PLAINTIFF'S EXHIBIT
UC-5196

DEPOSITION EXHIBIT
17
5-17-02
MYERS
PENGAD-Bayonne, N. J.

**MONTEREY BAY**
Unified Air Pollution Control District
*serving Monterey, San Benito, and Santa Cruz counties*

AIR POLLUTION CONTROL OFFICER
Douglas Quetin

*24580 Silver Cloud Court ! Monterey, California 93940 ! 831/647-9411 ! FAX 831/647-8501*

# King City - Asbestos Monitoring: July 3 Update

DISTRICT BOARD MEMBERS

CHAIR:
Tony Gualtieri
*Capitola*

VICE CHAIR:
Edith Johnsen
*Monterey County*

Jack Barich
*Del Rey Oaks*

Anna Caballero
*Salinas*

Lou Calcagno
*Monterey County*

Tony Campos
*Santa Cruz County*

Bob Cruz
*San Benito County*

John Myers
*King City*

Judy Pennycook
*Monterey County*

Ellen Pirie
*Santa Cruz County*

Keith Sugar
*Santa Cruz County*

## Background

During March and April of 2001, the King City School District had its contractor conduct air sampling as part of a construction project at Santa Lucia Elementary School. Analysis of these samples suggested unusual airborne asbestos levels at the school sites, with outdoor samples showing higher levels than indoor samples. However, because of inconsistencies in the results from those initial samples, it was not clear if a significant asbestos problem exists at the schools, or what the origin of the airborne asbestos could be. Therefore, this Air District, the California Air Resources Board, the Monterey County Health Department, and the King City Union Elementary School District are cooperating in an extensive effort to find out the origins and extent, if any, of the airborne asbestos problem. We will use this web site to provide information to the community about this ongoing investigation.

Phase I Activities: June 1, the California Air Resources Board, with assistance from this Air District and the Elementary School District, began an intensive study of the area in and around the three elementary schools in King City. Airborne samples were collected at those locations for the five-day period ending June 6. Soil samples were collected at the same monitoring locations. In addition, the Health Department has done extensive soil sampling throughout and even outside King City.

Phase II Activities: Phase II of this special monitoring project commenced on June 20. Phase II, which ran through June 25, expanded the focus of study to the entire City. The air sampling sites included the three City parks, the County park, the Del Rey Elementary School field, the County Yard, and a commercial site on First Street.

## Future Activities

A State-certified laboratory chosen by the California Air Resources Board is analyzing all samples taken. Due to the strict testing procedures that the laboratory must follow in analyzing for asbestos, we do not expect any asbestos results to be available until late in July. We will post the results of the sampling on this web site when they are available. We will also post any other developments in this project on this site.

## Contact

If you have any additional questions about this special monitoring project, please contact the Air District at (831) 647-9411, and ask for Ed Kendig.

MONTEREY BAY UNIFIED
AIR POLLUTION CONTROL DISTRICT
ACTION MINUTES

June 20, 2001

Board Members

| | |
|---|---|
| Tony Gualtieri, Chair | City of Capitola |
| Edith Johnsen, Vice Chair | County of Monterey |
| Bob Cruz | County of San Benito |
| Jack Barlich | City of Del Rey Oaks |
| Anna Caballero | City of Salinas |
| Lou Calcagno | County of Monterey |
| Judy Pennycook | County of Monterey |
| Tony Campos | County of Santa Cruz |
| John Myers | City of King |
| Keith Sugar | City of Santa Cruz |
| Ellen Pirie | County of Santa Cruz |

Alternates:
Dave Potter, Monterey County
Ron Rodrigues, San Benito County
Steve Bloomer, Cities

5 - 1

ACTION MINUTES
MONTEREY BAY UNIFIED AIR POLLLUTION
CONTROL DISTRICT BOARD MEETING
Location: 24580 Silver Cloud Court
Monterey, California
Telephone: (831) 647-9411

WEDNESDAY, JUNE 20, 2001

Agenda Item 1 - Call to Order
*THE MEETING WAS CALLED TO ORDER BY CHAIR GUALTIERI AT 1:30 P.M.*

