the methodology must be approved by the District and EPA. [District Rule 2201]
25. Annual source testing to determine compliance with each VOC emission limit shall be conducted using EPA Methods 2, 2A, or 2D for measuring flow rates and EPA Methods 18, 25, 25A, or 308 to measure VOC emissions. EPA Methods 25 or 25A can be used to determine the total VOCs only if the analyzer is calibrated with ethanol, or appropriate compound as determined in the pre-survey of the latest source test, and the total carbon mass is scaled to the mole fraction of ethanol (or appropriate compound), with the balance being scaled to the relative mole fraction of other the identified compounds. The Method 25 or 25A scaling factor shall be listed in the Permit to Operate. Should the permittee decide to use a different test methodology, the methodology must be approved by the District. [District Rule 2201]
26. The VOC control efficiency of the RTO (at least 95%) shall be conducted annually using EPA Methods 18, 25, 25A, or 308. Should the permittee decide to use a different test methodology, the methodology must be approved by the District. [District Rule 2201]
27. For emissions source testing, the arithmetic average of three 30-consecutive-minute test runs shall apply. If two of three runs are above an applicable limit the test cannot be used to demonstrate compliance with an applicable limit. [District Rules 1081 and 2201]
28. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081]
29. The permittee shall determine and record the daily VOC emissions by multiplying the total bread baked (tons/day) in this oven and the emission factor (EF, lb-VOC/ton of bread baked). The emission factor shall be determined using the results from the latest source test. [District Rule 2201]
30. The permittee shall keep records of the date and time of burner inspection, burner identification (e.g. compartment 1, 2, 3 or 4), name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
31. The permittee shall keep records of the date and time of oxidizer inspection, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
32. The permittee shall maintain a daily record of the following items: (a) total bread baked per day by bread product type (tons/day), (b) RTO combustion temperature data, (c) operating pressure as measured by the pressure transmitter at the tie-in of oven #1, #2 and #3 (in inches of water or mercury), (d) total fuel use in MMscf/day in this oven, (e) total fuel use in MMscf/day in the RTO, (f) number of ovens in operation, and (g) RTO downtime and the reason of downtime. [District Rule 2201]
33. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]
34. The facility shall be operated in accordance with the requirements in Consent Decree # 2:12-CV-01697-KJM-JFM (8/19/13). [Consent Decree]



## AUTHORITY TO CONSTRUCT

**PERMIT NO:** N-8069-10-1

**ISSUANCE DATE:** 08/28/2013

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS

**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF CAKE BAKING OVEN #4 TO ESTABLISH NOX LIMITS USING 2.0 LB/DAY FOR EACH BURNER SYSTEM; ESTABLISH CO LIMITS USING LATEST SOURCE TEST RESULTS. THE POST-PROJECT EQUIPMENT DESCRIPTION WILL BE: CAKE BAKING OVEN #4: 3.2 MMBTU/HR (4 MAXON'S CYCLOMAX EACH RATED AT 0.8 MMBTU/HR) MEINCKE OVEN

### CONDITIONS

1. This Authority to Construct permit cancels and replaces ATC N-8069-10-0. [District Rule 2201]
2. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
3. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
4. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
5. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
6. This oven shall only be fired on PUC-regulated natural gas. [District Rule 2201]
7. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director / APCD

DAVID WARNER, Director of Permit Services

N-8069-10-1; Aug 28 2013 10:45AM - KAHLOJ Joint Inspection NOT Required

8. Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheet for each flavoring or other similar additives to demonstrate compliance with this condition. [District Rule 2201]
9. NOx emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.104 lb/MMBtu referenced as NO2. [District Rule 2201]
10. SOx emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.00285 lb/MMBtu. [District Rule 2201]
11. PM10 emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0076 lb/MMBtu. [District Rule 2201]
12. CO emissions from natural gas combustion shall not exceed any of the following limits: 0.010 lb/MMBtu for burner #1, 0.583 lb/MMBtu for burner #2, 0.601 lb/MMBtu for burner #3, and 0.392 lb/MMBtu for burner #4. [District Rule 2201]
13. VOC emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0055 lb/MMBtu. [District Rule 2201]
14. The permittee shall maintain daily records of fuel use in MMscf/day in this oven. [District Rule 2201]
15. The permittee shall keep records of the date and time of burner inspection, burner identification (e.g. compartment 1, 2, 3 or 4), name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
16. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]



# AUTHORITY TO CONSTRUCT

**PERMIT NO:** N-8069-13-1

**ISSUANCE DATE:** 08/28/2013

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS

**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF CAKE OVEN #1 TO INCLUDE A CONDITION THAT CAKE BATTER SHALL NOT CONTAIN VOC CONTAINING INGREDIENTS; REMOVE DAILY VOC EMISSION LIMIT CALCULATION FOR BAKING PROCESS. THE POST-PROJECT DESCRIPTION WILL BE: 0.56 MMBTU/HR NATURAL GAS-FIRED REVENT ECONOMITE CAKE OVEN #1

## CONDITIONS

1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
3. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
4. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
5. This oven shall only be fired on PUC-regulated natural gas. [District Rule 2201]
6. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
7. Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheet for each flavoring or other similar additives to demonstrate compliance with this condition. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director / APCD

DAVID WARNER, Director of Permit Services

N-8069-13-1, Aug 28 2013 10:43AM - JPH/CLJ Joint Inspection NOT Required

8. Emissions from natural gas combustion in this oven shall not exceed any of the following limits: 0.1 lb-NO<sub>x</sub>/MMBtu, 0.084 lb-CO/MMBtu, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
9. This oven shall be equipped with an operational nonresettable elapsed time meter. [District Rule 2201]
10. The permittee shall maintain daily records of fuel use in MMscf/day in this oven. The fuel use (MMscf/day) may be estimated as follows: 0.00056 x total daily hours of operation taken from the time meter. [District Rule 2201]
11. The permittee shall keep records of the date and time of burner inspection, burner identification, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
12. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]



# AUTHORITY TO CONSTRUCT

**PERMIT NO:** N-8069-14-1

**ISSUANCE DATE:** 08/28/2013

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS  
**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF CAKE OVEN #2 TO INCLUDE A CONDITION THAT CAKE BATTER SHALL NOT CONTAIN VOC CONTAINING INGREDIENTS; REMOVE DAILY VOC EMISSION LIMIT CALCULATION FOR BAKING PROCESS. THE POST-PROJECT DESCRIPTION WILL BE: 0.56 MMBTU/HR NATURAL GAS-FIRED REVENT ECONOMITE CAKE OVEN #2

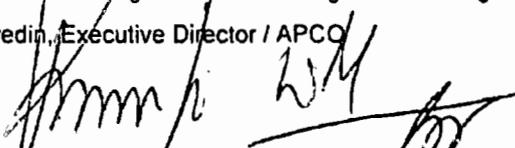
## CONDITIONS

1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
3. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
4. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
5. This oven shall only be fired on PUC-regulated natural gas. [District Rule 2201]
6. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
7. Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheet for each flavoring or other similar additives to demonstrate compliance with this condition. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director / APCD



DAVID WARNER, Director of Permit Services

N-8069-14-1; Aug 28 2013 10:45AM - KAH:CNJ Joint Inspection NOT Required

8. Emissions from natural gas combustion in this oven shall not exceed any of the following limits: 0.1 lb-NO<sub>x</sub>/MMBtu, 0.084 lb-CO/MMBtu, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
9. This oven shall be equipped with an operational nonresettable elapsed time meter. [District Rule 2201]
10. The permittee shall maintain daily records of fuel use in MMscf/day in this oven. The fuel use (MMscf/day) may be estimated as follows: 0.00056 x total daily hours of operation taken from the time meter. [District Rule 2201]
11. The permittee shall keep records of the date and time of burner inspection, burner identification, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
12. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]



## AUTHORITY TO CONSTRUCT

**PERMIT NO:** N-8069-15-1

**ISSUANCE DATE:** 08/28/2013

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS

**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF 0.375 MMBTU/HR NATURAL GAS FIRED WAYNE HOWE BLUE ANGEL OVEN: CORRECT EQUIPMENT MANUFACTURER NAME; INCLUDE A CONDITION THAT CAKE BATTER SHALL NOT CONTAIN VOC CONTAINING INGREDIENTS; REMOVE VOC FLAVOR COMPONENT FROM DAILY EMISSION CALCULATION; RE-ESTABLISH THE DAILY VOC EMISSION CALCULATION EQUATION. THE POST-PROJECT EQUIPMENT DESCRIPTION WILL BE: 0.375 MMBTU/HR NATURAL GAS FIRED BREAD/CAKE OVEN

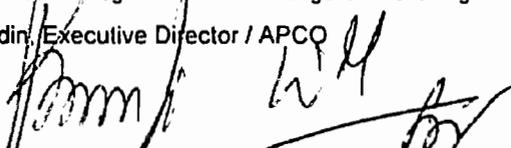
## CONDITIONS

1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
3. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
4. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
5. This oven shall only be fired on PUC-regulated natural gas. [District Rule 2201]
6. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
7. Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheet for each flavoring or other similar additives to demonstrate compliance with this condition. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director / APCD



DAVID WARNER, Director of Permit Services

N-8069-15-1: Aug 28 2013 10:45AM - KAH,OK,LU Joint Inspection NOT Required

8. The total VOC emissions from the baking process and natural gas combustion in this oven shall not exceed 2.0 pounds in any one day. [District Rule 2201]
9. Emissions from natural gas combustion in this oven shall not exceed any of the following limits: 0.1 lb-NO<sub>x</sub>/MMBtu, 0.084 lb-CO/MMBtu, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
10. This oven shall be equipped with an operational nonresettable elapsed time meter. [District Rule 2201]
11. The daily VOCs shall be determined using the following equation:  $(EF_1 \text{ lb-VOC/lb-bread} \times P \text{ lb-bread/day}) + (5.5 \text{ lb/MMscf} \times NG \text{ MMscf/day})$ , where  $EF_1$  is VOC in bread,  $P$  is bread produced, and  $NG$  is natural gas use. The natural gas fuel use (MMscf/day) may be estimated as follows:  $0.00056 \times \text{total daily hours of operation taken from the time meter}$ . [District Rule 2201]
12. The permittee shall maintain daily records of fuel used in MMscf/day in this oven and the total VOC emissions (lb/day). [District Rule 2201]
13. The permittee shall keep records of the date and time of burner inspection, burner identification, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
14. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]



## AUTHORITY TO CONSTRUCT

**PERMIT NO:** N-8069-16-1

**ISSUANCE DATE:** 08/28/2013

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS

**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

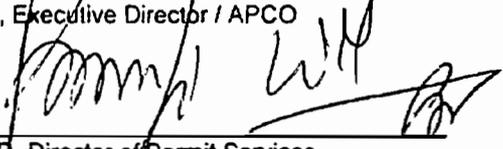
MODIFICATION OF ELECTRIC BAKING OVEN TO INCLUDE A CONDITION THAT CAKE BATTER SHALL NOT CONTAIN VOC CONTAINING INGREDIENTS; REMOVE VOC FLAVOR COMPONENT FROM DAILY EMISSION CALCULATION

### CONDITIONS

1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
3. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
4. Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheet for each flavoring or other similar additives to demonstrate compliance with this condition. [District Rule 2201]
5. The total VOC emissions from the baking process shall not exceed 2.0 pounds in any one day. [District Rule 2201]
6. The daily VOCs shall be determined using the following equation:  $EF1 \text{ lb-VOC/lb-bread} \times P \text{ lb-bread/day}$ , where EF1 is VOC in bread, P is bread produced. [District Rule 2201]
7. The permittee shall maintain daily records of the total VOC emissions (lb/day). [District Rule 2201]
8. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Sayed Sadredin, Executive Director / APCO

  
DAVID WARNER, Director of Permit Services

N-8069-16-1: Aug 28 2013 10:45AM - KAHLOUJ John Inspection NOT Required

**San Joaquin Valley Air Pollution Control District  
Authority to Construct  
Application Review**

Facility Name:	Ralcorp Frozen Bakery Products	Rev. Date:	August 27, 2013
Mailing Address:	1831 S. Stockton Street Lodi, CA 95241	Engineer:	Jagmeet Kahlon
Contact Person:	Roger Messier	Lead Engineer:	Nick Peirce
Telephone:	(209) 333-8044		
Fax:	(209) 333-7428		
Application #(s):	N-8069-7-1, '-8-1, '-9-1, '-10-1, '-13-1, '-14-1, '-15-1, '-16-1		
Project #:	N-1120945		
Deemed Complete:	August 2, 2012		

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**I. PROPOSAL**

Ralcorp Frozen Bakery (Ralcorp) was issued Authority to Construct (ATC) permits for an existing bakery in February, 2010. These ATCs were for the various operations including flour receiving operations, bread baking ovens, cake baking ovens, and other unbaked products such as bagels and Danish making operations. The proposed modifications to some of these units are as follows:

N-8069-7-1, '-8-1 and '-9-1: Bread baking ovens 1, 2 and 3

1. Reduce testing frequency at inlet natural draft openings (NDOs).

Ralcorp has proposed to reduce ALT-20 (<http://www.epa.gov/ttn/emc/approalt/alt-020.pdf>) testing frequency for inlet NDOs of each oven since it is difficult to place a dry ice bucket close to the inlet opening due to the presence of robotic/automatic feeding systems. Ralcorp has proven that the inlet NDOs are slightly under negative pressure during a source test in May 2011. Therefore, the frequency of ALT-20 test will be reduced from annual to at least once every five years, or sooner upon discretion from the EPA or the District.

2. Re-establish heat input rating for the ovens under permit N-8069-8 and '-9.

Ralcorp has changed the original oven burners with 0.8 MMBtu/hr (each) Maxon Cyclomax low-NOx burners between November 2010 and January 2011. Subsequent to this, the facility had replaced 0.8 MMBtu/hr burner #4 in oven #2 (N-8069-8) with 1.6 MMBtu/hr in May 2011, and a 0.8 MMBtu/hr burner #4 in oven #3 (N-8069-9) with 1.6 MMBtu/hr in February 2012 since they were unable to maintain the required temperature in these compartments for some bread recipes. Therefore, they have proposed to modify the

equipment description of permits N-8069-8 and '-9 to reflect that the total heat input is 4.0 MMBtu/hr (4 Maxon's Cyclomax burners, three rated at 0.8 MMBtu/hr and one rated at 1.6 MMBtu/hr).

3. Require oven pressure monitoring using a sensor installed at the tie-in of exhaust from these ovens.

Ralcorp has proposed to modify condition 32, item (c) of ATC N-8069-7-0, '-8-0 and '-9-0 that requires to record the operating pressure of the oven. Ralcorp states that they have one pressure transmitter installed at the tie-in of the three ovens that indicates the negative pressure. Additionally, this pressure is recorded continuously as part of the RTO system. Therefore, the facility would like to replace the language of item (c) to state that "operating pressure as measured by the pressure transmitter at the tie-in of oven #1, #2 and #3 (in inches of water or mercury)".

4. Establish an average RTO combustion chamber temperature

Ralcorp has supplied a chart showing RTO chamber temperature between 9:15 to 13:00 on May 31, 2012 (latest source testing day). This chart indicates that the average RTO combustion chamber over a 30 consecutive minute block is above 1,595°F. Therefore, this temperature will be established in the permit.

5. Ralcorp has proposed to re-establish NO<sub>x</sub> limits using 2.0 pounds per day for each burner system.

The ovens are custom made to bake several different types of artisan breads. Each bread type has a specific temperature profile that must be followed to achieve the required quality as the bread conveyor passes through the four compartments in each oven. The temperature profiles are maintained by having a burner in each compartment along with a control system and a dedicated combustion stack. The burner for each compartment pulsates from low fire to high fire, that is, 25% of the maximum heat input to 100% of the maximum rated burner capacity, depending on the temperature required in each compartment, and also drop below low fire where majority of NO<sub>x</sub> generates and Maxon (burner manufacturer) warranty for 30 ppmvd @ 3% O<sub>2</sub> do not apply. Ralcorp originally proposed to meet 30 ppmvd @ 3% O<sub>2</sub>. The results of the source test conducted on 9/28/2011 and 2/21/2012 indicate that majority of the burners were unable to achieve this limit because the burners operate below low fire a majority of the time. However, the emissions from each burner system are at or below 2.0 pounds per day for all the burners (except for burner #4 in bread baking oven #2 for which they are proposing to take a daily heat input limit); therefore, Ralcorp proposes to re-adjust NO<sub>x</sub> limits using mass emissions of 2.0 pounds per day. Given that the burners operate independent of each other to maintain the required temperature at a

particular instant of time in each compartment and have their own exhaust stacks to discharge combustion products, these burner systems are therefore considered as independent emission units for the purpose of this project.

6. Establish CO emissions based on the latest source test results for each burner system.

N-8069-10-1: Cake oven 4

1. Ralcorp has proposed to re-establish NO<sub>x</sub> limits using 2.0 pounds per day for each burner system.
2. Establish CO emissions based on the latest source test results for each burner system.

N-8069-13-1: Cake oven 1

N-8069-14-1: Cake oven 2

Ralcorp has proposed the following modifications to the cake ovens:

1. Ralcorp switched the use of liquid flavors to powder flavors. Powdered flavors do not contain VOC typically found in liquid flavorings, i.e., ethanol, propylene glycol, or glycerol type compounds. Therefore, they have proposed to include a condition that the "Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheets for each flavoring or other similar additives to demonstrate compliance with this condition". A similar condition was included in permit N-8069-10-0.
2. Remove daily VOC emissions limit for baking process from both permits since cake baking process is not expected to result VOC emissions (see item 1).
3. Ralcorp has proposed to determine combustion VOC emissions using 0.0055 lb/MMBtu, maximum heat input rate (0.56 MMBtu/hr), and hours of operation that will be measured using hour meter. The permit will be modified to include an equation to estimate natural gas fuel use.

N-8069-15-1: Bread/Cake oven

Ralcorp has proposed the following modifications to the cake ovens:

1. Correct manufacturer name to "Revent" in the equipment description.
2. Ralcorp switched the use of liquid flavors to powder flavors. Powdered flavors do not contain VOC typically found in liquid flavorings, i.e., ethanol, propylene glycol, or glycerol type compounds. Therefore, they have proposed to include a condition that the "Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheets for each flavoring or other similar additives to demonstrate compliance with this condition". A similar condition was included in permit N-8069-10-0.

3. Remove VOC flavor component from the equation mentioned in condition 10 of N-8069-15-0.
4. Ralcorp has proposed to determine combustion VOC emissions using 0.0055 lb/MMBtu, maximum heat input rate (0.375 MMBtu/hr), and hours of operation measured using hour meter. Therefore, the equation mentioned in condition 10 of N-8069-15-0 should be revised accordingly.

N-8069-16-1: Electric oven

Ralcorp has proposed the following modifications to the electric oven:

1. Ralcorp switched the use of liquid flavors to powder flavors. Powdered flavors do not contain VOC typically found in liquid flavorings, i.e., ethanol, propylene glycol, or glycerol type compounds. Therefore, they have proposed to include a condition that the "Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheets for each flavoring or other similar additives to demonstrate compliance with this condition". A similar condition was included in permit N-8069-10-0.
2. Remove VOC flavor component from the equation mentioned in condition 5 of N-8069-16-0.

**II. APPLICABLE RULES**

Rule 2201 New and Modified Stationary Source Review Rule (4/21/11)  
Rule 4101 Visible Emissions (02/17/05)  
Rule 4102 Nuisance (12/17/92)  
Rule 4201 Particulate Matter Concentration (12/17/92)  
Rule 4301 Fuel Burning Equipment (12/17/92)  
Rule 4693 Bakery Ovens (5/16/02)  
Rule 4801 Sulfur Compounds (12/17/92)  
California Health & Safety Code 41700 (Public Nuisance)  
California Health & Safety Code 42301.6 (School Notice)  
Public Resources Code 21000-21177: California Environmental Quality Act  
(CEQA) California Code of Regulations, Title 14, Division 6, Chapter 3, Sections  
15000-15387: CEQA Guidelines

**III. PROJECT LOCATION**

This facility is located at 40 E. Neuharth Dr, Lodi, California. This location is not within 1,000 feet of any K-12 school. Thus, public notice under California Health & Safety Code 42301.6 is not required for this project.

**IV. PROCESS DESCRIPTION**

The applicant is not proposing any changes to existing processes. Therefore, no further discussion is necessary.

**V. EQUIPMENT LISTING**

Permit	Equipment Description
N-8069-7-1	BREAD BAKING OVEN #1: 3.2 MMBTU/HR (4 MAXON'S CYCLOMAX BURNERS, EACH RATED AT 0.8 MMBTU/HR) SASIB TURBOTHERMAL OVEN VENTED TO A 2.2 MMBTU/HR ADWEST TECHNOLOGIES INC, RETOX 7.4 RTO95, WITH TWO CHAMBERS, NATURAL GAS-FIRED, REGENERATIVE THERMAL OXIDIZER (RTO). THIS RTO SERVES PERMIT UNITS N-8069-7, '-8, AND '-9.
N-8069-8-1	BREAD BAKING OVEN #2: 4.0 MMBTU/HR (4 MAXON'S CYCLOMAX, 3 BURNERS RATED AT 0.8 MMBTU/HR EACH, 1 BURNER RATED AT 1.6 MMBTU/HR) GOUET STONE SOLE TUNNEL OVEN VENTED TO A 2.2 MMBTU/HR ADWEST TECHNOLOGIES INC, RETOX 7.4 RTO95, WITH TWO CHAMBERS, NATURAL GAS-FIRED, REGENERATIVE THERMAL OXIDIZER (RTO). THIS RTO SERVES PERMIT UNITS N-8069-7, '-8, AND '-9.
N-8069-9-1	BREAD BAKING OVEN #3: 4.0 MMBTU/HR (4 MAXON'S CYCLOMAX, 3 BURNERS RATED AT 0.8 MMBTU/HR EACH, 1 BURNER RATED AT 1.6 MMBTU/HR) GOUET STONE SOLE TUNNEL OVEN VENTED TO A 2.2 MMBTU/HR ADWEST TECHNOLOGIES INC, RETOX 7.4 RTO95, WITH TWO CHAMBERS, NATURAL GAS-FIRED, REGENERATIVE THERMAL OXIDIZER (RTO). THIS RTO SERVES PERMIT UNITS N-8069-7, '-8, AND '-9.
N-8069-10-1	CAKE BAKING OVEN #4: 3.2 MMBTU/HR (4 MAXON'S CYCLOMAX, OR OTHER MANUFACTURER AND MODEL BURNERS, EACH RATED AT 0.8 MMBTU/HR) MEINCKE OVEN
N-8069-13-1	0.56 MMBTU/HR NATURAL GAS-FIRED REVENT ECONOMITE CAKE OVEN #1
N-8069-14-1	0.56 MMBTU/HR NATURAL GAS FIRED REVENT ECONOMITE CAKE OVEN #2
N-8069-15-1	0.375 MMBTU/HR NATURAL GAS FIRED BREAD/CAKE OVEN
N-8069-16-1	ELECTRIC BAKING OVEN

**VI. EMISSION CONTROL TECHNOLOGY EVALUATION**

The applicant is not replacing or adding any emission control technologies. Therefore, no further discussion is necessary.

