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
ACCUSATION OF VIOLATION OF AIR
DISTRICT REGULATION 8-34-301.1,
REQUEST FOR ORDER OF ABATEMENT,
[STIPULATED]

FILED

NOV 14 2023

HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

Pursuant to Sections 42451 and 42452 of the California Health and Safety Code,
Complainant the Air Pollution Control Officer (hereinafter, the “APCO”) of the Bay Area Air
Quality Management District (the “Air District”) requests that the Hearing Board issue an
Order of Abatement directed to Respondent City of Berkeley Landfill (the “Landfill” or
“Respondent”). The Air District seeks the Abatement Order to require testing for possible
offsite migration of landfill gas; locate, repair, and operate lost landfill gas collection wells;
repair leaks; and implement better inspection, repair and monitoring of Respondent’s flare and
Landfill Gas Collection System (“GCS”), including landfill gas collection wells and other
piping. These measures are all necessary to reduce emissions of landfill gas to the atmosphere.

Respondent filed an application for a variance which has been set for hearing on
December 5, 2023. The variance and Order of Abatement cases involve many of the same facts
and issues. The Air District opposes the granting of a variance and requests that this matter be
heard on the same day, pursuant to Hearing Board Rules § 4.9 on Cross-Applications

In support of the APCO’s request for an Order of Abatement, the APCO alleges as
follows upon information and belief:

ACCUSATION OF VIOLATION OF AIR DISTRICT REGULATION 8-34-301.1 AND REQUEST FOR
ORDER OF ABATEMENT [STIPULATED]
COMPLAINANT

1. The Air District is the governmental agency charged with the primary responsibility in the San Francisco Bay Area for controlling air pollution from all sources other than motor vehicles, for enforcing laws relating to air pollution, and for maintaining healthy air quality. The Air District is organized pursuant to Division 26, Part 3, Chapter 11 of the California Health and Safety Code.

2. The Air Pollution Control Office ("APCO") is appointed by the Bay Area Air Quality Management District Board of Directors to enforce all orders, rules and regulations prescribed by the Air District Board. (California Health and Safety Code Section 40750 et seq.) The APCO is authorized to request that the Hearing Board issue an Order of Abatement in accordance with Section 42451(a) of the Health and Safety Code.

RESPONDENT

3. Respondent Berkeley Landfill is owned by the City of Berkeley, operated by SCS Engineers, and subject to the jurisdiction of the Air District. Respondent owns the Landfill located at Cesar Chavez Park, at 11 Spinnaker Way, Berkeley, Alameda County, California.

SUMMARY

4. The APCO seeks an Order of Abatement against Berkeley Landfill to address ongoing, repeated violations of Air District Regulation ("Reg.") 8-34-301.1, California Code of Regulations ("CCR") Title 17, Section 95464(b)(1)(A), part of 17 CCR Sections 95460-94476, the State Landfill Methane Rule ("State LMR"), and its Permit Condition ("P/C") 1826, Part 3, each of which require continuous operation of the Landfill’s landfill Gas Collection and Control System ("GCCS"). Air District Regulation 8-34 is a federally enforceable regulation. Those violations have resulted in illegal unabated emissions of harmful landfill gas at the Berkeley Landfill.

5. Berkeley Landfill is a closed landfill owned by the City of Berkeley (the "City") and currently developed as Cesar Chavez Park. The Landfill has been closed, i.e. not accepting any new solid waste, since 1983. As part of required post-closure operations, the Landfill operates a GCCS, which collects landfill gas from the decomposing material in the Landfill and

ACCUSATION OF VIOLATION OF AIR DISTRICT REGULATION 8-34-30L1 AND REQUEST FOR ORDER OF ABATEMENT [STIPULATED]
combusts it in an enclosed flare. The Landfill has contracted with SCS Engineers ("SCS") for
the operation and maintenance of the Landfill and its GCCS and for compliance monitoring and
measures necessary to comply with Air District and CA Regulations.

6. Landfill Gas ("LFG") is comprised of Methane which is a potent greenhouse
gas, Carbon Monoxide ("CO"), Non-methane Organic Compounds ("NMOC"), Toxic Air
Contaminants ("TACs"), and other compounds which can be emitted when the Gas Collection
System ("GCS") and flare are not operated continuously and when there are leaks of landfill
gas from the landfill surface and/or from GCCS components. In fact, the Air District has
determined that Berkeley Landfill is not operating its GCCS continuously, which results in
illegal emissions to atmosphere.

7. In addition, several high methane detections at monitoring probes offsite but
near the Berkeley Landfill indicate a likelihood that LFG has not been collected as required and
has migrated off the Landfill. Offsite migration of LFG from a landfill violates Reg. 8-34-301
which requires landfills to collect LFG and abate the collected gas to prevent emissions to the
atmosphere. When LFG is not collected adequately, it builds up pressure within the landfill and
can move offsite, outside the landfill boundary, where the LFG can become a safety hazard, as
well as eventually being emitted to the atmosphere. In reports of offsite probe methane
detections, SCS stated that adjustments of the Berkeley Landfill GCS were made which
eliminated the methane measured at the offsite probes. The Air District conferred with
CalRecycle, Berkeley Landfill’s Local Enforcement Agency ("LEA"), as well as Berkeley
Landfill and SCS, about the potential of offsite migration of LFG and how to determine
whether the methane measured offsite is originating from the Berkeley Landfill.

8. The Air District requests that the abatement order require testing of the methane
gas detected at offsite monitoring probes near the Landfill and any other investigative methods
to determine whether that gas is originating from the Berkeley Landfill. A violation has not yet
been established related to the methane gas detected at the offsite monitoring probes; however,
the likelihood that the Landfill is the source dictates that further testing is necessary and
appropriate. The Air District is currently negotiating with Berkeley Landfill to include this
offsite testing requirement in a proposed Stipulated Order of Abatement. Testing for potential
offsite LFG migration is in the public interest.

BERKELEY LANDFILL IS OPERATING IN VIOLATION OF THE REQUIREMENT
THAT IT CONTINUOUSLY OPERATE ITS GAS COLLECTION SYSTEM

9. Air District Reg. 301.1 requires that the Landfill’s “...gas collection and
emission control systems are operated continuously ....”

