



LINDA S. ADAMS
SECRETARY FOR ENVIRONMENTAL
PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



ARNOLD SCHWARZENEGGER
GOVERNOR

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025
(916) 341-6000 • WWW.CIWMB.CA.GOV

MARGO REID BROWN
CHAIR
MBROWN@CIWMB.CA.GOV
(916) 341-6051

SHEILA JAMES KUEHL
SKUEHL@CIWMB.CA.GOV
(916) 341-6039

JOHN LAIRD
JLAIRD@CIWMB.CA.GOV
(916) 341-6010

CAROLE MIGDEN
CMIGDEN@CIWMB.CA.GOV
(916) 341-6024

ROSALIE MULÉ
RMULE@CIWMB.CA.GOV
(916) 341-6016



April 23, 2009

Ms. Rebecca Lafreniere
Chair, Enforcement Advisory Council
Solid Waste Local Enforcement Agency (LEA)
Department of Environmental Health
9325 Hazard Way
San Diego, CA 92123-1217

Subject: Review and Circulation of Guidance Documents (EAC Resolution 2009-01)

Dear Ms. Lafreniere:

This letter is in response to Enforcement Advisory Council (EAC) EAC Resolution 2009-01 dated April 10, 2009.

This EAC resolution discusses working together to develop criteria to establish mutually acceptable review periods for draft CIWMB guidance documents. I was pleased to receive this resolution because it offers another opportunity to strengthen our communications and collaborate on developing procedures to carry out our legislative mandates to protect public health and safety and the environment.

The resolution eloquently acknowledges that there are times when an expedited review is necessary and provides two examples of recent requests for review of guidance, Landfill Gas Monitoring Plan Regulations and Minor Violations. The process utilized for the review of the Minor Violation guidance is reflective of the type of communication and feedback we strive to maintain. The guidance for Landfill Gas Monitoring Plan Guidance had a unique set of circumstances that did not offer the time preferred for review. These examples provide lessons that will be helpful in establishing practical criteria for future guidance.

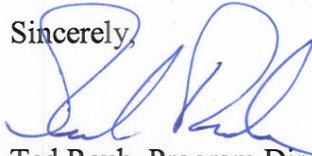
I have asked Bonnie Cornwall, Branch Manager, Training, Outreach & Safety Services Branch, PLEAS Division, to work with the Division Chiefs to develop a draft criteria for review periods. We understand that EAC will appoint a subcommittee. We are striving to provide the draft criteria to the subcommittee in May. Please feel free to contact Bonnie at 916-341-6424.



Input from EAC and LEA Round Tables is highly valued and recognized by CIWMB as essential for the success of local and state solid waste regulatory programs.

We are committed to enhanced communications and look forward to working with EAC to establish criteria and procedures that allow for the most comprehensive review within any given circumstance.

Sincerely,



Ted Rauh, Program Director
Waste Compliance & Mitigation Program

Attachment: [EAC Resolution 2009-01](#)

cc:

Enforcement Advisory Council Members
Ray Ruminski, Chair, CCDEH Solid Waste Policy Committee
Margo Reid Brown, Chair, CIWMB
Sheila Kuehl, Member, CIWMB
John Laird, Member, CIWMB
Carole Midgen, Member, CIWMB
Rosalie Mulé, Member, CIWMB
Rubia Packard, Chief Deputy Director, CIWMB

Enforcement Advisory Council

Solid Waste Management Through Partnership

April 10, 2009

Ted Rauh, Program Director
Waste Compliance and Mitigation Program
California Integrated Waste Management Board
1001 "I" Street
PO Box 4025
Sacramento, Ca. 95812-4025

Subject: Enforcement Advisory Council Resolution 2009-01.
Enforcement Advisory Council – California Integrated Waste
Management Board Review and Circulation of Guidance Documents.

Dear Mr. Rauh:

The Enforcement Advisory Council (EAC) met on March 12, 2009 and continued discussions on the subject of furthering the effectiveness of our communication with you in the review, circulation, and approval of guidance documents for LEAs and interested parties. We recognize there are times when guidance is required and an expedited review is necessary. The EAC would like to work with you to develop criteria for mutually acceptable turn-around times.

An example that was discussed was the review process for guidance regarding the landfill gas monitoring plan regulations. The time provided for EAC input was very short and did not allow sufficient time for complete analysis. The guidance included an interpretation of the regulations and proposed gap measures directing LEA and California Integrated Waste Management Board (CIWMB) staff to implement the requirements in a statewide consistent manner. Additional time to review the guidance would have allowed EAC members to receive feedback from the LEA jurisdictions within their respective Roundtable regions. The feedback would have allowed a more in-depth review and complete set of recommendations for CIWMB staff to use in the analysis and final guidance.

An example of a situation that is allowing for complete review and input is the guidance documents currently under review for Minor Violation and AB 2679. Although not complete, the EAC and LEAs (as part of the last set of LEA Roundtable meetings) have been able to fully discuss the interpretation of the Statute and a process for documenting minor violations as part of the inspection process. Thank you for the opportunity to be involved in the process, we hope to provide your staff with a complete set of

recommendations on the draft guidance and provide input over the next several months as the guidance is implemented.

The EAC is to advise and assist the Board, CCDEH-Solid Waste Policy Committee, and LEAs in responding to requests including, in part, technical, permit, enforcement, and inspection issues and vice-versa. In many cases, guidance includes the interpretation of regulations that is valuable to the LEAs. Equally important for effective guidance, is to allow sufficient time to review and make certain all information is accurate, applicable, and appropriate for all interested parties. We look forward to working with you now and in the future in all aspects of guidance development that will continue to support the most effective permitting, inspection and enforcement programs.

Should you have any questions, please contact me at (858) 694-2232.

Sincerely,



Rebecca Lafreniere, Chair
Enforcement Advisory Council

Cc: EAC Members
Ray Ruminski, Chair, CCDEH Solid Waste Policy Committee