**VII. GENERAL CALCULATIONS**

**A. Assumptions**

Assumptions will be stated as they are made.

**B. Emission Factors (EF)**

**1. Pre-Project Emission Factors (EF1)**

N-8069-7-0, '-8-0 and '-9-0: Bread baking ovens 1, 2 and 3

N-8069-10-0: Cake oven 4

These ATCs cannot be implemented into Permit to Operate. Therefore, emission factor in these permits are not listed here.

N-8069-13-0: Cake oven 1

N-8069-14-0: Cake oven 2

N-8069-15-0: Bread/Cake oven

Pollutant	EF1 (lb/MMBtu)	Source
NO <sub>x</sub>	0.1	PTOs N-8069-13-0, '-14-0 and '-15-0
SO <sub>x</sub>	0.00285	
PM <sub>10</sub>	0.0076	
CO	0.084	
VOC	0.0055	

N-8069-16-0: Electric oven

This permit does not list any emission factor. It contains daily VOC emissions limit.

**2. Post-Project Emission Factors (EF2)**

N-8069-7-1, '-8-1 and '-9-1: Bread baking ovens 1, 2 and 3

*Baking Fermented Dough:*

Ralcorp processes several types of bread. EF established for one product may not be a representative of another and vice versa. To overcome this situation, the daily VOC emission limit will be established.

*Natural Gas Combustion:*

Pollutant	EF2	Source
NO <sub>x</sub>	--	See table footnote 1 and 3
SO <sub>x</sub>	0.00285 lb/MMBtu	ATC N-8069-7-0, '-8-0, '-9-0
PM <sub>10</sub>	0.0076 lb/MMBtu	
CO	--	See table footnote 2 and 3
VOC	0.0055 lb/MMBtu	ATC N-8069-7-0, '-8-0, '-9-0

<sup>1</sup>NO<sub>x</sub> emissions factor will be based on an emission limit of 2.0 lb/day.

<sup>2</sup>CO emissions are established using source test (2/21/12 test for oven #1 and 9/28/11 for oven #2 and 3) plus 20% margin of compliance.

<sup>3</sup>Please refer to Appendix III of this document for NO<sub>x</sub> and CO emission factors.

*Regenerative Thermal Oxidizer:*

Pollutant	EF2	Source
NO <sub>x</sub>	30 ppmv @ 3% O <sub>2</sub> (0.036 lb/MMBtu)	ATC N-8069-7-0, '-8-0, '-9-0
SO <sub>x</sub>	0.00285 lb/MMBtu	
PM <sub>10</sub>	0.0076 lb/MMBtu	
CO	400 ppmv @ 3% O <sub>2</sub> (0.295 lb/MMBtu)	
VOC	--	See table footnote 1

<sup>1</sup>VOC emissions are included in the baking process emissions.

N-8069-10-1: Cake oven 4

The facility has proposed to use non-VOC flavors in cakes. Therefore, no VOC emissions are expected from these flavors. The potential emissions from the oven would be from natural gas combustion only. The emission factors are as follows:

Pollutant	EF2	Source
NO <sub>x</sub>	--	See table footnote 1 and 3
SO <sub>x</sub>	0.00285 lb/MMBtu	ATC N-8069-7-0, '-8-0, '-9-0
PM <sub>10</sub>	0.0076 lb/MMBtu	
CO	--	See table footnote 2 and 3
VOC	0.0055 lb/MMBtu	ATC N-8069-10-0

<sup>1</sup>NO<sub>x</sub> emissions factor will be based on an emission limit of 2.0 lb/day.

<sup>2</sup>CO emissions are established using source test (2/21/12 test for oven #1 and 9/28/11 for oven #2 and 3) plus 20% margin of compliance.

<sup>3</sup>Please refer to Appendix III of this document for NO<sub>x</sub> and CO emission factors.

N-8069-13-1: Cake oven 1

N-8069-14-1: Cake oven 2

N-8069-15-1: Bread/Cake oven

EF2 will be same as EF1.

N-8069-16-1: Electric oven

This permit does not list any emission factor. It contains daily VOC emissions limit.

C. Potential Emissions

1. Pre-Project Potential to Emit (PE1)

N-8069-7-0, '-8-0 and '-9-0: Bread baking ovens 1, 2 and 3

N-8069-10-0: Cake oven 4

These emission units are treated as new units. Therefore, PE1 is not estimated here.

**N-8069-13-0: Cake oven 1**

**N-8069-14-0: Cake oven 2**

These ovens are used for making 'mini mascarpone cake layers' and 'angel food cake'. These ovens have indirect-fired configuration. The flavors used in these cakes do not contain any VOCs.

$$PE1 \text{ (lb/day)} = (EF1 \text{ lb/MMBtu})(0.56 \text{ MMBtu/hr})(24 \text{ hr/day})$$

$$PE1 \text{ (lb/yr)} = (PE1 \text{ lb/day})(365 \text{ days/yr})$$

Pollutant	EF1 (lb/MMBtu)	PE1 (lb/day)	PE1 (lb/yr)
NO <sub>x</sub>	0.1	1.3	475
SO <sub>x</sub>	0.00285	0.0	0
PM <sub>10</sub>	0.0076	0.1	37
CO	0.084	1.1	402
VOC	0.0055	0.1	37

Further, each permit limits VOC emissions from baking and natural gas combustion to 2.0 pounds per day. Thus, the total VOC emissions from each oven would be:

$$PE2 = 2.0 \text{ lb-VOC/day, } 730 \text{ lb-VOC/yr}$$

**N-8069-15-0: Bread/Cake oven**

This oven is used to make Danish, bagel, cakes/muffins, bread, cookies etc. The proposed emissions from baking process are 2.0 lb/day or less for VOCs. The potential emissions for other pollutants are estimated using following equations:

$$PE1 \text{ (lb/day)} = (EF1 \text{ lb/MMBtu})(0.375 \text{ MMBtu/hr})(24 \text{ hr/day})$$

$$PE1 \text{ (lb/yr)} = (PE1 \text{ lb/day})(365 \text{ days/yr})$$

Pollutant	EF1 (lb/MMBtu)	PE1 (lb/day)	PE1 (lb/yr)
NO <sub>x</sub>	0.1	0.9	329
SO <sub>x</sub>	0.00285	0.0	0
PM <sub>10</sub>	0.0076	0.1	37
CO	0.084	0.8	292
VOC	--	2.0	730

**N-8069-16-0: Electric oven**

This oven is used to bake ciabatta rolls/sandwich breads, artisan loaves, French baguettes etc. The applicant has proposed to limit the baking emissions to 2.0 pounds per day for VOCs.

2. Post-Project Potential to Emit (PE2)

N-8069-7-1: Bread baking oven 1

*Baking Fermented Dough:*

VOC emissions from baking and natural gas are limited to 23.0 lb/day from this oven per ATC N-8069-7-0. The applicant is not proposing any changes to this limit. Thus,

PE2 = 23.0 lb-VOC/day

*Natural Gas Combustion:*

The following table summarizes the daily and annual emissions from this oven. Please refer to Appendix III for detailed calculations.

Pollutant	PE2 (lb/day)	PE2 (lb/yr)
NO <sub>x</sub>	8.0	2,920
SO <sub>x</sub>	0.4	146
PM <sub>10</sub>	0.4	146
CO	2.7	987
VOC	0.4	146

N-8069-8-1: Bread baking oven 2

*Baking Fermented Dough:*

VOC emissions from baking and natural gas are limited to 23.0 lb/day from this oven per ATC N-8069-8-0. The applicant is not proposing any changes to this limit. Thus,

PE2 = 23.0 lb-VOC/day

*Natural Gas Combustion:*

The following table summarizes the daily and annual emissions from this oven. Please refer to Appendix III for detailed calculations.

Pollutant	PE2 (lb/day)	PE2 (lb/yr)
NO <sub>x</sub>	8.0	2,920
SO <sub>x</sub>	0.4	146
PM <sub>10</sub>	0.5	183
CO	66.8	24,383
VOC	0.4	146

**N-8069-9-1: Bread baking oven 3**

***Baking Fermented Dough:***

VOC emissions from baking and natural gas are limited to 23.0 lb/day from this oven per ATC N-8069-9-0. The applicant is not proposing any changes to this limit. Thus,

PE2 = 23.0 lb-VOC/day

***Natural Gas Combustion:***

The following table summarizes the daily and annual emissions from this oven. Please refer to Appendix III for detailed calculations.

Pollutant	PE2 (lb/day)	PE2 (lb/yr)
NO <sub>x</sub>	8.0	2,920
SO <sub>x</sub>	0.4	146
PM <sub>10</sub>	0.6	219
CO	45.5	16,608
VOC	0.5	183

***Regenerative Thermal Oxidizer Serving Bread Ovens 1, 2 and 3:***

The heat input to RTO is 2.2 MMBtu/hr. The potential emissions would be:

PE2 (lb/day) = (EF lb/MMBtu)(2.2 MMBtu/hr)(24 hr/day)

PE2 (lb/yr) = (PE2 lb/day)(365 days/yr)

Pollutant	EF (lb/MMBtu)	PE2 (lb/day)	PE2 (lb/yr)
NO <sub>x</sub>	0.036	1.9	694
SO <sub>x</sub>	0.00285	0.2	73
PM <sub>10</sub>	0.0076	0.4	146
CO	0.295	15.6	5,694
<sup>1</sup> VOC	--	--	--

<sup>1</sup>VOC emissions are included in the baking process emissions.

**N-8069-10-1: Cake oven 4**

The following table summarizes the daily and annual emissions. Please refer to Appendix III for detailed calculations.

Pollutant	PE2 (lb/day)	PE2 (lb/yr)
NO <sub>x</sub>	8.0	2,920
SO <sub>x</sub>	0.4	146
PM <sub>10</sub>	0.4	146
CO	30.4	11,097
VOC	0.4	146

N-8069-13-1: Cake oven 1

N-8069-14-1: Cake oven 2

Per applicant, cake batter will not contain any VOC containing additive; therefore, no VOCs are expected from the baking process. The potential emissions from natural gas would be same as determined under permits N-8069-13-0 and '-14-0 (above). These emissions are summarized in the following table.

Pollutant	EF2 (lb/MMBtu)	PE2 (lb/day)	PE2 (lb/yr)
NO <sub>x</sub>	0.1	1.3	475
SO <sub>x</sub>	0.00285	0.0	0
PM <sub>10</sub>	0.0076	0.1	37
CO	0.084	1.1	402
VOC	0.0055	0.1	37

N-8069-15-1: Bread/Cake oven

N-8069-16-1: Electric oven

PE2 will be same as PE1 for each permit unit.

Facility-wide VOC Emissions:

The facility has proposed to establish 19,999 pounds of VOCs per year. Thus,

$$PE2 = 19,999 \text{ lb-VOC/yr}$$

3. Quarterly Emissions Changes (QEC)

QEC is required for application's emission profile, which is used for the District's internal tracking purposes. Typically QEC are calculated as follows:  $QEC = (PE2 - PE1) \text{ lb/year} \div 4 \text{ quarters/yr}$ .

N-8069-7-1: Bread baking oven 1

QEC includes emissions from natural gas combustion in the oven, RTO emissions, and emissions from baking fermented dough.

Pollutant	Q1 (lb)	Q2 (lb)	Q3 (lb)	Q4 (lb)
NO <sub>x</sub>	903	903	904	904
SO <sub>x</sub>	54	55	55	55
PM <sub>10</sub>	73	73	73	73
CO	1,670	1,670	1,670	1,671
VOC	4,999	5,000	5,000	5,000

**N-8069-8-1: Bread baking oven 2**

QEC includes emissions from natural gas combustion.

Pollutant	Q1 (lb)	Q2 (lb)	Q3 (lb)	Q4 (lb)
NO <sub>x</sub>	730	730	730	730
SO <sub>x</sub>	36	36	37	37
PM <sub>10</sub>	45	46	46	46
CO	6,095	6,096	6,096	6,096
<sup>1</sup> VOC	--	--	--	--

<sup>1</sup>VOC emissions are included in the facility-wide SLC

**N-8069-9-1: Bread baking oven 3**

QEC includes emissions from natural gas combustion.

Pollutant	Q1 (lb)	Q2 (lb)	Q3 (lb)	Q4 (lb)
NO <sub>x</sub>	730	730	730	730
SO <sub>x</sub>	36	36	37	37
PM <sub>10</sub>	54	55	55	55
CO	4,152	4,152	4,152	4,152
<sup>1</sup> VOC	--	--	--	--

<sup>1</sup>VOC emissions are included in the facility-wide SLC

**N-8069-10-1: Cake oven 4**

QEC includes emissions from natural gas combustion.

Pollutant	Q1 (lb)	Q2 (lb)	Q3 (lb)	Q4 (lb)
NO <sub>x</sub>	730	730	730	730
SO <sub>x</sub>	36	36	37	37
PM <sub>10</sub>	36	36	37	37
CO	2,774	2,774	2,774	2,775
<sup>1</sup> VOC	--	--	--	--

<sup>1</sup>VOC emissions are included in the facility-wide SLC

**N-8069-13-1: Cake oven 1**

**N-8069-14-1: Cake oven 2**

For each oven, QEC includes emissions from natural gas combustion.

Pollutant	Q1 (lb)	Q2 (lb)	Q3 (lb)	Q4 (lb)
NO <sub>x</sub>	0	0	0	0
SO <sub>x</sub>	0	0	0	0
PM <sub>10</sub>	0	0	0	0
CO	0	0	0	0
<sup>1</sup> VOC	--	--	--	--

<sup>1</sup>VOC emissions are included in the facility-wide SLC

**N-8069-15-1: Bread/Cake oven**

QEC includes emissions from natural gas combustion.

Pollutant	Q1 (lb)	Q2 (lb)	Q3 (lb)	Q4 (lb)
NO <sub>x</sub>	0	0	0	0
SO <sub>x</sub>	0	0	0	0
PM <sub>10</sub>	0	0	0	0
CO	0	0	0	0
<sup>1</sup> VOC	--	--	--	--

<sup>1</sup>VOC emissions are included in the facility-wide SLC

**N-8069-16-1: Electric oven**

Pollutant	Q1 (lb)	Q2 (lb)	Q3 (lb)	Q4 (lb)
<sup>1</sup> VOC	--	--	--	--

<sup>1</sup>VOC emissions are included in the facility-wide SLC

**4. Adjusted Increase in Permitted Emissions (AIPE)**

AIPE is used to determine if BACT is required for emission units that are being modified. AIPE is calculated using the equations mentioned in Section 4.3 and 4.4 of Rule 2201.

$$AIPE = PE2 - \left( \frac{EF2}{EF1} \right) (PE1)$$

**N-8069-7-1, '-8-1 and '-9-1: Bread baking ovens 1, 2 and 3**

**N-8069-10-1: Cake oven 4**

These ovens are treated as new emission units. Therefore, AIPE is not determined for these units.

**N-8069-13-1: Cake oven 1**

**N-8069-14-1: Cake oven 2**

**N-8069-15-1: Bread/Cake oven**

**N-8069-16-1: Electric oven**

EF1 = EF2, and PE2 = PE1. Therefore, AIPE = 0 for each pollutant for these permits.

**D. Facility Emissions**

**1. Pre-Project Stationary Source Potential to Emit (SSPE1)**

Pursuant to Section 4.9 of District Rule 2201, the Post Project Stationary Source Potential to Emit (SSPE2) is the Potential to Emit (PE) from all units with valid Authorities to Construct (ATC) or Permits to Operate (PTO) at the Stationary Source and the quantity of emission reduction credits (ERC) which have been banked since September 19, 1991 for

Actual Emissions Reductions that have occurred at the source, and which have not been used on-site.

Potential emissions for units N-8069-1 to '-6, '-11, '-12 and '-18 and '-19 are taken from the application review prepared under project N-1113607 and the potential emissions for N-8069-17 are from the application review under project N-1093808.

SSPE1 (lb/yr)					
Permit Number	NO <sub>x</sub>	SO <sub>x</sub>	PM <sub>10</sub>	CO	VOC
N-8069-1-1	0	0	788	0	0
N-8069-2-1	0	0		0	0
N-8069-3-1	0	0		0	0
N-8069-4-1	0	0		0	0
N-8069-5-1	0	0		0	0
N-8069-6-1	0	0		0	0
N-8069-11-1	0	0	263	0	0
N-8069-12-1	0	0	92	0	0
N-8069-13-0	475	0	37	402	-- <sup>(1)</sup>
N-8069-14-0	475	0	37	402	-- <sup>(1)</sup>
N-8069-15-0	329	0	37	292	-- <sup>(1)</sup>
N-8069-16-0	0	0	0	0	-- <sup>(1)</sup>
N-8069-17-0	0	0	13	0	0
N-8069-18-1	0	0	2	0	0
N-8069-19-0	0	0	237	0	0
ERC	0	0	0	0	0
Total	1,279	0	1,506	1,096	19,999
Major Source Thresholds	20,000	140,000	140,000	200,000	20,000
Major Source?	No	No	No	No	No

<sup>1</sup>Emissions are included in the facility-wide VOC emission limit of 19,999 lb/yr.

## 2. Post-Project Stationary Source Potential to Emit (SSPE2)

Pursuant to Section 4.10 of District Rule 2201, the Post Project Stationary Source Potential to Emit (SSPE2) is the Potential to Emit (PE) from all units with valid Authorities to Construct (ATC) or Permits to Operate (PTO) at the Stationary Source and the quantity of emission reduction credits (ERC) which have been banked since September 19, 1991 for Actual Emissions Reductions that have occurred at the source, and which have not been used on-site.

Ralcorp Frozen Bakery Products  
N-8069-7-1 to '-10-1, '-13-1 to '-16-1, N-1120945

SSPE2 (lb/yr)					
Permit Number	NO <sub>x</sub>	SO <sub>x</sub>	PM <sub>10</sub>	CO	VOC
N-8069-1-1	0	0	788	0	0
N-8069-2-1	0	0		0	0
N-8069-3-1	0	0		0	0
N-8069-4-1	0	0		0	0
N-8069-5-1	0	0		0	0
N-8069-6-1	0	0		0	0
N-8069-7-1	2,920	146	146	987	19,999
N-8069-8-1	2,920	146	183	24,383	
N-8069-9-1	2,920	146	219	16,608	
N-8069-10-1	2,920	146	146	11,097	
RTO serving N-8069-7, '-8, '-9	694	73	146	5,694	
N-8069-11-1	0	0	263	0	0
N-8069-12-1	0	0	92	0	0
N-8069-13-1	475	0	37	402	-- <sup>(1)</sup>
N-8069-14-1	475	0	37	402	-- <sup>(1)</sup>
N-8069-15-1	329	0	37	292	-- <sup>(1)</sup>
N-8069-16-1	0	0	0	0	-- <sup>(1)</sup>
N-8069-17-0	0	0	13	0	0
N-8069-18-1	0	0	2	0	0
N-8069-19-0	0	0	237	0	0
ERC	0	0	0	0	0
<b>Total</b>	<b>13,653</b>	<b>657</b>	<b>2,346</b>	<b>59,865</b>	<b>19,999</b>
<b>Major Source Thresholds</b>	<b>20,000</b>	<b>140,000</b>	<b>140,000</b>	<b>200,000</b>	<b>20,000</b>
<b>Major Source?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

3. Stationary Source Increase in Permitted Emissions (SSIPE)

SSIPE = SSPE2 - SSPE1

Pollutant	SSPE2 (lb/yr)	SSPE1 (lb/yr)	SSIPE (lb/yr)
NO <sub>x</sub>	13,653	1,279	12,374
SO <sub>x</sub>	657	0	657
PM <sub>10</sub>	2,346	1,506	840
CO	59,865	1,096	58,769
VOC	19,999	19,999	0

4. SB 288 Major Modification

The purpose of Major Modification calculations is to determine the following:

- A. If Best Available Control Technology (BACT) is triggered for a new or modified emission unit that results in a Major Modification (District Rule 2201, §4.1.3); and
- B. If a public notification is triggered (District Rule 2201, §5.4.1).

Per table in section VII.D.2 of this document, this facility is not a Major Source for any pollutant. Thus, this project cannot trigger SB-288 Major Modification.

5. Federal Major Modification

The purpose of Federal Major Modification calculations is to determine the following:

- A. If a Rule-compliance project qualifies for District Rule 2201's Best Available Control Technology (BACT) and offset exemptions (District Rule 2201, §4.2.3.5); and
- B. If an Alternate Siting analysis must be performed (District Rule 2201, §4.15.1);
- C. If the applicant must provide certification that all California stationary sources owned, operated, or controlled by the applicant that are subject to emission limits are in compliance with those limits or are on a schedule for compliance with all applicable emission limits and standards; and
- D. If a public notification is triggered. (District Rule 2201, §5.4.1)

Per table in section VII.D.2 of this document, this facility is not a Major Source for any pollutant. Thus, this project cannot trigger Federal Major Modification.

## VIII. COMPLIANCE

### Rule 2201 New and Modified Stationary Source Review Rule

#### 1. Best Available Control Technology (BACT)

BACT requirements shall be triggered on a pollutant-by-pollutant basis and on an emissions unit-by-emissions unit basis. Unless exempted pursuant to Section 4.2, BACT shall be required for the following actions\*:

- Any new emissions unit or relocation from one Stationary Source to another of an existing emissions unit with a Potential to Emit (PE2) exceeding 2.0 pounds in any one day;
- Modifications to an existing emissions unit with a valid Permit to Operate resulting in an Adjusted Increase in Permitted Emissions (AIPE) exceeding 2.0 pounds in any one day;
- Any new or modified emissions unit, in a stationary source project, which results in an SB 288 Major Modification or a Federal Major Modification, as defined in this rule.

\*Except for CO emissions from a new or modified emissions unit at a Stationary Source with an SSPE2 of less than 200,000 pounds per year of CO.

#### N-8069-7-1, '-8-1 and '-9-1: Bread baking ovens 1, 2 and 3

##### *Baking Fermented Dough:*

Per section VII.C.2 of this document, PE2 is greater than 2.0 lb/day for VOC from each compartment. Thus, BACT is triggered for VOC emissions.