10. Similarly, the Landfill’s Permit Condition 1826, Part 3 requires that the “the gas
collection and control system shall be operated continuously ....”

11. The State LMR, 17 CCR § 95464(b)(1)(A), requires the Landfill to “[r]oute the
collected gas to a gas control device or devices, and operate the gas collection and control
system continuously ....”

12. The Air District seeks an abatement order prohibiting the Berkeley Landfill
from violating Reg. 301.1, its Permit Condition 1826, and the State LMR section
95464(b)(1)(A) and requiring that it takes a series of actions designed to bring the operations
into compliance. These compliance actions include:

a. locating, repairing, and confirming all landfill gas collection wells required by
the Landfill’s Permit to Operate are collecting landfill gas,

b. repairing LFG leaks;

c. inspecting, repairing, and, if necessary, submitting a permit application to
modify its GCS to optimize LFG collection and minimize air (oxygen) intrusion;

d. collecting and testing methane gas at all offsite monitoring probes to determine
whether or not it is LFG from the Berkeley Landfill;

e. contracting the flare manufacturer to inspect and properly service the Landfill’s
onsite flare; and

f. conducting a site-wide drone survey to detect LFG leaks to aid in GCS repair
and possibly identify the offsite gas migration pathway.
STATEMENT OF FACTS

13. LFG is extracted from the Landfill using a series of vertical landfill gas collection wells, lateral piping, and a vacuum system that comprise the GCS which feeds the collected LFG to a flare where the landfill gas is burned and thereby abated, as required by Regulation 8, Rule 34 and the State LMR. Berkeley Landfill is required to operate a GCS consisting of 42 vertical wells, 2 horizontal collectors, and 14 trench collectors.

14. A landfill subject to Regulation 8-34 is required to continuously operate a Gas Collection System and flare (or other abatement or control system) unless Less Than Continuous Operation ("LTCO") is approved by the Air District. The state LMR also requires continuous operation of the GCS unless the Air District approves an alternative compliance option. Landfills that are granted approval for LTCO are required to request approval of the LTCO allowance from the Air District every 3 years, and the Air District has the authority to approve, reject, or modify terms of LTCO.

15. In April of 2009, the Air District granted Berkeley Landfill approval for LTCO because the landfill was not producing enough LFG to operate the Landfill’s older, larger flare on a continuous basis. In 2019, the larger flare associated with the 2009 LTCO allowance was replaced by a new smaller flare. Landfills produce less LFG as the waste in the landfill ages, so downsizing from a large flare to a smaller flare is expected at closed landfills. Due to the lower combustion requirements for the new flare, it was capable of operating continuously on the lower volume of LFG being produced at the Landfill and LTCO was not allowed for the new flare.

16. On May 18, 2022, the Landfill petitioned the Air District for approval of an LTCO for the new smaller flare. Respondent claimed that the Landfill was not producing enough LFG to operate the new flare on a continuous basis.

17. The Air District issued 14 Notices of Violation ("NOVs") to Berkeley Landfill over the past year, and 21 NOVs since 2019. The cited violations include not operating and monitoring required landfill gas collection wells, leaks of landfill gas in violation of applicable regulations, improper maintenance of the flare, the flare exceeding its 57.6 MMBTU/day limit.
in violation of Reg. 2-1-307 and P/C 1826, Part 2, and noncontinuous operation of its GCS in
violation of Reg. 301.1, State LMR section 95464(b)(1)(A), and its P/C 1826, Part 3. Copies of
these 21 NOVs are attached to this Accusation as Exhibits A, B, C, and D.

18. Reg. 8-34-113.2 allows up to 240 hours of downtime of the flare for planned
inspection and maintenance purposes. However, many of the flare downtime hours Berkeley
Landfill reported under Reg. 8-34-113.2 since January 2023 were not associated with planned
inspection and maintenance activities. At the end of May 2023, the downtime of the flare
exceeded 240 hours, and the Landfill/SCS has been reporting additional flare downtime at
Berkeley Landfill as a Reportable Compliance Activity ("RCA") - Breakdown and RCA-
Parametric.

19. The Air District’s Engineering Division Staff reviewed the landfill gas well
data and offsite monitor probe data submitted with Berkeley Landfill’s LTCA petition and were
prepared oppose the LTCA application because wellfield records showed that the GCS was
collecting ambient air instead of landfill gas at a number of wells. Because Berkeley Landfill
closed before 1987 it is exempt under Reg. 8-34-119 from the 5% oxygen content limit of Reg.
8-34-305.4. However, high oxygen readings indicate ambient air is being drawn into the GCS,
and oxygen readings of 20% indicate that ambient air is being collected instead of landfill gas.
The Air District believes that this oxygen intrusion is tied to poor maintenance and disrepair of
the landfill GCS. At the Berkeley Landfill, about half of the required landfill gas collection
wells were collecting ambient levels of oxygen, indicating the wells were only collecting
ambient air, rather than collecting landfill gas as required by the Permit to Operate.

20. On March 21, 2023, the City of Berkeley’s Landfill and its consultant, SCS,
(“Landfill/SCS”) withdrew the application proposing LTCA for the new flare in response to the
Air District’s expressed concerns about poor landfill gas collection, ambient levels of oxygen
being captured by the GCS, and possible offsite landfill gas migration.

21. As part of its LTCA petition, the Landfill/SCS submitted perimeter probe
monitoring data collected in proximity to the Berkeley Landfill to meet CalRecycle’s
requirements, enforced by the LEA. Those records indicated that methane was detected at
probes located offsite of the Berkeley Landfill. In response to Air District Engineering Staff's inquiry about how the offsite methane detections were remedied, SCS stated that certain adjustments were made to the Berkeley Landfill GCS and that these adjustments eliminated the methane detected at the offsite monitoring probe locations. Air District Engineering Staff requested that the Landfill/SCS conduct further monitoring to confirm if the methane detected at the perimeter probes was landfill gas migrating off the Berkeley Landfill and if so, to repair the GCS to eliminate offsite gas migration and to repair GCS so that the landfill gas collection wells that were collecting only ambient air started collecting landfill gas. At the end of 2022, Air District Engineering Staff met with CalRecycle, Berkeley LEA, SCS, and City of Berkeley staff to discuss investigation into the offsite methane detections, and SCS/City of Berkeley agreed to investigate. A year later, the City of Berkeley/SCS has not submitted any analysis or explanations to the Air District for the methane detected at the offsite probes or results of any investigations.

