1			
2	BEFORE THE HEAR	RING BOARD OF THE	
3	BAY AREA AIR QUALITY	BAY AREA AIR QUALITY MANAGEMENT DISTRICT	
4	STATE OF C	CALIFORNIA	FILED
5			JAN 16 2025
6	In the Matter of the	Docket No. 3747	BAY AREA AIR OUALITY MANAGEMENT DISTRICT
7	AIR POLLUTION CONTROL OFFICER of the BAY AREA AIR QUALITY MANAGEMENT DISTRICT	STIPULATED MOT ORDER OF ABATE BERKELEY LAND	MENT FOR
8		Hearing Date: January	x 28 2025
9	Complainant,	Time: 9:30 ar	
10	vs.	Bay Ar	rea Air Quality Mgt Dist
11	BERKELEY LANDFILL		eale Street, 1 st Fl. ancisco, CA 94105
12	Respondent.		
13			
14	WHEREAS, on January 23 and February 6, 2024, the Hearing Board heard the Reques		Board heard the Request
15	of Complainant the Air Pollution Control Officer (APCO) of the Bay Area Air Quality		Area Air Quality
16	Management District (BAAQMD) for an Order of Abatement for Respondent Berkeley		ondent Berkeley
17	Landfill. The Hearing Board entered the Findin	ngs and Decision for Ord	ler of Abatement for
18	Berkeley Landfill on February 16, 2024.		
19	WHEREAS, the Order of Abatement provides at p. 10:19-23 that "A. The Hearing		
	Board shall retain jurisdiction over this matter until February 5, 2025 or until Respondent		
20	Berkeley Landfill has met all the Compliance Action Conditions and Increments of Progress se		
21	forth in Sections 1 through 11, whichever occurs first, unless this Order is amended or modified "		
22	modified." WHEREAS, Respondent Berkeley Landfill, owned by the City of Berkeley, has not yet		of Berkelev, has not vet
23	attained full compliance with the Compliance Action Conditions and Increments of Progress se		
24 forth in Sections 1 through 11 of the Order of Abatement for Berkeley La		-	
		1	

WHEREAS, Complainant APCO seeks to amend the Order of Abatement to eliminate 2 the February 5, 2025 expiration date of the Hearing Board's jurisdiction over the Berkeley 3 Landfill Order of Abatement matter, and Respondent City of Berkeley does not oppose such 4 amendment. WHEREAS, no additional excess emissions are estimated to result from this proposed 5 Amendment to this Order of Abatement. 6 WHEREAS, operation under this Order of Abatement is not expected to result in a 7 violation of Health and Safety Code Section 41700 (nuisance). Declaration of Paul Grazzini in 8 support of Motion to Amend Order of Abatement for Berkeley Landfill, paras. 3-6. 9 NOW THEREFORE, the Parties STIPULATE as follows: 10 (A) This matter should be placed on the Consent Calendar, and that the matter will be heard on January 28, 2025; 11 (B) The Declaration of Paul Grazzini in support of Amendment to Order of Abatement 12 be admitted into evidence; 13 (C) All prior evidence and testimony accepted into evidence in the earlier Berkeley 14 Landfill Order of Abatement proceedings is incorporated herein; 15 (D) Operation under the Order of Abatement is not expected to result in a violation of 16 Health and Safety Code Section 41700 (nuisance); and 17 JOINTLY REQUEST that the Hearing Board strike Paragraph A on p. 10:19-23 of the Order of Abatement, which currently provides: 18 "A. The Hearing Board shall retain jurisdiction over this matter until 19 February 5, 2025 or until Respondent Berkeley Landfill has met all 20 the Compliance Action Conditions and Increments of Progress set 21 forth in Sections 1 through 11, whichever occurs first, unless this 22 Order is amended or modified." 23 and replace it in its entirety with the following: 24

