



Monterey Bay Air Resources District  
**MEETING OF THE HEARING BOARD**  
**MICHAEL GUTH, CHAIR**

**Friday, December 12, 2025, 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/87542401484>

Webinar ID: 875 4240 1484

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, December 11, 2025. Comments received will be distributed to the Hearing Board prior to the meeting.

## SUMMARY OF ACTIONS

**Legal Counsel Reed Gallogly advised the Hearing Board to elect an Interim Chairperson because Chairperson Guth was absent at 2:00 p.m.**

**A. Nominations and Election of Interim Chairperson**

**Motion:** *Nominate and elect Leslie Girard as the Interim Chairperson. Action: Approve.*

**Moved by** *Christopher Cook, Seconded by Justin Cheng. Vote: Motion carried **unanimously (summary: Yes = 3)**. Yes: Leslie Girard, Christopher Cook, Justin Cheng. Absent: Daniel Dodge Jr., Michael Guth.*

**1. CALL TO ORDER**

a. Meeting Called to Order – **The meeting was called to order by Interim Chair Girard at 2:03 p.m.**

b. Introduction of Christopher Cook, Professional Engineer Hearing Board Member

**2. ROLL CALL – Present:** Christopher Cook, Leslie Girard, Justin Cheng. **Absent:** Daniel Dodge Jr. **Arrived Late:** Michael Guth arrived at 2:07 p.m.

**3. PUBLIC COMMENT FOR ITEMS NOT ON AGENDA – None.**

**4. Ratified** the prior approval to Accept and File Summary of Actions for the Special Hearing Board Meeting of April 24, 2025

**Motion:** *Ratify prior approval due to procedural correction regarding non-voting member participation. Action: Approve. Moved by Justin Cheng, Seconded by Leslie Girard. Vote: Motion carried **unanimously (summary: Yes = 3)**. Yes: Christopher Cook, Leslie Girard, Justin Cheng. Absent: Daniel Dodge Jr., Michael Guth.*

**5. Reapproved** the Revised Hearing Board Meeting Schedule for Calendar Year 2025 per Attached Schedule

**Motion:** *Reapprove Revised Hearing Board Meeting Schedule for Calendar Year 2025 due to procedural correction regarding non-voting member participation. Action: Approve. Moved by Leslie Girard, Seconded by Christopher Cook. Vote: Motion carried **unanimously (summary: Yes = 3)**. Yes: Christopher Cook, Leslie Girard, Justin Cheng. Absent: Daniel Dodge Jr., Michael Guth.*

**6. Accepted and Filed** Summary of Actions for the Hearing Board Meeting of May 9, 2025

**Motion:** *Accept and file Summary of Actions for the Hearing Board Meeting of May 9, 2025. Action: Approve. Moved by Leslie Girard, Seconded by Justin Cheng. Vote: Motion carried*

**unanimously by roll call vote (summary: Yes = 3). Yes:** Christopher Cook, Leslie Girard, Justin Cheng. **Absent:** Daniel Dodge Jr., Michael Guth.

**Chairperson Guth arrived late to the meeting at 2:07 p.m. before Agenda Item #7. Upon Guth's arrival, Interim Chair Girard relinquished the chair to Guth.**

7. **Conducted** Public Hearing

A. Administration of Oath: Chair administered oath to all persons who will provide testimony for Docket 25-004: Monterey Regional Waste Management District dba ReGen Monterey Interim Variance Project. Staff: Amy Clymo, Engineering and Compliance Manager, and Bronwyn Nielson, Air Quality Compliance Inspector II. Petitioners: Felipe Melchor, General Manager, Monterey Regional Waste Management District dba ReGen Monterey, and David Ramirez, Director of Engineering and Compliance, Monterey Regional Waste Management District dba ReGen Monterey.

B. Docket 25-004: Monterey Regional Waste Management District dba ReGen Monterey Interim Variance Project

Site: 14201 Del Monte Blvd., Salinas, California

- a. Petitioner Presents Case
- b. Staff Present Report
- c. Public Comment Related to Docket 25-004 – **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.

- d. Hearing Board Discussion/Questions
- e. Hearing Board Decision/Order
  - i. Make "Good Cause" Finding
  - ii. Discuss Conditions

**Motion:** Approve the variance order for Docket 25-004 as amended by discussion.

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

8. **ADJOURNMENT – The meeting adjourned at 2:43 p.m.**

Sirie Thongchua  
Executive Assistant

**Agenda Item No. 5**

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

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IN THE MATTER OF	)	DOCKET NO.: 25-004
THE APPLICATION OF	)	
	)	CONDITIONAL ORDER
MONTEREY REGIONAL WASTE	)	GRANTING INTERIM VARIANCE
MANAGEMENT DISTRICT (MRWMD)	)	
DBA REGEN MONTEREY	)	
14201 DEL MONTE BLVD.	)	
SALINAS, CALIFORNIA	)	
	)	
	)	

On December 3, 2025 at 9:49 am, Monterey Regional Waste Management District (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 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 December 12, 2025, 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

1 was represented by Amy Clymo, Engineering and Compliance Manager and Bronwyn  
2 Nielson, Air Quality Compliance Inspector II. The Petitioner was  
3 represented by David Ramirez, P.E., Director of Engineering & Compliance,  
4 Monterey Regional Waste Management District.