BACT Guideline 1.6.24 – Commercial Bakery Oven, requires the use of a thermal/catalytic oxidizer to reduce VOCs by at least 95%. There is no technologically feasible option, or alternative equipment for controlling VOCs.

The facility vents all compartments from each oven to an RTO and has demonstrated over 95% control for VOC emissions in 2011 test. Thus, BACT requirements for VOC are satisfied.

##### *Natural Gas Combustion:*

Per worksheet in Appendix III of this document, except for CO, the potential emissions from each burner system are not greater than 2.0 lb/day threshold for any pollutant. CO emissions from the facility are less than 200,000 lb/yr (refer to section VII.D.2 of this document). Furthermore, the project is not major modification (Federal or SB-288). Thus, BACT is not triggered for any pollutant.

N-8069-10-1: Cake oven 4

*Natural Gas Combustion:*

Per worksheet in Appendix III of this document, except for CO, the potential emissions from each burner system are not greater than 2.0 lb/day threshold for any pollutant. CO emissions from the facility are less than 200,000 lb/yr (refer to section VII.D.2 of this document). Furthermore, the project is not major modification (Federal or SB-288). Thus, BACT is not triggered for any pollutant.

N-8069-13-1: Cake oven 1

N-8069-14-1: Cake oven 2

N-8069-15-1: Bread/Cake oven

N-8069-16-1: Electric oven

The potential emissions from each oven are not in excess of 2.0 lb/day threshold (refer to section VII.C.2 of this document) for any pollutant. Furthermore, the project is not major modification (Federal or SB-288). Thus, BACT is not triggered for any pollutant.

2. Offsets

Offsets are examined on pollutant-by-pollutant basis. The following table summarizes SSPE2, offset thresholds, and whether or not offsets are triggered.

Category	NO <sub>x</sub>	SO <sub>x</sub>	PM <sub>10</sub>	CO	VOC
SSPE2 (lb/yr)	13,653	657	2,346	59,865	19,999
Offset Thresholds (lb/yr)	20,000	54,750	29,200	200,000	20,000
Offsets Triggered?	No	No	No	No	No

3. Public Notification

District Rule 2201, section 5.4, requires a public notification for the affected pollutants from the following types of projects:

- New Major Sources
- Major Modifications
- New emission units with a PE>100 lb/day of any one pollutant
- Modifications with SSPE1 below an Offset threshold and SSPE2 above an Offset threshold on a pollutant-by-pollutant basis
- New stationary sources with SSPE2 exceeding Offset thresholds
- Any permitting action with a SSPE exceeding 20,000 lb/yr for any one pollutant

Per section VII.D.3 of this document, SSPE is greater than 20,000 lb/yr for CO. Thus, public notice is required for this project.

4. Daily Emission Limits (DELs)

DELs and other enforceable conditions are required to restrict a unit's maximum daily emissions. DELs for each permit unit are as follows:

N-8069-7-1: Bread baking oven 1

*Baking Fermented Dough:*

- VOC emissions shall not exceed 23.0 pounds in any one day. These emissions include bread baking process emissions from this oven and natural gas combustion emissions in the RTO chambers. [District Rule 2201]

*Natural Gas Combustion:*

- NO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.104 lb/MMBtu referenced as NO<sub>2</sub>. [District Rule 2201]
- SO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.00285 lb/MMBtu. [District Rule 2201]
- PM<sub>10</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0076 lb/MMBtu. [District Rule 2201]
- CO emissions from natural gas combustion shall not exceed any of the following limits: 0.126 lb/MMBtu for burner #1, 0.007 lb/MMBtu for burner #2, 0.005 lb/MMBtu for burner #3, and 0.007 lb/MMBtu for burner #4. [District Rule 2201]
- VOC emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0055 lb/MMBtu. [District Rule 2201]

N-8069-8-1: Bread baking oven 2

*Baking Fermented Dough:*

- VOC emissions shall not exceed 23.0 pounds in any one day. These emissions include bread baking process emissions from this oven and natural gas combustion emissions in the RTO chambers. [District Rule 2201]

*Natural Gas Combustion:*

- NO<sub>x</sub> emissions from natural gas combustion shall not exceed any of the following limits: 0.104 lb/MMBtu for burner #1, 2 and 3 and 0.086 lb/MMBtu for burner #4 referenced as NO<sub>2</sub>. [District Rule 2201]
- Heat input rate to burner #4 in this oven shall not exceed 23.3 MMBtu in any one day. [District Rule 2201]

- SO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.00285 lb/MMBtu. [District Rule 2201]
- PM<sub>10</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0076 lb/MMBtu. [District Rule 2201]
- CO emissions from natural gas combustion shall not exceed any of the following limits: 0.724 lb/MMBtu for burner #1, 0.195 lb/MMBtu for burner #2, 0.594 lb/MMBtu for burner #3, and 0.985 lb/MMBtu for burner #4. [District Rule 2201]
- VOC emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0055 lb/MMBtu. [District Rule 2201]

N-8069-9-1: Bread baking oven 3

*Baking Fermented Dough:*

- VOC emissions shall not exceed 23.0 pounds in any one day. These emissions include bread baking process emissions from this oven and natural gas combustion emissions in the RTO chambers. [District Rule 2201]

*Natural Gas Combustion:*

- NO<sub>x</sub> emissions from natural gas combustion shall not exceed any of the following limits: 0.104 lb/MMBtu for burner #1, 2 and 3 and 0.052 lb/MMBtu for burner #4 referenced as NO<sub>2</sub>. [District Rule 2201]
- SO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.00285 lb/MMBtu. [District Rule 2201]
- PM<sub>10</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0076 lb/MMBtu. [District Rule 2201]
- CO emissions from natural gas combustion shall not exceed any of the following limits: 0.165 lb/MMBtu for burner #1, 0.439 lb/MMBtu for burner #2, 0.021 lb/MMBtu for burner #3, and 0.871 lb/MMBtu for burner #4. [District Rule 2201]
- VOC emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0055 lb/MMBtu. [District Rule 2201]

*Regenerative Thermal Oxidizer Serving Bread Ovens 1, 2 and 3:*

- Emissions from natural gas combustion in the RTO serving the baking process emissions shall not exceed any of the following limits: 30.0 ppmvd NO<sub>x</sub> @ 3% O<sub>2</sub> (referenced as NO<sub>2</sub>), 400 ppmvd CO @ 3% O<sub>2</sub>, 0.00285 lb-SO<sub>x</sub>/MMBtu, and 0.0076 lb-PM<sub>10</sub>/MMBtu. [District Rule 2201]

N-8069-10-1: Cake oven 4

- Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheet for each flavoring or other similar additives to demonstrate compliance with this condition. [District Rule 2201]
- NO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.104 lb/MMBtu referenced as NO<sub>2</sub>. [District Rule 2201]
- SO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.00285 lb/MMBtu. [District Rule 2201]
- PM<sub>10</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0076 lb/MMBtu. [District Rule 2201]
- CO emissions from natural gas combustion shall not exceed any of the following limits: 0.010 lb/MMBtu for burner #1, 0.583 lb/MMBtu for burner #2, 0.601 lb/MMBtu for burner #3, and 0.392 lb/MMBtu for burner #4. [District Rule 2201]
- VOC emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0055 lb/MMBtu. [District Rule 2201]

N-8069-13-1: Cake oven 1

N-8069-14-1: Cake oven 2

- Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheet for each flavoring or other similar additives to demonstrate compliance with this condition. [District Rule 2201]
- Emissions from natural gas combustion in this oven shall not exceed any of the following limits: 0.1 lb-NO<sub>x</sub>/MMBtu, 0.084 lb-CO/MMBtu, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]

N-8069-16-1: Electric oven

- VOC emissions from the baking process shall not exceed 2.0 pounds in any one day. [District Rule 2201]

5. Compliance Assurance

Source Testing

N-8069-7-1, '-8-1 and '-9-1: Bread baking ovens 1, 2 and 3

*Baking Fermented Dough:*

Per District Policy APR-1705 – Source Testing Frequency (10/9/97), Section II, Step 4, units equipped with afterburner, thermal incinerator, or catalytic incinerator for controlling VOCs must be tested upon initial start-up and annually thereafter.

VOC emissions from the baking process will be vented to an RTO. Ralcorp has already conducted an initial source test in 2011 following the RTO installation. Furthermore, they are not proposing any changes to the VOC emissions; therefore, another initial source testing is not required under this project. Ralcorp will be required to conduct annual source testing.

*Natural Gas Combustion:*

*NO<sub>x</sub> and CO*

The emission factors are established using the latest source test information. Therefore, source testing is not considered for these pollutants.

*SO<sub>x</sub>, PM<sub>10</sub> and VOC*

The emission factors are established using generally accepted emission factors from EPA's AP-42 for natural gas combustion. Therefore, source testing is not considered for these pollutants.

*Regenerative Thermal Oxidizer Serving Bread Ovens 1, 2 and 3:*

RTO will be used to reduce VOCs from bread baking process. The proposed NO<sub>x</sub> and CO emissions are manufacturer guaranteed numbers. Therefore, source testing is not required.

N-8069-10-1: Cake oven 4

*Natural Gas Combustion:*

*NO<sub>x</sub> and CO*

The emission factors are established using the latest source test information. Therefore, source testing is not considered for these pollutants.

*SO<sub>x</sub>, PM<sub>10</sub> and VOC*

The emission factors are established using generally accepted emission factors from EPA's AP-42 for natural gas combustion. Therefore, source testing is not considered for these pollutants.

N-8069-13-1: Cake oven 1

N-8069-14-1: Cake oven 2

N-8069-15-1: Bread/Cake oven

The emission factors are established using generally accepted emission factors from EPA's AP-42 for natural gas combustion. Therefore, source testing is not considered for these pollutants.

N-8069-16-1: Electric oven

This is an R&D oven used to bake breads or cakes, and is not used in mass production. Therefore, source testing is not considered for this oven.

**Monitoring**

N-8069-7-1, '-8-1 and '-9-1: Bread baking ovens 1, 2 and 3

The applicant is required to monitor the combustion chamber temperature of the RTO on each day the baking process operates.

N-8069-10-1: Cake oven 4

No monitoring is required.

N-8069-13-1: Cake oven 1

N-8069-14-1: Cake oven 2

N-8069-15-1: Bread/Cake oven

N-8069-16-1: Electric oven

No monitoring is required.

**Recordkeeping**

N-8069-7-1, '-8-1 and '-9-1: Bread baking ovens 1, 2 and 3

The applicant is required to keep process rate (tons/day) records for each of the above units. Furthermore, record of the combustion chamber temperature of the RTO is also required for each day the baking process operates. In addition, burner tune-up records are also required to ensure on-going compliance with NO<sub>x</sub> and CO concentrations.

N-8069-10-1: Cake oven 4

The applicant is required to keep records of an up to date material safety data sheets (MSDSs) of all flavorings used in cake batter. These MSDSs can be used to verify VOCs in each flavor. Furthermore, burner tune-up records are also required to ensure on-going compliance with NO<sub>x</sub> and CO concentrations.

N-8069-13-1: Cake oven 1

N-8069-14-1: Cake oven 2

N-8069-15-1: Bread/Cake oven

N-8069-16-1: Electric oven

The applicant is required to keep records of MSDS for flavorings used under permit N-8069-13, '-14 and '-15, and daily VOC emissions for oven under permit N-8069-16.

For each permit unit, records are required to be kept for at least five years from the day they logged in a maintenance record book.

Reporting

Source testing report is required to be submitted within 60-day period after conducting each source test.

6. Ambient Air Quality Analysis

Section 4.14.1 requires an AAQA to be performed for projects that trigger public notice. The following table shows the summary of AAQA:

Criteria Pollutant Modeling Results\*

Ovens and RTO	1 Hour	3 Hours	8 Hours	24 Hours	Annual
CO	Pass	X	Pass	X	X
NO <sub>x</sub>	Pass <sup>1</sup>	X	X	X	Pass
SO <sub>x</sub>	Pass	Pass	X	Pass	Pass
PM <sub>10</sub>	X	X	X	Pass <sup>2</sup>	Pass <sup>2</sup>
PM <sub>2.5</sub>	X	X	X	Pass <sup>2</sup>	Pass <sup>2</sup>

\*Results were taken from the PSD spreadsheets.

<sup>1</sup>The project was compared to the 1-hour NO<sub>2</sub> National Ambient Air Quality Standard that became effective on April 12, 2010, using the District's approved procedures.

<sup>2</sup>The criteria pollutants are below EPA's level of significance as found in 40 CFR Part 51.165 (b)(2).

The criteria modeling runs indicate that the emissions from the proposed equipment will not cause or significantly contribute to a violation of the State or National Ambient Air Quality Standards.

Compliance is expected with this Rule.

**Rule 4101 Visible Emissions**

Section 5.0, indicates that no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour, which is dark or darker than Ringlemann 1 or equivalent to 20% opacity. The following condition will be placed on each permit:

- No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]

Compliance is expected with this Rule.

**Rule 4102 Nuisance**

Section 4.0 prohibits discharge of air contaminants, which could cause injury, detriment, nuisance or annoyance to the public. The following condition will be placed on each permit:

- No air contaminant shall be released into the atmosphere, which causes a public nuisance. [District Rule 4102]

**California Health & Safety Code 41700 - Health Risk Assessment**

District Policy APR 1905 - Risk Management Policy for Permitting New and Modified Sources specifies that for an increase in emissions associated with a proposed new source or modification, the District perform an analysis to determine the possible impact to the nearest resident or worksite. The Risk Management Review summary is as follows:

Risk Management Review Summary			
Categories	Bakery with NG Ovens (Unit 7-1, '8-1, '-9-1 & 10-1)	Project Totals	Facility Totals
Prioritization Score	0.2	0.2	0.2
Acute Hazard Index	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>
Chronic Hazard Index	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>
Maximum Individual Cancer Risk (10 <sup>-6</sup> )	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>
T-BACT Required?	No		
Special Permit Conditions?	No		

<sup>1</sup>Prioritization score is less than 1. No further analysis is required.

The prioritization score is less than 1.0. In accordance with the District's Risk Management Policy, the project is approved without Toxic Best Available Control Technology (T-BACT).

Compliance is expected with this Rule.

**Rule 4201 Particulate Matter Concentration**

Section 3.0 prohibits discharge of dust, fumes, or total particulate matter into the atmosphere from any single source operation in excess of 0.1 grain per dry standard cubic foot.

N-8069-7-1, '-8-1 and '-9-1: Bread baking ovens 1, 2 and 3

*Baking Fermented Dough:*

The baking process is not expected to result any particulate matter emissions. Therefore, compliance assurance calculations are not performed for this process.

**Natural Gas Combustion:**

**Regenerative Thermal Oxidizer Serving Bread Ovens 1, 2 and 3:**

F-Factor for NG: 8,578 dscf/MMBtu at 60 °F

PM<sub>10</sub> Emission Factor: 0.0076 lb-PM<sub>10</sub>/MMBtu (From Section VII.B)

Percentage of PM as PM<sub>10</sub> in Exhaust: 100%

$$\text{PM} \left( \frac{\text{gr}}{\text{dscf}} \right) = \frac{\left( 0.0076 \frac{\text{lb - PM}}{\text{MMBtu}} \right) \left( 7,000 \frac{\text{gr - PM}}{\text{lb - PM}} \right)}{\left( 8,578 \frac{\text{ft}^3}{\text{MMBtu}} \right)} = 0.0 \frac{\text{gr - PM}}{\text{dscf}}$$

**N-8069-10-1: Cake oven 4**

F-Factor for NG: 8,578 dscf/MMBtu at 60 °F

PM<sub>10</sub> Emission Factor: 0.0076 lb-PM<sub>10</sub>/MMBtu (From Section VII.B)

Percentage of PM as PM<sub>10</sub> in Exhaust: 100%

$$\text{PM} \left( \frac{\text{gr}}{\text{dscf}} \right) = \frac{\left( 0.0076 \frac{\text{lb - PM}}{\text{MMBtu}} \right) \left( 7,000 \frac{\text{gr - PM}}{\text{lb - PM}} \right)}{\left( 8,578 \frac{\text{ft}^3}{\text{MMBtu}} \right)} = 0.0 \frac{\text{gr - PM}}{\text{dscf}}$$

**N-8069-13-1: Cake oven 1**

**N-8069-14-1: Cake oven 2**

**N-8069-15-1: Bread/Cake oven**

F-Factor for NG: 8,578 dscf/MMBtu at 60 °F

PM<sub>10</sub> Emission Factor: 0.0076 lb-PM<sub>10</sub>/MMBtu (From Section VII.B)

Percentage of PM as PM<sub>10</sub> in Exhaust: 100%

$$\text{PM} \left( \frac{\text{gr}}{\text{dscf}} \right) = \frac{\left( 0.0076 \frac{\text{lb - PM}}{\text{MMBtu}} \right) \left( 7,000 \frac{\text{gr - PM}}{\text{lb - PM}} \right)}{\left( 8,578 \frac{\text{ft}^3}{\text{MMBtu}} \right)} = 0.0 \frac{\text{gr - PM}}{\text{dscf}}$$

**N-8069-16-1:**

This unit is not subject to the requirements of this rule.

**Summary:**

For each permit unit, grain loading factor (gr-PM/dscf) is not above 0.1 lb-PM/dscf limit. Therefore, each unit is expected to operate in compliance with this Rule.

**Rule 4301 Fuel Burning Equipment**

The requirements of section 5.0 are as follows:

- Combustion contaminants (TSP) - Not to exceed 0.1 gr/dscf @ 12% CO<sub>2</sub> and 10 lb/hr.
- SO<sub>x</sub> emissions - Not to exceed 200 lb/hr
- NO<sub>x</sub> emissions - Not to exceed 140 lb/hr

CO<sub>2</sub> based F-factor for natural gas combustion is assumed to be 1,024.2 dscf/MMBtu.

N-8069-7-1, '-8-1 and '-9-1: Bread baking ovens 1, 2 and 3

Baking Fermented Dough:

This rule is not applicable to this process.

Natural Gas Combustion:

$$\begin{aligned}
 \text{PM} \left( \frac{\text{gr}}{\text{dscf}} \right) &= \frac{\text{PM Emissions} \left( \frac{\text{lb} - \text{PM}}{\text{MMBtu}} \right) \times 7,000 \frac{\text{gr} - \text{PM}}{\text{lb} - \text{PM}}}{F_{\text{factor CO}_2} \left( \frac{\text{dscf}}{\text{MMBtu}} \right) \times \left( \frac{100\%}{12\%} \right)} \\
 &= \frac{\left( 0.0076 \frac{\text{lb} - \text{PM}}{\text{MMBtu}} \right) \left( 7,000 \frac{\text{gr} - \text{PM}}{\text{lb} - \text{PM}} \right)}{\left( 1,024.2 \frac{\text{dscf}}{\text{MMBtu}} \right) \left( \frac{100\%}{12\%} \right)} \\
 &= 0.0062 \frac{\text{gr} - \text{PM}}{\text{dscf}}
 \end{aligned}$$

Permit#	PM (gr/dscf)	PM (lb/hr)	SO <sub>x</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)
N-8069-7-1	0.0062	0.024	0.008	0.332
N-8069-8-1	0.0062	0.030	0.011	0.387
N-8069-9-1	0.0062	0.030	0.011	0.332

Regenerative Thermal Oxidizer:

This rule is not applicable to this unit since it is an emission control device.

N-8069-10-1: Cake oven 4

PM, SO<sub>x</sub> and NO<sub>x</sub> emissions will be same as estimated for permits N-8069- 7-1.

N-8069-13-1: Cake oven 1

N-8069-14-1: Cake oven 2

N-8069-15-1: Bread/Cake oven

Permit#	PM (gr/dscf)	PM (lb/hr)	SO <sub>x</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)
N-8069-13-1, '-14-1	0.0062	0.0	0.0	0.1
N-8069-15-1	0.0062	0.0	0.0	0.0

N-8069-16-1: Electric Oven

This unit is not subject to the requirements of this rule.

Summary:

The proposed emission rates for NO<sub>x</sub>, SO<sub>x</sub>, PM will be less the maximum allowable limits in this Rule. Therefore, the ovens are expected to operate in compliance with this Rule.

**Rule 4693 Bakery Ovens**

The requirements of this rule shall apply to bakery ovens operated at major source facilities, which emit VOCs during the baking of yeast-leavened products.

Per section VII.D.2 of this document, this facility is not a Major Source for VOC emissions. Thus, this rule does not apply.

**Rule 4801 Sulfur Compounds**

Section 3.1 states that a person shall not discharge into the atmosphere sulfur compounds, which would exist as a liquid or gas at standard conditions, exceeding a concentration of two-tenths (0.2) percent by volume calculated as sulfur dioxide (SO<sub>2</sub>) at the point of discharge on a dry basis averaged over 15 consecutive minutes.

N-8069-7-1, '-8-1 and '-9-1: Bread baking ovens 1, 2 and 3

N-8069-10-1: Cake oven 4

N-8069-13-1: Cake oven 1

N-8069-14-1: Cake oven 2

N-8069-15-1: Bread/Cake oven

For natural gas combustion at a reference state of 60 °F, the Rule 4801 limit of 2,000 ppmvd is equivalent to:

$$\frac{(2000 \text{ ppmvd}) \left( 8,578 \frac{\text{dscf}}{\text{MMBtu}} \right) \left( 64 \frac{\text{lb} - \text{SO}_x}{\text{lb} - \text{mol}} \right)}{\left( 379.5 \frac{\text{dscf}}{\text{lb} - \text{mol}} \right) (10^6)} \cong 2.9 \frac{\text{lb} - \text{SO}_x}{\text{MMBtu}}$$

SO<sub>x</sub> emission rate of 0.00285 lb/MMBtu is used to determine potential emissions from the above listed ovens and the proposed RTO. Therefore, it is expected that each unit will have a SO<sub>x</sub> emission concentration less than the 2000 ppmvd.

N-8069-16-1: Electric Oven

This unit is not subject to the requirements of this rule.

## **California Environmental Quality Act (CEQA)**

The California Environmental Quality Act (CEQA) requires each public agency to adopt objectives, criteria, and specific procedures consistent with CEQA Statutes and the CEQA Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. The San Joaquin Valley Unified Air Pollution Control District (District) adopted its *Environmental Review Guidelines* (ERG) in 2001. The basic purposes of CEQA are to:

- Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- Identify the ways that environmental damage can be avoided or significantly reduced.
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

## **Greenhouse Gas Significance Determination**

It is determined that no other agency has or will prepare an environmental review document for the project. Thus, the District is the Lead Agency for this project.

