



**Monterey Bay Air Resources District  
MEETING OF THE HEARING BOARD**

**MICHAEL GUTH, CHAIR**

**Friday, February 13, 2026, 2:00 P.M.**

**24580 Silver Cloud Court, Monterey, CA - Boardroom**

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**REMOTE MEETING OPTION FOR PUBLIC**

Link to meeting: <https://us02web.zoom.us/j/89513217541>

**Webinar ID: 895 1321 7541**

**By Phone (audio only, Webinar ID required): 1-669-900-6833**

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Members of the public that wish to participate in the hearing may do so by joining the Zoom Webinar ID or in-person at 24580 Silver Cloud Ct. Monterey. Should you have any questions, please contact Sirie Thongchua, Executive Assistant, at 831-718-8028 or by email at [sirie@mbard.org](mailto:sirie@mbard.org).

**To Provide Public Comment via Zoom teleconference/video conference:** During the meeting live verbal public comments may be made by members of the public joining the meeting via Zoom. Zoom access information is provided above. Use the “raise hand” feature (for those joining by phone, press \*9 to “raise hand”) during the public comment period for the agenda item you wish to address. Members of the public participating via Zoom will be muted during the proceedings and may be unmuted to speak during public comment after requesting and receiving recognition by the Chair. Please clearly state your full name for the record at the start of your public comment.

**Before the Meeting:** Persons who wish to address the Hearing Board for public comment of an item not on the agenda are encouraged to submit comments in writing to Sirie Thongchua, Executive Assistant, at [sirie@mbard.org](mailto:sirie@mbard.org) by 5:00 p.m. on Thursday, February 12, 2026. Comments received will be distributed to the Hearing Board prior to the meeting.

**Pursuant to Government Code Section 54952.7, please find Chapter 9, also known as the Ralph M. Brown Act:**

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5).

## SUMMARY OF ACTIONS

1. CALL TO ORDER – **The meeting was called to order by Chair Guth at 2:02 p.m.**
2. ROLL CALL – **Present:** Christopher Cook, Leslie Girard, Michael Guth, David Korpi (Alternate Public Member). **Absent:** Daniel Dodge Jr.
3. Nominations and Election of 2026 Hearing Board Chair and Vice Chair

***Motion:** Nominate and Elect Michael Guth Chair and Nominate and Elect Daniel Dodge Jr. Vice Chair. **Action:** Approve. **Moved by** Leslie Girard, **Seconded by** Christopher Cook. **Vote:** Motion carried unanimously by roll call vote. (**summary: Yes = 4**). **Yes:** Christopher Cook, Leslie Girard, Michael Guth, David Korpi (Alternate for Daniel Dodge Jr.). **Absent:** Daniel Dodge Jr.*

4. PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

**Amy Clymo, Engineering and Compliance Manager**, announced that Justin Cheng, Alternate Public Member, resigned from the Hearing Board effective January 31, 2026.

5. **Accepted and Filed** Summary of Actions for the Hearing Board Meeting of December 12, 2025

***Motion:** Accept and file Summary of Actions for the Hearing Board Meeting of December 12, 2025. **Action:** Approve. **Moved by** Leslie Girard, **Seconded by** David Korpi. **Vote:** Motion carried unanimously by roll call vote. (**summary: Yes = 4**). **Yes:** Christopher Cook, Leslie Girard, Michael Guth, David Korpi (Alternate for Daniel Dodge Jr.). **Absent:** Daniel Dodge Jr.*

6. **Approved** the Hearing Board Meeting Schedule for Calendar Year 2026 per Attached Schedule

***Motion:** Approve Hearing Board Meeting Schedule for Calendar Year 2026. **Action:** Approve. **Moved by** Leslie Girard, **Seconded by** David Korpi. **Vote:** Motion carried unanimously by roll call vote. (**summary: Yes = 4**). **Yes:** Christopher Cook, Leslie Girard, Michael Guth, David Korpi (Alternate for Daniel Dodge Jr.). **Absent:** Daniel Dodge Jr.*

