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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:

1 **COMPLAINANT**

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

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

12 **RESPONDENT**

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

16 **SUMMARY**

17 4. The APCO seeks an Order of Abatement against Berkeley Landfill to address  
18 ongoing, repeated violations of Air District Regulation ("Reg.") 8-34-301.1, California Code  
19 of Regulations ("CCR") Title 17, Section 95464(b)(1)(A), part of 17 CCR Sections 95460-  
20 94476, the State Landfill Methane Rule ("State LMR"), and its Permit Condition ("P/C") 1826,  
21 Part 3, each of which require continuous operation of the Landfill's landfill Gas Collection and  
22 Control System ("GCCS"). Air District Regulation 8-34 is a federally enforceable regulation.  
23 Those violations have resulted in illegal unabated emissions of harmful landfill gas at the  
24 Berkeley Landfill.

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

1 combusts it in an enclosed flare. The Landfill has contracted with SCS Engineers ("SCS") for  
2 the operation and maintenance of the Landfill and its GCCS and for compliance monitoring and  
3 measures necessary to comply with Air District and CA Regulations.

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

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

23 8. The Air District requests that the abatement order require testing of the methane  
24 gas detected at offsite monitoring probes near the Landfill and any other investigative methods  
25 to determine whether that gas is originating from the Berkeley Landfill. A violation has not yet  
26 been established related to the methane gas detected at the offsite monitoring probes; however,  
27 the likelihood that the Landfill is the source dictates that further testing is necessary and  
28 appropriate. The Air District is currently negotiating with Berkeley Landfill to include this

1 offsite testing requirement in a proposed Stipulated Order of Abatement. Testing for potential  
2 offsite LFG migration is in the public interest.

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

5 9. Air District Reg. 301.1 requires that the Landfill's "...gas collection and  
6 emission control systems are operated continuously ...."

7 10. Similarly, the Landfill's Permit Condition 1826, Part 3 requires that the "the gas  
8 collection and control system shall be operated continuously ...."

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

12 12. The Air District seeks an abatement order prohibiting the Berkeley Landfill  
13 from violating Reg. 301.1, its Permit Condition 1826, and the State LMR section  
14 95464(b)(1)(A) and requiring that it takes a series of actions designed to bring the operations  
15 into compliance. These compliance actions include:

- 16 a. locating, repairing, and confirming all landfill gas collection wells required by  
17 the Landfill's Permit to Operate are collecting landfill gas,
  - 18 b. repairing LFG leaks;
  - 19 c. inspecting, repairing, and, if necessary, submitting a permit application to  
20 modify its GCS to optimize LFG collection and minimize air (oxygen) intrusion;
  - 21 d. collecting and testing methane gas at all offsite monitoring probes to determine  
22 whether or not it is LFG from the Berkeley Landfill;
  - 23 e. contracting the flare manufacturer to inspect and properly service the Landfill's  
24 onsite flare; and
  - 25 f. conducting a site-wide drone survey to detect LFG leaks to aid in GCS repair  
26 and possibly identify the offsite gas migration pathway.
- 27  
28

1 **STATEMENT OF FACTS**

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

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

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

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

25 17. The Air District issued 14 Notices of Violation ("NOVs") to Berkeley Landfill  
26 over the past year, and 21 NOVs since 2019. The cited violations include not operating and  
27 monitoring required landfill gas collection wells, leaks of landfill gas in violation of applicable  
28 regulations, improper maintenance of the flare, the flare exceeding its 57.6 MMBTU/day limit

1 in violation of Reg. 2-1-307 and P/C 1826, Part 2, and noncontinuous operation of its GCS in  
2 violation of Reg. 301.1, State LMR section 95464(b)(1)(A), and its P/C 1826, Part 3. Copies of  
3 these 21 NOVs are attached to this Accusation as Exhibits A, B, C, and D.