Per calculations in Appendix IV of this document, there is no increase in GHG emissions from the proposed project. Therefore, this project is determined to have less than significant impact on the global climate change.

## **District CEQA Findings**

The District is the Lead Agency for this project because there is no other agency with broader statutory authority over this project. The District performed an Engineering Evaluation (this document) for the proposed project and determined that the activity will occur at an existing facility and the project involves negligible expansion of the existing use. Furthermore, the District determined that the activity will not have a significant effect on the environment. The District finds that the activity is categorically exempt from the provisions of CEQA pursuant to CEQA Guideline § 15031 (Existing Facilities), and finds that the project is exempt per the general rule that

CEQA applies only to projects which have the potential for causing a significant effect on the environment (CEQA Guidelines §15061(b)(3)).

**IX. RECOMMENDATION**

Previously issued ATC N-8069-7-0, '-8-0 and '-9-0 has the following conditions:

- VOC emissions (EF in lb-VOC/ton of bread baked), measured at the RTO stack, shall be established during the initial source test while producing saleable bread that results in the highest VOC emissions. The established number shall be listed in the Permit to Operate. These emissions include bread baking process emissions from this oven and natural gas combustion emissions in the RTO. [District Rule 2201]
- The permittee shall determine and record the daily VOC emissions by multiplying the total bread baked (tons/day) in this oven and the emission factor (EF, lb-VOC/ton of bread baked). [District Rule 2201]

However, under the proposed ATCs, the permittee is required to determine the VOC emission factor (lb-VOC/ton of baked bread) from the latest source test and use this factor along with the daily production to demonstrate compliance with the daily VOC limit. The draft permit condition in each permit is as follows:

- The permittee shall determine and record the daily VOC emissions by multiplying the total bread baked (tons/day) in this oven and the emission factor (EF, lb-VOC/ton of bread baked). The emission factor shall be determined using the results from the latest source test. [District Rule 2201]

Summary:

Compliance with all applicable regulations is expected. Therefore, issuance of ATCs is recommended after addressing comments from the Air Resources Board (ARB), and the applicant.

**X. BILLING INFORMATION**

Permit	Fee Schedule	Fee Description	Previous Fee Schedule
N-8069-7-1, '-10-1	3020-02F	3.2 MMBtu/hr	3020-02F
N-8069-8-1, '-9-1	3020-02F	4.0 MMBtu/hr	3020-02F
N-8069-13-0, '-14-0	3020-02C	0.56 MMBtu/hr	3020-02C
N-8069-15-0	3020-02B	0.375 MMBtu/hr	3020-02B
N-8069-16-0	3020-03A	3.5 kVA	3020-03A

## **Consent Decree**

United States District Judge signed a Consent Decree # 2:12-CV-01697-KJM-JFM between United States of America, et.al., (Plaintiff) v. Cottage Bakery, Inc, et al., (Defendant) on August 19, 2013. This Consent Decree includes several operational, monitoring, recordkeeping and reporting requirements (refer to Appendix VII for Consent Decree). Therefore, the following condition will be included in the permit:

- The facility shall be operated in accordance with the requirements in Consent Decree # 2:12-CV-01697-KJM-JFM (8/19/13). [Consent Decree]

## **Response to the comments on the project**

On November 27, 2012, District made its Preliminary Decision on Ralcorp's bakery oven project N1120945. A part of this project was a modification to establish an average RTO combustion chamber of 1595°F for which the following condition was proposed:

- The average RTO combustion chamber temperature over a 30-consecutive-minute block shall be at or above 1,595°F when bread baking process operates. [District Rule 2201]

During the public notice period, EPA states that it is not appropriate to establish an average RTO chamber temperature of 1,595°F over a 30-consecutive minute block for the bakery oven permits under permits N-8069-7, '-8 and '-9. According to EPA's review of the RTO temperature data and source test results, a minimum RTO temperature of 1612°F based on a 30 minute block period can be established. Therefore, the following condition was proposed to Ralcorp on July 17, 2013:

- The average RTO combustion chamber temperature over a 30-consecutive-minute block shall be at or above 1,612°F when the bread baking process operates. The RTO chamber temperature, time interval and calculation method may be administratively revised by the District upon approval of an alternative limit and methodology by the EPA. [District Rule 2201]

The District did not receive any written response from Ralcorp. However, the District was informed via phone call on July 23, 2013 that Ralcorp's legal team is working on resolving the RTO temperature issue with EPA within few days, and the District should take another extension.

The District contacted Ralcorp's consultant on August 22, 2013 to get an update on the RTO chamber temperature. The consultant informed that Ralcorp's legal team is preparing a letter to EPA to re-evaluate the RTO chamber temperature in the Consent Decree; it may be take several months before any resolution is made on this matter.

EPA and the District have been trying to resolve the RTO combustion chamber issues for the past 8 months. In fact, the District has taken 3 project processing extensions for a

total of 7 month period to resolve the issues. Therefore, in order to move this project forward, the District is going to include language that would allow Ralcorp to administratively re-establish an alternative limit and methodology so long as they obtain prior approval from the EPA.

Ralcorp has demonstrated compliance with the VOC limits in the permit at 1,612°F over a 30-minute block. However, the Consent Decree requires a minimum RTO chamber temperature of 1,630°F over a 30-consecutive-minute block period during the bread baking process. Therefore, the following condition will be placed in the permit:

- The RTO shall be in operation at or above a chamber temperature of 1,630°F averaged over a 30-consecutive-minute block period during the bread baking process. The RTO chamber temperature, time interval and calculation method may be administratively revised by the District upon approval of an alternative limit and methodology by the EPA. [District Rule 2201 and Consent Decree]

#### **APPENDICES**

- Appendix I: Draft ATC Permits
- Appendix II: BACT Guideline 1.6.24 and Top-Down BACT Analysis
- Appendix III: Potential to Emit Calculations
- Appendix IV: GHG Analysis
- Appendix V: Risk Management Review and AAQA Summary
- Appendix VI: Permits to Operate N-8069-13-0 to '-16-0
- Appendix VII: Consent Decree

Appendix I  
Draft ATC Permits

San Joaquin Valley  
Air Pollution Control District

**AUTHORITY TO CONSTRUCT**

ISSUANCE DATE: DRAFT  
**DRAFT**

**PERMIT NO:** N-8069-7-1

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS  
**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF BREAD BAKING OVEN #1 TO REDUCE ALT-20 TESTING FREQUENCY FOR INLET NATURAL DRAFT OPENINGS; REQUIRE OVEN PRESSURE MONITORING USING A SENSOR INSTALLED AT THE TIE-IN OF EXHAUST FROM BREAD BAKING OVENS RATHER THAN INDIVIDUAL PRESSURE MONITORING SENSOR; ESTABLISH MINIMUM RTO CHAMBER TEMPERATURE; ESTABLISH NOX LIMITS USING 2.0 LB/DAY FOR EACH BURNER SYSTEM; ESTABLISH CO LIMITS USING LATEST SOURCE TEST RESULTS. THE POST-PROJECT EQUIPMENT DESCRIPTION WILL BE: BREAD BAKING OVEN #1: 3.2 MMBTU/HR (4 MAXON'S CYCLOMAX BURNERS, EACH RATED AT 0.8 MMBTU/HR) SASIB TURBOTHERMAL OVEN VENTED TO A 2.2 MMBTU/HR ADWEST TECHNOLOGIES INC, RETOX 7.4 RTO95, WITH TWO CHAMBERS, NATURAL GAS-FIRED, REGENERATIVE THERMAL OXIDIZER (RTO). THIS RTO SERVES PERMIT UNITS N-8069-7, '-8, AND '-9.

**CONDITIONS**

1. This Authority to Construct permit cancels and replaces ATC N-8069-7-0. [District Rule 2201]
2. {98} No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
3. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
4. {15} No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
5. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
6. This oven and the RTO shall only be fired on PUC-regulated natural gas. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director, APCO

**DAVID WARNER, Director of Permit Services**

N-8069-7-1 Aug 27 2013 11:28AM - KAH,LOJ : Joint Inspection NOT Required

7. The RTO shall be in operation at or above a chamber temperature of 1,630°F averaged over a 30-consecutive-minute block period during the bread baking process. The RTO chamber temperature, time interval and calculation method may be administratively revised by the District upon approval of an alternative limit and methodology by the EPA. [District Rule 2201 and Consent Decree]
8. The RTO chambers shall be permanently equipped with temperature measurement devices to determine the average combustion temperature. The combustion temperature shall be continuously monitored and recorded at least every 15-minutes, as long as the bread baking process operates. The recorded temperature data shall be averaged over a 30-consecutive-minute block to demonstrate compliance with the RTO combustion chamber temperature. Upon detecting any excursion, the permittee shall investigate the excursion and take corrective action to minimize excessive emissions and prevent recurrence of the excursion as expeditiously as practicable. [District Rule 2201]
9. The combined capture and control efficiency of the RTO system shall be at least 95% for VOCs during the baking process. [District Rule 2201]
10. The direction of air flow through each natural draft opening (NDO) shall occur into an associated oven compartment, which is ducted to the RTO. Upon successful compliance demonstration, VOC capture efficiency can be assumed 100 percent for the NDO. [District Rule 2201]
11. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
12. VOC emissions shall not exceed 23.0 pounds in any one day. These emissions include bread baking process emissions from this oven and natural gas combustion emissions in the RTO chambers. [District Rule 2201]
13. NO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.104 lb/MMBtu referenced as NO<sub>2</sub>. [District Rule 2201]
14. SO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.00285 lb/MMBtu. [District Rule 2201]
15. PM<sub>10</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0076 lb/MMBtu. [District Rule 2201]
16. CO emissions from natural gas combustion shall not exceed any of the following limits: 0.126 lb/MMBtu for burner #1, 0.007 lb/MMBtu for burner #2, 0.005 lb/MMBtu for burner #3, and 0.007 lb/MMBtu for burner #4. [District Rule 2201]
17. VOC emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0055 lb/MMBtu. [District Rule 2201]
18. Emissions from natural gas combustion in the RTO serving the baking process emissions shall not exceed any of the following limits: 30.0 ppmvd NO<sub>x</sub> @ 3% O<sub>2</sub> (referenced as NO<sub>2</sub>), 400 ppmvd CO @ 3% O<sub>2</sub>, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
19. {33} Sampling facilities for source testing shall be provided in accordance with the provisions of Rule 1081 (Source Sampling). [District Rule 1081]
20. {109} Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified at least 30 days prior to any compliance source test, and a source test plan must be submitted for approval at least 15 days prior to testing. [District Rule 1081]
21. All emissions measurements shall be made with the unit operating either at conditions representative of normal operations or conditions specified in the Permit to Operate. No determination of compliance shall be established within two hours after a continuous period in which fuel flow to the unit is shut off for 30 minutes or longer, or within 30 minutes after a re-lighting of the unit resulting from an unscheduled or unavoidable shut off of the fuel flow or electrical power to the unit. [District Rule 2201]
22. During source testing, the oven shall either be operated at or above 90% of its maximum hourly processing capability, or at or above 90% of its maximum hourly production in the previous year. [District Rule 2201]

23. At least once every five years, or sooner if required by the EPA, ARB, or the District, source testing to determine the direction of air flow through each NDO shall be conducted using "Negative Pressure Enclosure Qualitative Test Method for Bakery Ovens" protocol (available at <http://www.epa.gov/ttn/emc/approalt/alt-020.pdf>). Should the permittee decide to use different test methodology, the methodology must be approved by the District. [District Rule 2201]
24. At least once every five years, or sooner if required by the EPA, ARB, or the District, a presurvey must be done prior to source testing to determine VOC compound analytes present in the effluent stream using the methodology described in EPA Method 18, Section 16. The presurvey will be used to develop the appropriate sampling approach to ensure efficient collection of all VOCs present in the effluent and to develop a specific list of target compounds to be quantified during the subsequent total VOC source testing. Should the permittee decide to use a different test methodology, the methodology must be approved by the District and EPA. [District Rule 2201]
25. Annual source testing to determine compliance with each VOC emission limit shall be conducted using EPA Methods 2, 2A, or 2D for measuring flow rates and EPA Methods 18, 25, 25A, or 308 to measure VOC emissions. EPA Methods 25 or 25A can be used to determine the total VOCs only if the analyzer is calibrated with ethanol, or appropriate compound as determined in the pre-survey of the latest source test, and the total carbon mass is scaled to the mole fraction of ethanol (or appropriate compound), with the balance being scaled to the relative mole fraction of other the identified compounds. The Method 25 or 25A scaling factor shall be listed in the Permit to Operate. Should the permittee decide to use a different test methodology, the methodology must be approved by the District. [District Rule 2201]
26. The VOC control efficiency of the RTO (at least 95%) shall be conducted annually using EPA Methods 18, 25, 25A, or 308. Should the permittee decide to use a different test methodology, the methodology must be approved by the District. [District Rule 2201]
27. For emissions source testing, the arithmetic average of three 30-consecutive-minute test runs shall apply. If two of three runs are above an applicable limit the test cannot be used to demonstrate compliance with an applicable limit. [District Rules 1081 and 2201]
28. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081]
29. The permittee shall determine and record the daily VOC emissions by multiplying the total bread baked (tons/day) in this oven and the emission factor (EF, lb-VOC/ton of bread baked). The emission factor shall be determined using the results from the latest source test. [District Rule 2201]
30. The permittee shall keep records of the date and time of burner inspection, burner identification (e.g. compartment 1, 2, 3 or 4), name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
31. The permittee shall keep records of the date and time of oxidizer inspection, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
32. The permittee shall maintain a daily record of the following items: (a) total bread baked per day by bread product type (tons/day), (b) RTO combustion temperature data, (c) operating pressure as measured by the pressure transmitter at the tie-in of oven #1, #2 and #3 (in inches of water or mercury), (d) total fuel use in MMscf/day in this oven, (e) total fuel use in MMscf/day in the RTO, (f) number of ovens in operation, and (g) RTO downtime and the reason of downtime. [District Rule 2201]
33. {3246} All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]
34. The facility shall be operated in accordance with the requirements in Consent Decree # 2:12-CV-01697-KJM-JFM (8/19/13). [Consent Decree]

DRAFT

San Joaquin Valley  
Air Pollution Control District

**AUTHORITY TO CONSTRUCT**

**DRAFT**  
ISSUANCE DATE: DRAFT

**PERMIT NO:** N-8069-8-1

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS  
**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF BREAD BAKING OVEN #2 TO REDUCE ALT-20 TESTING FREQUENCY FOR INLET NATURAL DRAFT OPENINGS; REQUIRE OVEN PRESSURE MONITORING USING A SENSOR INSTALLED AT THE TIE-IN OF EXHAUST FROM BREAD BAKING OVENS RATHER THAN INDIVIDUAL PRESSURE MONITORING SENSOR; ESTABLISH MINIMUM RTO CHAMBER TEMPERATURE; ESTABLISH NOX LIMITS USING 2.0 LB/DAY FOR EACH BURNER SYSTEM; ESTABLISH CO LIMITS USING LATEST SOURCE TEST RESULTS; RE-ESTABLISH HEAT INPUT RATING OF THE OVEN. THE POST-PROJECT EQUIPMENT DESCRIPTION WILL BE: BREAD BAKING OVEN #2: 4.0 MMBTU/HR (4 MAXON'S CYCLOMAX, 3 BURNERS RATED AT 0.8 MMBTU/HR EACH, 1 BURNER RATED AT 1.6 MMBTU/HR) GOUET STONE SOLE TUNNEL OVEN VENTED TO A 2.2 MMBTU/HR ADWEST TECHNOLOGIES INC, RETOX 7.4 RTO95, WITH TWO CHAMBERS, NATURAL GAS-FIRED, REGENERATIVE THERMAL OXIDIZER (RTO). THIS RTO SERVES PERMIT UNITS N-8069-7, '-8, AND '-9.

**CONDITIONS**

1. This Authority to Construct permit cancels and replaces ATC N-8069-8-0. [District Rule 2201]
2. {98} No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
3. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
4. {15} No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
5. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
6. This oven and the RTO shall only be fired on PUC-regulated natural gas. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director, APCO

**DRAFT**

DAVID WARNER, Director of Permit Services

N-8069-8-1 : Aug 27 2013 11:28AM - KAH,LOUJ : Joint Inspection NOT Required

7. The RTO shall be in operation at or above a chamber temperature of 1,630°F averaged over a 30-consecutive-minute block period during the bread baking process. The RTO chamber temperature, time interval and calculation method may be administratively revised by the District upon approval of an alternative limit and methodology by the EPA. [District Rule 2201 and Consent Decree]
8. The RTO chambers shall be permanently equipped with temperature measurement devices to determine the average combustion temperature. The combustion temperature shall be continuously monitored and recorded at least every 15-minutes, as long as the bread baking process operates. The recorded temperature data shall be averaged over a 30-consecutive-minute block to demonstrate compliance with the RTO combustion chamber temperature. Upon detecting any excursion, the permittee shall investigate the excursion and take corrective action to minimize excessive emissions and prevent recurrence of the excursion as expeditiously as practicable. [District Rule 2201]
9. The combined capture and control efficiency of the RTO system shall be at least 95% for VOCs during the baking process. [District Rule 2201]
10. The direction of air flow through each natural draft opening (NDO) shall occur into an associated oven compartment, which is ducted to the RTO. Upon successful compliance demonstration, VOC capture efficiency can be assumed 100 percent for the NDO. [District Rule 2201]
11. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
12. VOC emissions shall not exceed 23.0 pounds in any one day. These emissions include bread baking process emissions from this oven and natural gas combustion emissions in the RTO chambers. [District Rule 2201]
13. NO<sub>x</sub> emissions from natural gas combustion shall not exceed any of the following limits: 0.104 lb/MMBtu for burner #1, 2 and 3 and 0.086 lb/MMBtu for burner #4 referenced as NO<sub>2</sub>. [District Rule 2201]
14. SO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.00285 lb/MMBtu. [District Rule 2201]
15. PM<sub>10</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0076 lb/MMBtu. [District Rule 2201]
16. CO emissions from natural gas combustion shall not exceed any of the following limits: 0.724 lb/MMBtu for burner #1, 0.195 lb/MMBtu for burner #2, 0.594 lb/MMBtu for burner #3, and 0.985 lb/MMBtu for burner #4. [District Rule 2201]
17. VOC emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0055 lb/MMBtu. [District Rule 2201]
18. Heat input rate to burner #4 in this oven shall not exceed 23.3 MMBtu in any one day. [District Rule 2201]
19. A non-resettable, totalizing mass or volumetric fuel flow meter to measure the amount of natural gas combusted in burner #4 shall be installed, utilized and maintained. [District Rule 2201]
20. Emissions from natural gas combustion in the RTO serving the baking process emissions shall not exceed any of the following limits: 30.0 ppmvd NO<sub>x</sub> @ 3% O<sub>2</sub> (referenced as NO<sub>2</sub>), 400 ppmvd CO @ 3% O<sub>2</sub>, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
21. {33} Sampling facilities for source testing shall be provided in accordance with the provisions of Rule 1081 (Source Sampling). [District Rule 1081]
22. {109} Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified at least 30 days prior to any compliance source test, and a source test plan must be submitted for approval at least 15 days prior to testing. [District Rule 1081]
23. All emissions measurements shall be made with the unit operating either at conditions representative of normal operations or conditions specified in the Permit to Operate. No determination of compliance shall be established within two hours after a continuous period in which fuel flow to the unit is shut off for 30 minutes or longer, or within 30 minutes after a re-lighting of the unit resulting from an unscheduled or unavoidable shut off of the fuel flow or electrical power to the unit. [District Rule 2201]

24. During source testing, the oven shall either be operated at or above 90% of its maximum hourly processing capability, or at or above 90% of its maximum hourly production in the previous year. [District Rule 2201]
25. At least once every five years, or sooner if required by the EPA, ARB, or the District, source testing to determine the direction of air flow through each NDO shall be conducted using "Negative Pressure Enclosure Qualitative Test Method for Bakery Ovens" protocol (available at <http://www.epa.gov/ttn/emc/approalt/alt-020.pdf>). Should the permittee decide to use different test methodology, the methodology must be approved by the District. [District Rule 2201]
26. At least once every five years, or sooner if required by the EPA, ARB, or the District, a presurvey must be done prior to source testing to determine VOC compound analytes present in the effluent stream using the methodology described in EPA Method 18, Section 16. The presurvey will be used to develop the appropriate sampling approach to ensure efficient collection of all VOCs present in the effluent and to develop a specific list of target compounds to be quantified during the subsequent total VOC source testing. Should the permittee decide to use a different test methodology, the methodology must be approved by the District and EPA. [District Rule 2201]
27. Annual source testing to determine compliance with each VOC emission limit shall be conducted using EPA Methods 2, 2A, or 2D for measuring flow rates and EPA Methods 18, 25, 25A, or 308 to measure VOC emissions. EPA Methods 25 or 25A can be used to determine the total VOCs only if the analyzer is calibrated with ethanol, or appropriate compound as determined in the pre-survey of the latest source test, and the total carbon mass is scaled to the mole fraction of ethanol (or appropriate compound), with the balance being scaled to the relative mole fraction of other the identified compounds. The Method 25 or 25A scaling factor shall be listed in the Permit to Operate. Should the permittee decide to use a different test methodology, the methodology must be approved by the District. [District Rule 2201]
28. The VOC control efficiency of the RTO (at least 95%) shall be conducted annually using EPA Methods 18, 25, 25A, or 308. Should the permittee decide to use a different test methodology, the methodology must be approved by the District. [District Rule 2201]
29. For emissions source testing, the arithmetic average of three 30-consecutive-minute test runs shall apply. If two of three runs are above an applicable limit the test cannot be used to demonstrate compliance with an applicable limit. [District Rules 1081 and 2201]
30. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081]
31. The permittee shall determine and record the daily VOC emissions by multiplying the total bread baked (tons/day) in this oven and the emission factor (EF, lb-VOC/ton of bread baked). The emission factor shall be determined using the results from the latest source test. [District Rule 2201]
32. The permittee shall keep records of the date and time of burner inspection, burner identification (e.g. compartment 1, 2, 3 or 4), name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
33. The permittee shall keep records of the date and time of oxidizer inspection, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
34. The permittee shall maintain a daily record of the following items: (a) total bread baked per day by bread product type (tons/day), (b) RTO combustion temperature data, (c) operating pressure as measured by the pressure transmitter at the tie-in of oven #1, #2 and #3 (in inches of water or mercury), (d) total fuel use in MMscf/day in this oven, (e) total fuel use in MMscf/day in the RTO, (f) number of ovens in operation, (g) RTO downtime and the reason of downtime, and (h) Heat input rate to burner #4 in this oven (MMBtu/day). [District Rule 2201]
35. {3246} All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]
36. The facility shall be operated in accordance with the requirements in Consent Decree # 2:12-CV-01697-KJM-JFM (8/19/13). [Consent Decree]

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San Joaquin Valley  
Air Pollution Control District

## AUTHORITY TO CONSTRUCT

ISSUANCE DATE: DRAFT  
**DRAFT**

**PERMIT NO:** N-8069-9-1

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS

**MAILING ADDRESS:**

ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:**

40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF BREAD BAKING OVEN #3 TO REDUCE ALT-20 TESTING FREQUENCY FOR INLET NATURAL DRAFT OPENINGS; REQUIRE OVEN PRESSURE MONITORING USING A SENSOR INSTALLED AT THE TIE-IN OF EXHAUST FROM BREAD BAKING OVENS RATHER THAN INDIVIDUAL PRESSURE MONITORING SENSOR; ESTABLISH MINIMUM RTO CHAMBER TEMPERATURE; ESTABLISH NOX LIMITS USING 2.0 LB/DAY FOR EACH BURNER SYSTEM; ESTABLISH CO LIMITS USING LATEST SOURCE TEST RESULTS; RE-ESTABLISH HEAT INPUT RATING OF THE OVEN. THE POST-PROJECT EQUIPMENT DESCRIPTION WILL BE: BREAD BAKING OVEN #3: 4.0 MMBTU/HR (4 MAXON'S CYCLOMAX, 3 BURNERS RATED AT 0.8 MMBTU/HR EACH, 1 BURNER RATED AT 1.6 MMBTU/HR) GOUET STONE SOLE TUNNEL OVEN VENTED TO A 2.2 MMBTU/HR ADWEST TECHNOLOGIES INC, RETOX 7.4 RTO95, WITH TWO CHAMBERS, NATURAL GAS-FIRED, REGENERATIVE THERMAL OXIDIZER (RTO). THIS RTO SERVES PERMIT UNITS N-8069-7, '-8, AND '-9.