7. **Conducted** Public Hearings

A. Docket 26-001: Monterey Regional Waste Management District dba ReGen Monterey Regular Variance Project Site: 14201 Del Monte Blvd., Salinas, California

- a. Administration of Oath: Chair administered oath to all persons who will provide testimony for Docket 26-001: Monterey Regional Waste Management District dba ReGen Monterey Regular Variance Project. Staff: Amy Clymo, Engineering and Compliance Manager, and Bronwyn Nielson, Air Quality Compliance Inspector II. Petitioners: David Ramirez, Director of Engineering and Compliance, Monterey

Regional Waste Management District dba ReGen Monterey, and Caty O'Connor, Associate Engineer, Monterey Regional Waste Management District dba ReGen Monterey.

- b. Petitioner Presents Case
- c. Staff Present Report
- d. Public Comment Related to Docket 26-001 – **None.**

**Prior to Hearing Board Discussion/Questions – Christopher Cook** disclosed that he works for Central Coast Community Energy (3CE). Another division of 3CE is working with ReGen Monterey on a project. The project has no bearing on Cook's employment with 3CE. He has no *Conflict of Interest* in participating in the public hearing.

- e. Hearing Board Discussion/Questions
- f. Hearing Board Decision/Order
  - i. Make Findings
  - ii. Discuss Conditions

**Motion:** Approve the variance order for Docket 26-001 as amended by discussion.

**Action:** Approve. **Moved by** Leslie Girard, **Seconded by** David Korpi. **Vote:** Motion carried unanimously by roll call vote. (**summary: Yes = 4**). **Yes:** Christopher Cook, Leslie Girard, Michael Guth, David Korpi (Alternate for Daniel Dodge Jr.). **Absent:** Daniel Dodge Jr.

B. Docket 26-002: Salinas Valley Solid Waste Authority Interim Variance Project Site: 31400 Johnson Canyon Road, Gonzales, California

- a. Administration of Oath: Chair administers oath to all persons who will provide testimony for Docket 26-002: Staff: Amy Clymo, Engineering and Compliance Manager, and Michael Hamaguchi, Air Quality Compliance Inspector II. Petitioner: Brian Kennedy, Engineering and Environmental Compliance Manager, Salinas Valley Solid Waste Authority
- b. Petitioner Presents Case
- c. Staff Present Report
- d. Public Comment Related to Docket 26-002 – **None.**
- e. Hearing Board Discussion/Questions
- f. Hearing Board Decision/Order
  - i. Make "Good Cause" Finding
  - ii. Discuss Conditions

**Motion:** Approve the variance order for Docket 26-002. **Action:** Approve. **Moved by** David Korpi, **Seconded by** Christopher Cook. **Vote:** Motion carried unanimously by roll call vote. (**summary: Yes = 4**). **Yes:** Christopher Cook, Leslie Girard, Michael Guth, David Korpi (Alternate for Daniel Dodge Jr.). **Absent:** Daniel Dodge Jr.

**Agenda Item No. 4**

MBARD Meeting of the Hearing Board  
Friday, February 13, 2026

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8. ADJOURNMENT – **The meeting adjourned at 3:03 p.m.**

*Sirie Thongchua*  
*Executive Assistant*

BEFORE THE HEARING BOARD OF THE  
MONTEREY BAY AIR RESOURCES DISTRICT  
STATE OF CALIFORNIA

IN THE MATTER OF	)	DOCKET NO.: 26-001
THE APPLICATION OF	)	
	)	CONDITIONAL ORDER
MONTEREY REGIONAL WASTE	)	GRANTING REGULAR VARIANCE
MANAGEMENT DISTRICT (MRWMD)	)	
DBA REGEN MONTEREY	)	
14201 DEL MONTE BLVD.	)	
SALINAS, CALIFORNIA	)	
	)	
	)	

On December 3, 2025, at 9:26 am, Petitioner, Monterey Regional Waste Management District (hereinafter referred to as "Petitioner") filed with this Hearing Board an application for an Interim and Regular Variance. Petitioner was granted an Interim Variance Docket 25-004 on December 12, 2025. On January 6, 2026, Petitioner submitted an addendum to modify the Regular Variance application to include calendar year 2026.