STIPULATED MOTION TO AMEND ORDER OF ABATEMENT FOR BERKELEY LANDFILL

1	"A. The Hearing Board shall retain jurisdiction over this matter until
2	Respondent Berkeley Landfill has met all the Compliance Action
3	Conditions and Increments of Progress set forth in Sections 1
4	through 11, unless this Order is amended or modified."
5	This requested, stipulated amendment to the Order of Abatement deletes the two
6	phrases, "until February 5, 2025 or" and "whichever occurs first,".
7	All other terms and conditions of the Order of Abatement shall remain the
8	same.
9	SO STIPULATED AND RESPECTFULLY SUBMITTED.
9 10	BAY AREA AIR QUALITY MANAGEMENTDated: January 16, 2025BAY AREA AIR QUALITY MANAGEMENTDISTRICT, OFFICE OF THE GENERALCOUNSEL
11	Joel Freid
12	By: ALEXANDER G. CROCKETT
13	JOEL FREID
14	Attorneys for Complainant AIR POLLUTION CONTROL OFFICER of
15	the BAY AREA AIR QUALITY MANAGEMENT DISTRICT
16	CITY OF BERKLEY
17	2
18	Dated: January 16, 2025 By:
19	MARC SHAPP DEPUTY CITY ATTORNEY
20	Attorney for Respondent CITY OF BERKELEY
21	
22	
22	
24	
	3
	STIPULATED MOTION TO AMEND ORDER OF ABATEMENT FOR BERKELEY LANDFILL

1	ΒΕΕΩΡΕ ΤΗΕ ΗΕ ΔΡ	PING BOARD OF THE	
2	BEFORE THE HEARING BOARD OF THE		
3		MANAGEMENT DISTRICT	
4	STATEOFC	JAN 16 2025	
5		MEARING DUARD	
6	In the Matter of the	Docket No. 3747 Day afied air ougusty Management disyrict	
7	AIR POLLUTION CONTROL OFFICER of the BAY AREA AIR QUALITY MANAGEMENT DISTRICT	DECLARATION OF PAUL GRAZZINI IN SUPPORT OF STIPULATED MOTION TO AMEND ORDER OF ABATEMENT	
8		FOR BERKELEY LANDFILL	
9	Complainant,	Haaring Data: January 29, 2025	
10	VS.	Hearing Date: January 28, 2025 Time: 9:30 am	
11	BERKELEY LANDFILL	Place: Hearing Board Bay Area Air Quality Mgt Dist	
12	Respondent.	375 Beale Street, 1 st Fl. San Francisco, CA 94105	
13			
14	I, Paul Grazzini, declare as follows:		
15		Specialist in the Compliance and Enforcement	
16			
17	Division of the Bay Area Air Quality Manager		
18	2. I have personal knowledge of the following facts and am competent to testify as		
19	 to their truth if called as a witness. 3. Respondent Berkeley Landfill has not yet attained full compliance with the Compliance Action Conditions and Increments of Progress set forth in Sections 1 through 11 of 		
20			
21			
22	the Order of Abatement for Berkeley Landfill, t	though some progress has been attained.	
23	4. The continuing jurisdiction of th	he Hearing Board over this Order of Abatement	
24	will assist with its compliance and enforcement.		
1		1	

DECLARATION OF PAUL GRAZZINI ISO STIP MOTION TO AMEND ORDER

1	5. No additional excess emissions are estimated to result from the proposed	
2	Amendment to this Order of Abatement.	
3	6. Operation under the Order of Abatement is not expected to result in a violation	
4	of Health and Safety Code Section 41700 (nuisance).	
5	7. I declare under penalty of perjury under the laws of the State of California that	
6	the foregoing is true and correct.	
7		
8	Dated: January 16, 2025 By: Paul Grazzini	
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
	2	
	DECLARATION OF PAUL GRAZZINI ISO STIP MOTION TO AMEND ORDER	