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

11 19. The Air District's Engineering Division Staff reviewed the landfill gas well  
12 data and offsite monitor probe data submitted with Berkeley Landfill's LTCO petition and were  
13 prepared oppose the LTCO application because wellfield records showed that the GCS was  
14 collecting ambient air instead of landfill gas at a number of wells. Because Berkeley Landfill  
15 closed before 1987 it is exempt under Reg. 8-34-119 from the 5% oxygen content limit of Reg.  
16 8-34-305.4. However, high oxygen readings indicate ambient air is being drawn into the GCS,  
17 and oxygen readings of 20% indicate that ambient air is being collected instead of landfill gas.  
18 The Air District believes that this oxygen intrusion is tied to poor maintenance and disrepair of  
19 the landfill GCS. At the Berkeley Landfill, about half of the required landfill gas collection  
20 wells were collecting ambient levels of oxygen, indicating the wells were only collecting  
21 ambient air, rather than collecting landfill gas as required by the Permit to Operate.

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

26 21. As part of its LTCO petition, the Landfill/SCS submitted perimeter probe  
27 monitoring data collected in proximity to the Berkeley Landfill to meet CalRecycle's  
28 requirements, enforced by the LEA. Those records indicated that methane was detected at

1 probes located offsite of the Berkeley Landfill. In response to Air District Engineering Staff's  
2 inquiry about how the offsite methane detections were remedied, SCS stated that certain  
3 adjustments were made to the Berkeley Landfill GCS and that these adjustments eliminated the  
4 methane detected at the offsite monitoring probe locations. Air District Engineering Staff  
5 requested that the Landfill/SCS conduct further monitoring to confirm if the methane detected  
6 at the perimeter probes was landfill gas migrating off the Berkeley Landfill and if so, to repair  
7 the GCS to eliminate offsite gas migration and to repair GCS so that the landfill gas collection  
8 wells that were collecting only ambient air started collecting landfill gas. At the end of 2022,  
9 Air District Engineering Staff met with CalRecycle, Berkeley LEA, SCS, and City of Berkeley  
10 staff to discuss investigation into the offsite methane detections, and SCS/City of Berkeley  
11 agreed to investigate. A year later, the City of Berkeley/SCS has not submitted any analysis or  
12 explanations to the Air District for the methane detected at the offsite probes or results of any  
13 investigations.

14 22. If the methane detected offsite is tested and determined to be landfill gas from  
15 the Berkeley Landfill, that would indicate offsite migration of LFG in violation of Reg. 8-34-  
16 301, which requires landfills to collect their LFG onsite, to prevent emissions to the atmosphere  
17 and offsite migration. High levels of methane can pose both a health and safety risk. Berkeley  
18 Landfill is in a well-populated area with Cesar Chavez Park, which is used by the public,  
19 located on top of the Landfill and with a nearby hotel. Accordingly, there is a strong public  
20 interest in determining whether or not landfill gas is migrating off of the Berkeley Landfill site,  
21 a subject that has been discussed between the LEA, CalRecycle, and the Air District. The Air  
22 District will request that any proposed order of abatement require testing to determine whether  
23 there is offsite LFG migration from Berkeley Landfill.

## 24 CONCLUSION

25 23. The Air District alleges that Berkeley Landfill is in violation of District  
26 Regulations 8-34-301.1, 2-1-307, State LMR Section 95464(b)(1)(A), and its Permit Condition  
27 1826, Part 3, and seeks an Order of Abatement.  
28

1        24.     It is not unreasonable to require Respondent to comply with District rules and its  
2 permit. The District rules that apply in this case are federally enforceable requirements.

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

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

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

9        28.     The parties intend to submit a proposed Stipulated Order of Abatement at least  
10 5 calendar days prior to the scheduled hearing.

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

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

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

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

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1 For all the foregoing reasons, the APCO respectfully requests that the Hearing Board  
2 approve the proposed Stipulated Order of Abatement.