Petitioner requested that the Hearing Board grant a variance from California Landfill Methane Regulation CCR Title 17 Section 95464(b)(4) which mandates that owners/operators of municipal solid waste (MSW) landfills conduct annual source testing of gas control devices and Monterey Bay Air Resources District (MBARD) Permits to Operate Nos. 14976A, GNR-0017570, GNR-0017042, and GNR-0017043. Petitioner seeks relief from Title 17 Section 95464(b)(4) and the permit conditions specifying the requirement for conducting an annual source test.

NOTICE OF HEARING

Notice of the application and the hearing of February 13, 2025, at 2:00 p.m. have been given pursuant to the provisions of the California Health and Safety Code Section 40826.

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1 The request and MBARD's staff recommendations were presented to the  
2 Hearing Board. The hearing was conducted by Hearing Board Members. MBARD  
3 was represented by Amy Clymo, Engineering and Compliance Manager and Bronwyn  
4 Nielson, Air Quality Compliance Inspector II. The Petitioner was  
5 represented by David Ramirez, P.E., Director of Engineering & Compliance, and  
6 Caty O'Connor, Associate Engineer, of Monterey Regional Waste Management  
7 District.

#### BACKGROUND

8  
9 Monterey Regional Waste Management District (Petitioner) dba ReGen  
10 Monterey is a special district of California which represents nine member  
11 agencies including: Carmel-by-the-Sea, Del Rey Oaks, Marina, Monterey,  
12 Pacific Grove, Sand City, Seaside, Pebble Beach, and western portions of  
13 unincorporated Monterey County. ReGen operates a class III non-hazardous  
14 waste landfill, a mixed recyclables and construction and demolition debris  
15 processing facility, composting operations, Household Hazardous Waste  
16 collection facility, and landfill gas to electrical energy plant. ReGen is a  
17 Title V facility, operating the Monterey Peninsula Landfill, which has a  
18 design capacity greater than 2.5 million cubic meters. It holds permits to  
19 operate landfill gas destruction devices including four internal engine  
20 generator sets capable of producing a total of approximately 5.0 MW of energy  
21 and a dual zone (called zones A and B) enclosed flare designed with a  
22 combined maximum capacity of 4,000 standard cubic feet per minute (scfm)  
23 (zone A at 800 scfm; zone B at 3200 scfm).

24 For this specific variance request, the required annual source tests  
25 for each of the four engine-generator sets were not performed within calendar  
26 year 2025. A series of issues arose in July 2025 that made source testing and  
27 normal operation of engines not possible. The engines were not tested due to  
28 ground faulting instability which prevents synchronization with the utility

1 grid. In July 2025, Pacific Gas and Electric Company (PG&E) determined the  
 2 issue with the ground faulting engine was from the Petitioner's side of the  
 3 meter. After an extensive investigation by Petitioner, it was determined the  
 4 ground fault issue was not due to Petitioner's equipment and in September  
 5 2025, they submitted a power shutdown request to PG&E. In November 2025, PG&E  
 6 performed a complete facility shutdown to test the primary transformer and  
 7 the device installed to locate the fault identified the issue to be on the  
 8 PG&E side of the meter. The repair schedule was subject to PG&E availability  
 9 so the engines could not be normally operated or tested until the issue was  
 10 resolved by PG&E. Petitioner does not believe the repairs will be completed  
 11 before the end of 2025 to begin normal operation of the engines and to  
 12 conduct the required annual source test in 2025.

13 On December 11, 2025, Petitioner was able to begin operation of Engine  
 14 #4 to confirm whether the ground faulting issue was resolved. Petitioner  
 15 scheduled source testing for Engines #2 and #4 which occurred on January 27,  
 16 2026. Engine #1 requires additional maintenance which was not completed prior  
 17 to the January 27, 2026 source test and Engine #3 is not currently operating.  
 18 Therefore, Petitioner additionally requested a variance for Engines #1 and #3  
 19 from CCR Title 17 Section 95464(b)(4) and permits 14976A Condition 8 and GNR-  
 20 0017042 Condition 11 for the requirement to conduct an annual source test in  
 21 calendar year 2026.