22. If the methane detected offsite is tested and determined to be landfill gas from the Berkeley Landfill, that would indicate offsite migration of LFG in violation of Reg. 8-34-301, which requires landfills to collect their LFG onsite, to prevent emissions to the atmosphere and offsite migration. High levels of methane can pose both a health and safety risk. Berkeley Landfill is in a well-populated area with Cesar Chavez Park, which is used by the public, located on top of the Landfill and with a nearby hotel. Accordingly, there is a strong public interest in determining whether or not landfill gas is migrating off the Berkeley Landfill site, a subject that has been discussed between the LEA, CalRecycle, and the Air District. The Air District will request that any proposed order of abatement require testing to determine whether there is offsite LFG migration from Berkeley Landfill.

CONCLUSION

23. The Air District alleges that Berkeley Landfill is in violation of District Regulations 8-34-301.1, 2-1-307, State LMR Section 95464(b)(1)(A), and its Permit Condition 1826, Part 3, and seeks an Order of Abatement.
24. It is not unreasonable to require Respondent to comply with District rules and its permit. The District rules that apply in this case are federally enforceable requirements.

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

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

27. The requested Order of Abatement is not intended to act as a variance.

28. The parties intend to submit a proposed Stipulated Order of Abatement at least 5 calendar days prior to the scheduled hearing.

29. If the parties fail to agree on a proposed Stipulated Order of Abatement, the Air District will file a proposed Conditional Order of Abatement at least 5 calendar days prior to the scheduled hearing.

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

1. That this Hearing Board issue an Order of Abatement requiring Respondent Berkeley Landfill to cease and desist from operating its Landfill in a manner which violates Air District Regulation 8-34-301.1, State Landfill Methane Rule 17 California Code of Regulations Section 95464(b)(1)(A), and its permit condition 1826, Part 3, and by complying with the terms and conditions set forth in the proposed Order of Abatement submitted to the Hearing Board by the Air District.

2. For such other and further relief that this Board deems just and proper.
For all the foregoing reasons, the APCO respectfully requests that the Hearing Board
approve the proposed Stipulated Order of Abatement.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT
OFFICE OF DISTRICT COUNSEL

Dated: November 14, 2023

By: [Signature]
Alexander G. Crockett
Joel Freid
Attorneys for Complainant
AIR POLLUTION CONTROL OFFICER of
the BAY AREA AIR QUALITY
MANAGEMENT DISTRICT
NOTICE OF VIOLATION

No. A 58778

ISSUED TO: City of Berkeley
ADDRESS: 1447 Center St., 4th Floor
CITY: Berkeley
STATE: CA
ZIP: 94704
PHONE: (510) 981-6326

OCCURRENCE
NAME: Berkeley Landfill
ADDRESS: Cesar Chavez Pk
CITY: Berkeley
SOURCE: # 1
NAME: Landfill
EMISSION PT. PILAR/NAME:
DATE: 6/22/19 TO 6/27/19
TIME: HRS

☐ REG 2 RULE 1 SEC 301 No Authority to Construct
☐ REG 2 RULE 1 SEC 302 No Permit to Operate
☐ REG 1 SEC 301 H & S CODE - 41700
Public Nuisance
☐ REG 5 SEC 301 Prohibited Open Burning
☐ REG 8 RULE 24 SECTION 304.1 CODE
☐ REG CCR RULE TITLE 17 SECTION 95444 (WVMA) CODE

Details:

RECIPIENT NAME: Michael Flanagan
TITLE: Project Manager

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

WHITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY, YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: D. Fang
DATE: 8/19/19
TIME: HRS MAILED

PLEASE PRESS HARD

Continued On Reverse
NOTICE OF VIOLATION

No. A58784

ISSUED TO: City of Berkeley/Engr Div/Public Works ☑ P ☐ G ☐ N# A3590

ADDRESS: 1947 Center St, 4th Floor

CITY: Berkeley STATE: CA ZIP: 94704

PHONE: (510) 981-6336

☐ N# Mailing Address on F61

OCCURRENCE

NAME: Berkeley Landfill

ADDRESS: Cesar Chavez Park ☐ Same As Above

CITY: Berkeley ZIP: 94704

SOURCE: S#1 NAME: Landfill

EMISSION PT: P# NAME:


☐ REG 2 RULE 1 SEC 301
No Authority to Construct

☐ REG 2 RULE 1 SEC 302
No Permit to Operate

☐ REG 1 SEC 301
H & S CODE - 41700
Public Nuisance

☑ REG 2 RULE 1 SEC 307
Failure to Meet Permit Condition

☐ REG 5 SEC 301
Prohibited Open Burning

☐ REG 6 RULE 1 SEC 301
Excessive Visible Emissions

☑ REG 8 RULE 34 SECTION 304.1 CODE

☐ REG CCR RULE Title 17 SECTION 95464(b)(1)(A) CODE

Details: P/C #1826.3 non-continuous operation of flare

RECIPIENT NAME: Stephen Harquail

TITLE: SCS Project Manager

SIGNING THIS NOTICE IS NOT
AN ADMISSION OF GUILT

X

→ WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN
DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE
TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS
VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE
DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung INSP # 881

DATE: 11/22/2021 TIME: 15:00 HRS ☑ MAILED

PLEASE PRESS HARD

Continued On Reverse
Notice of Violation Report

Notice of Violation

**NOTICE OF VIOLATION**

**No. A58787**

**ISSUED TO:** City of Berkeley/Engr Div/Public Works  
**ADDRESS:** 1947 Center St, 4th Floor  
**CITY:** Berkeley  
**PHONE:** (510) 981-6335  
**STATE:** CA  
**ZIP:** 94704

**OCCURRENCE**

**NAME:** Berkeley Landfill  
**ADDRESS:** Cesar Chavez Park  
**CITY:** Berkeley  
**SOURCE:** #1  
**NAME:** Landfill  
**DATE:** 11/16/2021 - 11/16/2021  
**TIME:**  
**HRS:**

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**Details:** P/CR #1826.3 non-continuous operation of flare

