

DEPARTMENT: Public Works

By: Thomas J. Starling
Solid Waste Coordinator

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes No)

Resolution approving and authorizing the Chairman to send a letter to State Senator Byron Sher requesting legislation to exclude Class II waste from AB 939 diversion accounting.

When the Integrated Waste Management Act (AB 939) was written by then Assemblyman Sher in 1989, it was staff's interpretation that "designated" wastes such as asbestos containing materials, petroleum contaminated soils and industrial sludges not be included in base-year disposal tonnages as they cannot be disposed in a Class III landfill as we have here in Mariposa. These types of materials are at best very difficult to divert from disposal by recycling or other higher end use.

Although Mariposa County is not affected at this time by the California Integrated Waste Management Board's decision to include "designated" wastes in disposal accounting, this decision may have severe consequences in the future.

All jurisdictions that are members of the California chapters of the Solid Waste Association of North America are being requested to take a similar action through Senator Sher's office.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1) Take no action. This may or may not have any affect on Mariposa County's total waste diversion percentage.

COSTS: (X) Not Applicable
A. Budgeted current FY> \$ _____
B. Total anticipated Costs> \$ _____
C. Required additional funding> \$ _____
D. Internal transfers> \$ _____

COSTS: () 4/5th Vote Required
A. Unanticipated revenues> \$ _____
B. Reserve for contingencies> \$ _____
C. Source description: > _____

Balance in Reserve Contingencies, If Approved:
\$ _____

List the attachments and number the pages consecutively:
1. Resolution (1 pg.)
2. Letter (1 pg.)

SPECIAL INSTRUCTIONS:

CLERK'S USE ONLY

Res. No.: 00-194 Ord. No.: _____
Vote - Ayes: 4 Noes: _____
Absent: Reilly Abstained: _____
 Approved Denied
 Minute Order Attached No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office

Date: _____

ATTEST: _____
MARGIE WILLIAMS, Clerk of the Board

By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

- _____ Recommended
- _____ Not Recommended
- _____ For Policy Determination
- _____ Submitted With Comment
- _____ Returned for Further Action

Comment: _____

C.A.O. Initials: [Signature]

MARIPOSA COUNTY RESOLUTION 00- 194

WHEREAS, the people of the State of California have enacted the Integrated Waste Management Act of 1989 (AB 989) which requires that all cities and counties achieve specific waste diversion percentages; and

WHEREAS, the California Integrated Waste Management Board has been delegated the responsibility for the oversight of waste diversion achievement; and

WHEREAS, the County of Mariposa has implemented numerous waste reduction programs including but not limited to: grass recycling, backyard composting, commodity recycling, public education and source reduction; and

WHEREAS, Mariposa County believes it was not the intent of AB 939 to include Class II wastes (petroleum contaminated soils, drilling muds, asbestos containing waste, chemically treated lumber, ashes, lead paint contaminated wood, and industrial sludges) into the calculation for AB 939 achievement. The Mariposa County Board of Supervisors implores the State Legislature to take the appropriate action to remove the above-cited designated waste from the materials that are subject to AB 939 diversion actions.

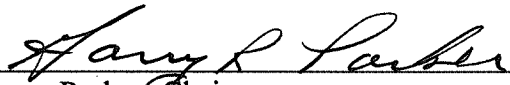
The foregoing resolution was passed by the Mariposa County Board of Supervisors this 6th day of June, 2000. Effective June 6, 2000.

AYES: Balmain, Stewart, Parker, Pickard

NOES: none

ABSENT: Reilly

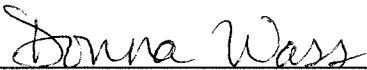
ABSTAINED: none



 Garry Parker, Chairman
 Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS



MARGIE WILLIAMS, Clerk of the Board

by DONNA WASS, Deputy Clerk of the Board

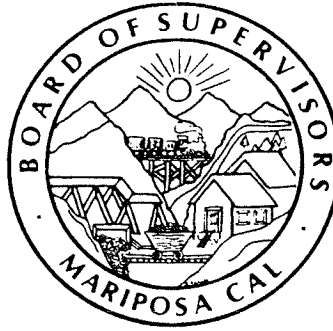
APPROVED AS TO FORM AND LEGAL SUFFICIENCY



 JEFFREY G. GREEN, County Counsel

Mariposa County Board of Supervisors

District 1.....PATTI A. REILLY
District 2.....DOUG BALMAIN
District 3.....ROBERT C. STEWART
District 4.....GARRY R. PARKER
District 5.....BOB PICKARD



JANET HOGAN
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

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Honorable Byron Sher
Senator, 11th Senate District
State Capitol, Room 2082
Sacramento, CA 95814

RE: EXCLUSION OF CLASS II WASTE FROM AB 939 DIVERSION ACCOUNTING

Senator Sher:

The Mariposa County Board of Supervisors finds it particularly alarming that the California Integrated Waste Management Board has taken the posture that Class II or designated wastes should be included into the calculation for AB 939 diversion achievement.

It is this County's belief that the diversion of municipal mixed wastes such as: green waste, papers, metals, plastics and glass were intended by the Act to be recycled for additional beneficial use. Mariposa County has made significant strides in achieving the 50% diversion requirement but to include in the AB 939 goal measurement Class II wastes such as petroleum contaminated soils, chemically treated lumber and asbestos containing wastes, among others, AB 939 compliance may become unattainable.

The Mariposa County Board of Supervisors believes it critical to have these "designated" wastes removed from AB 939 diversion accounting this current legislative session.

Sincerely,

Garry Parker, Chairman
Mariposa County Board of Supervisors

Enclosure: Resolution

cc: Dick Monteith, Senator - 12 District
George House, Assemblyman - 25th District
Winston Hickox, Secretary, Cal/EPA
Dan Eaton, Chairman, California Integrated Waste Management Board