22 FINDINGS OF FACT

23 Pursuant to Health and Safety Code 42352 the following findings have been  
 24 made:

25 (a) The Petitioner is or will be in violation of Section 41701 or of  
 26 any rule, regulation, or order of the district.

27 Petitioner is in violation California Landfill Methane Regulation CCR  
 28 Title 17 Section 95464(b)(4) which mandates that owners/operators conduct

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1 annual source testing of gas control devices and MBARD Permits to Operate  
2 Conditions.

3 (b) Due to conditions beyond the reasonable control of the Petitioner  
4 requiring compliance would result in either (1) an arbitrary or unreasonable  
5 taking of property, or (2) the practical closing and elimination of a lawful  
6 business.

7 The regulatory required annual source tests for each engine-generator  
8 set were not performed in calendar year 2025 due to a series of issues which  
9 arose in July 2025 that made source testing and normal operations of the  
10 engines not possible. The engines could not be source tested in calendar  
11 year 2025 due to ground faulting instability which prevents synchronization  
12 with the utility grid. In January 2026, Petitioner was able to successfully  
13 test Engines #2 and #4.

14 If the landfill was closed and no longer accepted waste, landfill gas  
15 would still be generated from the existing waste-in-place and the closing  
16 would not result in a reduction of landfill gas which can create public and  
17 environmental safety issues when not controlled. The closing of the landfill  
18 would also result in a loss to the Petitioner, its employees and deprive the  
19 community of solid waste management.

20 Petitioner is a public agency, and it would place an unreasonable  
21 burden on an essential publicservice to require immediate compliance.  
22 Furthermore, it is an unpractical solution to require engine testing when  
23 ground faulting was occurring, which can result in a safety issue if the  
24 engines were required to operate. Petitioner was able to operate the flare to  
25 control landfill gas emissions during the time the engines were not operable  
26 in 2025.

27 (c) The closing or taking would be without a corresponding benefit in  
28 reducing air contaminants.

1 A reduction in air contaminants would not occur as result of closing  
2 the landfill because the waste-in-place continues to generate landfill gas  
3 which can escape through the landfill surface or migrate offsite when not  
4 collected and controlled. Petitioner operated the flare to control landfill  
5 gas when the engines were not operating to minimize landfill gas migration,  
6 impacts on air quality, groundwater quality, surrounding properties, and the  
7 community.

8 (d) The Petitioner for the variance has given consideration to  
9 curtailing operations of the source in lieu of obtaining a variance.

10 Petitioner has considered curtailing operations in lieu of obtaining a  
11 variance however, curtailment would not take away the need for the variance  
12 because the landfill will continue to generate gas even if Petitioner ceased  
13 all operations at the landfill. Curtailing operations is not practical  
14 because landfills are required by federal and state law to continuously  
15 operate a gas collection and control system to reduce fugitive air emissions  
16 and the risk to groundwater contamination due to gas migration. Petitioner  
17 will limit the hours Engines #1 and #3 operate in 2026, not to exceed 168  
18 hours, without scheduling a source test.

19 (e) During the period the variance is in effect, the petitioner will  
20 reduce excess emissions to the maximum extent feasible.

21 Excess emissions are not anticipated to occur due to the variance and  
22 Petitioner will reduce emissions to the maximum extent feasible. Through  
23 continued operation and routine maintenance of Petitioner's gas destruction  
24 devices and operation of landfill gas collection system, Petitioner can  
25 reduce emissions to the maximum extent feasible.

26 (f) During the period the variance is in effect, the Petitioner will  
27 monitor or otherwise quantify emission levels from the source, if requested

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1 to do so by the district, and report these emission levels to the district  
2 pursuant to the schedule established by the district.

3 MBARD is not requesting Petitioner to monitor or quantify emission  
4 levels during the term of the variance. Petitioner will comply with the  
5 conditions set forth in this variance order.

