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October 19, 2007

To: Interested Parties

Re: Closure and Postclosure Maintenance Cost Estimates Regulations

Friday, September 28, 2007, marked the beginning of a 45-day public comment period for the California Integrated Waste Management Board's (CIWMB) proposed Closure and Postclosure Maintenance Cost Estimates Regulations.

The CIWMB's Permitting and Compliance Committee originally directed staff to initiate the 45-day comment period for these regulations on March 5, 2007. As you may recall, the regulations brought to the Committee in March 2007 were of a larger scope. The Committee's direction included instruction to defer all longer-term financial assurance demonstration amendments and corrective action issues until after the Long Term Financial Assurance Study is completed, and to begin the formal rulemaking on cost estimate issues only.

Later that month CIWMB staff posted on the CIWMB's Proposed Regulations Web page www.ciwmb.ca.gov/Rulemaking/Postclosure/Phase1/default.htm proposed text that contained only cost estimate issues. That version of text, identified as "2nd Draft Informal Text" on the Web site, is dated March 16, 2007.

Subsequent to the posting of the March 16, 2007 version, CIWMB staff made additional changes to the proposed text in developing the August 3, 2007 version of the proposed text identified on the CIWMB's Web page as "Proposed Text." This is the version of the regulations submitted to the Office of Administrative Law and identified as the proposed text open for comment during the 45-day comment period.

The CIWMB is aware that the changes made between March and August go beyond the Committee's direction at the March meeting. We intend to remove those changes from the regulations prior to starting the next public comment period.

Please be assured that the CIWMB is open to discussing any issues related to Closure and Postclosure Maintenance. However, pursuant to AB 2296, the CIWMB has split this regulatory effort into two phases, and given the statutory timeline that the first phase must meet, any changes beyond the original topics for phase 1 will likely be deferred to the separate rulemaking of phase 2.

INTEGRATED WASTE MANAGEMENT BOARD

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If you have any questions or comments regarding this letter please contact me at (916) 341-6502 or via e-mail at trauh@ciwmb.ca.gov or Bill Orr, Chief of the Cleanup, Closure and Financial Assurances Division, at (916) 341-6472 or via e-mail at borr@ciwmb.ca.gov.

Sincerely,

Ted N. Rauh
Program Director
Waste Compliance and Mitigation Program

cc: Board Members
Mark Leary, Executive Director
Julie Nauman, Chief Deputy Director
Elliot Block, Chief Counsel
Bill Orr, Cleanup, Closure and Financial Assurances Division Chief