3  
4  
5 Dated: November 14, 2023

BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT  
OFFICE OF DISTRICT COUNSEL

6 By:

Joel Freid

Alexander G. Crockett

Joel Freid

*Attorneys for Complainant*

8 AIR POLLUTION CONTROL OFFICER of  
9 the BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

## EXHIBIT A



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

## NOTICE OF VIOLATION

No. **A 58778**

ISSUED TO: City of Berkeley ☐ 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 Prk ☐ Same As Above  
CITY: Berkeley ZIP: 94704  
SOURCE: S# 1 NAME: Landfill  
EMISSION PT: P# \_\_\_\_\_ NAME: \_\_\_\_\_  
DATE: 6/22/19 to 6/27/19 TIME: \_\_\_\_\_ HRS

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input checked="" type="checkbox"/> REG 2 RULE _____ SEC 307 Failure to Meet Permit Condition <u>PCA 1926, Subsection 3</u>
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input checked="" type="checkbox"/> REG <u>8</u> RULE <u>24</u> SECTION <u>304.1</u> CODE _____	
<input checked="" type="checkbox"/> REG <u>CCR</u> RULE <u>Title 17</u> SECTION <u>95464 (b) (1) (A)</u> CODE _____	
Details: _____	

RECIPIENT NAME: Michael Flanagan  
TITLE: Project Manager

SIGNING THIS NOTICE IS NOT  
AN ADMISSION OF GUILT ☒ [Signature]

→ 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: D. Fung INSP # 878  
DATE: 8/9/19 TIME: \_\_\_\_\_ HRS ☐ MAILED

**PLEASE PRESS HARD**

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

# 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: \_\_\_\_\_  
DATE: 9/25/2021 - 9/28/2021 TIME: \_\_\_\_\_ HRS

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input checked="" type="checkbox"/> REG 2 RULE 1 SEC 307 Failure to Meet Permit Condition
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input checked="" type="checkbox"/> REG <u>8</u> RULE <u>34</u> SECTION <u>304.1</u> CODE <input type="text"/>	
<input type="checkbox"/> REG <u>CCR</u> RULE <u>Title 17</u> SECTION <u>95464(b)(1)(A)</u> CODE <input type="text"/>	

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 \_\_\_\_\_

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DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE  
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ISSUED BY: G. Leung INSP # 881  
DATE: 11/22/2021 TIME: 15:00 HRS ☒ MAILED

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# 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. **A58787**

ISSUED TO: City of Berkeley/Engr Div/Public Works ☒ P ☐ G ☐ NW A3590  
ADDRESS: 1947 Center St, 4th Floor  
CITY: Berkeley STATE: CA ZIP: 94704  
PHONE: (510) 981-6336  
☐ NW 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:  
DATE: 11/8/2021 - 11/9/2021 TIME: HRS

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input checked="" type="checkbox"/> REG 2 RULE 1 SEC 307 Failure to Meet Permit Condition
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input checked="" type="checkbox"/> REG 8 RULE 34 SECTION 301.1 CODE	
<input type="checkbox"/> 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: 12/2/2021 TIME: 17:00 HRS ☒ MAILED

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# 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. **A58802**

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 F81

#### OCCURRENCE

NAME: Berkeley Landfill  
ADDRESS: Cesar Chavez Park ☐ Same As Above  
CITY: Berkeley ZIP: 94704  
SOURCE: S# 1 NAME: Landfill  
EMISSION PT: P# \_\_\_\_\_ NAME: \_\_\_\_\_  
DATE: 3/4/22 TIME: \_\_\_\_\_ HRS

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input type="checkbox"/> REG 2 RULE _____ SEC 307 Failure to Meet Permit Condition
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input checked="" type="checkbox"/> REG <u>8</u> RULE <u>34</u> SECTION <u>301.1</u> CODE <u>          </u>	
<input checked="" type="checkbox"/> REG <u>CCR</u> RULE <u>Title 17</u> SECTION <u>95464(b)(1)(A)</u> CODE <u>          </u>	

Details: non-continuous operation

RECIPIENT NAME: Samantha Kinstrey  
TITLE: Env 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 INSP # 881  
DATE: 6/6/22 TIME: 15:30 HRS ☒ MAILED

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# 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. **A58845**

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 Pk ☐ Same As Above  
CITY: Berkeley ZIP: 94704  
SOURCE: S# 1 NAME: Landfill  
EMISSION PT: P#        NAME:         
DATE: 7/16/2021-7/17/2021 TIME:        HRS