6 (g) A nuisance as defined in MBARD Rule 402 is not expected to occur  
7 because of this variance.

8 ORDER

9 NOW THEREFORE, THE HEARING BOARD ORDERS THAT MONTEREY REGIONAL WASTE  
10 MANAGEMENT DISTRICT, is granted a Regular Variance from California Landfill  
11 Methane Regulation CCR Title 17 Section 95464(b)(4) which mandates that  
12 owners/operators conduct annual source testing of gas control devices and  
13 MBARD Permits to Operate as follows:

Permit to Operate Number	Condition Number	Variance Request
14976A (Engine #1)	8	Source test in 2025 Source test in 2026
GNR-0017042 (Engine #3)	11	Source test in 2025 Source test in 2026
GNR-0017043 (Engine #4)	11	Source test in 2025 Tested January 27, 2026
GNR-0017570 (Engine #2)	11	Source test in 2025 Tested January 27, 2026

24  
25 1. Compliance with this Order will not relieve Petitioner from  
26 liability under MBARD's Rules for any violation thereof, unless specifically  
27 permitted by this Order, and will not preclude MBARD from pursuing remedies  
28 in accordance with the Health and Safety Code in the event of any violation.



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1           3. Petitioner provided email documentation from PG&E that the fault was  
2 on the PG&E side of the meter via email to [aclymo@mbard.org](mailto:aclymo@mbard.org) on December 12,  
3 2025 as required by the interim variance order.

4           4. Petitioner will limit the hours Engines #1 and #3 operate in 2026  
5 not to exceed 168 hours without scheduling a source test.

6           5. Petitioner will notify MBARD via email to [bnielson@mbard.org](mailto:bnielson@mbard.org) the  
7 scheduled date for the Engine #1 (permit 14976A) source test which must be  
8 within 60 days of engine exceeding 168 hours of operation in 2026.

9           6. Petitioner will notify MBARD via email to [bnielson@mbard.org](mailto:bnielson@mbard.org) the  
10 scheduled date for the Engine #3 (permit GNR-0017042) source test which must  
11 be within 60 days of engine exceeding 168 hours of operation in 2026.

12           7. Petitioner shall submit the source test protocol to MBARD via email  
13 to [bnielson@mbard.org](mailto:bnielson@mbard.org) at least five working days prior to the scheduled  
14 source test date.

15           8. Within 10 days of the termination of this variance and within 10  
16 days of the achievement of final compliance date specified in this Variance  
17 Order, the Petitioner will immediately notify the MBARD of its compliance or  
18 non-compliance with this Order's requirements and the reasons for compliance  
19 or non-compliance. This reporting requirement is in addition to those  
20 specified as conditions to this order.

21           9. If delay is anticipated in meeting any requirement of this Variance  
22 Order, the Petitioner will immediately notify the MBARD by telephone or email  
23 of the anticipated delay and the reasons for such delay. Notification to  
24 MBARD of an anticipated delay does not excuse the delay. Notification is not  
25 to be misconstrued as an extension of this variance.

26           10. The Petitioner will report immediately to MBARD staff and the  
27 Hearing Board, in writing, its failure to meet any date or condition set  
28

1 forth in this Order or in any schedule established pursuant to this Order.  
2 Any such violation will constitute a violation of this Order.

3 11. All submittals and notifications to the MBARD pursuant to this  
4 Variance Order will be made to:

5 Bronwyn Nielson, Inspector II, [bnielson@mbard.org](mailto:bnielson@mbard.org)  
6 MONTEREY BAY AIR RESOURCES DISTRICT  
7 24580 Silver Cloud Court,  
8 Monterey, CA 93940