## CONDITIONS

1. This Authority to Construct permit cancels and replaces ATC N-8069-9-0. [District Rule 2201]
2. {98} No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
3. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
4. {15} No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
5. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
6. This oven and the RTO shall only be fired on PUC-regulated natural gas. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

YOU **MUST** NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT. This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director, APCO

**DAVID WARNER, Director of Permit Services**

N-8069-9-1 Aug 27 2013 11:29AM -- KAH:LOJ : Joint Inspection NOT Required

7. The RTO shall be in operation at or above a chamber temperature of 1,630°F averaged over a 30-consecutive-minute block period during the bread baking process. The RTO chamber temperature, time interval and calculation method may be administratively revised by the District upon approval of an alternative limit and methodology by the EPA. [District Rule 2201 and Consent Decree]
8. The RTO chambers shall be permanently equipped with temperature measurement devices to determine the average combustion temperature. The combustion temperature shall be continuously monitored and recorded at least every 15-minutes, as long as the bread baking process operates. The recorded temperature data shall be averaged over a 30-consecutive-minute block to demonstrate compliance with the RTO combustion chamber temperature. Upon detecting any excursion, the permittee shall investigate the excursion and take corrective action to minimize excessive emissions and prevent recurrence of the excursion as expeditiously as practicable. [District Rule 2201]
9. The combined capture and control efficiency of the RTO system shall be at least 95% for VOCs during the baking process. [District Rule 2201]
10. The direction of air flow through each natural draft opening (NDO) shall occur into an associated oven compartment, which is ducted to the RTO. Upon successful compliance demonstration, VOC capture efficiency can be assumed 100 percent for the NDO. [District Rule 2201]
11. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
12. VOC emissions shall not exceed 23.0 pounds in any one day. These emissions include bread baking process emissions from this oven and natural gas combustion emissions in the RTO chambers. [District Rule 2201]
13. NO<sub>x</sub> emissions from natural gas combustion shall not exceed any of the following limits: 0.104 lb/MMBtu for burner #1, 2 and 3 and 0.052 lb/MMBtu for burner #4 referenced as NO<sub>2</sub>. [District Rule 2201]
14. SO<sub>x</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.00285 lb/MMBtu. [District Rule 2201]
15. PM<sub>10</sub> emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0076 lb/MMBtu. [District Rule 2201]
16. CO emissions from natural gas combustion shall not exceed any of the following limits: 0.165 lb/MMBtu for burner #1, 0.439 lb/MMBtu for burner #2, 0.021 lb/MMBtu for burner #3, and 0.871 lb/MMBtu for burner #4. [District Rule 2201]
17. VOC emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0055 lb/MMBtu. [District Rule 2201]
18. Emissions from natural gas combustion in the RTO serving the baking process emissions shall not exceed any of the following limits: 30.0 ppmvd NO<sub>x</sub> @ 3% O<sub>2</sub> (referenced as NO<sub>2</sub>), 400 ppmvd CO @ 3% O<sub>2</sub>, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
19. {33} Sampling facilities for source testing shall be provided in accordance with the provisions of Rule 1081 (Source Sampling). [District Rule 1081]
20. {109} Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified at least 30 days prior to any compliance source test, and a source test plan must be submitted for approval at least 15 days prior to testing. [District Rule 1081]
21. All emissions measurements shall be made with the unit operating either at conditions representative of normal operations or conditions specified in the Permit to Operate. No determination of compliance shall be established within two hours after a continuous period in which fuel flow to the unit is shut off for 30 minutes or longer, or within 30 minutes after a re-lighting of the unit resulting from an unscheduled or unavoidable shut off of the fuel flow or electrical power to the unit. [District Rule 2201]
22. During source testing, the oven shall either be operated at or above 90% of its maximum hourly processing capability, or at or above 90% of its maximum hourly production in the previous year. [District Rule 2201]

23. At least once every five years, or sooner if required by the EPA, ARB, or the District, source testing to determine the direction of air flow through each NDO shall be conducted using "Negative Pressure Enclosure Qualitative Test Method for Bakery Ovens" protocol (available at <http://www.epa.gov/ttn/emc/approalt/alt-020.pdf>). Should the permittee decide to use different test methodology, the methodology must be approved by the District. [District Rule 2201]
24. At least once every five years, or sooner if required by the EPA, ARB, or the District, a presurvey must be done prior to source testing to determine VOC compound analytes present in the effluent stream using the methodology described in EPA Method 18, Section 16. The presurvey will be used to develop the appropriate sampling approach to ensure efficient collection of all VOCs present in the effluent and to develop a specific list of target compounds to be quantified during the subsequent total VOC source testing. Should the permittee decide to use a different test methodology, the methodology must be approved by the District and EPA. [District Rule 2201]
25. Annual source testing to determine compliance with each VOC emission limit shall be conducted using EPA Methods 2, 2A, or 2D for measuring flow rates and EPA Methods 18, 25, 25A, or 308 to measure VOC emissions. EPA Methods 25 or 25A can be used to determine the total VOCs only if the analyzer is calibrated with ethanol, or appropriate compound as determined in the pre-survey of the latest source test, and the total carbon mass is scaled to the mole fraction of ethanol (or appropriate compound), with the balance being scaled to the relative mole fraction of other the identified compounds. The Method 25 or 25A scaling factor shall be listed in the Permit to Operate. Should the permittee decide to use a different test methodology, the methodology must be approved by the District. [District Rule 2201]
26. The VOC control efficiency of the RTO (at least 95%) shall be conducted annually using EPA Methods 18, 25, 25A, or 308. Should the permittee decide to use a different test methodology, the methodology must be approved by the District. [District Rule 2201]
27. For emissions source testing, the arithmetic average of three 30-consecutive-minute test runs shall apply. If two of three runs are above an applicable limit the test cannot be used to demonstrate compliance with an applicable limit. [District Rules 1081 and 2201]
28. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081]
29. The permittee shall determine and record the daily VOC emissions by multiplying the total bread baked (tons/day) in this oven and the emission factor (EF, lb-VOC/ton of bread baked). The emission factor shall be determined using the results from the latest source test. [District Rule 2201]
30. The permittee shall keep records of the date and time of burner inspection, burner identification (e.g. compartment 1, 2, 3 or 4), name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
31. The permittee shall keep records of the date and time of oxidizer inspection, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
32. The permittee shall maintain a daily record of the following items: (a) total bread baked per day by bread product type (tons/day), (b) RTO combustion temperature data, (c) operating pressure as measured by the pressure transmitter at the tie-in of oven #1, #2 and #3 (in inches of water or mercury), (d) total fuel use in MMscf/day in this oven, (e) total fuel use in MMscf/day in the RTO, (f) number of ovens in operation, and (g) RTO downtime and the reason of downtime. [District Rule 2201]
33. {3246} All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]
34. The facility shall be operated in accordance with the requirements in Consent Decree # 2:12-CV-01697-KJM-JFM (8/19/13). [Consent Decree]

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San Joaquin Valley  
Air Pollution Control District

**AUTHORITY TO CONSTRUCT**

ISSUANCE DATE: DRAFT  
**DRAFT**

**PERMIT NO:** N-8069-10-1

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS  
**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF CAKE BAKING OVEN #4 TO ESTABLISH NOX LIMITS USING 2.0 LB/DAY FOR EACH BURNER SYSTEM; ESTABLISH CO LIMITS USING LATEST SOURCE TEST RESULTS. THE POST-PROJECT EQUIPMENT DESCRIPTION WILL BE: CAKE BAKING OVEN #4: 3.2 MMBTU/HR (4 MAXON'S CYCLOMAX EACH RATED AT 0.8 MMBTU/HR) MEINCKE OVEN

**CONDITIONS**

1. This Authority to Construct permit cancels and replaces ATC N-8069-10-0. [District Rule 2201]
2. {98} No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
3. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
4. {15} No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
5. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
6. This oven shall only be fired on PUC-regulated natural gas. [District Rule 2201]
7. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director, APCO

**DRAFT**

DAVID WARNER, Director of Permit Services

N-8069-10-1: Aug 27 2013 11:29AM - KAHLOUJ : Joint Inspection NOT Required

8. Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheet for each flavoring or other similar additives to demonstrate compliance with this condition. [District Rule 2201]
9. NOx emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.104 lb/MMBtu referenced as NO2. [District Rule 2201]
10. SOx emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.00285 lb/MMBtu. [District Rule 2201]
11. PM10 emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0076 lb/MMBtu. [District Rule 2201]
12. CO emissions from natural gas combustion shall not exceed any of the following limits: 0.010 lb/MMBtu for burner #1, 0.583 lb/MMBtu for burner #2, 0.601 lb/MMBtu for burner #3, and 0.392 lb/MMBtu for burner #4. [District Rule 2201]
13. VOC emissions from natural gas combustion in each burner system (1, 2, 3 or 4) shall not exceed 0.0055 lb/MMBtu. [District Rule 2201]
14. The permittee shall maintain daily records of fuel use in MMscf/day in this oven. [District Rule 2201]
15. The permittee shall keep records of the date and time of burner inspection, burner identification (e.g. compartment 1, 2, 3 or 4), name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
16. {3246} All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]

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San Joaquin Valley  
Air Pollution Control District

**AUTHORITY TO CONSTRUCT**

ISSUANCE DATE: DRAFT  
**DRAFT**

**PERMIT NO:** N-8069-13-1

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS

**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF CAKE OVEN #1 TO INCLUDE A CONDITION THAT CAKE BATTER SHALL NOT CONTAIN VOC CONTAINING INGREDIENTS; REMOVE DAILY VOC EMISSION LIMIT CALCULATION FOR BAKING PROCESS. THE POST-PROJECT DESCRIPTION WILL BE: 0.56 MMBTU/HR NATURAL GAS-FIRED REVENT ECONOMITE CAKE OVEN #1

**CONDITIONS**

1. {98} No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
3. {15} No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
4. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
5. This oven shall only be fired on PUC-regulated natural gas. [District Rule 2201]
6. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
7. Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheet for each flavoring or other similar additives to demonstrate compliance with this condition. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director, APCO

**DAVID WARNER, Director of Permit Services**

N-8069-13-1: Aug 27 2013 11:29AM - KAHLONU : Joint Inspection NOT Required

8. Emissions from natural gas combustion in this oven shall not exceed any of the following limits: 0.1 lb-NO<sub>x</sub>/MMBtu, 0.084 lb-CO/MMBtu, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
9. This oven shall be equipped with an operational nonresettable elapsed time meter. [District Rule 2201]
10. The permittee shall maintain daily records of fuel use in MMscf/day in this oven. The fuel use (MMscf/day) may be estimated as follows: 0.00056 x total daily hours of operation taken from the time meter. [District Rule 2201]
11. The permittee shall keep records of the date and time of burner inspection, burner identification, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
12. {3246} All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]

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San Joaquin Valley  
Air Pollution Control District

**AUTHORITY TO CONSTRUCT**

ISSUANCE DATE: DRAFT  
**DRAFT**

**PERMIT NO:** N-8069-14-1

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS  
**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF CAKE OVEN #2 TO INCLUDE A CONDITION THAT CAKE BATTER SHALL NOT CONTAIN VOC CONTAINING INGREDIENTS; REMOVE DAILY VOC EMISSION LIMIT CALCULATION FOR BAKING PROCESS. THE POST-PROJECT DESCRIPTION WILL BE: 0.56 MMBTU/HR NATURAL GAS-FIRED REVENT ECONOMITE CAKE OVEN #2

**CONDITIONS**

1. {98} No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
3. {15} No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
4. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
5. This oven shall only be fired on PUC-regulated natural gas. [District Rule 2201]
6. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
7. Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheet for each flavoring or other similar additives to demonstrate compliance with this condition. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

YOU **MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Sayed Sadredin, Executive Director, APCO

**DAVID WARNER, Director of Permit Services**

N-8069-14-1 Aug 27 2013 11:26AM - KAHLONJ : Joint Inspection NOT Required

8. Emissions from natural gas combustion in this oven shall not exceed any of the following limits: 0.1 lb-NO<sub>x</sub>/MMBtu, 0.084 lb-CO/MMBtu, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
9. This oven shall be equipped with an operational nonresettable elapsed time meter. [District Rule 2201]
10. The permittee shall maintain daily records of fuel use in MMscf/day in this oven. The fuel use (MMscf/day) may be estimated as follows: 0.00056 x total daily hours of operation taken from the time meter. [District Rule 2201]
11. The permittee shall keep records of the date and time of burner inspection, burner identification, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
12. {3246} All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]

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San Joaquin Valley  
Air Pollution Control District

**AUTHORITY TO CONSTRUCT**

ISSUANCE DATE: DRAFT  
**DRAFT**

**PERMIT NO:** N-8069-15-1

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS  
**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF 0.375 MMBTU/HR NATURAL GAS FIRED WAYNE HOWE BLUE ANGEL OVEN: CORRECT EQUIPMENT MANUFACTURER NAME; INCLUDE A CONDITION THAT CAKE BATTER SHALL NOT CONTAIN VOC CONTAINING INGREDIENTS; REMOVE VOC FLAVOR COMPONENT FROM DAILY EMISSION CALCULATION; RE-ESTABLISH THE DAILY VOC EMISSION CALCULATION EQUATION. THE POST-PROJECT EQUIPMENT DESCRIPTION WILL BE: 0.375 MMBTU/HR NATURAL GAS FIRED BREAD/CAKE OVEN

**CONDITIONS**

1. {98} No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
3. {15} No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
4. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
5. This oven shall only be fired on PUC-regulated natural gas. [District Rule 2201]
6. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
7. Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheet for each flavoring or other similar additives to demonstrate compliance with this condition. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

YOU **MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director, APCO

**DAVID WARNER, Director of Permit Services**

N-8069-15-1: Aug 27 2013 11:29AM - KAH/LONJ : Joint Inspection NOT Required

8. The total VOC emissions from the baking process and natural gas combustion in this oven shall not exceed 2.0 pounds in any one day. [District Rule 2201]
9. Emissions from natural gas combustion in this oven shall not exceed any of the following limits: 0.1 lb-NO<sub>x</sub>/MMBtu, 0.084 lb-CO/MMBtu, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
10. This oven shall be equipped with an operational nonresettable elapsed time meter. [District Rule 2201]
11. The daily VOCs shall be determined using the following equation:  $(EF_1 \text{ lb-VOC/lb-bread} \times P \text{ lb-bread/day}) + (5.5 \text{ lb/MMscf} \times NG \text{ MMscf/day})$ , where  $EF_1$  is VOC in bread,  $P$  is bread produced, and  $NG$  is natural gas use. The natural gas fuel use (MMscf/day) may be estimated as follows:  $0.00056 \times \text{total daily hours of operation taken from the time meter}$ . [District Rule 2201]
12. The permittee shall maintain daily records of fuel used in MMscf/day in this oven and the total VOC emissions (lb/day). [District Rule 2201]
13. The permittee shall keep records of the date and time of burner inspection, burner identification, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
14. {3246} All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]

DRAFT

San Joaquin Valley  
Air Pollution Control District

**AUTHORITY TO CONSTRUCT**

ISSUANCE DATE: DRAFT  
**DRAFT**

**PERMIT NO:** N-8069-16-1

**LEGAL OWNER OR OPERATOR:** RALCORP FROZEN BAKERY PRODUCTS  
**MAILING ADDRESS:** ATTN: ACCOUNTING  
1831 S STOCKTON ST  
LODI, CA 95240

**LOCATION:** 40 E. NEUHARTH DRIVE  
LODI, CA 95241

**EQUIPMENT DESCRIPTION:**

MODIFICATION OF ELECTRIC BAKING OVEN TO INCLUDE A CONDITION THAT CAKE BATTER SHALL NOT CONTAIN VOC CONTAINING INGREDIENTS; REMOVE VOC FLAVOR COMPONENT FROM DAILY EMISSION CALCULATION

**CONDITIONS**

1. {98} No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. {15} No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
3. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
4. Cake batter shall not have any VOC containing ingredient. The permittee must keep material safety data sheets or product data sheet for each flavoring or other similar additives to demonstrate compliance with this condition. [District Rule 2201]
5. The total VOC emissions from the baking process shall not exceed 2.0 pounds in any one day. [District Rule 2201]
6. The daily VOCs shall be determined using the following equation:  $EF1 \text{ lb-VOC/lb-bread} \times P \text{ lb-bread/day}$ , where EF1 is VOC in bread, P is bread produced. [District Rule 2201]
7. The permittee shall maintain daily records of the total VOC emissions (lb/day). [District Rule 2201]
8. {3246} All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]

YOU **MUST** NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT. This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director, APCO

**DAVID WARNER, Director of Permit Services**

N-8069-16-1: Aug 27 2013 11:28AM - KAHLOJ : Joint Inspection NOT Required

**Appendix II**  
**BACT Guideline 1.6.24 and Top-Down BACT Analysis**

San Joaquin Valley  
Unified Air Pollution Control District

**Best Available Control Technology (BACT) Guideline 1.6.24\***

Last Update 2/12/2008

**Commercial Bakery Oven**

<b>Pollutant</b>	<b>Achieved in Practice or contained in the SIP</b>	<b>Technologically Feasible</b>	<b>Alternate Basic Equipment</b>
NOx	30 ppmvd @ 3% O2 equivalent to 0.036 lb/MMBtu	Low Temperature-Selective Catalytic Reduction	Electric Oven
VOC	VOC capture and 95% control efficiency - thermal/catalytic incineration, or equivalent		

BACT is the most stringent control technique for the emissions unit and class of source. Control techniques that are not achieved in practice or contained in a state implementation plan must be cost effective as well as feasible. Economic analysis to demonstrate cost effectiveness is required for all determinations that are not achieved in practice or contained in an EPA approved State Implementation Plan.

**\*This is a Summary Page for this Class of Source**

## Top-Down BACT Analysis for VOC

### **Step 1 - Identify All Possible Control Technologies**

#### Achieved-in-Practice:

VOC capture and 95% control efficiency – thermal/catalytic incineration or equivalent

#### Technologically Feasible:

None

#### Alternate Basic Equipment:

None

### **Step 2 - Eliminate Technologically Infeasible Options**

All control options listed in step 1 are technologically feasible.

### **Step 3 - Rank Remaining Control Technologies by Control Effectiveness**

1. VOC capture and control using thermal/catalytic incinerator

### **Step 4 - Cost Effectiveness Analysis**

There is no technologically feasible option listed in Step 3 for which a cost-effectiveness analysis is required.

### **Step 5 - Select BACT**

BACT to reduce VOC emissions would be to install a thermal/catalytic incinerator or equivalent control technology. The applicant had installed a regenerative thermal oxidizer (RTO). Therefore, BACT for VOC emissions is satisfied.

