

1 BEFORE THE HEARING BOARD
2 OF THE
3 BAY AREA AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA

4 In the Matter of the) Docket No.: 3747
5 AIR POLLUTION CONTROL OFFICER of)
the BAY AREA AIR QUALITY) NOTICE OF HEARING
6 MANAGEMENT DISTRICT)
7 Complainant,)
8 Vs.)
9 BERKELEY LANDFILL)
10 Respondent.)



11 **TO: Air Pollution Control Officer of the Bay Area Air Quality Management District**
12 **AND**
13 **BERKELEY LANDFILL**

14 **YOU ARE HEREBY NOTIFIED** that a hearing will be held before the Hearing Board of the Bay
15 Area Air Quality Management District (“District”) at **375 Beale Street, 1st Floor Board Room, San**
16 **Francisco, California, 94105, at the hour of 9:30 A.M.**

17 **TUESDAY, FEBRUARY 18, 2025**

18 upon the issues raised in the Accusation of Violation of Air District Regulation 8-34-301.1, filed on
19 November 4, 2023, and subsequent Order of Abatement, filed and issued on February 16, 2024. The
20 purpose of this hearing is for the Hearing Board to consider a stipulated motion, made by the City of
21 Berkeley and the Air District, to amend the original Order of Abatement’s expiration date for the
22 Hearing Board’s jurisdiction over the matter. *This matter will be heard on the Consent Calendar of*
23 *the Hearing Board’s agenda for February 18, 2025.*

24
25 The Hearing Board members are required to attend in person, but the parties and members of the
26 public may participate in/observe the hearing through the live webcast of the hearing, or via phone
27 (669) 900-6833. Interested members of the public will be allowed an opportunity to testify on this
28 matter. The file may be reviewed by contacting the Clerk of the Boards, Marcy Hiratzka, at

1 415.749.5073, or mhiratzka@baaqmd.gov. The above hearing date and time may be changed without
2 further published notice. Those participating by phone who would like to make a comment can use
3 the “raise hand” feature by dialing “*9”. To receive the full Zoom experience, please make sure your
4 application is up to date. **Individuals representing the parties will receive special links to the**
5 **hearing at a later date, if they wish to participate via Zoom.**

6 You may be, but need not be, represented by counsel. You may present any relevant evidence
7 and will be given full opportunity to cross-examine all testifying witnesses. You are entitled to the
8 issuance of subpoenas to compel the attendance of witnesses and the production of books, documents,
9 and other things by applying to the Clerk of the Boards.

10 The proceedings of the hearing will be electronically recorded, copies of which will be made
11 available to the parties upon request and payment of records duplication fees. Should either party
12 desire the services of a court reporter, with the cost to be borne by the requesting party, please contact
13 the Clerk of the Boards as soon as possible and, in any event, no later than forty-eight (48) hours prior
14 to the date of the hearing.

15 **A request for a continuance of a scheduled matter must be received by the Clerk no less**
16 **than four (4) business days prior to the scheduled hearing. If the request is filed with less notice,**
17 **good cause must be shown why it could not have been filed four business days prior to the**
18 **hearing, pursuant to Hearing Board Rules § 15.13(c).**

19 The hearing will be conducted in accordance with the Hearing Board Rules to the extent
20 feasible, available via the District website at [http://www.baaqmd.gov/about-the-air-district/hearing-](http://www.baaqmd.gov/about-the-air-district/hearing-board/rulesforms)
21 [board/rulesforms](http://www.baaqmd.gov/about-the-air-district/hearing-board/rulesforms), or by contacting the Clerk of the Boards at 415.749.5073.

22
23 DATED: January 23, 2025



24
25 _____
Marcy Hiratzka
Clerk of the Boards

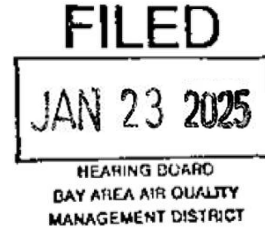
26 Facility Location:

27 11 Spinnaker Way, Berkeley, CA, 94710 (Alameda County)

BEFORE THE HEARING BOARD
OF THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA

In the Matter of the)
AIR POLLUTION CONTROL OFFICER of)
the BAY AREA AIR QUALITY)
MANAGEMENT DISTRICT)
Complainant,)
vs.)
BERKELEY LANDFILL)
Respondent.)

Docket No.: 3747
CERTIFICATE OF SERVICE



STATE OF CALIFORNIA)
City and County of San Francisco) ss.

I, Marcy Hiratzka, do hereby certify under penalty of perjury as follows:
That I am a citizen of the United States, over the age of 18 years and not a party to the above-entitled action; that I served a true copy of the attached **Notice of Hearing** on:

Marc Shapp, Deputy City Attorney
City of Berkeley
2180 Milvia St., Ste. 4
Berkeley, CA, 94704
mshapp@berkeleyca.gov

via email on January 23, 2025 and on:

Joel Freid, Esq., Assistant Counsel
Bay Area Air Quality Management District
375 Beale Street, 6th Floor
San Francisco, California 94105
jfreid@baaqmd.gov

via email on January 23, 2025

DATED: January 23, 2025

Marcy Hiratzka
Clerk of the Boards