**RECIPIENT NAME:** Stephen Harquail  
**TITLE:** SCS Project Manager

**SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT**

**WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.**

**ISSUED BY:** G. Leung  
**INSPECTION #:** 581

**DATE:** 12/2/2021  
**TIME:** 17:30  
**HRS:**  
**MAILED:**

**PLEASE PRESS HARD**

Continued On Reverse
Notice of Violation Report
Notice of Violation

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
375 Beale Street, Suite 800, San Francisco, CA 94105
(415) 749-5000

NOTICE OF VIOLATION
No. A58802

ISSUED TO: City of Berkeley/Engr Div/Public Works
ADDRESS: 1347 Center St., 4th Floor
CITY: Berkeley
PHONE: (510) 981-6336

ADDRESS: Cesar Chavez Park
CITY: Berkeley
SOURCE: S#1 NAME: Landfill
EMISSION PT: P# NAME:
DATE: 3/22 TIME: 15:30 HRS

REG 2 RULE 1 SEC 301
No Authority to Construct
REG 1 SEC 301
H & S CODE: 41700
Public Nuisance
REG 5 SEC 301
Prohibited Open Burning
REG 3 RULE 34
SECTION 301 CODE
REG CCR RULE 17
SECTION 95464(b)(1)(A) CODE

Details: non-continuous operation

RECIPIENT NAME: Samantha Kistrey
TITLE: Env Compliance Specialist

SIGNING THIS NOTICE IS NOT
AN ADMISSION OF GUILT

WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN
DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE
TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS
VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE
DOES NOT PRECLUDE FURTHER LEGAL ACTION.

 ISSUED BY: G. Leung INSPECTION No. 681
 DATE: 3/22 TIME: 15:30 HRS MAILED

PLEASE PRESS HARD
Continued On Reverse

(front)
NOTICE OF VIOLATION

No. A58845

ISSUED TO: City of Berkeley/Engr Div/Public Works
ADDRESS: 1947 Center St, 4th Floor
CITY: Berkeley
PHONE: (510) 981-6336

OCCURRENCE
NAME: Berkeley Landfill
ADDRESS: Cerro Chavés Pl.
CITY: Berkeley
SOURCE: SW 1
NAME: Landfill
EMISSION PT: P# 1
NAME: 
DATE: 7/17/2021
TIME:

REG 2 RULE 1 SEC 301 No Permit to Operate
REG 1 SEC 301 H & S CODE - 41700 Public Nuisance
REG 5 SEC 301 Excessive Visible Emissions
REG 8 RULE .34 SECTION 304.1 CODE
REG 34 CODE

Details: non-continuous operation of flare

RECIPIENT NAME: Stephen Herquel
TITLE: SCS Project Manager

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT
WWW 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung
DATE: 7/16/2021
TIME:

PLEASE PRESS HARD

Continued On Reverse
Notice of Violation Report

Notice of Violation

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
375 Beale Street, Suite 600, San Francisco, CA 94105
(415) 749-5000

NOTICE OF VIOLATION
No. A58851

ISSUED TO: City of Berkeley/Engr Div/Public Works
ADDRESS: 1947 Center St, 4th Floor
CITY: Berkeley
STATE: CA
ZIP: 94704
PHONE: (510) 981-6336

☑ Not Mailing Address on F61

OCCURRENCE

NAME: Berkeley Landfill
ADDRESS:Sean Chavez Park
CITY: Berkeley
SOURCE: #1 NAME: Landfill
EMISSION PT. P#: NAME:
DATE: 01/04/2021 TIME: 14:00 HRS

☐ REG 2 RULE 1 SEC 301
☐ REG 2 RULE 1 SEC 302
No Authority to Construct
No Permit to Operate

☐ REG 1 SEC 301
☐ REG 2 RULE 1 SEC 307
H & S CODE - 41700
Failure to Meet Permit Condition
Public Nuisance

☐ REG 5 SEC 301
☐ REG 6 RULE 1 SEC 301
Prohibited Open Burning
Excessive Visible Emissions

☐ REG ______ RULE ______ SECTION ______ CODE
☐ REG ______ RULE ______ SECTION ______ CODE

Details: PIC: 1826-13 Late Reporting

RECIPIENT NAME: Samantha Kinsley
TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

Within 10 days, return a copy of this notice with a written description of the immediate corrective action you have taken to prevent continued or recurrent violation. This violation is subject to substantial penalty. Your response does not preclude further legal action.

ISSUED BY: G. Leung
DATE: 10/12/2021 TIME: 14:00 HRS
INSP #: 981
MAILED

PLEASE PRESS HARD

Continued On Reverse
Notice of Violation Report

Notice of Violation

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
375 Beale Street, Suite 600, San Francisco, CA 94105
(415) 749-5000

NOTICE OF VIOLATION

No. A61731

ISSUED TO: City of Berkeley/Engr Div/Public Works ☑ P ☐ G ☐ N # A3590

ADDRESS: 1947 Center St, 4th Floor

CITY: Berkeley ☐ ☑ STATE: CA ☐ ☑ ZIP: 94704

PHONE: (510) 981-6338 ☐ ☑ N # Mailing Address on F61

OCCURRENCE:

NAME: Berkeley Landfill

ADDRESS: Cesar Chavez Park

CITY: Berkeley ☐ ☑ ZIP: 94704

SOURCE: No. 1 ☐ ☑ NAME: Landfill

EMISSION PT: P# ☐ ☑ NAME: ☐ ☑

DATE: 9/4/22 ☐ ☑ TIME: ☐ ☑ HRS

☐ REG 2 RULE 1 SEC 301 No Authority to Construct

☐ REG 2 RULE 1 SEC 302 No Permit to Operate

☐ REG 1 SEC 301 H & S CODE - 41700 Public Nuisance

☐ REG 5 SEC 301 ☐ ☑ REG 2 RULE - SEC 307 Failure to Meet Permit Condition

Prohibited Open Burning ☐ ☑ ☐ ☑ REG 6 RULE 1 SEC 301 Excessive Visible Emissions

☑ REG 34 RULE 34 ☐ ☑ SECTION 301.1 CODE

☑ REG 17 ☐ ☑ RULE Title 17 ☐ ☑ SECTION 35654(b)(1)(A) CODE

Details: Non-continuous operation

RECIPIENT NAME: Samantha Kinsley

TITLE: Env Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT ☐ ☑

→ WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung ☐ ☑ INSPECTION # 981

DATE: 9/6/22 ☐ ☑ TIME: 15:30 ☐ ☑ HRS ☑ ☑ MAILED

PLEASE PRESS HARD

(Continued On Reverse)
NOTICE OF VIOLATION REPORT

Notice of Violation

INSTRUCTIONS

PERMIT VIOLATIONS - (REG 2, RULE 1, SECTION 301 AND/OR 302)

Within 30 days, a permit application must be submitted to the District's Permit Division. The permit application must reference the Violation Notice Number shown on the front of this notice. If either the Violation Notice Number is not referenced or no permit application is received, then this matter will be referred to the District's Legal Department for legal action. Your response does not preclude further legal action.