9 Moved by: Leslie Girard

10 Seconded by: David Korpi

11 AYES: Michael Guth, Christopher Cook, Leslie Girard, David Korpi

12 Dated Signed: 2/23/2026

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14 HEARING BOARD, MONTEREY BAY AIR  
15 RESOURCES DISTRICT

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**Agenda Item No. 4**

BEFORE THE HEARING BOARD OF THE  
MONTEREY BAY AIR RESOURCES DISTRICT  
STATE OF CALIFORNIA

5	IN THE MATTER OF	)	DOCKET NO.: 26-002
6	THE APPLICATION OF	)	
7	SALINAS VALLEY SOLID WASTE AUTHORITY	)	CONDITIONAL ORDER
8	31400 JOHNSON CANYON ROAD	)	GRANTING INTERIM VARIANCE
9	GONZALES, CALIFORNIA 93926	)	
10		)	

On January 28, 2026, Salinas Valley Solid Waste Authority, hereinafter referred to as "Petitioner", filed with this Hearing Board an application for an Interim Variance. Petitioner is also applying for a Regular Variance.

Petitioner requested that the Hearing Board grant a variance from Monterey Bay Air Resources District (MBARD) Rule 207 Review of New or Modified Sources. Petitioner seeks relief from Rule 207 Section 4.1 Best Available Control Technology Requirements.

NOTICE OF HEARING

Notice of application and the hearing of February 13, 2026, at 2:00 p.m. have been given pursuant to the provisions of the California Health and Safety Code Section 40824.

The request and MBARD's staff recommendations were presented to the Hearing Board. The hearing was conducted by Hearing Board Members. MBARD was represented by Amy Clymo, Engineering and Compliance Manager, and Michael Hamaguchi, Air Quality Compliance Inspector II. The petitioner was represented by Cesar Zuniga, General Manager and Brian Kennedy, Engineering and Environmental Compliance Manager.

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BACKGROUND

1  
2 Salinas Valley Solid Waste Authority (Petitioner) owns and operates the  
3 Johnson Canyon Landfill, a permitted municipal waste landfill. As part of  
4 landfill operations, organic materials in the waste generate landfill gas,  
5 primarily methane and carbon dioxide. Petitioner operates a landfill gas  
6 collection and control system consisting of vertical extraction wells,  
7 headers, blowers, and enclosed flares to collect, control and destroy  
8 landfill gas. Landfill gas collected at the site is either combusted in  
9 enclosed flares or supplied to a landfill gas-to-energy facility operated by  
10 Ameresco, Inc., which uses the gas to generate electricity.

11 For this specific variance request, Petitioner determined that actual  
12 landfill gas generation and recovery demands exceeded prior projections. As  
13 a result, Petitioner is currently unable to extract landfill gas at a rate  
14 sufficient to exceed generation, without adding a gas control device, which  
15 limits the ability to maintain uniform vacuum and adequately remove  
16 subsurface heat. Several wells have exhibited elevated temperatures, raising  
17 concern that continued insufficient gas extraction could evolve into an  
18 elevated temperature event.

19 Upon identification of this issue, Petitioner immediately put into  
20 place a contingency plan to relocate the recently decommissioned 72 MMBtu/hr  
21 flare from Petitioner's closed Crazy Horse Landfill. Petitioner promptly  
22 notified MBARD of its intent to proceed on December 11, 2025, with their  
23 Authority to Construct application submitted on January 6, 2026. MBARD denied  
24 the permit application on February 6, 2026. Discussions with MBARD staff  
25 revealed that the relocated flare would be treated as a new source at the  
26 Johnson Canyon Landfill subject to BACT requirements established for  
27 emissions of oxides of nitrogen (NOx), carbon monoxide(CO), and volatile  
28 organic compounds (VOC). SVSWA had erroneously presumed that because the

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1 flare had been in continuous operation at the Crazy Horse facility for nearly  
2 20 years before being decommissioned, the unit could be recommissioned at  
3 Johnson Canyon with the same emission profile. This presumption was based on  
4 prior experience, as Petitioner has successfully returned dormant flares to  
5 service on two previous occasions: one as recently as May 2024 without  
6 triggering BACT requirement. Meeting the NOx BACT requirement will require  
7 different equipment than available on the current 72 MM Btu/hr flare.

8 Immediate action is required to begin operation of an additional  
9 landfill gas control device to protect public health and safety and to  
10 prevent the risk of uncontrolled subsurface heat while longer-term compliance  
11 options are evaluated and funded.

