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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

Docket No. 3747

**STIPULATED MOTION TO AMEND
ORDER OF ABATEMENT FOR
BERKELEY LANDFILL**

Complainant,
vs.
BERKELEY LANDFILL

Hearing Date: February 18, 2025
Time: 9:30 am
Place: Hearing Board
Bay Area Air Quality Mgt Dist
375 Beale Street, 1st Fl.
San Francisco, CA 94105

Respondent.

WHEREAS, on January 23 and February 6, 2024, the Hearing Board heard the Request of Complainant the Air Pollution Control Officer (APCO) of the Bay Area Air Quality Management District (BAAQMD) for an Order of Abatement for Respondent Berkeley Landfill. The Hearing Board entered the Findings and Decision for Order of Abatement for Berkeley Landfill on February 16, 2024.

WHEREAS, the Order of Abatement provides at p. 10:19-23 that "A. The Hearing Board shall retain jurisdiction over this matter until February 5, 2025 or until Respondent Berkeley Landfill has met all the Compliance Action Conditions and Increments of Progress set forth in Sections 1 through 11, whichever occurs first, unless this Order is amended or modified."

WHEREAS, Respondent Berkeley Landfill, owned by the City of Berkeley, has not yet attained full compliance with the Compliance Action Conditions and Increments of Progress set forth in Sections 1 through 11 of the Order of Abatement for Berkeley Landfill.

1 WHEREAS, Complainant APCO seeks to amend the Order of Abatement to eliminate
2 the February 5, 2025 expiration date of the Hearing Board’s jurisdiction over the Berkeley
3 Landfill Order of Abatement matter, and Respondent City of Berkeley does not oppose such
4 amendment.

5 WHEREAS, no additional excess emissions are estimated to result from this proposed
6 Amendment to this Order of Abatement.

7 WHEREAS, operation under this Order of Abatement is not expected to result in a
8 violation of Health and Safety Code Section 41700 (nuisance). Declaration of Paul Grazzini in
9 support of Motion to Amend Order of Abatement for Berkeley Landfill, paras. 3-6.

10 NOW THEREFORE, the Parties STIPULATE as follows:

11 (A) This matter should be placed on the Consent Calendar, and that the matter will be
12 heard on February 18, 2025;

13 (B) The Declaration of Paul Grazzini in support of Amendment to Order of Abatement
14 be admitted into evidence;

15 (C) All prior evidence and testimony accepted into evidence in the earlier Berkeley
16 Landfill Order of Abatement proceedings is incorporated herein;

17 (D) Operation under the Order of Abatement is not expected to result in a violation of
18 Health and Safety Code Section 41700 (nuisance); and

19 Complainant APCO REQUESTS and Respondent City of Berkeley does not oppose
20 such request that the Hearing Board strike Paragraph A on p. 10:19-23 of the Order of
21 Abatement, which currently provides:

22 “A. The Hearing Board shall retain jurisdiction over this matter until
23 February 5, 2025 or until Respondent Berkeley Landfill has met all
24 the Compliance Action Conditions and Increments of Progress set
forth in Sections 1 through 11, whichever occurs first, unless this
Order is amended or modified.”

and replace it in its entirety with the following:

1 "A. The Hearing Board shall retain jurisdiction over this matter until
2 Respondent Berkeley Landfill has met all the Compliance Action
3 Conditions and Increments of Progress set forth in Sections 1
4 through 11, unless this Order is amended or modified."

5 This requested amendment to the Order of Abatement deletes the two phrases, "until
6 February 5, 2025 or" and "whichever occurs first,".

7 The effect of this requested amendment shall be retroactive to February 5, 2025.

8 All other terms and conditions of the Order of Abatement shall remain the
9 same.

10 SO STIPULATED AND RESPECTFULLY SUBMITTED.

11 Dated: January 23, 2025


BAY AREA AIR QUALITY MANAGEMENT
DISTRICT, OFFICE OF THE GENERAL
COUNSEL

12 By: 
13 _____
ALEXANDER G. CROCKETT
JOEL FREID

14 *Attorneys for Complainant*
15 AIR POLLUTION CONTROL OFFICER of
16 the BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

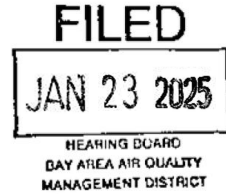
17 CITY OF BERKELEY

18 Dated: January 23, 2025

19 By: 
20 _____
MARC SHAPP
DEPUTY CITY ATTORNEY
21 *Attorney for Respondent*
22 CITY OF BERKELEY
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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

Docket No. 3747

CERTIFICATE OF SERVICE

Hearing Date: February 18, 2025
Time: 9:30 am
Place: Hearing Board
Bay Area Air Quality Mgt Dist
375 Beale Street, 1st Fl.
San Francisco, CA 94105

Complainant,

vs.

BERKELEY LANDFILL

Respondent.

13 I, Magnolia Vinluan-Chan, declare as follows:

14 I am over the age of 18, not a party to this action and am employed in the City and
15 County of San Francisco at 375 Beale Street, San Francisco, CA 94105.