1			
2		BEFORE THE HEARING BOARD OF THE	
3	BAY AREA AIR QUALITY		
4	STATE OF CALIFORNIA FILED		
5			JAN 16 2025
6	In the Matter of the	Docket No. 3747	BAY AREA AIR QUALITY MANAGEMENT DISTRICT
7	AIR POLLUTION CONTROL OFFICER of the BAY AREA AIR QUALITY	[PROPOSED] STIP AMENDMENT TO	
8	MANAGEMENT DISTRICT	ABATEMENT FOR BERKELEY LANDFILL	
9	Complainant,		20.2025
10	vs.	Hearing Date: Januar Time: 9:30 ar	n
11	BERKELEY LANDFILL	Bay A	ng Board rea Air Quality Mgt Dist
12	Respondent.		eale Street, 1 st Fl. rancisco, CA 94105
13			
14	In the Order of Abatement for Berkeley Landfill entered on February 16, 2024, the		bruary 16, 2024, the
15	Hearing Board hereby replaces the following old Paragraph A on p. 10:19-23 of the Order of		
16	Abatement with the new Paragraph A below it.		
17	The old Para. A on p. 10:19-23 to be replaced provided:		
18	"A. The Hearing Board shall retain jurisdiction over this matter until		
19	February 5, 2025 or until Respondent Berkeley Landfill has met all		
20	the Compliance Action Conditions and Increments of Progress set		
21	forth in Sections 1 through 11, whichever occurs first, unless this		
22	Order is amended or modified." The new Para. A on p. 10:19-23 to replace the one above provides:		
23	"A. The Hearing Board shall retain jurisdiction over this matter until		
24	Respondent Berkeley Landfill h	nas met all the Complia	ance Action
	1 [PROPOSED] STIPULATED AMENDMENT TO ORDER OF ABATEMENT FOR BERKELEY		
	LANDFILL		

1	Conditions and Increments of Progress set forth in Sections 1	
2	through 11, unless this Order is amended or modified."	
3	All other terms and conditions of the Order of Abatement shall remain the	
4	same.	
5	IT IS SO ORDERED.	
6		
7		
8	Dated: January, 2025 By:	
9	Valerie J. Armento, Esq. Hearing Board Chair Bay Area Air Quality Management District	
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
	2	
	[PROPOSED] STIPULATED AMENDMENT TO ORDER OF ABATEMENT FOR BERKELEY LANDFILL	

1		
2	BEFORE THE HEAF	RING BOARD OF THE
3	BAY AREA AIR QUALITY	MANAGEMENT DISTRICT
4	STATE OF CALIFORNIA	
5		
6	In the Matter of the	Docket No. 3747
7	AIR POLLUTION CONTROL OFFICER of the BAY AREA AIR QUALITY	CERTIFICATE OF SERVICE
8	MANAGEMENT DISTRICT	Hearing Date: January 28, 2025
9	Complainant,	Time: 9:30 am Place: Hearing Board
10	VS.	Bay Area Air Quality Mgt Dist 375 Beale Street, 1 st Fl.
11	BERKELEY LANDFILL	San Francisco, CA 94105
12	Respondent.	
13	L Magnalia Vinluan Chan dealana ag f	
14	I, Magnolia Vinluan-Chan, declare as follows: I am over the age of 18, not a party to this action and am employed in the City and	
15	County of San Francisco at 375 Beale Street, San Francisco, CA 94105.	
16	On January 16, 2025, I served the documents listed below:	
17	• STIPULATED MOTION TO AMEND ORDER OF ABATEMENT	
18	 FOR BERKELEY LANDFILL; DECLARATION OF PAUL GRAZZINI IN SUPPORT OF 	
19	STIPULATED MOTION TO AMEND ORDER OF ABATEMENT FOR BERKELEY LANDFILL; AND	
20	• [PROPOSED] STIPULATED AMENDMENT TO ORDER OF ABATEMENT FOR BERKELEY LANDFILL	
21	ABATEMENT FOR BERKELEY LANDFILL By causing the above documents to be sent to the person at the electronic notification address(es) set forth below. FILED	
22		
23		JAN 16 2025
24		MEARING BOARD
		BAY AREA AIR QUALITY MANAGEMENT DISTRICT
	1 CERTIFICATE OF SERVICE	

Marc Shapp Deputy City Attorney City Attorney's Office City of Berkeley 2180 Milvia Street, 4th Floor Berkeley, CA 94704 Telephone No.: (510) 981-6987 Email: mshapp@barkalayaa.com Email: <u>mshapp@berkeleyca.gov</u> I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 16, 2025, at San Francisco, California. Vinluan-Chan /lagn**ð**lia **CERTIFICATE OF SERVICE**