12 FINDINGS OF FACT

13 1. Pursuant to California Health and Safety Code Section 42351 (b),  
14 the Hearing Board finds that good cause can be made based on its belief that  
15 there is a reasonable possibility that the required six (6) findings could be  
16 made during the hearing of the Regular variance request, as follows:

17 (a) The Petitioner is or will be in violation of Section 41701 or of  
18 any rule, regulation, or order of the district.

19 (b) Due to conditions beyond the reasonable control of the Petitioner  
20 requiring compliance would result in either (1) an arbitrary or unreasonable  
21 taking of property, or (2) the practical closing and elimination of a lawful  
22 business.

23 Petitioner is a public agency and it would place an unreasonable burden  
24 on an essential public service to require immediate compliance.

25 (c) The closing or taking would be without a corresponding benefit in  
26 reducing air contaminants.

27 (d) The Petitioner for the variance has given consideration to  
28 curtailing operations of the source in lieu of obtaining a variance.

1 (e) During the period the variance is in effect, the petitioner will  
2 reduce excess emissions to the maximum extent feasible.

3 (f) During the period the variance is in effect, the Petitioner will  
4 monitor or otherwise quantify emission levels from the source, if requested  
5 to do so by the district, and report these emission levels to the district  
6 pursuant to the schedule established by the district.

7 2. A nuisance as defined in MBARD Rule 402 is not expected to occur as  
8 a result of this variance and continued operation is not likely to create an  
9 immediate threat or hazard to public health or safety.

10 3. The purpose of the variance is not to avoid the provisions of the  
11 Health and Safety Code Section 40826.

12 ORDER

13 NOW THEREFORE, THE HEARING BOARD ORDERS THAT SALINAS SOLID WASTE  
14 AUTHORITY, is granted an Interim Variance from Monterey Bay Air Resources  
15 District (MBARD) Rule 207 (Review of New or Modified Sources) from the  
16 requirement of Part 4.1 Best Available Control Technology Requirements.

17 1. Compliance with this Order will not relieve Petitioner from  
18 liability under MBARD's Rules for any violation thereof, unless specifically  
19 permitted by this Order, and will not preclude MBARD from pursuing remedies  
20 in accordance with the Health and Safety Code in the event of any violation.

21 2. Any modification of the final compliance date of this Variance  
22 Order must be brought before the Hearing Board.

23 3. The failure to abide by any condition of this Decision and Order  
24 will subject the party receiving the variance to penalties as set forth in  
25 Health and Safety Code Section 42402.

26 4. Each day during any portion of which a violation occurs is a  
27 separate offense.

28 //



1 the reasons for compliance or non-compliance. This reporting requirement is  
2 in addition to those specified as conditions in this order.

3 5. If delay is anticipated in meeting any requirement of this Variance  
4 Order, the Petitioner will immediately notify the MBARD by telephone and in  
5 writing of the anticipated delay and the reasons for such delay.  
6 Notification to the District of an anticipated delay does not excuse the  
7 delay. Notification is not to be misconstrued as an extension of this  
8 variance.

9 6. The Petitioner will report immediately to MBARD staff and the  
10 Hearing Board, in writing, its failure to meet any date or condition set  
11 forth in this Order or in any schedule established pursuant to this Order.  
12 Any such violation will constitute a violation of this Order.

13 7. All submittals and notifications to the MBARD pursuant to this  
14 Variance Order will be made to:

15 Michael Hamaguchi, Inspector II  
16 MONTEREY BAY AIR RESOURCES DISTRICT  
17 24580 Silver Cloud Court  
18 Monterey, CA 93940  
19 [mhamaguchi@mbard.org](mailto:mhamaguchi@mbard.org)

20 Moved by: David Korpi

21 Seconded by: Christopher Cook

22 AYES: Michael Guth, Christopher Cook, Leslie Girard, David Korpi

23 Dated Signed: 02/20/2026

24 

25 HEARING BOARD, MONTEREY BAY AIR  
26 RESOURCES DISTRICT