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input checked="" type="checkbox"/> REG 2 RULE 1 SEC 307 Failure to Meet Permit Condition
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input checked="" type="checkbox"/> REG <u>8</u> RULE <u>34</u> SECTION <u>304.1</u> CODE <u>      </u>	
<input checked="" type="checkbox"/> REG <u>CCR</u> RULE <u>Title 17</u> SECTION <u>95464 (b)(1)(A)</u> CODE <u>      </u>	

Details: 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: 8/6/2021 TIME: 15:50 HRS ☒ MAILED

**PLEASE PRESS HARD**

Continued On Reverse

(front)



# 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: <u>City of Berkeley/Engr Div/Public Works</u>	<input checked="" type="checkbox"/> P <input type="checkbox"/> G <input type="checkbox"/> N# <u>A3590</u>
ADDRESS: <u>1947 Center St, 4th Floor</u>	
CITY: <u>Berkeley</u>	STATE: <u>CA</u> ZIP: <u>94704</u>
PHONE: (510) <u>981-6336</u>	
<input type="checkbox"/> N# Mailing Address on F61	

OCCURRENCE	
NAME: <u>Berkeley Landfill</u>	
ADDRESS: <u>Cesar Chavez Park</u>	<input type="checkbox"/> Same As Above
CITY: <u>Berkeley</u>	ZIP: <u>94704</u>
SOURCE: S# <u>1</u>	NAME: <u>Landfill</u>
EMISSION PT: P# _____ NAME: _____	
DATE: <u>9/14/2020</u>	TIME: _____ HRS

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input checked="" type="checkbox"/> REG 2 RULE 1 SEC 307 Failure to Meet Permit Condition
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input type="checkbox"/> REG _____ RULE _____ SECTION _____ CODE _____	
<input type="checkbox"/> REG _____ RULE _____ SECTION _____ CODE _____	
Details: <u>P/C 1826.13 Late Reporting</u>	

RECIPIENT NAME: Samantha Kinsirey  
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: <u>G. Leung</u>	INSP # <u>881</u>
DATE: <u>10/12/2021</u>	TIME: <u>14:05</u> HRS <input checked="" type="checkbox"/> MAILED

PLEASE PRESS HARD

Continued On Reverse

(front)





BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## 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) 981-6336  
☐ 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:  
DATE: 5/4/22 TIME: HRS

- |   |   |
|---|---|
| <input type="checkbox"/> REG 2 RULE 1 SEC 301<br>No Authority to Construct            | <input type="checkbox"/> REG 2 RULE 1 SEC 302<br>No Permit to Operate           |
| <input type="checkbox"/> REG 1 SEC 301<br>H & S CODE - 41700<br>Public Nuisance       | <input type="checkbox"/> REG 2 RULE SEC 307<br>Failure to Meet Permit Condition |
| <input type="checkbox"/> REG 5 SEC 301<br>Prohibited Open Burning                     | <input type="checkbox"/> REG 6 RULE 1 SEC 301<br>Excessive Visible Emissions    |
| <input checked="" type="checkbox"/> REG 8 RULE 34 SECTION 301.1 CODE                  |   |
| <input checked="" type="checkbox"/> REG CCR RULE Title 17 SECTION 95464(b)(1)(A) CODE |   |

Details: non-continuous operation

RECIPIENT NAME: Samantha Kinstrev

TITLE: Env 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 INSP # 881  
DATE: 6/6/22 TIME: 15:30 HRS ☒ MAILED

PLEASE PRESS HARD

Continued On Reverse

(front)



## **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)**

EXHIBIT B



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

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

# NOTICE OF VIOLATION

No. **A 62745**

ISSUED TO: City of Berkeley/Engr Div/Public Works # A3590  
ADDRESS: 1947 Center St, 4th Floor  
CITY: Berkeley STATE: CA ZIP: 94704  
PHONE: (510) 981-6337  
☐ # 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: 7/11/23 TIME: HRS

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input type="checkbox"/> REG 2 RULE SEC 307 Failure to Meet Permit Condition
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input checked="" type="checkbox"/> REG <u>8</u> RULE <u>34</u> SECTION <u>301.1</u> CODE	
<input checked="" type="checkbox"/> REG <u>CCR</u> RULE <u>Ther 17</u> SECTION <u>95464(b)(1)(A)</u> CODE	