**Appendix III**  
**Potential to Emit Calculations**

Potential to Emit for Ralcorp Frozen Bakery, Inc.  
N-8069-7 (Oven #1), '-8 (Oven #2), '-9 (Oven #3), and '-10 (Oven #4)

Unit	Bumer#	Source Test Results			Heat Input	CO with 20% Margin of Compliance					NOx with 2.0 lb/day limit					SOx Emissions				PM <sub>10</sub> Emissions				VOC Emissions				
		Test date	NOx			CO	ppmvd <sup>1,2</sup>	lb/MMBtu <sup>3</sup>	lb/hr <sup>5</sup>	lb/day <sup>6</sup>	lb/yr <sup>7</sup>	ppmvd <sup>1,8</sup>	lb/MMBtu <sup>4</sup>	lb/hr <sup>5</sup>	lb/day <sup>6</sup>	lb/yr <sup>7</sup>	lb/MMBtu	lb/hr <sup>5</sup>	lb/day <sup>6</sup>	lb/yr <sup>7</sup>	lb/MMBtu	lb/hr <sup>5</sup>	lb/day <sup>6</sup>	lb/yr <sup>7</sup>	lb/MMBtu	lb/hr <sup>5</sup>	lb/day <sup>6</sup>	lb/yr <sup>7</sup>
			ppmvd <sup>1</sup>	MMBtu/hr																								
Oven #1	1	2/21/12	50.2	141.8	0.8	170	0.126	0.101	2.4	876	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
	2	2/21/12	23.8	7.4	0.8	9	0.007	0.006	0.1	37	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
	3	2/22/12	78.7	5.9	0.8	7	0.005	0.004	0.1	37	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
	4	2/22/12	48.2	7.5	0.8	9	0.007	0.006	0.1	37	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
Total:						0.117	2.7	987						0.332	8.0	2,920	0.008				0.4	146	0.024				0.4	146
Oven #2	1	9/28/11	20.3	816.9	0.8	980	0.724	0.579	13.9	5,074	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
	2	9/27/11	19.2	220.4	0.8	264	0.195	0.156	3.7	1,351	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
	3	9/28/11	14.1	670	0.8	804	0.594	0.475	11.4	4,161	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
	4	9/28/11	64.2	1112	1.6	1334	0.985	1.576	37.8	13,797	70.6	0.086	0.138	2.0	730	0.00285	0.005	0.1	37	0.0076	0.012	0.2	73	0.0055	0.009	0.1	37	
Total:						2.786	66.8	24,383						0.387	8.0	2,920	0.011				0.4	146	0.030				0.5	183
Oven #3	1	9/28/11	58.4	185.7	0.8	223	0.165	0.132	3.2	1,168	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
	2	9/28/11	19.7	495.2	0.8	594	0.439	0.351	8.4	3,066	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
	3	9/28/11	29.2	24.5	0.8	29	0.021	0.017	0.4	146	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
	4	9/28/11	32.5	982.7	1.6	1179	0.871	1.394	33.5	12,228	42.9	0.052	0.083	2.0	730	0.00285	0.005	0.1	37	0.0076	0.012	0.3	110	0.0055	0.009	0.2	73	
Total:						1.894	45.5	16,608						0.332	8.0	2,920	0.011				0.4	146	0.030				0.6	219
Oven #4	1	2/14/12	44.6	10.5	0.8	13	0.01	0.008	0.2	73	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
	2	2/14/12	26.5	657.2	0.8	789	0.583	0.466	11.2	4,088	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
	3	2/14/12	35	677.1	0.8	813	0.601	0.481	11.5	4,198	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
	4	2/14/12	30.1	442.8	0.8	531	0.392	0.314	7.5	2,738	85.7	0.104	0.083	2.0	730	0.00285	0.002	0.1	37	0.0076	0.006	0.1	37	0.0055	0.004	0.1	37	
Total:						1.289	30.4	11,097						0.332	8.0	2,920	0.008				0.4	146	0.024				0.4	146
Notes:																												
1	NO <sub>x</sub> and CO ppmvd concentrations are corrected to 3% O <sub>2</sub>																											
2	CO concentrations = 1.2 x CO concentration during test (20% margin of compliance)																											
3	CO (lb/MMBtu) = CO (ppmvd) x 28 lb/lb-mole x 8,578 dscf/MMBtu x (20.95/(20.95-3))/(379.5 dscf/lb-mole x 10 <sup>6</sup> )																											
4	NO <sub>x</sub> (lb/MMBtu) = PE <sub>2</sub> (lb/day)/(Heat input MMBtu/hr x 24 hr/day)																											
5	PE (lb/hr) = EF (lb/MMBtu) x Heat input (MMBtu/hr)																											
6	PE (lb/day) = PE (lb/hr) x 24 (hr/day), or EF (lb/MMBtu) x Heat input (MMBtu/hr) x 24 hr/day																											
7	PE (lb/yr) = PE (lb/day) x 365 (days/yr)																											
8	NO <sub>x</sub> (ppmvd) = NO <sub>x</sub> (lb/MMBtu) * 379.5 dscf/lb-mol * 10 <sup>6</sup> / (46 lb/lb-mol * 8578 dscf/MMBtu * (20.95/(20.95-3)))																											
70.6	1.1 x 64.2 ppmv NO <sub>x</sub> = 70.6 ppmvd @ 3% O <sub>2</sub> (10% margin of compliance)																											
0.1, 0.2	EF (lb/MMBtu) x 23.3 MMBtu/day																											

**Appendix IV  
GHG Analysis**

## GHG Analysis

### Pre-Project GHG:

Heat input rate to each oven prior to processing project N-1093808 was as follows:

Permit	Unit description	Total heat input rate (MMBtu/hr)
N-8069-7	Bread baking oven 1	4.0
N-8069-8	Bread baking oven 2	6.4
N-8069-9	Bread baking oven 3	6.4
N-8069-10	Cake oven 4	4.0
N-8069-13	Cake oven 1	0.56
N-8069-14	Cake oven 2	0.56
N-8069-15	Bread/cake oven	0.375
N-8069-16	Electric oven	--
<b>Total:</b>		<b>22.295</b>

$$\begin{aligned} \text{CO}_2\text{e} &= 117 \text{ lb-CO}_2\text{e/MMBtu} \times 22.295 \text{ MMBtu/hr} \times 8,760 \text{ hr/yr} \times \text{m-ton}/2,205 \text{ lb} \\ &= 10,363 \text{ m-tons/yr} \end{aligned}$$

### Post-Project GHG:

Permit	Unit description	Total heat input rate (MMBtu/hr)
N-8069-7	Bread baking oven 1	3.2
N-8069-8	Bread baking oven 2	4.0
N-8069-9	Bread baking oven 3	4.0
N-8069-10	Cake oven 4	3.2
N-8069-13	Cake oven 1	0.56
N-8069-14	Cake oven 2	0.56
N-8069-15	Bread/cake oven	0.375
N-8069-16	Electric oven	--
--	RTO	2.2
<b>Total:</b>		<b>18.095</b>

$$\begin{aligned} \text{CO}_2\text{e} &= 117 \text{ lb-CO}_2\text{e/MMBtu} \times 18.095 \text{ MMBtu/hr} \times 8,760 \text{ hr/yr} \times \text{m-ton}/2,205 \text{ lb} \\ &= 8,411 \text{ m-tons/yr} \end{aligned}$$

Note: CO<sub>2</sub> from the bread baking process is assumed to be same for pre and post project configuration.

### GHG increase:

$$\begin{aligned} &= (8,411 - 10,363) \text{ m-tons/yr} \\ &= -1,952 \text{ m-tons/yr} \\ &\approx 0 \text{ m-tons/yr} \end{aligned}$$

Appendix V  
Risk Management Review and AAQA Summary

## San Joaquin Valley Air Pollution Control District Risk Management Review

To: Jag Kahlon– Permit Services  
 From: Kyle Melching – Technical Services  
 Date: August 22, 2012  
 Facility Name: Ralcorp Frozen Bakery  
 Location: 40 E Neuharth Dr  
 Application #(s): N-8069-7-1, 8-1, 9-1, 10-1, 14-1, & 15-1  
 Project #: 1120945

### A. RMR SUMMARY

RMR Summary			
Categories	Bakery w/ NG Ovens (Units 7-1, 8-1, 9-1, & 10-1)	Project Totals	Facility Totals
Prioritization Score	0.2	0.2	0.2
Acute Hazard Index	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>
Chronic Hazard Index	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>
Maximum Individual Cancer Risk (10 <sup>-6</sup> )	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>
T-BACT Required?	No		
Special Permit Conditions?	No		

1. Prioritization score is less than 1. No further analysis is required.

### B. RMR REPORT

#### I. Project Description

Technical Services received a request on August 8, 2012, to perform an Ambient Air Quality Analysis (AAQA) and a Risk Management Review for a bakery operation including NG ovens with a thermal oxidizer unit in order to re-issue permits. According to the NSR, since these units are treated as new, emission factors previously entered for these units will be removed from the facilities total risk score.

#### Analysis

Toxic emissions for this proposed unit were calculated using flour emissions and 'NG < 10 MMBTU/Hr External Combustion emission factors. In accordance with the District's *Risk Management Policy for Permitting New and Modified Sources* (APR 1905, March 2, 2001), risks from the proposed unit's toxic emissions were prioritized using the procedure in the 1990 CAPCOA Facility Prioritization Guidelines and incorporated in the District's HEARTs database. The prioritization score for this proposed unit was less than 1 (see RMR Summary Table). Therefore, no further analysis was necessary.

The following parameters were used for the review:

NG Oven 7-0			
NG Usage (MMSCF/hr)	0.0032	NG Usage (MMSCF/yr)	28.032
Closest Receptor [Business] (m)	6.1		

NG Ovens 8-0			
NG Usage (MMSCF/hr)	0.004	NG Usage (MMSCF/yr)	29.529
Closest Receptor [Business] (m)	6.1		

NG Oven 9-0			
NG Usage (MMSCF/hr)	0.004	NG Usage (MMSCF/yr)	35.040
Closest Receptor [Business] (m)	6.1		

NG Oven 10-0			
NG Usage (MMSCF/hr)	0.0032	NG Usage (MMSCF/yr)	28.032
Closest Receptor [Business] (m)	6.1		

RTO			
NG Usage (MMSCF/hr)	0.0022	NG Usage (MMSCF/yr)	19.272
Closest Receptor [Business] (m)	6.1		

Technical Services also performed modeling for criteria pollutants CO, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>, as well as the RMR. Emission rates used for criteria pollutant modeling were:

Units	CO (lb hr/yr)	NO <sub>x</sub> (lb hr/yr)	SO <sub>x</sub> (lb hr/yr)	PM <sub>10</sub> (lb hr/yr)	PM <sub>2.5</sub> (lb hr/yr)
Unit 7-1	0.117/987	0.332/2920	0.008/146	0.024/146	0.024/146
Unit 8-1	2.786/24,383	0.387/2920	0.011/146	0.030/183	0.030/183
Unit 9-1	1.894/16,608	0.332/2920	0.011/146	0.030/219	0.030/219
Unit 10-1	1.269/11,097	0.332/2920	0.008/146	0.024/146	0.024/146
RTO	0.649/5,694	0.079/694	0.006/73	0.017/146	0.017/146

The results from the Criteria Pollutant Modeling are as follows:

**Criteria Pollutant Modeling Results\***  
Values are in  $\mu\text{g}/\text{m}^3$

3 Ovens & 1 RTO	1 Hour	3 Hours	8 Hours	24 Hours	Annual
CO	Pass	X	Pass	X	X
NO <sub>x</sub>	Pass <sup>1</sup>	X	X	X	Pass
SO <sub>x</sub>	Pass	Pass	X	Pass	Pass
PM <sub>10</sub>	X	X	X	Pass <sup>2</sup>	Pass <sup>2</sup>
PM <sub>2.5</sub>	X	X	X	Pass <sup>2</sup>	Pass <sup>2</sup>

\*Results were taken from the attached PSD spreadsheet.

<sup>1</sup>The project was compared to the 1-hour NO<sub>2</sub> National Ambient Air Quality Standard that became effective on April 12, 2010, using the District's approved procedures.

<sup>2</sup>The criteria pollutants are below EPA's level of significance as found in 40 CFR Part 51.165 (b)(2).

### III. Conclusion

The criteria modeling runs indicate the emissions from the proposed equipment will not cause or significantly contribute to a violation of a State or National AAQS.

The prioritization score is less than 1.0. **In accordance with the District's Risk Management Policy, the project is approved without Toxic Best Available Control Technology (T-BACT).**

These conclusions are based on the data provided by the applicant and the project engineer. Therefore, this analysis is valid only as long as the proposed data and parameters do not change.

#### Attachments:

- A. RMR request from the project engineer
- B. Additional information from the applicant/project engineer
- C. Prioritization score
- D. Facility Summary
- E. AAQA Summary

**Appendix VI**  
**Permits to Operate N-8069-13-0 to '-16-0**

# San Joaquin Valley Air Pollution Control District

**PERMIT UNIT:** N-8069-13-0

**EXPIRATION DATE:** 08/31/2014

**EQUIPMENT DESCRIPTION:**

0.56 MMBTU/HR NATURAL GAS-FIRED REVENT ECONOMITE CAKE OVEN #1

## PERMIT UNIT REQUIREMENTS

---

1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
3. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
4. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
5. This oven shall only be fired on PUC-regulated natural gas. [District Rule 2201]
6. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
7. The total VOC emissions from the baking process and natural gas combustion in this oven shall not exceed 2.0 pounds in any one day. [District Rule 2201]
8. Emissions from natural gas combustion in this oven shall not exceed any of the following limits: 0.1 lb-NO<sub>x</sub>/MMBtu, 0.084 lb-CO/MMBtu, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
9. The permittee shall maintain daily records of fuel use in MMscf/day in this oven. [District Rules 2201 and 4693]
10. The permittee must keep material safety data sheets or product data sheets for each VOC containing flavoring (or other similar additives) used in making cakes. [District Rule 2201]
11. The daily VOCs shall be determined using the following equation: (EF lb-VOC/lb-flavor x F lb-flavor/day) + (5.5 lb/MMscf x NG MMscf/day), where EF is VOC in flavor, F is flavor use, and NG is natural gas use. [District Rule 2201]
12. The permittee shall keep records of the date and time of burner inspection, burner identification, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
13. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]

These terms and conditions are part of the Facility-wide Permit to Operate.

# San Joaquin Valley Air Pollution Control District

**PERMIT UNIT:** N-8069-14-0

**EXPIRATION DATE:** 08/31/2014

**EQUIPMENT DESCRIPTION:**

0.56 MMBTU/HR NATURAL GAS-FIRED REVENT ECONOMITE CAKE OVEN #2

## PERMIT UNIT REQUIREMENTS

---

1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
3. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
4. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
5. This oven shall only be fired on PUC-regulated natural gas. [District Rule 2201]
6. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
7. The total VOC emissions from the baking process and natural gas combustion in this oven shall not exceed 2.0 pounds in any one day. [District Rule 2201]
8. Emissions from natural gas combustion in this oven shall not exceed any of the following limits: 0.1 lb-NO<sub>x</sub>/MMBtu, 0.084 lb-CO/MMBtu, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
9. The permittee shall maintain daily records of fuel use in MMscf/day in this oven. [District Rules 2201 and 4693]
10. The permittee must keep material safety data sheets or product data sheets for each VOC containing flavoring (or other similar additives) used in making cakes. [District Rule 2201]
11. The daily VOCs shall be determined using the following equation:  $(EF \text{ lb-VOC/lb-flavor} \times F \text{ lb-flavor/day}) + (5.5 \text{ lb/MMscf} \times NG \text{ MMscf/day})$ , where EF is VOC in flavor, F is flavor use, and NG is natural gas use. [District Rule 2201]
12. The permittee shall keep records of the date and time of burner inspection, burner identification, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
13. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]

These terms and conditions are part of the Facility-wide Permit to Operate.

# San Joaquin Valley Air Pollution Control District

**PERMIT UNIT:** N-8069-15-0

**EXPIRATION DATE:** 08/31/2014

**EQUIPMENT DESCRIPTION:**

0.375 MMBTU/HR NATURAL GAS FIRED WAYNE HOWE BLUE ANGEL OVEN

## PERMIT UNIT REQUIREMENTS

---

1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. Particulate matter emissions from each burner stack shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
3. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
4. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
5. This oven shall only be fired on PUC-regulated natural gas. [District Rule 2201]
6. The burners in this oven shall be periodically tuned per manufacturer's recommendation. A copy of manufacturer recommendations shall be kept on-site. [District Rule 2201]
7. The total VOC emissions from the baking process and natural gas combustion in this oven shall not exceed 2.0 pounds in any one day. [District Rule 2201]
8. Emissions from natural gas combustion in this oven shall not exceed any of the following limits: 0.1 lb-NO<sub>x</sub>/MMBtu, 0.084 lb-CO/MMBtu, 0.00285 lb-SO<sub>x</sub>/MMBtu, 0.0076 lb-PM<sub>10</sub>/MMBtu, and 0.0055 lb-VOC/MMBtu. [District Rule 2201]
9. The permittee shall maintain daily records of fuel use in MMscf/day in this oven. [District Rules 2201 and 4693]
10. The daily VOCs shall be determined using the following equation: (EF1 lb-VOC/lb-bread x P lb-bread/day) + (EF2 lb-VOC/lb-flavor x F lb-flavor/day) + (5.5 lb/MMscf x NG MMscf/day), where EF1 is VOC in bread, EF2 is VOC in flavor, P is bread produced, F is flavor use, and NG is natural gas use. [District Rule 2201]
11. The permittee shall keep records of the date and time of burner inspection, burner identification, name of the individual performing inspection, type of maintenance and repair performed. [District Rule 2201]
12. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]

These terms and conditions are part of the Facility-wide Permit to Operate.

# San Joaquin Valley Air Pollution Control District

**PERMIT UNIT:** N-8069-16-0

**EXPIRATION DATE:** 08/31/2014

**EQUIPMENT DESCRIPTION:**  
ELECTRIC BAKING OVEN

## PERMIT UNIT REQUIREMENTS

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1. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
3. VOC emissions from the entire stationary source shall not exceed 19,999 pounds in any 12 consecutive month rolling period. The permittee shall maintain all records to demonstrate compliance with this condition. [District Rule 2201]
4. The total VOC emissions from the baking process shall not exceed 2.0 pounds in any one day. [District Rule 2201]
5. The daily VOCs shall be determined using the following equation:  $(EF1 \text{ lb-VOC/lb-bread} \times P \text{ lb-bread/day}) + (EF2 \text{ lb-VOC/lb-flavor} \times F \text{ lb-flavor/day})$ , where EF1 is VOC in bread, EF2 is VOC in flavor, P is bread produced, and F is flavor use. [District Rule 2201]
6. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rule 1070]

These terms and conditions are part of the Facility-wide Permit to Operate.

Facility Name: RALCORP FROZEN BAKERY PRODUCTS  
Location: 40 E. NEUHARTH DRIVE, LODI, CA 95241

**Appendix VII**  
**Consent Decree**

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, et al.,

Plaintiff,

v.

COTTAGE BAKERY, INC., et al.,

Defendant.

No. 2:12-CV-1697 KJM JFM

ORDER

Plaintiffs United States of America, acting on behalf of the Environmental Protection Agency, and San Joaquin Valley Unified Pollution Control District have filed a motion for the entry of a consent decree. They ask that the court enter the decree without further notice to defendants as defendants have consented to this procedure.

I. Background

On June 26, 2012, plaintiffs filed a complaint against defendants Cottage Bakery, Inc. and Ralcorp Frozen Bakery Products, Inc., alleging they had violated the Clean Air Act, 42 U.S.C. § 7401, et seq., as well as applicable state laws and regulations in the operation of commercial bread ovens at a facility in Lodi. Complaint, ECF No. 1 ¶¶ 1, 10-11. On the same day, plaintiffs filed their motion for the court to enter the consent decree. In the application, they note that they published a notice announcing the decree in the Federal Register on July 2, 2012, 77 Fed. Reg. 39262, and that no comments were received during the comment period. They also

1 argue that the decree satisfies the purposes of the Clean Air Act as it brings defendants into  
2 compliance with California's Implementation Plan and imposes a civil penalty. Finally they  
3 assert that the decree was the product of arms' length negotiation. Motion, ECF No. 4 at 2-3.

4 The court denied the request without prejudice on the ground that the parties had  
5 not provided sufficient information to show that the decree was the product of arms' length  
6 negotiation. ECF No. 5.

7 The parties have now renewed the request.

8 II. Analysis

9 This court cannot approve a consent decree without satisfying itself that the decree  
10 is fundamentally fair, adequate and reasonable. *United States v. State of Oregon*, 913 F.2d 576,  
11 580 (9th Cir. 1990). The review is deferential, particularly when the decree has been negotiated  
12 by the Department of Justice acting on behalf of a federal agency. *United States v. Chevron,*  
13 *U.S.A., Inc.*, 380 F. Supp. 2d 1104, 1111 (N.D. Cal. 2005). Nevertheless, the court should not  
14 give the decree a "rubberstamp approval." *Id.*

15 In determining whether the agreement is fair, adequate and reasonable, the court  
16 examines procedural and substantive fairness; the former centers on the negotiation process,  
17 while the latter focuses on the extent to which the agreement represents a reasonable factual and  
18 legal determination. *Id.*

19 The parties have now presented declarations from Steven Poplawski, counsel for  
20 Cottage Bakery, Inc. and Ralcorp Frozen Bakery Products, Inc., and Cynthia Steiner,  
21 Environmental Engineer, employed by the U.S. Environmental Protection Agency. Counsel  
22 Poplawski describes the lengthy negotiations between himself and counsel for the government  
23 that followed the issuance of the Notice of Violation by the Environmental Protection Agency  
24 and the filing of the instant case. ECF No. 11-1. In addition, Engineer Steiner explains how the  
25 consent decree addresses the environmental problems that prompted the EPA to issue the Notice  
26 of Violation. ECF No. 11-2.

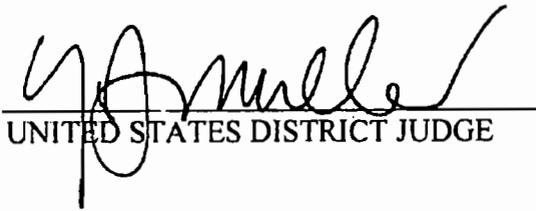
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Accordingly, the court approves the attached consent decree.

DATED: August 19, 2013.

  
UNITED STATES DISTRICT JUDGE

1 ELLEN M. MAHAN  
2 Deputy Section Chief  
3 Environmental Enforcement Section  
4 Environment & Natural Resources Division  
5 United States Department of Justice

6 LORI JONAS (Bar No. 158268)  
7 Senior Attorney  
8 Telephone: (202) 514-4080  
9 Environmental Enforcement Section  
10 Environment & Natural Resources Division  
11 United States Department of Justice  
12 P.O. Box 7611  
13 Washington, D.C. 20044

14 **Attorneys for Plaintiff United States of America**

15 CATHERINE T. REDMOND (Bar No. 226957)  
16 District Counsel  
17 Telephone: (559) 230-6033  
18 San Joaquin Valley Unified Air Pollution Control District  
19 1990 E. Gettysburg Avenue  
20 Fresno, California 93726

21 **Attorney for Plaintiff San Joaquin Valley**  
22 **Unified Air Pollution Control District**

23 UNITED STATES DISTRICT COURT FOR THE  
24 EASTERN DISTRICT OF CALIFORNIA

25 UNITED STATES OF AMERICA and )  
26 SAN JOAQUIN VALLEY UNIFIED )  
27 AIR POLLUTION CONTROL DISTRICT )

28 Plaintiffs, )

v. )

29 COTTAGE BAKERY, INC. and )  
30 RALCORP FROZEN BAKERY )  
31 PRODUCTS, INC. )

32 Defendants. )

Case No.