If there are any questions regarding the submission of a Permit Application, call the Permit Services Division at (415) 749-4990.

ALL OTHER VIOLATIONS

Within 10 days, return a copy of this notice with a written description of the corrective action you have taken to prevent continued or recurrent violation. Immediate corrective action must be taken to stop the violation. This violation is subject to substantial penalty. Your response does not preclude further legal action.

A variance should be sought if it is necessary to continue to operate in violation of District Regulations. For information on eligibility for, or filing of, a variance, call (415) 749-5073.
NOTICE OF VIOLATION

No. A 62745

ISSUED TO: City of Berkeley/Engr Div/Public Works
N# A3590

ADDRESS: 1947 Center St, 4th Floor

CITY: Berkeley STATE: CA ZIP: 94704

PHONE: (510) 981-6337

[ ] N# Mailing Address on F61

OCCURRENCE

NAME: Cesar Chavez Park (Berkeley Landfill)

ADDRESS: [ ] Same As Above

CITY: Berkeley ZIP: 94710

SOURCE: S# 1 NAME: Landfill

EMISSION PT: P# NAME: [ ]

DATE: 1/11/23 TIME: [ ] HRS

[ ] REG 2 RULE 1 SEC 301

No Authority to Construct

[ ] REG 2 RULE 1 SEC 302

No Permit to Operate

[ ] REG 1 SEC 301

H & S CODE - 41700
Public Nuisance

[ ] REG 5 SEC 301

Prohibited Open Burning

[ ] REG 8 RULE 34.34

SECTION 301.1 CODE [ ]

[ ] CCP RULE 17.00

SECTION 9454.4 (6XAA) CODE [ ]

Details: 08T53/08T53 non-continuous operation

RECIPIENT NAME: Mary Ellen Shamstad

TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

X

[ ] REG 2 RULE 1 SEC 300

Failure to Meet Permit Condition

[ ] REG 6 RULE 1 SEC 301

Excessive Visible Emissions

[ ] REG 8 RULE 34.34

SECTION 301.1 CODE [ ]

[ ] CCP RULE 17.00

SECTION 9454.4 (6XAA) CODE [ ]

WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION

ISSUED BY: G. Leung

DATE: 8/24/53 TIME: 1458 HRS [ ] MAILED

PLEASE PRESS HARD

Continued On Reverse
NOTICE OF VIOLATION

No. A 62746

ISSUED TO: City of Berkeley/ EverDry Public Mgmt

ADDRESS: 1447 Center St 4th Floor

CITY: Berkeley

PHONE: (510) 981-6337

STATE: CA

ZIP: 94704

□ N# Mailing Address on F61

NAME: Cesar Chavez Park (Berkeley Landfill)

ADDRESS: Berkeley

CITY: Berkeley

SOURCE: S# 1 NAME: Landfill

EMISSION PT: P# NAME:

DATE: 7/19/23

TIME: ___________ HRS

□ REG 2 RULE 1 SEC 301 No Authority to Construct

□ REG 2 RULE 1 SEC 302 No Permit to Operate

□ REG 1 SEC 301 H & S CODE - 41700 Public Nuisance

□ REG 5 SEC 301 Prohibited Open Burning

□ REG 6 RULE 1 SEC 301 Excessive Visible Emissions

□ REG 8 RULE 34 CCR TITLE 17 SECTION 301.4 CODE

□ REG 9 RULE 10 CCR TITLE 17 SECTION 9544.13(B)(4) CODE

Details: 08/19/2007 non-continuous operation

RECIPIENT NAME: Mary Ellen Spansin

TITLE: Environment Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

X

WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung

DATE: 8/24/23

TIME: 14:58

INSPECTOR # 281

PLEASE PRESS HARD

Continued on Reverse.
**NOTICE OF VIOLATION**

**No. A 62747**

**ISSUED TO:**
City of Berkeley Eng Div Public Works
G# No: 439390

**ADDRESS:**
1947 Center St, 4th Floor

**CITY:** Berkeley  
**STATE:** CA  
**ZIP:** 94704

**PHONE:** (510) 981-6337

**OCCURRENCE**

**NAME:** Cesar Chavez Park (Berkeley Landfill)  
**ADDRESS:**
CITY: Berkeley  
**ZIP:** 94710

**SOURCE:** S# 1  
**NAME:** Landfill

**EMISSION PT:**

**DATE:** 7/24/23  
**TIME:** ___________ HRS

- [ ] REG 2 RULE 1 SEC 301  
  No Authority to Construct
- [ ] REG 1 SEC 301  
  H & S CODE - 41700  
  Public Nuisance
- [ ] REG 5 SEC 301  
  Prohibited Open Burning
- [ ] REG 8 RULE 34  
  SECTION 301  
  CODE
- [ ] REG 6 RULE 1 SEC 301  
  Excessive Visible Emissions
- [ ] REG 17  
  TITLE 17  
  SECTION 9545(b)(1)(A)  
  CODE

Details: OBS/1/68178 non-continuous operation

**RECIPIENT NAME:** Environmental Compliance Specialist
**TITLE:** Mary Eileen Stearns

**SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT**

WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

**ISSUED BY:** G. Leung  
**DATE:** 8/24/23  
**TIME:** 1458  
**HRS:** 1  
**MAILED:**

**PLEASE PRESS HARD**

Continued On Reverse.
NOTICE OF VIOLATION
No. A 62748

ISSUED TO: City of Berkeley/Env. Div./Public Works
ADDRESS: 1947 Center St., 4th Floor
CITY: Berkeley STATE: CA ZIP: 94704
PHONE: (510) 981-6337
☑️ Mailing Address on F61