Agenda Item 2 - Pledge of Allegiance
*CHAIR GUALTIERI LED THE PLEDGE OF ALLEGIANCE*

Agenda Item 3 - Roll Call
*THE CLERK CALLED ROLL. THE FOLLOWING BOARD MEMBERS PRESENT: DIRECTORS JOHNSEN, MYERS, PENNYCOOK, CALCAGNO, CAMPOS, GUALTIERI, CRUZ, PIRIE.*

*MEMBERS ABSENT: DIRECTORS BARLICH, CABALLERO, SUGAR.*

Agenda Item 4 - Public Comment Period
*THE CHAIR INVITED COMMENTS FROM THE PUBLIC AND THERE WERE NONE.*

Consent Agenda (Items 5 through 15)
Accepted for File..... )
*MOTION WAS MADE BY DIRECTOR CAMPOS, SECONDED BY DIRECTOR CRUZ, AND UNANIMOUSLY CARRIED, THE BOARD ACCEPTED THE CONSENT AGENDA CONSISTING OF AGENDA ITEMS 5 THROUGH 15 AS PRESENTED. (RESOLUTION NO. 01-17 ADOPTED)*

Agenda Item 16 - Adopt Resolution of Thanks and Appreciation to Retiring Engineering Division Manager, Fred Thoits
*MOTION WAS MADE BY DIRECTOR MYERS, SECONDED BY DIRECTOR PENNYCOOK AND UNANIMOUSLY CARRIED, TO ADOPT RESOLUTION 01-16, EXTENDING THANNKS AND APPRECIATION TO RETIRING ENGINEERING DIVISION MANAGER, FRED THOITS*



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Agenda Item 17 - Report from District Advisory Committee Chair
*FRANK PIERCE, CHAIRMAN OF THE DISTRICT'S ADVISORY COMMITTEE, REPORTED ON ACTIONS TAKEN BY THE COMMITTEE AT THEIR JUNE 7th MEETING.*

Agenda Item 18 - Deny request by the City of Marina to combine two AB2766 grants 97-03 and 99-09 into a single $200,000 grant for bike lanes on the California Avenue extension project. Approve an extension of time for grant 97-03.
*MOTION WAS MADE BY DIRECTOR JOHNSEN, SECONDED BY DIRECTOR PIRIE AND UNANIMOUSLY CARRIED, TO APPROVE STAFF RECOMMENDATION TO DENY THE REQUEST TO COMBINE THE TWO GRANTS, BUT GRANT A FIVE MONTH EXTENSION FOR AB2766 GRANT AGREEMENT 97-03 TO MARCH 9, 2002.*

Agenda Item 19 - Accept status report on District Goals and Objectives
*MOTION WAS MADE BY DIRECTOR JOHNSEN, SECONDED BY DIRECTOR MYERS AND UNANIMOUSLY CARRIED, TO ACCEPT THE STATUS REPORT ON THE DISTRICT GOALS AND OBJECTIVES AS PRESENTED BY MR. QUETIN.*

Agenda Item 20 - Public hearing on the Fiscal Year 2000-2001 Draft Budget for the Monterey Bay Unified Air Pollution Control District
*MR. FERGUS GAVE A BRIEF PRESENTATION ON THE PROPOSED BUDGET. THE CHAIR INVITED COMMENTS FROM THE PUBLIC AND THERE WERE NONE.*
*MOTION WAS MADE BY DIRECTOR JOHNSEN, SECONDED BY DIRECTOR CALCAGNO AND UNANIMOUSLY CARRIED TO ADOPT THE BUDGET AS PRESENTED.*
*(RESOLUTION NUMBERS 01-18, 01-19, 01-20 AND 01-21 ADOPTED)*

