RECOMMENDED ACTION AND JUSTIFICATION:

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: $ 

SPECIAL INSTRUCTIONS:

CLERK'S USE ONLY
Res. No.: 00-141 Ord. No.: 
Vote - Ayes: 
Noes: 
Absent: 
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:
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

DONNA WASS
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
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