Details: OST52/OST53 non-continuous operation

RECIPIENT NAME: Mary Ellen Stamstad  
TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT  
AN ADMISSION OF GUILT

X [Signature]

→ 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: 8/24/23 TIME: 1458 HRS ☐ MAILED

PLEASE PRESS HARD

Continued On Reverse





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

# NOTICE OF VIOLATION

No. **A 62746**

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: 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 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 \_\_\_\_\_  
☒ REG CCR RULE Title 17 SECTION 95464(b)(1)(A) CODE \_\_\_\_\_

Details: 08T69/08T70 non-continuous operation

RECIPIENT NAME: Mary Ellen Skramstad  
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 INSP # 881  
DATE: 8/24/23 TIME: 1428 HRS ☐ MAILED

PLEASE PRESS HARD

Continued On Reverse





# NOTICE OF VIOLATION

No. **A 62747**

ISSUED TO: City of Berkeley / Engr Div / Public Works ☒ G ☐ 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: 7/24/23 TIME: \_\_\_\_\_ HRS

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input type="checkbox"/> REG 2 RULE _____ SEC 307 Failure to Meet Permit Condition
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input checked="" type="checkbox"/> REG <u>8</u> RULE <u>34</u> SECTION <u>301.1</u> CODE _____	
<input checked="" type="checkbox"/> REG <u>CEL</u> RULE <u>Title 17</u> SECTION <u>95464(b)(1)(A)</u> CODE _____	
Details: <u>08TTT/08TTB non-continuous operation</u>	

RECIPIENT NAME: Environmental Compliance Specialist  
TITLE: Mary Ellen Skamstad

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: 8/24/23 TIME: 1450 HRS ☐ MAILED

PLEASE PRESS HARD

Continued On Reverse





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

No. **A 62748**

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 INSP # 881  
DATE: 8/24/23 TIME: 1458 HRS ☐ MAILED

**PLEASE PRESS HARD**

**Continued On Reverse**





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

# NOTICE OF VIOLATION

No. **A 62749**

ISSUED TO: City of Berkeley/Eng Div/Public ☐ P ☐ G ☐ N# A3590  
ADDRESS: 1947 Center St, 4th Floor  
CITY: Berkeley STATE: CA ZIP: 94704  
PHONE: (S10) 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: \_\_\_\_\_ TIME: \_\_\_\_\_ HRS

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input type="checkbox"/> REG 2 RULE _____ SEC 307 Failure to Meet Permit Condition
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input checked="" type="checkbox"/> REG <u>B</u> RULE <u>34</u> SECTION <u>301.1</u> CODE _____	
<input checked="" type="checkbox"/> REG <u>CCR</u> RULE <u>Title 17</u> SECTION <u>95464(b)(1)(A)</u> CODE _____	

Details: non-continuous operation

RECIPIENT NAME: Mary Ellen Skramstad  
TITLE: Environmental Compliance Specialist

SIGNING THIS NOTICE IS NOT  
AN ADMISSION OF GUILT

X [Signature]

→ 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. Irving INSP # BB1  
DATE: 8/24/23 TIME: 14:58 HRS ☐ MAILED

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 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.

EXHIBIT C

## NOTICE OF VIOLATION

No. A 62734

ISSUED TO: City of Berkeley/Eng Div/Public Works ☐ G ☐ 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: 94704  
SOURCE: S# 1 NAME: Landfill  
EMISSION PT: P# \_\_\_\_\_ 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   
☐ REG \_\_\_\_\_ RULE \_\_\_\_\_ SECTION \_\_\_\_\_ CODE

Details: Wells 32 and 31 - 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. LeungDATE: 7/25/2023TIME: 0915INSP # 881HRS ☐

MAILED

PLEASE PRESS HARD



## NOTICE OF VIOLATION

No. **A 62736**

ISSUED TO: City of Berkeley/Eng Div/Public Works ☐ P ☐ G ☐ 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: 5/21/23 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 \_\_\_\_\_  
☒ REG CCR RULE Title 17 SECTION 95464(b)(1)(A) CODE \_\_\_\_\_