Agenda Item 21 - Public hearing on proposed revisions to Rules 215 (Banking of Emissions Reductions), 300 (District Fees), 301 (Permit Fee Schedules), 302 (Source Testing and Analyses), 305 (Fees for Risk Assessments, Risk Notifications & Risk Reduction Plans and Reports), 306 (Asbestos Investigation Fees), and 308 (Title V: Federal Operating Permit Fees), and Regulation VI (Procedure Before the Hearing Board)
*MIKE SEWELL PRESENTED BACKGROUND INFORMATION SURROUNDING THE ABOVE PROPOSED REVISIONS TO RULES 300, 215, 301, 302, 305, 308 AND REGULATION VI.*
*THE CHAIR INVITED COMMENTS FROM THE PUBLIC AND THERE WERE NONE.*
*MOTION WAS MADE BY DIRECTOR PIRIE, SECONDED BY DIRECTOR CRUZ AND UNANIMOUSLY CARRIED, TO ADOPT THE PROPOSED REVISIONS AS PRESENTED.*
*(RESOLUTION 01-22 ADOPTED)*



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Agenda Item 22 - Grant Awards - Lower Emissions School Bus Replacement Program
*JANET BRENNAN PRESENTED BACKGROUND INFORMATION ON THIS ITEM. MOTION WAS MADE BY DIRECTOR MYERS, SECONDED BY DIRECTOR PENNYCOOK AND UNANIMOUSLY CARRIED TO APPROVE STAFF'S RECOMMENDATION TO CONDUCT A LOTTERY, ADOPT A RESOLUTION AWARDING GRANTS FOR THE LOWER EMISSIONS SCHOOL BUS RETROFIT PROGRAM, AND APPROVE STAFF RECOMMENDATION FOR USE OF SPENT FUNDS. (RESOLUTION 01-22 ADOPTED)*

Agenda Item 23 - Receive presentation on energy, and take appropriate action
*MR. QUETIN PRESENTED BACKGROUND INFORMATION ON THIS ITEM. THE BOARD ADOPTED THE GUIDELINES FOR ACTION ON ENERGY/AIR QUALITY LEGISLATION AND AUTHORIZED STAFF TO ACT ON LEGISLATION UNTIL AUGUST 15, 2001 BASED ON THE ADOPTED GUIDELINES.*

Agenda Item 24 - Receive presentation on recent airborne asbestos issues in King City
*ED KENDIG PRESENTED AN UPDATE ON THE SITUATION THAT HAS DEVELOPED IN KING CITY AND THE ASBESTOS MONITORING PROJECT THAT HAS BEEN INITIATED. THE BOARD ACCEPTED SAID UPDATE.*

Agenda Item 25 - Consider approving letter to the Air Resources Board regarding transport mitigation
*JANET BRENNAN PRESENTED BACKGROUND INFORMATION ON THIS ITEM. MOTION WAS MADE BY DIRECTOR MYERS, SECONDED BY DIRECTOR JOHNSEN AND UNANIMOUSLY CARRIED TO APPROVE SENDING A LETTER TO THE AIR RESOURCES BOARD REGARDING TRANSPORT MITIGATION REQUIREMENTS.*

Agenda Item 26 - Adjourn to Closed Session regarding:

a. Conference with Legal Counsel - Existing litigation
(Subdivision(a) of Section 54956.9) - MBUAPCD vs. U.S. Army

b. Conference with Labor Negotiator
Agency Negotiator: Douglas Quetin, David Schott
Employee Organization: SEIU, Local #817

*THE BOARD ADJOURNED TO CLOSED SESSION AT 2:40 P.M.*



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Agenda Item 27 - Reconvene to Open Session to report on any actions taken in Closed Session *THE BOARD RE-CONVENED TO OPEN SESSION AT 2:55 P.M. THE CHAIR REPORTED THAT REGARDING ITEM 26a): THE BOARD RECEIVED ADVICE FROM COUNSEL; NO ACTION WAS TAKEN*

*REGARDING ITEM 26b): THE BOARD REVISITED THE UNION'S REQUEST FOR AN IMMEDIATE WAGE INCREASE AND REFERRED THAT MATTER TO THE MEMORANDUM OF UNDERSTANDING RE-NEGOTIATIONS IN 2003. THE BOARD REFERRED THE MATTER OF THE INCREASE IN MEDICAL BENEFITS TO THE BUDGET/PERSONNEL COMMITTEE*

The Board adjourned at 3:00 p.m.

Summary of Actions
Prepared by Linda Mounday,
Clerk of the Boards



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