MARIPOSA COUNTY
BOARD OF SUPERVISORS
AGENDA
ACTION FORM
AGENDA DATE: Feb. 20, 2001
AGENDA ITEM NO.: 30

DEPARTMENT: Public Works
By: Thomas J. Starling
Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:
(Policy Item: Yes _ No_X)

Resolution requesting the Environmental Services Joint Powers Authority (ESJPA) to represent Mariposa County's rural position regarding the Bureau of State Auditors' report on the California Integrated Waste Management Board (CIWMB).

At the January 2001 meeting of the ESJPA, member counties voted to request that each Board of Supervisors adopt a resolution requesting the ESJPA to represent the rural perspective of the Bureau of State Auditors report: "California Integrated Waste Management Board: Limited Authority and Weak Oversight Diminish its Ability to Protect Public Health and the Environment."

Staff recommends adoption of the resolution as the State Auditors' report strongly recommends, but is not limited the following: 1) Increase authority of the Waste Board to deny solid waste facility permits (currently issued locally) 2) Increase Waste Board oversight of Local Enforcement Agencies (LEA's) because of perceived "conflicts of interest" within local governments 3) Strengthen Waste Board enforcement and inspection activities and seek legislation to "streamline" the current process for imposing civil penalties. Each of the preceding could be extremely costly to Mariposa County.

Resolutions from each member county will be presented to the Governor, selected Legislators, the CIWMB, Cal EPA, the Bureau of State Auditors and other interested parties.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
N/A

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not adopt Resolution and direct staff to communicate directly with the appropriate agencies.

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

SOURCE: ( ) 4/5th Vote Required
A. Unanticipated revenues> $ __________
B. Reserve for contingencies> $ __________
C. Source description: >
Balance in Reserve Contingencies, if approved: $ __________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1) Resolution (2 pgs.)

CLERK'S USE ONLY
Res. No.: 30-45
Ord. No.: ________

Vote - Ayes: __________
Noes: __________
Absent: __________
Abstained: __________

Approved: __________
Denied: __________
Abstained: __________

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: __________________________

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
Recommended
Not Recommended
X For Policy Determination
Submitted With Comment
Returned for Further Action

Comment: __________________________

C.A.O. Initials: __________________________
WHEREAS, rural counties in California continue to expend considerable amounts of limited local resources in an ongoing effort to comply with existing statutory mandates and regulatory requirements related to solid waste management; and,

WHEREAS, the Bureau of State Audits has recently issued a report entitled “California Integrated Waste Management Board: Limited Authority and Weak Oversights Diminish Its Ability to Protect Public Health and the Environment”; and,

WHEREAS, this report presents findings and recommendations to the Governor and State Legislative leaders encouraging substantial changes to existing solid waste laws, policies, and regulations; and,

WHEREAS, implementation of many of the recommendations contained in the subject report would result in diminished local control over land use issues and impose new and costly requirements on rural jurisdictions without any demonstrated benefit to the environment or public health and safety; and,

WHEREAS, despite the complexity of solid waste related regulatory and enforcement issues, the recommendations contained in the Bureau of State Audits’ report appear to be based on very limited information, particularly with respect to rural county issues.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mariposa County, State of California, that Mariposa County hereby adopts the following positions relative to the findings and recommendations contained in the State Auditors’ report entitled “California Integrated Waste Management Board: Limited Authority and Weak Oversight Diminish Its Ability to Protect Public Health and the Environment”; and,

BE IT FURTHER RESOLVED that the rural counties’ Environmental Services Joint Powers Authority (ESJPA) be requested to support these positions on behalf of Mariposa County and to submit this Resolution for consideration by the Governor, State Legislators, the California Environmental Protection Agency, the California Integrated Waste Management Board, the Bureau of State Audits, and other interested Parties.

Mariposa County:

1. Opposes implementation of any recommended statutory or regulatory changes that would diminish local government authority with respect to enforcement of solid waste regulations, solid waste facility permitting, environmental review processes, or control of local land use policies;

2. Opposes implementation of any new policies that would require the California Integrated Waste Management Board to unilaterally deny re-issuing operating permits for solid waste facilities that violate “State minimum standards” unless there is an immediate and demonstrated threat to the environment or public health and safety;
3. Opposes implementation of any new policies that would eliminate flexibility in complying with conditions of existing Solid Waste Facility Operating Permits until such time as State regulatory and permitting processes are sufficiently streamlined to allow for expeditious review and processing of Permit revisions that may be needed to account for unanticipated changes in facility operations and/or changes to the incoming waste stream;

4. Opposes, particularly within rural jurisdictions, a recommendation by the Bureau of State Audits to “streamline the current process for imposing civil penalties” on publicly and privately operated solid waste facilities;

5. Encourages implementation of the Bureau of State Audits recommendation to provide increased State funding to assist rural jurisdictions to comply with State mandates for landfill closure and other requirements;

6. Opposes adoption of any new legislation that would deny or discourage the issuance of operating permits to “low volume” waste disposal sites (or so-called “trickling landfills”) that are currently in operation in many rural jurisdictions;

7. Encourages programmatic-based methods to assess compliance with waste diversion mandates and opposes any new requirements for more “solid waste generation studies” or similar “quantification” mandates that would divert limited local funding away from the implementation and continuation of existing waste reduction and waste diversion programs.

The foregoing resolution was passed by the Mariposa County Board of Supervisors this 20th day of February, 2001. Effective February 20, 2001.

AYES: REILLY, BALMAIN, STEWART, PICKARD
NOES: NONE
ABSENT: PARKER
ABSTAINED: NONE

[Signature]
Doug Balmain, Chairman
Mariposa County Board of Supervisors

ATTEST:

[Signature]
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]
JEFFREY B. GREEN, County Counsel