Details: 08S67/08S68 non-continuous operation

RECIPIENT NAME: Mary Ellen Spangstaal  
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 INSP # 881  
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/Eng Div/Public Works P ☐ G ☐ 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: 6/18/23 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 \_\_\_\_\_

☒ REG CCR RULE Title 17 SECTION 95464(b)(1)(A) CODE \_\_\_\_\_

Details: 08T12/08T13 non-continuous operation

RECIPIENT NAME: Mary Ellen Scramstad  
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 INSP # 881  
DATE: 7/27/23 TIME: 1430 HRS ☐ MAILED

PLEASE PRESS HARD





BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

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

MP-01  
Berkeley Martin  
Bas

# NOTICE OF VIOLATION

No. **A 62738**

ISSUED TO: City of Berkeley/Eng Div/Public Works ☐ G ☐ N# A359D  
ADDRESS: 1947 Center St, 4th Floor  
CITY: Berkeley STATE: CA ZIP: 94704  
PHONE: (510) 981-6331  
☐ 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: 6/19/23 TIME:    HRS:   

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input type="checkbox"/> REG 2 RULE <u>  </u> SEC 307 Failure to Meet Permit Condition
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input checked="" type="checkbox"/> REG <u>8</u> RULE <u>34</u> SECTION <u>301.1</u> CODE <u>  </u>	
<input checked="" type="checkbox"/> REG <u>CCR</u> RULE <u>Title 17</u> SECTION <u>95464(P)(IXA)</u> CODE <u>  </u>	
Details: <u>OST17/OST18 non-continuous operation</u>	

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 INSP # 881  
DATE: 7/27/23 TIME: 1430 HRS ☐ MAILED ☐

PLEASE PRESS HARD

Continued On Reverse



## NOTICE OF VIOLATION

No. A 62750

ISSUED TO: City of Berkeley/Eng Dr/ Public Works  
ADDRESS: 1411 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: \_\_\_\_\_  
CITY: Berkeley ZIP: 94710 ☐ Same As Above  
SOURCE: S# 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 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 505 CODE \_\_\_\_\_  
☐ REG \_\_\_\_\_ RULE \_\_\_\_\_ SECTION \_\_\_\_\_ CODE \_\_\_\_\_

Details: PC #1826.4 missing wells & well monitoring

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: 8/31/23

TIME: 1125

INSP # 881  
HRS ☐ MAILED

## 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)**



EXHIBIT D



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

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

## NOTICE OF VIOLATION

No. **A 62680**

ISSUED TO: City of Berkeley/Engr Div/ ☐ P ☐ G ☐ 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 ACCESS  
EMISSION PT: P# NAME:  
DATE: 9/26/23 TIME: HRS

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input type="checkbox"/> REG 2 RULE SEC 307 Failure to Meet Permit Condition
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input checked="" type="checkbox"/> REG <u>8</u> RULE <u>34</u> SECTION <u>301.1</u> CODE	
<input checked="" type="checkbox"/> REG <u>CCR</u> RULE <u>Title 17</u> SECTION <u>95464(b)(1)(A)</u> CODE	

Details: non-continuous operation

RECIPIENT NAME: Mary Ellen Skramstad  
TITLE: Environmental Compliance Specialist  
SIGNING THIS NOTICE IS NOT  
AN ADMISSION OF GUILT X [Signature]

→ 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: 11/7/23 TIME: 1131 HRS ☐ MAILED

PLEASE PRESS HARD

Continued On Reverse





BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

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

# NOTICE OF VIOLATION

No. **A 62681**

ISSUED TO: City of Berkeley / Engr Div / Public ☐ P ☐ G ☐ N# A3590  
ADDRESS: 1947 Center St, 4th Floor  
CITY: Berkeley STATE: CA ZIP: 94704  
PHONE: (510) 981-6387  
☐ N# Mailing Address on F61