DATE: 7/20/23 TIME: HRS

A 62748

REG 2 RULE 1 SEC 301
No Authority to Construct

REG 2 RULE 1 SEC 302
No Permit to Operate

REG 1 SEC 301
H & S CODE - 41700
Public Nuisance

REG 2 RULE 1 SEC 307
Failure to Meet Permit Condition

REG 5 SEC 301
Prohibited Open Burning

REG 6 RULE 1 SEC 301
Excessive Visible Emissions

REG RULE SECTION CODE
REG RULE SECTION CODE

Details: PC #1826.1 Improper Maintenance & Operation

RECIPIENT NAME: Mary Ellen Skamstad
TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung
DATE: 8/24/23 TIME: 1458 HRS ☐ MAILED

PLEASE PRESS HARD

Continued On Reverse
NOTICE OF VIOLATION

ISSUED TO: City of Berkeley/Engr/Dw/Public
ADDRESS: 1947 Center St, 4th Floor
CITY: Berkeley
PHONE: (510) 981-6337

OCURRENCE
NAME: Cesar Chavez Park (Berkeley Landfill)
ADDRESS: Berkeley
CITY: Berkeley
SOURCE: #1 NAME: Landfill
EMISSION PT: P# NAME:
DATE: _______ TIME: _______ HRS

REG 2 RULE 1 SEC 301 No Authority to Construct
REG 2 RULE 1 SEC 302 No Permit to Operate
REG 1 SEC 301 H & S CODE - 41700
Public Nuisance
REG 5 SEC 301 Prohibited Open Burning
REG 6 RULE 1 SEC 301 Excessive Visible Emissions

REG B RULE 34 SECTION 301.1 CODE
REG CCP RULE TITLE 7 SECTION 95464(B)(X) CODE

Details: non-continuous operation

RECIPIENT NAME: Mary Ellen Sramstad
TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: C. Iw a ng
DATE: 8/24/23 TIME: 14:58

PLEASE PRESS HARD

Continued On Reverse
INSTRUCTIONS

PERMIT VIOLATIONS - (REG 2, RULE 1, SECTION 301 AND/OR 302)

Within 30 days, a permit application must be submitted to the District’s Permit Division. The permit application must reference the Violation Notice Number shown on the front of this notice. If either the Violation Notice Number is not referenced or no permit application is received, then the matter will be referred to the District’s Legal Department for legal action. Your response does not preclude further legal action.

If there are any questions regarding the submission of a Permit Application, call the Permit Services Division at (415) 749-4990.

ALL OTHER VIOLATIONS

Within 10 days, return a copy of this notice with a written description of the corrective action you have taken to prevent continued or recurrent violation. Immediate corrective action must be taken to stop the violation. This violation is subject to substantial penalty. Your response does not preclude further legal action.

A variance should be sought if it is necessary to continue to operate in violation of District Regulations. For information on eligibility for, or filing of, a variance, call (415) 749-5073.
NOTICE OF VIOLATION

No. A 62734

ISSUED TO: City of Berkeley/Eng Div/Public Works
N# A3590

ADDRESS: 1947 Center St., 4th Floor

CITY: Berkeley
STATE: CA
ZIP: 94704

PHONE: (510) 981-6337

☐ N# Mailing Address on F61

OCCURRENCE

NAME: Cesar Chavez Park (Berkeley Landfill)
☐ Same As Above

ADDRESS: Berkeley
CITY: Berkeley
SOURCE: N# 1
NAME: Landfill

EMISSION PT: P# 1
NAME:

DATE: 7/6/23
TIME: ________ HRS

☐ REG 2 RULE 1 SEC 301
No Authority to Construct

☐ REG 2 RULE 1 SEC 302
No Permit to Operate

☐ REG 1 SEC 301
H & S CODE - 41700
Public Nuisance

☐ REG 2 RULE ___ SEC 307
Failure to Meet Permit Condition

☐ REG 5 SEC 301
Prohibited Open Burning

☐ REG 6 RULE 1 SEC 301
Excessive Visible Emissions

☑ REG 8 RULE 34
SECTION 301.2
CODE

Details: Wells 32 and 37 - leaks

RECIPIENT NAME: Mary E. Skramstad
TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

X

WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung
DATE: 7/25/2023
TIME: 0915
INS# 3081
HRS ☐ MAILED

PLEASE PRESS HARD
NOTICE OF VIOLATION
No. A 62736

ISSUED TO: City of Berkeley Eng Div/Public Works
ADDRESS: 1947 Center St, 4th Floor
CITY: Berkeley STATE: CA ZIP: 94704
PHONE: (510) 981-6337

OCCURRENCE
NAME: Cesar Chavez Park (Berkeley Landfill)
ADDRESS: Berkeley
CITY: Berkeley
SOURCE: SN# 1 NAME: Landfill
EMISSION PT: P# NAME: (Blank)
DATE: 5/21/23 TIME: ___ HRS

☐ REG 2 RULE 1 SEC 301
No Authority to Construct

☐ REG 1 SEC 301
H & S CODE - 41700
Public Nuisance

☐ REG 5 SEC 301
Prohibited Open Burning

☐ REG 8 RULE 34
SECTION 301.1 CODE (Blank)

Details: O8S67/O8S68 non-continuous operation

RECIPIENT NAME: Mary E. Van Steinsael
TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung
DATE: 7/27/23 TIME: 1430 HRS /// MAILED:

PLEASE PRESS HARD

Continued On Reverse
NOTICE OF VIOLATION  

No. A 62737

ISSUED TO: City of Berkeley/EPA Div/Public Works

ADDRESS: 1947 Center St, 4th Floor

CITY: Berkeley  STATE: CA  ZIP: 94704

PHONE: (510) 981-6337

□ N# Mailing Address on F61

OCCURRENCE

NAME: Cesár Chavez Park (Berkeley Landfill)

ADDRESS: Berkeley

CITY: Berkeley  ZIP: 94710

□ Same As Above

SOURCE: S# 1  NAME: Landfill

EMISSION PT: P#  _____  NAME:

DATE: 6/18/23  TIME:  __  HRS:  __

□ REG 2 RULE 1 SEC 301  No Authority to Construct

□ REG 1 SEC 301  H & S CODE - 41700

□ REG 5 SEC 301  Prohibited Open Burning

□ REG 6 RULE 1 SEC 301  Excessive Visible Emissions

□ REG 8 RULE 34  SECTION 301.1

□ REG CCR RULE TITLE 17  SECTION 9546.4c(1)(a)

Details: 08/12/08/13 non-continuous operation

RECIPIENT NAME: Mary Ellen Stramstad

TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

x

□ WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED, OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung  INSPI # 881

DATE: 7/27/23  TIME: 14:30  HRS:  __  MAILED

PLEASE PRESS HARD
NOTICE OF VIOLATION

No. A 62738

ISSUED TO: City of Berkeley/Engr Div/Pub Wksp

ADDRESS: 1947 Center St, 4th Floor

CITY: Berkeley
STATE: CA
ZIP: 94704

PHONE: (510) 981-6337

☐ No Mailing Address on F61

OCCURRENCE

NAME: Cesar Chavez Park (Berkeley Landfill)

ADDRESS: Same As Above

CITY: Berkeley
ZIP: 94710

SOURCE: #1 NAME: Landfill

EMISSION PT: NAME: 

DATE: 6/19/23
TIME: 

HRS

☐ REG 2 RULE 1 SEC 301
No Authority to Construct

☐ REG 2 RULE 1 SEC 302
No Permit to Operate

☐ REG 1 SEC 301
H & S CODE - 41700
Public Nuisance

☐ REG 2 RULE SEC 307
Failure to Meet Permit Condition

☐ REG 5 SEC 301
Prohibited Open Burning

☐ REG 6 RULE 1 SEC 301
Excessive Visible Emissions

☐ REG 8 RULE 34 SECTION 301.1 CODE

☐ CCR RULE Title 17 SECTION 5464 (DWA) CODE

Details: 08T17/08T18 non-continuous operation

RECIPIENT NAME: Mary Ellen Skamstad
TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

x

WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung
DATE: 7/27/23
TIME: 14:30
INSP #: E04
HRS: 
MAIL:

PLEASE PRESS HARD

Continued On Reverse.
## NOTICE OF VIOLATION

**No. A 62750**

**ISSUED TO:** City of Berkeley/Engr/Div/Public Works

**ADDRESS:** 1st Center St., 4th floor

**CITY:** Berkeley  
**STATE:** CA  
**PHONE:** (510) 981-6337  
**ZIP:** 94710

**OCCURRENCE**

**NAME:** Cesar Chauza Park (Berkeley Landfill)

**ADDRESS:** Berkeley  
**CITY:** Berkeley  
**SOURCE:** S\# 1  
**NAME:** Landfill

**DATE:**  
**TIME:**  
**HRS:**

<table>
<thead>
<tr>
<th>REG 2 RULE 1 SEC 301</th>
<th>No Authority to Construct</th>
</tr>
</thead>
<tbody>
<tr>
<td>REG 1 SEC 301</td>
<td>H &amp; S Code - 41700</td>
</tr>
<tr>
<td></td>
<td>Public Nuisance</td>
</tr>
<tr>
<td>REG 5 SEC 301</td>
<td>Prohibited Open Burning</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>REG 8 RULE 34</td>
<td>SECTION 505</td>
</tr>
<tr>
<td>REG 6 RULE 1 SEC 301</td>
<td>Excessive Visible Emissions</td>
</tr>
</tbody>
</table>

**Details:** PC \#1826.4 missing wells & well monitoring

**RECIPIENT NAME:** Mary Ellen Skramstad

**TITLE:** [Signature] Environmental Compliance Specialist

**SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT**

**WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENCE VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.**

**ISSUED BY:** G. Leary  
**DATE:** 8/31/23  
**TIME:** 11:25  
**HRS:**

**INSPECTION #:** 88

**MAILED X**
Notice of Violation Report

Notice of Violation

INSTRUCTIONS

PERMIT VIOLATIONS - (REG 2, RULE 1, SECTION 301 AND/OR 302)

Within 30 days, a permit application must be submitted to the District’s Permit Division. The permit application must reference the Violation Notice Number Shown on the front of this notice. If either the Violation Notice Number is not referenced or no permit application is received, then this matter will be referred to the District’s Legal Department for legal action. Your response does not preclude further legal action.

If there are any questions regarding the submission of a Permit Application, call the Permit Services Division at (415) 749-4990.

ALL OTHER VIOLATIONS

Within 10 days, return a copy of this notice with a written description of the corrective action you have taken to prevent continued or recurrent violation. Immediate corrective action must be taken to stop the violation. This violation is subject to substantial penalty. Your response does not preclude further legal action.

A variance should be sought if it is necessary to continue to operate in violation of District Regulations. For information on eligibility for, or filing of, a variance, call (415) 749-5073.
NOTICE OF VIOLATION

No. A 62680

ISSUED TO: City of Berkeley Engr Div
ADDRESS: 1947 Center St., 4th Floor
CITY: Berkeley
STATE: CA
ZIP: 94704
PHONE: (510) 981-6337

OCCURRENCE
NAME: Cesar Chavez Park (Berkeley Landfill)
ADDRESS:
CITY: Berkeley
ZIP: 94710
SOURCE: S# 1 NAME: Landfill ACS5
EMISSION PT: P# NAME: DATE: 9/26/23 TIME: HRS

REG 2 RULE 1 SEC 301 No Authority to Construct
REG 2 RULE 1 SEC 302 No Permit to Operate
REG 1 SEC 301 H & S CODE - 41700 Public Nuisance
REG 5 SEC 301 Prohibited Open Burning
REG 8 RULE 34 SECTION 301.1 CODE
REG CCR RULE Title 17 SECTION 55464(b)(1)(A) CODE

Details: non-continuous operation

RECIPIENT NAME: Mary Ellen Skramstad
TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung
DATE: 11/7/23 TIME: 11:31 HRS MAILED.