**CONSENT DECREE**

1	I.	JURISDICTION AND VENUE .....	1
2	II.	APPLICABILITY.....	2
3	III.	DEFINITIONS.....	2
4	IV.	CIVIL PENALTY.....	4
5	V.	COMPLIANCE REQUIREMENTS.....	5
6	VI.	REPORTING REQUIREMENTS .....	9
7	VII.	STIPULATED PENALTIES .....	12
8	VIII.	FORCE MAJEURE .....	15
9	IX.	DISPUTE RESOLUTION.....	17
10	X.	INFORMATION COLLECTION AND RETENTION .....	19
11	XI.	EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS.....	21
12	XII.	COSTS .....	22
13	XIII.	NOTICES.....	23
14	XIV.	EFFECTIVE DATE.....	24
15	XV.	RETENTION OF JURISDICTION.....	24
16	XVI.	MODIFICATION .....	25
17	XVII.	TERMINATION.....	25
18	XVIII.	PUBLIC PARTICIPATION .....	26
19	XIX.	SIGNATORIES/SERVICE.....	26
20	XX.	INTEGRATION .....	27
21	XXI.	FINAL JUDGMENT .....	27

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1 WHEREAS, Plaintiff UNITED STATES OF AMERICA, on behalf of the United States  
2 Environmental Protection Agency (“EPA”), and the SAN JOAQUIN VALLEY UNIFIED AIR  
3 POLLUTION CONTROL DISTRICT (“District”), have filed a Complaint concurrently with this  
4 Consent Decree, alleging that defendants COTTAGE BAKERY, INC. and RALCORP FROZEN  
5 BAKERY PRODUCTS, INC. (“Defendants”) violated and/or continue to violate the Clean Air  
6 Act (“CAA” or “the Act”), 42 U.S.C. § 7401 *et seq.*, including the California State  
7 Implementation Plan authorized by Section 110(a) of the Act, 42 U.S.C. § 7410 *et seq.*, with  
8 regard to their ownership and operation of a commercial bakery in Lodi, California (the  
9 “Facility”);

10 WHEREAS, the Complaint seeks injunctive relief and the assessment of civil penalties  
11 for alleged violations of District rules promulgated under the California State Implementation  
12 Plan related to Defendants’ ownership and operation of the Facility;

13 WHEREAS, EPA issued notices of violations (“NOVs”) to Defendants with respect to  
14 such allegations on September 11, 2009;

15 WHEREAS, the District has issued NOVs to Defendants with respect to such allegations  
16 on October 7, 2009;

17 WHEREAS, the District has issued seven additional NOVs to Defendants on September  
18 16, 2011 related to exceeding throughput limits and failure to timely conduct source testing at the  
19 Facility;

20 NOW, THEREFORE, without the adjudication or admission of any issue of fact or law  
21 except as provided in Section I, without the admission of the liabilities in the Complaint, and  
22 with the consent of the Parties, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as  
23 follows:

24 **I. JURISDICTION AND VENUE**

- 25 1. This Court has jurisdiction over the subject matter of this action under Section 113(b)  
26 of the Act, 42 U.S.C. § 7413(b), and under 28 U.S.C. §§ 1331, 1345, 1355 and  
27 1367(a), and over the parties. This Court has supplemental jurisdiction over the State  
28 law claims asserted by the District pursuant to 28 U.S.C. § 1367. Venue is proper in

1 this district under Section 113(b) of the Act, 42 U.S.C. § 7413(b), and 28 U.S.C. §§  
2 1391 and 1395, because it is the judicial district in which the violations alleged in the  
3 Complaint have occurred.

- 4 2. For purposes of this Consent Decree, Defendants agree that the Complaint states  
5 claims upon which relief may be granted pursuant to Section(s) 113(a)(1)(C) and  
6 113(b)(1) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(1)(C) and 7413(b)(1).

7 **II. APPLICABILITY**

- 8 3. The obligations of this Consent Decree apply to and are binding upon the United  
9 States and the District, and upon Defendants and any successors, assigns, or other  
10 entities or persons otherwise bound by law.
- 11 4. No transfer of ownership of the Facility, whether in compliance with the procedures of  
12 this Paragraph or otherwise, shall relieve Defendants of their obligation to ensure that  
13 the terms of the Consent Decree are implemented. Defendants shall provide a copy of  
14 this Consent Decree to any proposed transferee. At least 30 Days prior to a transfer of  
15 ownership, Defendants shall provide a copy of this Consent Decree to the proposed  
16 transferee and shall simultaneously provide written notice of the prospective transfer,  
17 together with a copy of the proposed written agreement, to the United States, in  
18 accordance with Section XIII (Notices) of this Consent Decree. Any attempt to  
19 transfer ownership of the Facility without complying with this Paragraph constitutes a  
20 violation of this Consent Decree.
- 21 5. Defendants shall provide a copy of this Consent Decree to all officers and agents  
22 whose duties might reasonably include compliance with any provision of this Decree.
- 23 6. In any action to enforce this Consent Decree, Defendants shall not raise as a defense  
24 the failure by any of their officers, directors, employees, agents, or contractors to take  
25 any actions necessary to comply with the provisions of this Consent Decree.

26 **III. DEFINITIONS**

- 27 7. Terms used in this Consent Decree that are defined in the Act or in regulations  
28 promulgated pursuant to the Act shall have the meanings assigned to them in the Act

1 or such regulations, unless otherwise provided in this Consent Decree. Whenever the  
2 terms set forth below are used in this Consent Decree, the following definitions shall  
3 apply:

- 4 a. "Complaint" shall mean the complaint filed by the United States and the  
5 District in this action;
- 6 b. "Consent Decree" or "Decree" shall mean this consent decree;
- 7 c. "Day" shall mean a calendar day unless expressly stated to be a business day.  
8 In computing any period of time under this Consent Decree, where the last  
9 day would fall on a Saturday, Sunday, or federal holiday, the period shall run  
10 until the close of business of the next business day;
- 11 d. "Defendants" shall mean Cottage Bakery, Inc. and Ralcorp Frozen Bakery  
12 Products, Inc.;
- 13 e. "District" or "SVJUAPCD" shall mean the San Joaquin Valley Unified Air  
14 Pollution Control District;
- 15 f. "EPA" shall mean the United States Environmental Protection Agency and  
16 any of its successor departments or agencies;
- 17 g. "Effective Date" shall have the definition provided in Section XIV of this  
18 Consent Decree;
- 19 h. "Facility" shall mean the commercial bakery owned and operated by  
20 Defendants in Lodi, California;
- 21 i. "Malfunction" shall mean a sudden and unavoidable failure or breakdown of  
22 air pollution control equipment that: (i) is caused by circumstances beyond  
23 the control of the Defendants; (ii) is not the result of intent, neglect, or  
24 disregard of air pollution control laws, rules or regulations; (iii) is not the  
25 result of improper maintenance; and (iv) is not an excessively recurrent  
26 breakdown of the same equipment.
- 27  
28

- 1 j. "Natural Draft Opening" shall mean any permanent opening in an oven that  
2 remains open during operation of the facility and is not connected to a duct in  
3 which a fan is installed.
- 4 k. "Oven #1" shall mean the existing bread baking oven at the Facility denoted  
5 by SJVUAPCD permit number N-8069-7-0.
- 6 l. "Oven #2" shall mean the existing bread baking oven at the Facility denoted  
7 by SJVUAPCD permit number N-8069-8-0.
- 8 m. "Oven #3" shall mean the existing bread baking oven at the Facility denoted  
9 by SJVUAPCD permit number N-8069-9-0.
- 10 n. "Paragraph" shall mean a portion of this Decree identified by an Arabic  
11 numeral;
- 12 o. "Parties" shall mean the United States, the District, and Defendants;
- 13 p. Regenerative Thermal Oxidizer ("RTO") shall mean the existing air pollution  
14 control device at the Facility rated at 2.2 MMBTU/HR and 7,500 standard  
15 cubic feet per minute ("SCFM"). The unit is identified as an Adwest  
16 Technologies, Inc, RETOX 7.4 RT095. The RTO has two combustion  
17 chambers and is fired on natural gas. The RTO is described in SJVUAPCD  
18 permits N-8069-7-0, N-8069-8-0, and N-8069-9-0.
- 19 q. "Section" shall mean a portion of this Decree identified by a roman numeral;
- 20 r. "State" shall mean the State of California;
- 21 s. "United States" shall mean the United States of America, acting on behalf of  
22 EPA.

23 **IV. CIVIL PENALTY**

- 24 8. Within 30 Days of the Effective Date, Defendants shall pay the sum of \$312,500 as a  
25 civil penalty to the United States, together with interest accruing from the Effective  
26 Date, at the rate specified in 28 U.S.C. § 1961 as of the Effective Date.
- 27 9. Defendants shall pay the civil penalty due by FedWire Electronic Funds Transfer  
28 ("EFT") to the U.S. Department of Justice in accordance with written instructions to

1 be provided to Defendants, following entry of the Consent Decree, by the Financial  
2 Litigation Unit of the U.S. Attorney's Office for the Eastern District of California, 501  
3 I Street, Suite 10-100, Sacramento, California 95814-2322, telephone number (916)  
4 554-2700. At the time of payment, Defendants shall send a copy of the EFT  
5 authorization form and the EFT transaction record, together with a transmittal letter,  
6 which shall state that the payment is for the civil penalty owed pursuant to the Consent  
7 Decree in *United States et al. v. Cottage Bakery, et al.*, and shall reference the civil  
8 action number and DOJ case number 90-5-2-1-10004, to the United States in  
9 accordance with Section XIII (Notices) of this Consent Decree; by email to  
10 cinwd\_acctsreceivable@epa.gov; or by mail to:

11 EPA Cincinnati Finance Office  
12 26 Martin Luther King Drive  
13 Cincinnati, OH 45268

14 10. Defendants shall not deduct any penalties paid under this Decree pursuant to this  
15 Section or Section VII (Stipulated Penalties) in calculating its federal, state and local  
16 income tax.

17 11. Within 30 Days of the Effective Date, Defendants shall pay the sum of \$312,500 as a  
18 civil penalty to the District, together with interest accruing from the Effective Date, at  
19 the rate specified in 28 U.S.C. § 1961 as of the Effective Date. Payment shall be made  
20 by delivery of a check made payable to the San Joaquin Valley Unified Air Pollution  
21 Control District and delivered by certified U.S. Mail to:

22 San Joaquin Valley Unified Air Pollution Control District  
23 Attn: District Counsel's Office  
24 1990 E. Gettysburg Avenue  
25 Fresno, CA 93726.

26 **V. COMPLIANCE REQUIREMENTS**

27 12. VOC Control Requirements:

- 28 a. Defendants shall operate the RTO such that it receives emissions from no  
more than two bread baking ovens at any time.

- 1           b. In addition, Defendants shall operate the ovens such that all volatile organic
- 2           compound ("VOC") emissions resulting from the bread baking process are
- 3           vented to the RTO.
- 4           c. Air flow through each natural draft opening ("NDO") shall be directed to an
- 5           associated oven compartment that is ducted to the RTO.
- 6           d. The RTO shall capture and control 95% of the VOC emissions resulting from
- 7           the bread baking process.
- 8           e. The RTO shall be in operation at or above a chamber temperature of 1,630
- 9           degrees Fahrenheit averaged over a 30-consecutive-minute block period
- 10          during the bread baking process.

11          13. Alternative Compliance Requirements Upon EPA and District Approval:

- 12          a. Notwithstanding the requirements in Paragraphs 12.a. and 12.e. above,
- 13          Defendants may elect to demonstrate to EPA and the District that the RTO
- 14          can comply with Paragraph 12.d. and the VOC limits set forth in District
- 15          permits N-8069-7-0, N-8069-8-0 and N-8069-9-0 issued on July 22, 2010
- 16          under alternative operating conditions, subject to the following conditions:
  - 17               i. Defendants may request that the District include alternative operating
  - 18               conditions in the Facility's Permit to Operate, in accordance with this
  - 19               Paragraph. Defendants must prepare a source test protocol adequate to
  - 20               demonstrate that the RTO will meet the requirements specified in
  - 21               subparagraph 13.a under the proposed alternative operating conditions.
  - 22               ii. At least 15 Days prior to testing, Defendants must submit a protocol to
  - 23               the District for approval, with a copy to EPA.
  - 24               iii. At least 30 Days prior to testing, Defendants must provide written
  - 25               notification to the District, with a copy to EPA, of the date(s) that
  - 26               testing will take place. Operation in accord with the terms and
  - 27               conditions of an approved source test protocol for purposes of testing
  - 28

1 as authorized by this paragraph shall not be a violation of this Consent  
2 Decree.

3 iv. Defendants must allow EPA and the District to observe such testing.

4 v. Within 60 Days of completion of the test, Defendants must submit the  
5 testing results to the District and to EPA.

6 vi. After review of the source test results, if the District determines that  
7 the RTO will meet the requirements specified in subparagraph 13.a  
8 under the alternative operating conditions proposed by Defendants, the  
9 District shall provide proposed permit conditions to EPA and  
10 Defendants. The proposed permit conditions shall specify whether  
11 they are alternatives to Paragraph 12.a or 12.e or both.

12 vii. Within 20 Days of receipt of the proposed alternative operating  
13 conditions from the District, EPA may object in writing to the  
14 conditions proposed by the District if it determines that the conditions  
15 will not assure compliance with the requirements specified in  
16 subparagraph 13.a. The District shall not issue a permit to operate  
17 with the proposed conditions if EPA objects to the conditions in  
18 writing within 20 days of receipt of the proposed permit and all  
19 necessary supporting information. Such objection shall be subject to  
20 Section IX (Dispute Resolution).

21 viii. Upon receipt from the District of a Permit to Operate that includes  
22 alternative operating conditions, Defendants' obligations under this  
23 Consent Decree shall be revised as follows:

- 24 1. Defendants may operate the RTO in accordance with the  
25 conditions in the Permit to Operate rather than the conditions  
26 specified in Paragraphs 12.a and/or 12.e without seeking  
27 modification of this Consent Decree.  
28

1                   2. Defendants' obligations to comply with paragraphs or  
2                   conditions in this Consent Decree that relate to the conditions  
3                   specified in Paragraphs 12.a and/or 12.e, including but not  
4                   limited to Paragraph 15.c, Paragraph 16.c, and Paragraph  
5                   17.a.ii(c), shall be in accordance with the new alternative  
6                   operating conditions in the Permit to Operate.

7           14. Operation and Maintenance Plan ("O&M Plan"): The Defendants shall submit to EPA  
8           and the District for review an O&M Plan within 30 Days of the Effective Date of this  
9           Consent Decree.

- 10           a. The O&M Plan shall address at a minimum: operation and maintenance of the  
11           boiler, oven burners, and the RTO (including pressure and temperature  
12           monitoring associated with the RTO).
- 13           b. The O&M Plan shall include, but need not be limited to, the following  
14           procedures: 1) identification/function of responsible facility personnel; 2)  
15           equipment inspections/inspection frequency; 3) operation and maintenance  
16           procedures; 4) identification of critical components; 5) spare parts  
17           lists/inventory; and 6) recordkeeping/reporting procedures.

18           15. Monitoring Requirements:

- 19           a. The RTO chambers shall be permanently equipped with temperature  
20           measurement devices to determine the average combustion temperature.
- 21           b. The RTO's combustion temperature shall be continuously monitored and  
22           recorded at least every 15 minutes during bread baking. The recorded  
23           temperature data shall be averaged over a 30-consecutive-minute block to  
24           demonstrate compliance with the established RTO combustion chamber  
25           temperature.
- 26           c. Upon any deviation from the minimum temperature requirement of chamber  
27           temperature of 1,630 degrees Fahrenheit averaged over a 30-consecutive-  
28           minute block, Defendants shall investigate the temperature deviation and take

1 corrective action to minimize excessive emissions as expeditiously as  
2 practicable.

3 d. The operating pressure of the ovens shall be monitored and recorded on a  
4 daily basis.

5 **16. Recordkeeping Requirements:**

6 a. Defendants shall determine and record daily VOC emissions by multiplying  
7 the total bread baked (tons/day) in each oven by 0.032 lb-VOC/ton of bread  
8 baked.

9 i. If subsequent source testing indicates that an emission factor other  
10 than 0.032 lb-VOC/ton of bread baked is more appropriate,  
11 Defendants may calculate daily VOC emissions using such value upon  
12 receipt of written approval of the District after consultation with EPA,  
13 without seeking modification of this Consent Decree.

14 b. Defendants shall maintain the following daily records at the Facility: (a) total  
15 bread baked per day by bread product type (tons/day); (b) RTO combustion  
16 temperature data; (c) operating pressure of the ovens (in inches of water or  
17 mercury); (d) total fuel used in MMscf/day for each oven; (e) total fuel use in  
18 MMscf/day in the RTO; (f) number of ovens in operation; and (g) RTO  
19 downtime and the reason of downtime.

20 c. Defendants shall maintain the following records at the Facility: deviations  
21 from the RTO minimum temperature requirement in Paragraph 12.e. of this  
22 Consent Decree.

23 **VI. REPORTING REQUIREMENTS**

24 **17. Quarterly Reports:**

25 a. Within 30 Days after the end of each calendar year quarter (i.e., by  
26 April 30, July 30, October 30, and January 30) following the Effective Date of  
27 this Consent Decree, until termination of this Decree pursuant to Section XVII  
28

1 (Termination), Defendants shall submit a quarterly report to EPA and the District  
2 that includes the following:

- 3 i. A copy of the record of daily emissions required by Paragraph 16(a) of  
4 this Consent Decree for the calendar quarter covered by the report.  
5 ii. A quarterly summary of: (a) total operating hours of the RTO; (b)  
6 number of hours and percentage of down-time of the RTO (i.e., hours  
7 when the RTO is by-passed due to a malfunction); (c) number of hours  
8 and percentage of time that the RTO chamber temperature is below  
9 1,630 degrees Fahrenheit; (d) number of hours and percentage of time  
10 the RTO temperature recording device is inoperative; and (e)  
11 excursions recorded as required by Paragraph 15 of this Consent  
12 Decree.

13 b. Each quarterly report shall also include a description of any non-compliance  
14 with the requirements of this Consent Decree and an explanation of the  
15 violation's likely cause and of the remedial steps taken, or to be taken, to  
16 prevent or minimize such violation.

17 c. Quarterly reports can be submitted in an electronic format.

18 18. If Defendants violate, or are on notice that they may materially violate, any  
19 requirement Section V of this Consent Decree, Defendants shall notify the United  
20 States and the District of such violation and its likely duration, in writing, within ten  
21 business Days of the Day Defendants first become aware of the violation or  
22 prospective violation, with an explanation of the violation's likely cause and of the  
23 remedial steps taken, or to be taken, to prevent or minimize such violation. If the  
24 cause of a violation cannot be fully explained at the time the notification is due,  
25 Defendants shall so state in the notification. Defendants shall investigate the cause of  
26 the violation and shall then provide a full explanation of the cause of the violation in  
27 the next quarterly report due pursuant to Paragraph 17. Nothing in this Paragraph or  
28

1 the following Paragraph relieves Defendants of their obligation to provide the notice  
2 required by Section VIII (Force Majeure) of this Consent Decree.

3 19. Whenever any violation of this Consent Decree or of any applicable permits or any  
4 other event affecting Defendants' performance under this Decree, or the performance  
5 of the Facility may pose an immediate threat to the public health or welfare or the  
6 environment, Defendants shall notify EPA and the District orally or by electronic or  
7 facsimile transmission as soon as possible, but no later than 24 hours after Defendants  
8 first knew of the violation or event. This procedure is in addition to the requirements  
9 set forth in the preceding Paragraph.

10 20. All reports shall be submitted to the persons designated in Section XIII (Notices) of  
11 this Consent Decree.

12 21. Each report submitted by Defendants under this Section shall be signed by an official  
13 of Defendant and include the following certification:

14 I certify under penalty of law that this document and all attachments were  
15 prepared under my direction or supervision in accordance with a system designed  
16 to assure that qualified personnel properly gather and evaluate the information  
17 submitted. Based on my inquiry of the person or persons who manage the system,  
18 or those persons directly responsible for gathering the information, the  
19 information submitted is, to the best of my knowledge and belief, true, accurate,  
and complete. I am aware that there are significant penalties for submitting false  
violations.

20 This certification requirement does not apply to emergency or similar notifications  
21 where compliance would be impractical.

22 22. The reporting requirements of this Consent Decree do not relieve Defendants of any  
23 reporting obligations required by the Clean Air Act or implementing regulations, or by  
24 any other federal, state, or local law, regulation, permit, or other requirement.

25 23. Any information provided pursuant to this Consent Decree may be used by the United  
26 States in any proceeding to enforce the provisions of this Consent Decree and as  
27 otherwise permitted by law.  
28

**VII. STIPULATED PENALTIES**

24. Defendants shall be liable for stipulated penalties to the United States and the District for violations of this Consent Decree as specified below, unless excused under Section VIII (Force Majeure). A violation includes failing to perform any obligation required by the terms of this Decree, including any work plan or schedule approved under this Decree, according to all applicable requirements of this Decree and within the specified time schedules established by or approved under this Decree.

25. Late Payment of Civil Penalty. If Defendants fail to pay the entirety of the civil penalty required to be paid under Section IV (Civil Penalty) of this Decree to both Plaintiffs when due, Defendants shall pay a stipulated penalty of \$5,000 per Day for each Day that the payment, to either or both Plaintiffs, is late.

26. VOC Control Requirements.

a. The following stipulated penalties shall accrue per calendar day when there is a one or more violations of the minimum temperature (averaged over a 30-consecutive-minute block period) in Paragraph 12.e above:

<u>Penalty Per Violation Per Period</u>	<u>Period of Noncompliance</u>
\$500	1 <sup>st</sup> day (or any fraction thereof)
\$1,000	2 <sup>nd</sup> to 10 <sup>th</sup> days
\$2,000	11 <sup>th</sup> to 30 <sup>th</sup> day
\$3,000	31 <sup>st</sup> day and each day beyond

b. The following stipulated penalties shall accrue per violation of each calendar day (or fraction thereof) of requirements Paragraphs 12.a, 12.b, and 12.c, above:

<u>Penalty per Violation per Day</u>	<u>Period of Noncompliance</u>
\$500	1 <sup>st</sup> through 7 <sup>th</sup> day
\$750	8 <sup>th</sup> through 14 <sup>th</sup> day
\$1,000	15 <sup>th</sup> day and beyond

1 27. O&M Plan Requirement. The following stipulated penalties shall accrue per violation  
 2 per calendar day for each violation of the requirements for development and submittal  
 3 of an O&M Plan as required by Paragraph 14 of this Consent Decree:

<u>Penalty per Violation per Day</u>	<u>Period of Noncompliance</u>
\$500	1 <sup>st</sup> through 30 <sup>th</sup> day
\$1,000	31 <sup>st</sup> day and beyond

7 28. For Defendant's failure to comply with any other requirement of Sections V and VI of  
 8 this Consent Decree not specifically referenced in Paragraphs 26-27 above:

<u>Penalty per Violation per Calendar Day</u>	<u>Period of Noncompliance</u>
\$250	1 <sup>st</sup> through 14 <sup>th</sup> day
\$500	15 <sup>th</sup> through 30 <sup>th</sup> day
\$1,000	31 <sup>st</sup> day and beyond

13 29. Stipulated penalties under this Section shall begin to accrue on the calendar day after  
 14 performance is due or on the calendar day a violation occurs, whichever is applicable,  
 15 and shall continue to accrue until performance is satisfactorily completed or until the  
 16 violation ceases. Except as otherwise provided, stipulated penalties shall accrue  
 17 simultaneously for separate violations of this Consent Decree.