OCCURRENCE  
NAME: Cesar Chavez Park (Berkeley Landfill) ☐ Same As Above  
ADDRESS: \_\_\_\_\_  
CITY: Berkeley ZIP: 94710  
SOURCE: S# 1 NAME: Landfill GCCS  
EMISSION PT: P# \_\_\_\_\_ NAME: \_\_\_\_\_  
DATE: 9/29/23 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 \_\_\_\_\_  
☒ REG CCR RULE Title 17 SECTION 95464(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 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: 11/7/23 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 Wks ☐ P ☐ G ☐ 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: Berkeley ☐ Same As Above  
CITY: Berkeley ZIP: 94710  
SOURCE: S# 1 NAME: Landfill GCOS  
EMISSION PT: P# 1 NAME: 1  
DATE: 10/6/23 TIME: 11:31 HRS

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input type="checkbox"/> REG 2 RULE SEC 307 Failure to Meet Permit Condition
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input checked="" type="checkbox"/> REG <u>8</u> RULE <u>34</u> SECTION <u>301.1</u> CODE <u>  </u>	
<input checked="" type="checkbox"/> REG <u>CCR</u> RULE <u>Title V</u> SECTION <u>95464(b)(1)(A)</u> CODE <u>  </u>	
Details: <u>non-continuous operation</u>	

RECIPIENT NAME: Magg Ellen Skramstad  
TITLE: Environmental Compliance Specialist  
SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT X [Signature]

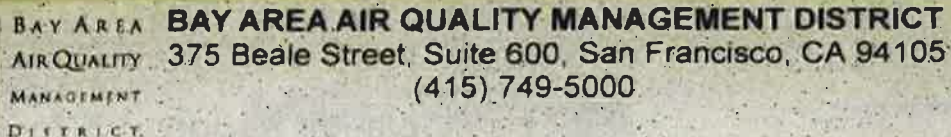
→ WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY. YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: G. Leung INSP # 881  
DATE: 11/7/23 TIME: 11:31 HRS ☐ MAILED

PLEASE PRESS HARD

Continued On Reverse





No. A 62683

ISSUED TO: City of Berkeley/Engr Div/Public ☐ P ☐ G ☐ N# A3590  
ADDRESS: 1947 Center St, 4th Floor  
CITY: Berkeley STATE: CA ZIP: 94704  
PHONE: (510) 981-6337  
☐ N# Mailing Address on F61

OCCURRENCE: Cesar Chavez Park (Berkeley Landfill)  
 NAME: Cesar Chavez Park (Berkeley Landfill)  
 ADDRESS: \_\_\_\_\_ ☐ Same As Above  
 CITY: Berkeley ZIP: 94710  
 SOURCE: S# 1 NAME: Landfill GCCS, Abatement A#4 Flare  
 EMISSION PT: P# \_\_\_\_\_ NAME: \_\_\_\_\_  
 DATE: 11/29/22 TIME: \_\_\_\_\_ HRS

<input type="checkbox"/> REG 2 RULE 1 SEC 301 No Authority to Construct	<input type="checkbox"/> REG 2 RULE 1 SEC 302 No Permit to Operate
<input type="checkbox"/> REG 1 SEC 301 H & S CODE - 41700 Public Nuisance	<input checked="" type="checkbox"/> REG 2 RULE 1 SEC 307 Failure to Meet Permit Condition
<input type="checkbox"/> REG 5 SEC 301 Prohibited Open Burning	<input type="checkbox"/> REG 6 RULE 1 SEC 301 Excessive Visible Emissions
<input type="checkbox"/> REG _____ RULE _____ SECTION _____ CODE _____	<input type="checkbox"/> REG _____ RULE _____ SECTION _____ CODE _____

Details: PC #1826.2

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: A. Leung INSP # 281  
DATE: 11/7/23 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

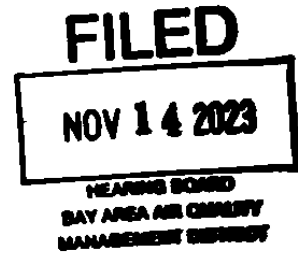
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A variance should be sought if it is necessary to continue to operate in violation of District Regulations. For information on eligibility for, or filing of, a variance, call (415) 749-5073.

**(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**

☒ 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](mailto: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