PLEASE PRESS HARD

Continued On Reverse
NOTICE OF VIOLATION

No. A 62681

ISSUED TO: City of Berkeley Envtl Div Public
ADDRESS: 1947 Center St, 4th Floor
CITY: Berkeley
STATE: CA
ZIP: 94710

PHONE: (510) 981-6337

OCCURRENCE
NAME: Cesar Chavez Park (Berkeley Landfill)
ADDRESS: Berkeley
CITY: Berkeley
ZIP: 94710
SOURCE: SW#1 NAME: Landfill G.C.C.S
EMISSION PT: P# NAME: TIME: HRS
DATE: 9/25/23

REG 2 RULE 1 SEC 301 No Authority to Construct
REG 8 RULE 34 SECTION 301.1 CODE
REG SCR RULE Title 17 SECTION 9846.4(b)(1)(A) CODE

Details: non-continuous operation

RECIPIENT NAME: Mary Ellen Skramstad
TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

WITHIN 10 DAYS RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung
DATE: 11/1/23
TIME: 11:31
HRS: MAILED

PLEASE PRESS HARD

Continued On Reverse
NOTICE OF VIOLATION
No. A 62682

ISSUED TO: City of Berkeley/Engr Div/Public Works

ADDRESS: 1947 Center St, 4th Floor
CITY: Berkeley STATE: CA ZIP: 94704
PHONE: (510) 981-6337

N# Mailing Address on F61

ORCURRENCE

NAME: Cesar Chavez Park (Berkeley Landfill)

ADDRESS: Berkeley CITY: Berkeley ZIP: 94710
CITY: Berkeley SOURCE: S#1 NAME: Landfill 6CCS
EMISSION PT: P# NAME: 

DATE: 10/4/23 TIME: ___ HRS

REG 2 RULE 1 SEC 301 No Authority to Construct

REG 1 SEC 321 H & S CODE - 41700 Public Nuisance

REG 5 SEC 301 Prohibited Open Burning

REG 8 RULE 34 SECTION 301.1 CODE

REG 48 RULE Title 17 SECTION 95464(b)(x) CODE

Details: non-continuous operation

RECIPIENT NAME: Mary Ellen Skramstad
TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY G. Leung DATE: 11/7/23 TIME: 13:1 HRS: MAILED

PLEASE PRESS HARD

Continued On Reverse
NOTICE OF VIOLATION

ISSUED TO: City of Berkeley

ADDRESS: 1947 Center St., 4th Floor

CITY: Berkeley

STATE: CA

PHONE (510) 981-6337

N. Mailing Address on F61

OCCURRENCE

NAME: Cesar Chavez Park (Berkeley Landfill)

ADDRESS: Berkeley

CITY: Berkeley

SOURCE: #1 NAME: Landfill GCCS, Abatement A#4 Flare

EMISSION PT. P# NAME:

DATE: 11/29/22

TIME: _______ HRS

REG 2 RULE 1 SEC 301

No Authority to Construct

REG 2 RULE 1 SEC 302

No Permit to Operate

REG 1 SEC 301

H & S CODE - 41700

Public Nuisance

REG 5 SEC 301

Prohibited Open Burning

REG 6 RULE 1 SEC 301

Excessive Visible Emissions

REG RULE SECTION CODE

REG RULE SECTION CODE

Details: PC #1820.2

RECIPIENT NAME: Mary Ellen Skramstad

TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT

X

WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung

DATE: 11/23

TIME: 1131

HRS: MAILED

PLEASE PRESS HARD

Continued On Reverse.
Notice of Violation Report

Notice of Violation

INSTRUCTIONS

PERMIT VIOLATIONS - (REG 2, RULE 1, SECTION 301 AND/OR 302)

Within 30 days, a permit application must be submitted to the District's Permit Division. The permit application must reference the Violation Notice Number shown on the front of this notice. If either the Violation Notice Number is not referenced or no permit application is received, then this matter will be referred to the District's Legal Department for legal action. Your response does not preclude further legal action.

If there are any questions regarding the submission of a Permit Application, call the Permit Services Division at (415) 749-4990.

ALL OTHER VIOLATIONS

Within 10 days, return a copy of this notice with a written description of the corrective action you have taken to prevent continued or recurrent violation. Immediate corrective action must be taken to stop the violation. This violation is subject to substantial penalty. Your response does not preclude further legal action.

A variance should be sought if it is necessary to continue to operate in violation of District Regulations. For information on eligibility for, or filing of, a variance, call (415) 749-5073.

(back)
ALEXANDER G. CROCKETT (SBN 193910)
District Counsel
JOEL FREID (SBN 163939)
Assistant Counsel
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
375 Beale Street, Suite 600
San Francisco, CA 94105
Telephone: (415) 749-4971
Facsimile: (415) 749-5103
E-Mail Address: JFreid@baaqmd.gov

Counsel for Complainant AIR POLLUTION CONTROL OFFICER
of the BAY AREA AIR QUALITY MANAGEMENT DISTRICT

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

In the Matter of the ) Docket No. 3747
AIR POLLUTION CONTROL OFFICER of the ) CERTIFICATE OF SERVICE
BAY AREA AIR QUALITY MANAGEMENT )
DISTRICT )
Complainant, )
vs. )
BERKELEY LANDFILL, )
Respondent.

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 County of San Francisco at 375 Beale Street, San Francisco, CA 94105.

I served the following documents to the addressees listed below at the addresses specified:

- ACCUSATION OF VIOLATION OF AIR DISTRICT REGULATION 8-34-301.1,
  REQUEST FOR ORDER OF ABATEMENT, [STIPULATED]
- STATEMENT TO RESPONDENT
- NOTICE OF DEFENSE
- CALIFORNIA GOVERNMENT CODE SECTIONS 11507.5 – 11507.7

CERTIFICATE OF SERVICE
By placing the document(s) listed above in a sealed envelope to be sent by Certified, Return Receipt mail with postage thereon fully prepaid, in the United States mail at El Sobrante, California addressed to the person(s) at the address(es) set forth below.

By causing the above documents to be sent to the persons at the electronic notification addresses(es) set forth below. (Emailed on November 13, 2023.)

On November 14, 2023, I served the above-listed documents to the addressees at the addresses listed below:

Marc Shapp  
Deputy City Attorney  
City of Berkeley  
2180 Milvia St., Ste. 4  
Berkeley, California, 94704  
Tel.: (510) 981-6903  
Email: MShapp@berkeleyca.gov

I am readily familiar with the Bay Area Air Quality Management District’s practice of collection and processing of the mail. Under that practice, the mail would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 14, 2023, at San Francisco, California.

Magnolia Vinluan-Chan