

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



5 In the Matter of the Application of  
6 FERMA CORPORATION  
7 For Regular Variance from Regulation 11,  
8 Rule 2

} Docket No.: 3750  
} NOTICE OF HEARING (corrected version)

9 **TO: Air Pollution Control Officer of the Bay Area Air Quality Management District**  
10 **AND**  
11 **FERMA CORPORATION**

12 **YOU ARE HEREBY NOTIFIED** that a hearing will be held before the Hearing Board of the  
13 Bay Area Air Quality Management District (“District”) at **375 Beale Street, 1<sup>st</sup> Floor Board**  
14 **Room, San Francisco, California, 94105, at the hour of 9:30 A.M. on**  
15 **TUESDAY, February 27, 2024**

16 upon the issues raised in the Application for Regular Variance, filed on December 22, 2023.

17 The Hearing Board members are required to attend in person, but the parties and members of the  
18 public may participate in/observe the hearing through live webcasts of the hearings or via phone (669)  
19 900-6833. Interested members of the public will be allowed an opportunity to testify on this matter.  
20 The file may be reviewed by contacting the Clerk of the Boards, Marcy Hiratzka, at 415.749.5073,  
21 or [mhiratzka@baaqmd.gov](mailto:mhiratzka@baaqmd.gov). The hearing date and time may be changed without further published  
22 notice. Those participating by phone who would like to make a comment can use the “raise hand”  
23 feature by dialing “\*9”. To receive the full Zoom experience, please make sure your application is up  
24 to date. **Individuals representing the parties will receive special links to the hearing at a later**  
25 **date, if they wish to participate via Zoom.**

26 You may be, but need not be, represented by counsel. You may present any relevant evidence  
27 and will be given full opportunity to cross-examine all testifying witnesses. You are entitled to the  
28 issuance of subpoenas to compel the attendance of witnesses and the production of books, documents,

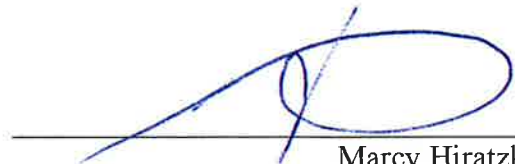
1 and other things by applying to the Clerk of the Boards.

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

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

10 The hearing will be conducted in accordance with the Hearing Board Rules to the extent  
11 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)  
12 [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.

13  
14 DATED: January 19, 2024

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16 \_\_\_\_\_  
17 Marcy Hiratzka  
18 Clerk of the Boards

17 Facility Location:

18 Hangar 3, Moffett Field, California, 94035 (Santa Clara County)

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CERTIFICATE OF SERVICE



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

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

Avery Brown FERMA Corporation 6639 Smith Ave. Newark, CA, 94560 <a href="mailto:abrown@fermacorp.com">abrown@fermacorp.com</a>	Tom Bylund <a href="mailto:tbylund@fermacorp.com">tbylund@fermacorp.com</a> (E-mail only)
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by depositing same via email and in the United States certified mail, return receipt requested,  
on January 11, 2024 and on:

Greg Dhawan-Muren, Esq., Assistant Counsel  
Bay Area Air Quality Management District  
[gdhawanmuren@baaqmd.gov](mailto:gdhawanmuren@baaqmd.gov)

via email January 19, 2024

DATED: January 19, 2024

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Marcy Hiratzka  
Clerk of the Boards