

Enforcement Advisory Council

Solid Waste Management Through Partnership

September 25, 2006

Howard Levenson, Deputy Director
Permitting and Enforcement Division
California Integrated Waste Management Board
1001 I Street
P.O. Box 4025
Sacramento, Ca. 95812-4025

Subject: Enforcement Advisory Council Resolution 2006-05. Providing Comments on Permit Implementation Regulations During 15-Day Review Period

Dear Mr. Levenson:

On September 5, 2006, several members of the Enforcement Advisory Council (“EAC”) provided testimony on the proposed Permit Implementation Regulations to the Permitting and Enforcement Committee. In response to the actions taken at this meeting, the EAC unanimously passed Resolution 2006-05 on September 13, 2006, which outlines the following position on the current draft of the proposed regulations:

1. The EAC opposes the inclusion of a Significant Change List. Such a list would prohibit site-specific considerations and undermine the discretion of enforcement agencies to determine when a change in the design or operation of a facility warrants a revision to the operating permit. Instead of a list, the EAC fully supports the use of the “Decision Tree,” which the Council believes is the best vehicle for evaluating the significance of a change while preserving local discretion.
2. The EAC supports all recommendations by Board staff contained in the *Draft Response to Comments Received During 60-Day Comment Period* pertaining to the relationship of the Solid Waste Facilities Permit to Land Use Entitlements. The Council believes that this approach reinforces the bridge between the Solid Waste Facilities Permit and local planning practices while reducing conflicts between the two processes.
3. Regarding the Minor Change List, the position of the EAC remains unchanged from that which is outlined in Resolution 2006-02 adopted on April 19, 2006.

Mr. Howard Levenson, Deputy Director
Comments on Permit Implementation Regulations – 15 Day Comment Period
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Thank you for your consideration of this resolution. Please feel free to contact me at (831) 636-4035 or by email at matt@sanbenitoco.org should you have any questions or need any additional information.

Sincerely,

Original Signed

Matthew R. Fore, REHS, MPA
Chair, Enforcement Advisory Council

cc: EAC Members
Ben Gale, Chair, CCDEH Solid Waste Policy Committee
Bobby Garcia, CIWMB