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Attorneys for Respondent
CITY OF SAN BERNARDINO MUNICIPAL
WATER DEPARTMENT

BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

In the Matter of

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

Petitioner,

v.

CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT
(Facility No. 11301)

Respondent.

CASE NO. 6124-2

**STIPULATION TO PLACE MATTER ON
CONSENT CALENDAR**

District Rule 1196

Date: August 13, 2024
Time: 9:30 a.m.
Place: 21865 Copley Drive
Diamond Bar, CA 91765

The Parties, the South Coast Air Quality Management District (South Coast AQMD) and the City of San Bernardino Municipal Water Department (Department), do hereby stipulate and agree as follows:

1. This matter may be placed on the Hearing Board of the South Coast AQMD’s (Hearing Board) Consent Calendar to be heard on August 13, 2024, under Hearing Board Rule 4.
2. The Declarations of Jennifer Shepardson, Director of Environmental Regulatory Compliance for the Department; Alyson Ackerman, Counsel for the Department; and Kathryn

1 Roberts, Senior Deputy District Counsel (filed concurrently with this Stipulation) are submitted to
2 the Hearing Board to be entered into evidence.

3 3. The Parties jointly propose three modifications to the Second Modified Revised
4 Order for Abatement – Stipulated, dated May 4, 2023 (Current Order): (a) revise the name of the
5 South Coast AQMD Planning and Rules Manager who receives notice under Conditions 2, 4, and
6 6 to read: “Eugene Kang (EKang@aqmd.gov)” to reflect current South Coast AQMD staffing;
7 (b) revise the language of Condition 5 to include the following phrase after the status hearing
8 date: “or as soon thereafter as the Hearing Board’s calendar can accommodate”; and (c) to correct
9 minor typographical errors in the Second Revised Modified Order and propose other
10 non-substantive revisions to improve readability. The Parties concurrently submit herewith a
11 proposed order titled “[Proposed] Third Revised Modified Order,” as well as a redline
12 comparison showing the changes between the Current Order and Third Revised Modified Order,
13 titled “Comparison of Findings and Decision of Order for Second Revised Modified Order of
14 Abatement (Stipulated) to [Proposed] Findings and Decision of Order for Third Revised Modified
15 Order of Abatement (Stipulated).”

16 4. The Parties request that the Hearing Board decide this matter based upon the
17 documents submitted by the Parties to the Hearing Board that accompany this Stipulation and
18 proposed modification, including the Declarations of Jennifer Shepardson, Alyson Ackerman, and
19 Kathryn Roberts, the Third Revised Modified Order, and the redline showing the changes
20 between the Current Order and the Third Revised Modified Order. The Parties agree to
21 incorporate all prior evidence received in this matter, including evidence received for this status
22 hearing, as well as for the October 3, 2019 hearing for an Order for Abatement – Stipulated
23 (Initial Order); May 5, 2020 status hearing under the Initial Order; July 23, 2020 hearing for
24 modification to the Initial Order, resulting in the “Modified Order”; May 5, 2021 status hearing
25 under the Modified Order; May 5, 2022, status hearing and administrative update to the Modified
26 Order, resulting in the “Revised Modified Order”; and May 4, 2023, status hearing and hearing
27 for modification to the Revised Modified Order, resulting in the Current Order.
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6. Neither Party expects that operation under the Proposed Third Revised Modified Order will result in a violation of California Health and Safety Code section 41700 (nuisance), because through the Proposed Final Order and its predecessor orders, the Department is in compliance with Rule 1196.

7. Based on all of the evidence in this case, the Parties request that the Hearing Board decide this matter on the Consent Calendar.

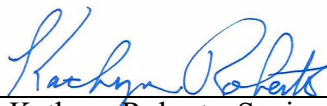
SOMACH SIMMONS & DUNN
A Professional Corporation

DATED: August 6, 2024

By: 
Michael E. Vergara
Alyson E. Ackerman
Attorneys for Respondent City of San Bernardino Municipal Water Department

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT
OFFICE OF THE GENERAL COUNSEL

DATED: August 6, 2024

By: 
Kathryn Roberts, Senior Deputy District Counsel
Attorney for Petitioner South Coast Air Quality Management District