

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

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June 13, 2014

Mr. Lars Seifert, Chair  
Enforcement Advisory Council  
Imperial County Public Health Department  
Environmental Health Services  
797 Main Street, Suite B  
El Centro, California 92243

Subject: Enforcement Advisory Council Resolution 2014-04 –  
Inspections at Active Landfills with Closure Related Activities

Dear Mr. Seifert,

I am writing in response to Enforcement Advisory Council (EAC) Resolution 2014-04 received May 19, 2014, which was passed at the May 6, 2014, EAC meeting.

In summary, the resolution recommends CalRecycle:

1. Provide written guidance to all Enforcement Agencies designated to enforce state minimum standards at facilities that have implemented or completed partial or phased closure activities as to the most legally supportable method to document and enforce performance standard violations of Sections 21090 et seq.
2. Consider the inclusion of the following specific regulatory citations available on CIWMB Form 188 (Closed Disposal Site Inspection Report) under a section heading of Partial Closure on CIWMB Form 52 (or associated Digital Inspection Report): 21140, 21142, 21150, 21160, 21180, 21190, and 21890.

CalRecycle staff will provide guidance, in the form and manner they request, to Enforcement Agencies designated to enforcement state minimum standards at active landfills that have implemented or completed partial or phased closure-related activities.

CalRecycle staff have determined that including the indicated standards on Form 52 is not appropriate. The indicated standards are for sites that have ceased accepting waste and are implementing or have completed final site closure and/or sites that are in postclosure maintenance. Sites that have implemented partial or phased closure activities on non-discrete units have not completed final closure. Appropriate citation to the indicated standards has significant implications not only for enforcement of violations at the site, but also on financial assurance requirements. CalRecycle, as the responsible entity for enforcement of financial assurance obligations, finds that it is necessary to maintain clarity regarding the status of the sites (and which financial assurances funding may be impacted when there are issues at the site) by only applying standards appropriate for active sites.



We look forward to continue to work with the EAC to identify other approaches to address the concerns raised in the resolution.

Sincerely,



Mark de Bie, Deputy Director  
Waste Permitting, Compliance & Mitigation Division  
Department of Resource Recycling and Recovery (CalRecycle)

cc: Enforcement Advisory Council Members  
Ms. Rebecca Ng, Chair, CCDEH Solid Waste Policy Committee