18 30. The United States, or the District, or both, may seek stipulated penalties under this  
 19 Section by sending a joint written demand to Defendants, or by either Plaintiff sending  
 20 a written demand to the Defendants, with a copy simultaneously sent to the other  
 21 Plaintiff. Either Plaintiff may waive stipulated penalties or reduce the amount of  
 22 stipulated penalties it seeks, in the unreviewable exercise of its discretion and in  
 23 accordance with this Paragraph. Where both Plaintiffs seek stipulated penalties for the  
 24 same violation of this Consent Decree, Defendants shall pay fifty percent to the United  
 25 States and fifty percent to the District. Where only one Plaintiff demands stipulated  
 26 penalties for a violation, and the other sovereign does not join in the demand within  
 27 ten Days of receiving the demand, or timely joins in the demand but subsequently  
 28 elects to waive or reduce stipulated penalties for that violation, Defendants shall pay

1 the full stipulated penalties due for the violation to the Plaintiff making the demand  
2 less any amount paid to the other Plaintiff.

3 31. Stipulated penalties shall continue to accrue as provided in Paragraph 29, during any  
4 Dispute Resolution, but need not be paid until the following:

5 a. If the dispute is resolved by agreement or by a decision of EPA or the District  
6 that is not appealed to the Court, Defendants shall pay accrued penalties  
7 determined to be owing, together with interest, to the United States or the  
8 District, or to both, within 30 Days of the effective date of the agreement or  
9 the receipt of EPA's or the State's decision or order.

10 b. If the dispute is appealed to the Court and the United States or the District  
11 prevails in whole or in part, Defendants shall pay all accrued penalties  
12 determined by the Court to be owing, together with interest, within 60 Days of  
13 receiving the Court's decision or order, except as provided in subparagraph c,  
14 below.

15 c. If any Party appeals the District Court's decision, Defendants shall pay all  
16 accrued penalties determined to be owing, together with interest, within 15  
17 Days of receiving the final appellate court decision.

18 32. Defendants shall pay stipulated penalties owing to the United States in the manner set  
19 forth and with the confirmation notice required by Paragraph 9, except that the  
20 transmittal letter shall state that the payment is for stipulated penalties and shall state  
21 for which violation(s) the penalties are being paid. Defendants shall pay stipulated  
22 penalties owing to the District in the manner set forth and in Paragraph 11, except that  
23 the transmittal letter shall state that the payment is for stipulated penalties and shall  
24 state for which violation(s) the penalties are being paid.

25 33. If Defendants fail to pay stipulated penalties according to the terms of this Consent  
26 Decree, Defendants shall be liable for interest on such penalties, as provided for in  
27 28 U.S.C. § 1961, accruing as of the date payment became due. Nothing in this  
28 Paragraph shall be construed to limit the United States or the District from seeking any

1 remedy otherwise provided by law for Defendants' failure to pay any stipulated  
2 penalties.

3 34. Subject to the provisions of Section XI (Effect of Settlement/Reservation of Rights) of  
4 this Consent Decree, the stipulated penalties provided for in this Consent Decree shall  
5 be in addition to any other rights, remedies, or sanctions available to the United States  
6 for Defendants' violation of this Consent Decree or applicable law. Where a violation  
7 of this Consent Decree is also a violation of the Clean Air Act, the California Health  
8 and Safety Code and District regulations, Defendants shall be allowed a credit, for any  
9 stipulated penalties paid, against any statutory penalties imposed for such violation.

10 **VIII. FORCE MAJEURE**

11 35. "Force majeure," for purposes of this Consent Decree, is defined as any event arising  
12 from causes beyond the control of Defendants, of any entity controlled by Defendants,  
13 or of Defendants' contractors, that delays or prevents the performance of any  
14 obligation under this Consent Decree despite Defendants' best efforts to fulfill the  
15 obligation. The requirement that Defendants exercise "best efforts to fulfill the  
16 obligation" includes using best efforts to anticipate any potential force majeure event  
17 and best efforts to address the effects of any such event (a) as it is occurring and (b)  
18 after it has occurred to prevent or minimize any resulting delay to the greatest extent  
19 possible. "Force majeure" does not include Defendants' financial inability to perform  
20 any obligation under this Consent Decree.

21 36. If any event occurs or has occurred that may delay the performance of any obligation  
22 under this Consent Decree, whether or not caused by a force majeure event,  
23 Defendants shall provide notice orally or by electronic or facsimile transmission to  
24 Chief, Air Enforcement Office (Air-5), Air Division, U.S. Environmental Protection  
25 Agency, Region IX, within 72 hours of when Defendants first knew that the event  
26 might cause a delay. Within seven days thereafter, Defendants shall provide in writing  
27 to EPA and the District an explanation and description of the reasons for the delay; the  
28 anticipated duration of the delay; all actions taken or to be taken to prevent or

1 minimize the delay; a schedule for implementation of any measures to be taken to  
2 prevent or mitigate the delay or the effect of the delay; Defendants' rationale for  
3 attributing such delay to a force majeure event if it intends to assert such a claim; and a  
4 statement as to whether, in the opinion of Defendants, such event may cause or  
5 contribute to an endangerment to public health, welfare or the environment.

6 Defendants shall include with any notice all available documentation supporting the  
7 claim that the delay was attributable to a force majeure. Failure to comply with the  
8 above requirements shall preclude Defendants from asserting any claim of force  
9 majeure for that event for the period of time of such failure to comply, and for any  
10 additional delay caused by such failure. Defendants shall be deemed to know of any  
11 circumstance of which Defendants, any entity controlled by Defendants, or  
12 Defendants' contractors knew or should have known.

13 37. If EPA, after a reasonable opportunity for review and comment by the District, agrees  
14 that the delay or anticipated delay is attributable to a force majeure event, the time for  
15 performance of the obligations under this Consent Decree that are affected by the force  
16 majeure event will be extended by EPA, after a reasonable opportunity for review and  
17 comment by the District, for such time as is necessary to complete those obligations.  
18 An extension of the time for performance of the obligations affected by the force  
19 majeure event shall not, of itself, extend the time for performance of any other  
20 obligation. EPA will notify Defendants in writing of the length of the extension, if  
21 any, for performance of the obligations affected by the force majeure event.

22 38. If EPA, after a reasonable opportunity for review and comment by the District, does  
23 not agree that the delay or anticipated delay has been or will be caused by a force  
24 majeure event, EPA will notify Defendants in writing of its decision.

25 39. If Defendants elect to invoke the dispute resolution procedures set forth in Section IX  
26 (Dispute Resolution), they shall do so no later than 15 Days after receipt of EPA's  
27 notice. In any such proceeding, Defendants shall have the burden of demonstrating by  
28 a preponderance of the evidence that the delay or anticipated delay has been or will be

1 caused by a force majeure event, that the duration of the delay or the extension sought  
2 was or will be warranted under the circumstances, that best efforts were exercised to  
3 avoid and mitigate the effects of the delay, and that Defendants complied with the  
4 requirements of Paragraphs 35 and 36, above. If Defendants carry this burden, the  
5 delay at issue shall be deemed not to be a violation by Defendants of the affected  
6 obligation of this Consent Decree identified to EPA and the Court.

7 **IX. DISPUTE RESOLUTION**

8 40. Unless otherwise expressly provided for in this Consent Decree, the dispute resolution  
9 procedures of this Section shall be the exclusive mechanism to resolve disputes arising  
10 under or with respect to this Consent Decree. Defendants' failure to seek resolution of  
11 a dispute under this Section shall preclude Defendants from raising any such issue as a  
12 defense to an action by the United States or the District to enforce any obligation of  
13 Defendants arising under this Decree.

14 41. Informal Dispute Resolution. Any dispute subject to Dispute Resolution under this  
15 Consent Decree shall first be the subject of informal negotiations. The dispute shall be  
16 considered to have arisen when Defendants send the United States and the District a  
17 written Notice of Dispute. Such Notice of Dispute shall state clearly the matter in  
18 dispute. The Parties receiving such a notice shall acknowledge receipt of the notice  
19 and the Parties shall expedite scheduling of a meeting (which may occur in person or  
20 by telephone conference). The period of informal negotiations shall not exceed 20  
21 Days from the date the dispute arises, unless that period is modified by written  
22 agreement of the Parties. If the Parties cannot resolve a dispute by informal  
23 negotiations, then the position advanced by the United States and the District shall be  
24 considered binding unless, within 10 Days after the conclusion of the informal  
25 negotiation period, Defendants invoke formal dispute resolution procedures as set  
26 forth below.

27 42. Formal Dispute Resolution. Defendants shall invoke formal dispute resolution  
28 procedures, within the time period provided in the preceding Paragraph, by serving on

1 49. Until three years after the termination of this Consent Decree, Defendants, or their  
2 successors or assigns, shall retain, and shall instruct their contractors and agents to  
3 preserve, all non-identical copies of all documents, records, or other information  
4 (including documents, records, or other information in electronic form) in their or their  
5 contractors' or agents' possession or control, or that come into their or their  
6 contractors' or agents' possession or control, and that relate in any manner to  
7 Defendants' performance of its obligations under this Consent Decree. This  
8 information-retention requirement shall apply regardless of any contrary corporate or  
9 institutional policies or procedures. At any time during this information-retention  
10 period, upon request by the United States or the District, Defendants shall provide  
11 copies of any documents, records, or other information required to be maintained  
12 under this Paragraph.

13 50. At the conclusion of the information-retention period provided in the preceding  
14 Paragraph, Defendants shall notify the United States and the District at least 90 Days  
15 prior to the destruction of any documents, records, or other information subject to the  
16 requirements of the preceding Paragraph and, upon request by the United States or the  
17 District, Defendants shall deliver any such documents, records, or other information to  
18 EPA or the District.

19 51. Defendants may assert that certain documents, records, or other information is  
20 privileged under the attorney-client privilege or any other privilege recognized by  
21 federal law. If Defendants assert such a privilege, they shall provide the following:  
22 (1) the title of the document, record, or information; (2) the date of the document,  
23 record, or information; (3) the name and title of each author of the document, record,  
24 or information; (4) the name and title of each addressee and recipient; (5) a description  
25 of the subject of the document, record, or information; and (6) the privilege asserted  
26 by Defendants. However, no documents, records, or other information created or  
27 generated pursuant to the requirements of this Consent Decree shall be withheld on  
28 grounds of privilege.

1 52. Defendants may also assert that information required to be provided under this Section  
2 is protected as Confidential Business Information (“CBI”) under 40 C.F.R. Part 2. As  
3 to any information that Defendants seek to protect as CBI, Defendants shall follow the  
4 procedures set forth in 40 C.F.R. Part 2.

5 53. This Consent Decree in no way limits or affects any right of entry and inspection, or  
6 any right to obtain information, held by the United States or the District pursuant to  
7 applicable federal or state laws, regulations, or permits, nor does it limit or affect any  
8 duty or obligation of Defendants to maintain documents, records, or other information  
9 imposed by applicable federal or state laws, regulations, or permits.

10 **XI. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS**

11 54. Except as expressly provided for herein, this Consent Decree resolves the civil claims  
12 of the United States and the District against the Defendants for the violations alleged  
13 in the Complaint filed in this action, the Notices of Violation identified in Paragraphs  
14 61 and 66 of that Complaint and the Notices of Violation issued by the District to  
15 defendant Ralcorp Frozen Bakery Products on September 16, 2011.

16 55. The United States and the District reserve all legal and equitable remedies available to  
17 enforce the provisions of this Consent Decree, except as expressly stated in Paragraph  
18 54. This Consent Decree shall not be construed to limit the rights of the United States  
19 or the District to obtain penalties or injunctive relief under the Act or implementing  
20 regulations, or under other federal or state laws, regulations, or permit conditions,  
21 except as expressly specified in Paragraph 54. The United States and the District  
22 further reserve all legal and equitable remedies to address any imminent and  
23 substantial endangerment to the public health or welfare or the environment arising at,  
24 or posed by, Defendants’ Facility, whether related to the violations addressed in this  
25 Consent Decree or otherwise.

26 56. In any subsequent administrative or judicial proceeding initiated by the United States  
27 or the District for injunctive relief, civil penalties, or other appropriate relief relating to  
28 the Facility, Defendants shall not assert, and may not maintain, any defense or claim

1 based upon the principles of waiver, *res judicata*, collateral estoppel, issue preclusion,  
2 claim preclusion, claim-splitting, or other defenses based upon any contention that the  
3 claims raised by the United States or the District in the subsequent proceeding were or  
4 should have been brought in the instant case, except with respect to claims that have  
5 been specifically resolved pursuant to Paragraph 54 of this Section.

6 57. This Consent Decree is not a permit, or a modification of any permit, under any  
7 federal, State, or local laws or regulations. Defendants are responsible for achieving  
8 and maintaining complete compliance with all applicable federal, State, and local  
9 laws, regulations, and permits; and Defendants' compliance with this Consent Decree  
10 shall be no defense to any action commenced pursuant to any such laws, regulations,  
11 or permits, except as set forth herein. The United States and the District do not, by  
12 their consent to the entry of this Consent Decree, warrant or aver in any manner that  
13 Defendants' compliance with any aspect of this Consent Decree will result in  
14 compliance with provisions of the Act, 42 U.S.C. § 7401 *et seq.*, or with any other  
15 provisions of federal, State, or local laws, regulations, or permits.

16 58. This Consent Decree does not limit or affect the rights of Defendants or of the United  
17 States or the District against any third parties, not party to this Consent Decree, nor  
18 does it limit the rights of third parties, not party to this Consent Decree, against  
19 Defendants, except as otherwise provided by law.

20 59. This Consent Decree shall not be construed to create rights in, or grant any cause of  
21 action to, any third party not a Party to this Consent Decree.

## 22 XII. COSTS

23 60. The Parties shall bear their own costs of this action, including attorneys' fees, except  
24 that the United States and the District shall be entitled to collect the costs (including  
25 attorneys' fees) incurred in any action necessary to collect any portion of the civil  
26 penalty or any stipulated penalties due but not paid by Defendants.  
27  
28

**XIII. NOTICES**

61. Unless otherwise specified herein, whenever notifications, submissions, or communications are required by this Consent Decree, they shall be made in writing and addressed as follows:

To the United States:

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
Box 7611 Ben Franklin Station  
Washington, D.C. 20044-7611  
Re: DOJ No. 90-5-2-1-10004

and

Kara Christenson (ORC-2)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

To EPA:

Director, Air Division (AIR-1)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
Attn: Cyntia Steiner, AIR-5

To the District:

District Counsel's Office  
San Joaquin Valley Unified Air Pollution Control District  
1990 E. Gettysburg Avenue  
Fresno, CA 93726

and

Director of Compliance  
San Joaquin Valley Unified Air Pollution Control District  
1990 E. Gettysburg Avenue  
Fresno, CA 93726



1 (Dispute Resolution), or effectuating or enforcing compliance with the terms of this  
2 Decree.

3 **XVI. MODIFICATION**

4 66. The terms of this Consent Decree, including any attached appendices, may be  
5 modified only by a subsequent written agreement signed by all the Parties. Where the  
6 modification constitutes a material change to this Decree, it shall be effective only  
7 upon approval by the Court.

8 67. Any disputes concerning modification of this Decree shall be resolved pursuant to  
9 Section IX (Dispute Resolution) of this Decree, provided, however, that, instead of the  
10 burden of proof provided by Paragraph 46, the Party seeking the modification bears  
11 the burden of demonstrating that it is entitled to the requested modification in  
12 accordance with Federal Rule of Civil Procedure 60(b).

13 **XVII. TERMINATION**

14 68. After Defendants have maintained continuous satisfactory compliance with this  
15 Consent Decree for one year, have paid the civil penalty and any accrued interest and  
16 stipulated penalties as required by this Consent Decree, and have obtained a District  
17 operating permit that specifies a minimum temperature for the RTO and an emission  
18 factor for calculation of VOC emissions, Defendants may serve upon the United States  
19 and the District a Request for Termination, stating that Defendants have satisfied those  
20 requirements, together with all necessary supporting documentation.

21 69. Following receipt by the United States and the District of Defendants' Request for  
22 Termination, the Parties shall confer informally concerning the Request and any  
23 disagreement that the Parties may have as to whether Defendants have satisfactorily  
24 complied with the requirements for termination of this Consent Decree. If the United  
25 States, after consultation with the District, agrees that the Decree may be terminated,  
26 the Parties shall submit, for the Court's approval, a joint stipulation terminating the  
27 Decree.  
28

1 70. If the United States, after consultation with the District, does not agree that the Decree  
2 may be terminated, Defendants may invoke Dispute Resolution under Section IX of  
3 this Decree. However, Defendants shall not seek Dispute Resolution of any dispute  
4 regarding termination, under Paragraph 42 of Section IX, until 30 Days after service of  
5 its Request for Termination.

6 **XVIII. PUBLIC PARTICIPATION**

7 71. This Consent Decree shall be lodged with the Court for a period of not less than 30  
8 Days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United  
9 States reserves the right to withdraw or withhold its consent if the comments regarding  
10 the Consent Decree disclose facts or considerations indicating that the Consent Decree  
11 is inappropriate, improper, or inadequate. Defendants consent to entry of this Consent  
12 Decree without further notice and agree not to withdraw from or oppose entry of this  
13 Consent Decree by the Court or to challenge any provision of the Decree, unless the  
14 United States has notified Defendants in writing that it no longer supports entry of the  
15 Decree.

16 **XIX. SIGNATORIES/SERVICE**

17 72. Each undersigned representative of Defendants, the District and the Assistant Attorney  
18 General for the Environment and Natural Resources Division of the Department of  
19 Justice, certifies that he or she is fully authorized to enter into the terms and conditions  
20 of this Consent Decree and to execute and legally bind the Party he or she represents  
21 to this document.

22 73. This Consent Decree may be signed in counterparts, and its validity shall not be  
23 challenged on that basis. Defendants agree to accept service of process by mail or  
24 email with respect to all matters arising under or relating to this Consent Decree and to  
25 waive the formal service requirements set forth in Rules 4 and 5 of the Federal Rules  
26 of Civil Procedure and any applicable Local Rules of this Court including, but not  
27 limited to, service of a summons. The Parties agree that Defendants need not file an  
28

1 answer to the complaint in this action unless or until the Court expressly declines to  
2 enter this Consent Decree.

3 **XX. INTEGRATION**

4 74. This Consent Decree constitutes the final, complete, and exclusive agreement and  
5 understanding among the Parties with respect to the settlement embodied in the Decree  
6 and supersedes all prior agreements and understandings, whether oral or written,  
7 concerning the settlement embodied herein. Other than deliverables that are  
8 subsequently submitted and approved pursuant to this Decree, no other document, nor  
9 any representation, inducement, agreement, understanding, or promise, constitutes any  
10 part of this Decree or the settlement it represents, nor shall it be used in construing the  
11 terms of this Decree.

12 **XXI. FINAL JUDGMENT**

13 75. Upon approval and entry of this Consent Decree by the Court, this Consent  
14 Decree shall constitute a final judgment of the Court as to the United States, the  
15 District, and Defendants.

16 SO ORDERED.

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18 Dated and entered this \_\_ day of \_\_\_\_\_, 2012.  
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22 \_\_\_\_\_  
23 UNITED STATES DISTRICT JUDGE  
24 Eastern District of California  
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1 FOR PLAINTIFF UNITED STATES OF AMERICA:

2  
3 6/4/12  
4 DATE:

  
ELLEN M. MAHAN  
Deputy Section Chief  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice

5  
6  
7  
8  
9  
10 6/24/12  
11 DATE:

  
LORI JONAS  
Senior Attorney  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, DC 20044-7611  
Telephone: (202) 514-4080  
lori.jonas@usdoj.gov

1 FOR PLAINTIFF UNITED STATES OF AMERICA (continued):

2 JUN 21 2012

3 DATE:

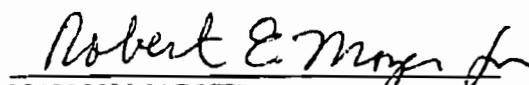
  
4 JARED BLUMENFELD

Regional Administrator

United States Environmental Protection Agency, Region IX

5  
6  
7  
8 6/21/12

9 DATE:

  
10 NANCY MARVEL

Regional Counsel

United States Environmental Protection Agency, Region IX

11 CYNTHIA J. GILES

Assistant Administrator for Enforcement

and Compliance Assurance

United States Environmental Protection Agency

12  
13  
14  
15 OF COUNSEL:

16 KARA CHRISTENSON

Senior Counsel

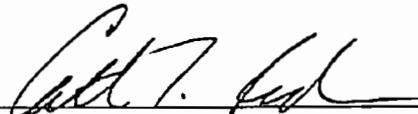
17 U.S. Environmental Protection Agency, Region IX

18 75 Hawthorne Street

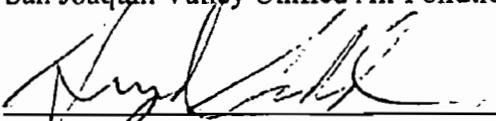
19 San Francisco, California 94105

1 FOR PLAINTIFF SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL  
2 DISTRICT:

3 5-21-12  
4 DATE:

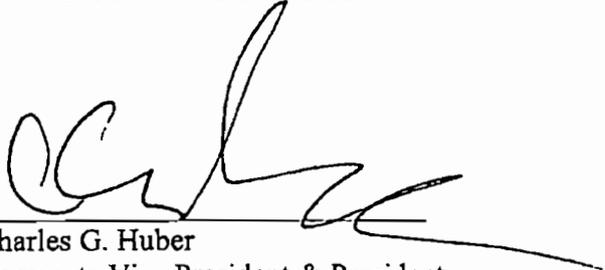
  
5 CATHERINE T. REDMOND  
6 District Counsel  
7 San Joaquin Valley Unified Air Pollution Control District

8 5-29-12  
9 DATE:

  
10 SEYED SADREDIN  
11 Executive Director  
12 San Joaquin Valley Unified Air Pollution Control District

1 FOR DEFENDANTS COTTAGE BAKERY, INC. AND RALCORP FROZEN BAKERY  
2 PRODUCTS, INC:  
3

4  
5 5/22/12  
DATE:



Charles G. Huber  
Corporate Vice President & President  
800 Market Street  
St. Louis, MO 63101  
Office: (314) 877-7099

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