5 BACKGROUND

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

21 For this specific variance request, the required annual source tests  
22 for each of the four engine-generator sets have not been performed within  
23 calendar year 2025. A series of issues arose in July 2025 that made source  
24 testing and normal operation of engines not possible. The engines have not  
25 been tested due to ground faulting instability which prevents synchronization  
26 with the utility grid. In July 2025, Pacific Gas and Electric Company (PG&E)  
27 determined the issue with the engine ground faulting was from the  
28 Petitioner's side of the meter. After an extensive investigation by

## Agenda Item No. 5

1 Petitioner, it was determined the ground fault issue was not due to  
2 Petitioner's equipment and in September 2025, they submitted a power shutdown  
3 request to PG&E. In November 2025, PG&E performed a complete facility  
4 shutdown to test the primary transformer and the device installed to locate  
5 the fault identified the issue to be on the PG&E side of the meter. The  
6 repair schedule is subject to PG&E availability so the engines cannot be  
7 normally operated or tested until the issue is resolved by PG&E. Petitioner  
8 does not believe the repairs will be completed before the end of 2025 in  
9 order to begin normal operation of the engines and to conduct the required  
10 annual source test.

### FINDINGS OF FACT

11  
12 1. Pursuant to California Health and Safety Code Section 42351 (b),  
13 the Hearing Board finds that good cause can be made based on testimony at the  
14 December 12, 2025 hearing and its belief that there is a reasonable  
15 possibility that the required six (6) findings could be made during the  
16 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 (c) The closing or taking would be without a corresponding benefit in  
24 reducing air contaminants.

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

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

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

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

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

10 ORDER

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

Permit to Operate Number	Condition Number
14976A	8
GNR-0017042	11
GNR-0017043	11
GNR-0017570	11

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

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

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

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

6           5. Under Section 42362 of the California Health and Safety Code, the  
7 State Board may revoke or modify any variance granted by a district if, in  
8 its judgment, the variance does not require compliance with a required  
9 schedule of increments of progress or emission standards as expeditiously as  
10 practicable, or the variance does not meet the requirements of Article 2,  
11 Chapter 4, Division 26, of the California Health and Safety Code.

12           6. Petitioner shall retain the obligation to comply with all other  
13 local, state, and federal regulations not specifically referenced in this  
14 variance order. Note that federal regulations do not recognize variance  
15 orders.

### CONDITIONS AND REPORTING REQUIREMENTS

16  
17           1. Said variance is from December 12, 2025, 2:00 pm until MBARD's  
18 Hearing Board makes a decision on the pending Regular Variance application,  
19 anticipated to be on February 13, 2026, but not to be more than 90 days from  
20 December 12, 2025.

21           2. Petitioner shall submit a monthly update to MBARD on the status of  
22 the PG&E repairs, timeline for the engines return to operational status, and  
23 timeline for conducting source testing of the engines, beginning December 31,  
24 2025. The update shall be submitted via email to bneilson@mbard.org by 5 pm  
25 on the due date, during the variance period.

26           3. Petitioner will provide written documentation from PG&E that the  
27 fault was on the PG&E side of the meter via email to bneilson@mbard.org by  
28 January 31, 2026.

1 4. Within 10 days of the termination of this variance and within 10  
2 days of the achievement of an incremental step or final compliance date  
3 specified in this Variance Order, the Petitioner will immediately notify the  
4 MBARD of its compliance or non-compliance with this Order's requirements and  
5 the reasons for compliance or non-compliance. This reporting requirement is  
6 in addition to those specified as conditions in this order.

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

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

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

19 Bronwyn Nielson, Inspector II  
20 MONTEREY BAY AIR RESOURCES DISTRICT  
21 24580 Silver Cloud Court  
22 Monterey, CA 93940  
23 [bnielson@mbard.org](mailto:bnielson@mbard.org)

24 Moved by: Leslie Girard

25 Seconded by: Justin Cheng

26 AYES: Michael Guth, Leslie Girard, Justin Cheng, and Chris Cook

27 Dated Signed: *Dec. 17, 2025*

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HEARING BOARD, MONTEREY BAY AIR  
RESOURCES DISTRICT