16 On January 23, 2025, I served the documents listed below:

- 17 • **STIPULATED MOTION TO AMEND ORDER OF ABATEMENT FOR BERKELEY LANDFILL;**
- 18 • **DECLARATION OF PAUL GRAZZINI IN SUPPORT OF STIPULATED MOTION TO AMEND ORDER OF ABATEMENT FOR BERKELEY LANDFILL; AND**
- 19 • **[PROPOSED] STIPULATED AMENDMENT TO ORDER OF ABATEMENT FOR BERKELEY LANDFILL**

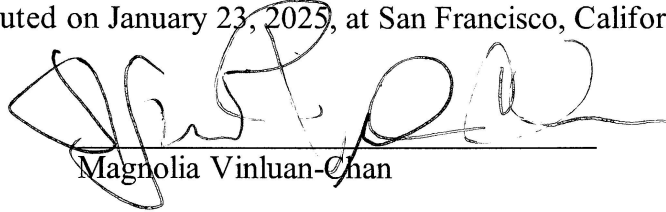


By causing the above documents to be sent to the person at the electronic notification address(es) set forth below.

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Marc Shapp
Deputy City Attorney
City Attorney's Office
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
Telephone No.: (510) 981-6987
Email: mshapp@berkeleyca.gov

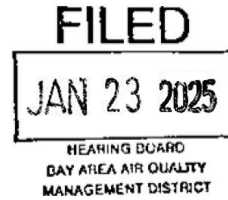
I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 23, 2025, at San Francisco, California.



Magnolia Vinluan-Chan

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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

Docket No. 3747

**DECLARATION OF PAUL GRAZZINI IN
SUPPORT OF STIPULATED MOTION
TO AMEND ORDER OF ABATEMENT
FOR BERKELEY LANDFILL**

Complainant,

Hearing Date: February 18, 2025

vs.

Time: 9:30 am

BERKELEY LANDFILL

Place: Hearing Board

Respondent.

Bay Area Air Quality Mgt Dist
375 Beale Street, 1st Fl.
San Francisco, CA 94105

I, Paul Grazzini, declare as follows:

1. I am a Supervising Air Quality Specialist in the Compliance and Enforcement
Division of the Bay Area Air Quality Management District (“Air District”).

2. I have personal knowledge of the following facts and am competent to testify as
to their truth if called as a witness.

3. Respondent Berkeley Landfill has not yet attained full compliance with the
Compliance Action Conditions and Increments of Progress set forth in Sections 1 through 11 of
the Order of Abatement for Berkeley Landfill, though some progress has been attained.

4. The continuing jurisdiction of the Hearing Board over this Order of Abatement
will assist with its compliance and enforcement.

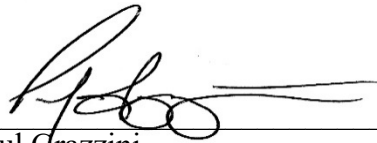
1 5. No additional excess emissions are estimated to result from the proposed
2 Amendment to this Order of Abatement.

3 6. Operation under the Order of Abatement is not expected to result in a violation
4 of Health and Safety Code Section 41700 (nuisance).

5 7. I declare under penalty of perjury under the laws of the State of California that
6 the foregoing is true and correct.

7
8 Dated: January 16, 2025

By:



Paul Grazzini

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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

Docket No. 3747

**[PROPOSED] STIPULATED
AMENDMENT TO ORDER OF
ABATEMENT FOR BERKELEY
LANDFILL**

Complainant,

Hearing Date: February 18, 2025

vs.

Time: 9:30 am

BERKELEY LANDFILL

Place: Hearing Board

Respondent.

Bay Area Air Quality Mgt Dist
375 Beale Street, 1st Fl.
San Francisco, CA 94105

In the Order of Abatement for Berkeley Landfill entered on February 16, 2024, the Hearing Board hereby replaces the following old Paragraph A on p. 10:19-23 of the Order of Abatement with the new Paragraph A below it.

The old Para. A on p. 10:19-23 to be replaced provided:

“A. The Hearing Board shall retain jurisdiction over this matter until February 5, 2025 or until Respondent Berkeley Landfill has met all the Compliance Action Conditions and Increments of Progress set forth in Sections 1 through 11, whichever occurs first, unless this Order is amended or modified.”

The new Para. A on p. 10:19-23 to replace the one above provides:

“A. The Hearing Board shall retain jurisdiction over this matter until Respondent Berkeley Landfill has met all the Compliance Action

1 Conditions and Increments of Progress set forth in Sections 1
2 through 11, unless this Order is amended or modified.”

3 The effect of this amendment shall be retroactive to February 5, 2025.

4 All other terms and conditions of the Order of Abatement shall remain the
5 same.

6 IT IS SO ORDERED.

9 Dated: February __, 2025

By: _____
Valerie J. Armento, Esq.
Hearing Board Chair
Bay Area Air Quality Management District