RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes____ No_x_)
Resolution Requesting Congressman Lehman to Urge EPA to accept and approve California's Solid Waste Application in Compliance with Subtitle D

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The attached letter has been prepared by the Public Works Department after review of documentation provided by CSAC requesting that counties write to their Congressional Representatives to urge EPA to accept the application. California has submitted a formal application which delineates the state's proposal to implement Subtitle D and it is vitally important that the EPA accept California's application without requiring unnecessary additional regulations and standards.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
1. Support the letter.
2. Do not support the letter. The County will not have a voice in requesting the EPA to accept the standards. Further regulations could be detrimental to the County in regulating its landfill.

Costs: (x) Not Applicable
A. Budgeted current FY $________________________
B. Total anticipated costs $________________________
C. Required additional funding $______________________
D. Internal transfers $______________________________

Source: ( ) 4/5ths Vote Required
A. Unanticipated revenues $_______________________
B. Reserve for contingencies $______________________
C. Source description: Balance in Reserve for Contingencies, if approved: $____________________

Special Instructions:
List the attachments and number the pages consecutively:

Administrative Officer’s Recommendation:
This item on agenda as:
☐ Recommended
☐ Not Recommended
☐ For Policy Determination
☐ Submitted with Comment
☐ Returned for Further Action

Comment: ________________________________

A.O. Initials: ____________
May 25, 1993

The Honorable Richard Lehman
19th Congressional District
1319 Longworth House Office Building
Washington D.C., 20515

Dear Congressman Lehman:

The State of California is currently negotiating with the Federal EPA over new environmental standards related to the design and operation of landfills. These new federal requirements which have been promulgated by EPA are known as Subtitle D.

California was one of four states asked to participate in a pilot program with EPA in order to assess our existing programs for regulating solid waste. Once that assessment had been completed, EPA was to determine what, if any, changes are necessary to ensure that California complies with these new federal standards.

As you know, over the years California has developed stringent standards for the design, operation and closure of municipal solid waste landfills. Although there are some differences between our existing program and the new federal requirements, the Mariposa County Board of Supervisors is strongly convinced that our current landfill standards already meet or exceed the new Subtitle D standards.

California’s formal application delineating its proposal to implement Subtitle D was formally transmitted to the EPA in February of this year for approval. It is vitally important to the State of California and specifically its small counties that application be granted. The unnecessary standards and requirements would have a severe financial impact on Mariposa County. There is even the potential that the only landfill in Mariposa County would have to be shut down years before its capacity has been reached.

In public discussions and written correspondence between EPA and the state regulatory agency, California’s Integrated Waste Management Board (CIWMB), the EPA assured that the process of evaluating California’s landfill standards would be one based on
functional equivalency rather than a strict line-by-line comparison of the two sets of standards. Regrettably, it is becoming increasingly clear as this process moves forward that EPA and EPA Region 9 have no intention of working cooperatively towards a solution which recognizes that California already has the nation's most stringent requirements for the environment and public health.

Given the urgency of this matter and the grave consequences it will have on Mariposa County and the State of California, the Mariposa County Board of Supervisors respectfully requests that your assistance in taking the appropriate steps to urge the EPA to accept and approve the State of California's application immediately.

Thank you for your consideration of this request.

Respectfully,

[Signature]

Eric J. Erickson
Chairman