

MEMO



**Discussion/
Action Item #: 5.h**

Meeting Date: June 21, 2024

To: Board of Directors
From: Director of Engineering & Compliance, Guy R. Petraborg
Approved by: General Manager, Felipe Melchor

Subject: Receive Notice of Disbursement in the Amount of \$53,760 to Monterey Bay Air Resources District (MBARD) for Notice of Violation Penalty NOV-24-021

For Information Only – Receive Notice:

That the Board receive this notice of payment made to the Monterey Bay Air Resources District (MBARD) in the amount of \$53,760 and in accordance with their Settlement Offer for Notice of Violation Penalty NOV-24-021 dated June 10, 2024.

Discussion

On April 25, 2024, MBARD issued Notice of Violation NOV-24-021 to Monterey Regional Waste Management District for air compliance deficiencies as follows:



MONTEREY BAY AIR RESOURCES DISTRICT
24580 Silver Cloud Court, Monterey, CA 93940
(831) 647-9411 www.mbard.org

Notice of Violation

NOV Number: [NOV-24-021](#)

Issued to:	Monterey Regional Waste Management District
Violation Address:	14201 Del Monte Blvd Monterey County, CA

This facility has been found to be operating in violation of the Monterey Bay Air Resources District's (MBARD) rules and regulations and/or federal or state laws enforceable by MBARD, as described below.

Please note that each day a violation occurs or continues constitutes a separate violation pursuant to Health and Safety Code Section 42400 et seq.

Permit Number	Description of Violation	Date Observed
	Failure to install a new or replacement well as determined to achieve compliance no later than 120 days after detecting the third exceedance pursuant to LMR §95469(a)(2)(B)(2).	01/15/2024
	Failure to report corrective actions for exceedances of 25 ppmv methane measured during integrated surface monitoring and re-monitoring pursuant to LMR §95470(a)(1)(D).	04/25/2024
	Failure to report corrective actions for exceedances of 500 ppmv methane measured during instantaneous surface monitoring and re-monitoring pursuant to LMR §95470(a)(1)(D).	04/25/2024
	Failure to report corrective actions for positive wellhead guage pressure measurements pursuant to LMR §95470(a)(1)(E).	04/25/2024

MBARD handles most violations within our Mutual Settlement Program. You must respond in writing to this notice by completing the questionnaire provided within 10 working days of the issued date below. Please return the questionnaire to the inspector below. This gives you the opportunity to explain the incident, what was done to correct the violation, and what actions have been taken to prevent a future violation. The information provided in the questionnaire may reduce potential penalties for this violation.

Recipients Name: Felipe Melchor
Inspector Name: Bronwyn Nielson

Recipients Email: finelchor@regenmonterey.org
Issued Date: 4/25/2024

Physical Address

14201 Del Monte Blvd.
Salinas, CA 93908

Mailing Address

P.O. Box 1670
Marina, CA 93933

Phone / Fax

831-384-5313 PHONE
831-384-3567 FAX

Web / Social

ReGenMonterey.org
@ReGenMonterey

Let's not waste this.



In accordance with its Mutual Settlement Program used where violation of permit conditions has been documented, MBARD issued a notice of settlement offer for NOV-24-021 on June 10, 2024 (see attached) to Monterey Regional Waste Management District. Staff confirms the facts of the information reported to MBARD are reflected in MBARD's delineation of the violations cited and that there are not counter-facts nor counter-arguments which are appropriate for this matter. Therefore, staff recommended that MBARD's Settlement Offer presented herein be accepted and approved to complete ReGen's obligations for this matter. The General Manager has authorized the \$53,760 payment to MBARD and that payment has been completed and delivered.

Financial Impact

This payment of a penalty for NOV-24-021 represents an additional expense for the Fiscal Year 2023/24 that was neither planned nor budgeted. It will be incorporated into this month's and the fiscal yearend financial reports, accordingly.

References

The related references were presented under Agenda Item #9 – Other Correspondence at the May 24, 2024 Regular Board Meeting and were also included in the meeting packet. These related correspondences are referenced here for clarity of this notice of disbursement to MBARD.

- 9.a Letters Re: Monterey Bay Air Resources District Board (MBARD)
- 9.a.1 Notice to Comply dated April 3, 2024.
- 9.a.2 Response to Notice to Comply from WSP dated April 17, 2024.
- 9.a.3 Review of Landfill Methane Regulation 2023 Annual Report - Notice of Violation Dated April 25, 2024.
- 9.a.4 MBARD Questionnaire dated May 17, 2024.

ATTACHMENTS:

Attachment A – MBARD letter dated June 10, 2024 and titled Settlement Offer NOV-24-021



Sent via email to: fmelchor@regenmonterey.org

6/10/2024

Felipe Melchor
Monterey Regional Waste Management District
P.O. Box 1670
Marina, CA 93933

SUBJECT: SETTLEMENT OFFER FOR [NOV-24-021](#)

Dear Felipe Melchor:

You were issued a Notice of Violation [NOV-24-021](#) by the Monterey Bay Air Resources District (MBARD) pursuant to authority granted local air districts by the California Health and Safety Code. The table on the next page summarizes the specific violations.

Under MBARD's Mutual Settlement Program, we try to settle all violations without going to court or referring the case to State or Federal agencies. Settlements are achieved by mutual agreement and result in lower penalties than those allowed in the civil sections of the California Health and Safety Code.

The following settlement offer has been calculated using our Board adopted Mutual Settlement Protocol and any additional information you may have provided, including in the questionnaire.

SETTLEMENT OFFER	
Civil Penalty Amount:	\$53,760.00
Economic Benefit:	\$0
Cost Recovery:	\$0
Deduction based on information provided:	-\$0
TOTAL PENALTY AMOUNT DUE:	\$53,760.00

I am authorized to accept the above-listed amount of \$53,760.00 for which MBARD will settle your case. An office conference can be scheduled if you would like to discuss this settlement offer further.

Please notify me no later than 06/25/2024 as to whether you accept this offer of settlement. Payment can be made online with a major credit card, debit card, or e-check at: <https://www.mbard.org/payments> or you can mail a check to the address above. Upon receipt of the payment, your liability is released, and the case will be closed.

If you have questions regarding this settlement offer, please contact me at 831-647-9411.

Sincerely,

Teresa Sewell, Supervising Air Quality Compliance Inspector



SUMMARY OF VIOLATIONS for [NOV-24-021](#) : 14201 Del Monte Blvd, Monterey County, CA

Permit Number	Description of Violation	Date Observed
	Failure to install a new or replacement well as determined to achieve compliance no later than 120 days after detecting the third exceedance pursuant to LMR §95469(a)(2)(B)(2) for grids 27, 94, and 104.	01/15/2024
	Failure to report corrective actions for exceedances of 25 ppmv methane measured during integrated surface monitoring and re-monitoring pursuant to LMR §95470(a)(1)(D).	04/25/2024
	Failure to report corrective actions for exceedances of 500 ppmv methane measured during instantaneous surface monitoring and re-monitoring pursuant to LMR §95470(a)(1)(D).	04/25/2024
	Failure to report corrective actions for positive wellhead gauge pressure measurements pursuant to LMR §95470(a)(1)(E).	04/25/2024