

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

In the Matter of the Variance Application of
BERKELEY LANDFILL

Regulation 8, Rule 34, Section 301.1;
Regulation 8, Rule 34, Section 113.2; and
Permit to Operate #1826, Part 3 (Docket No.
3741)

AND

In the Matter of the

AIR POLLUTION CONTROL OFFICER of
the BAY AREA AIR QUALITY
MANAGEMENT DISTRICT vs. BERKELEY
LANDFILL (Docket No. 3747)

Docket Nos.: 3741 & 3747

NOTICE OF CONTINUED HEARINGS



TO: Air Pollution Control Officer of the Bay Area Air Quality Management District

AND

BERKELEY LANDFILL

YOU ARE HEREBY NOTIFIED that the hearings scheduled for December 5, 2023, upon the issues raised in *both* the Application for Regular Variance, filed on May 30, 2023, and the Accusation of Violation of Air District Regulation 8-34-301.1 and Request for Order of Abatement, filed November 14, 2023, will now be held at **375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105, at the hour of 9:30 A.M. on the new date of**

TUESDAY, JANUARY 23, 2024.

The Hearing Board members are required to attend in person, but the parties and members of the public may participate in/observe the hearings through the live webcast of the hearing, or via phone (669) 900-6833. Interested members of the public will be allowed an opportunity to testify on this matter. The file may be reviewed by contacting the Clerk of the Boards, Marcy Hiratzka, at 415.749.5073, or mhiratzka@baaqmd.gov. The above date and time may be changed without further published notice. Those participating by phone who would like to make a comment can use the “raise hand” feature by dialing “*9”. To receive the full Zoom experience, please make sure your application

1 is up to date. **Individuals representing the parties will receive special links to the hearings at a**
2 **later date, if they wish to participate via Zoom.**

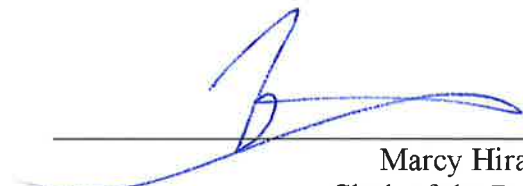
3 You may be, but need not be, represented by counsel. You may present any relevant evidence
4 and will be given full opportunity to cross-examine all testifying witnesses. You are entitled to the
5 issuance of subpoenas to compel the attendance of witnesses and the production of books, documents,
6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

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

12 **If either party determines that a continuance is necessary, a written request, including**
13 **specific reasons for the request, should be made to the Clerk of the Boards at least seventy-two**
14 **(72) hours prior to the hearing date, pursuant to Hearing Board Rules § 6.16.**

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

18
19 DATED: November 30, 2023

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22 
23 Marcy Hiratzka
24 Clerk of the Boards
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22 Facility Location:

23 11 Spinnaker Way, Berkeley, CA 94710 (Alameda County)

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STATE OF CALIFORNIA

City and County of San Francisco

ss.

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

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

via email on November 30, 2023 and on:

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

via email on November 30, 2023

DATED: November 30, 2023

Docket Nos.: 3741 & 3747

CERTIFICATE OF SERVICE



Marcy Hiratzka
Clerk of the Boards