



## Statutes of 1989

**Assembly Bill (AB) 939** (Sher)--*The Integrated Waste Management Act*--Established the "California Integrated Waste Management Act (IWMA) of 1989." Repealed the majority of Title 7.3 of the Government Code, regulating solid waste management, and codified the new Act in the Public Resources Code. Also repealed provisions of the Health and Safety Code, related to garbage and refuse disposal, and codified them in the Public Resources Code. Established an integrated waste management hierarchy to guide the Board and local agencies in implementation, in order of priority: (1) source reduction, (2) recycling and composting, and (3) environmentally safe transformation and land disposal. Included the following major provisions:

*California Integrated Waste Management Board*--Replaced the part-time Solid Waste Management Board with a six-member California Integrated Waste Management Board (CIWMB). Required the new Board to include: one member appointed by the Governor with private sector experience in the solid waste industry; one member appointed by the Governor who has served as an elected or appointed official of a non-profit environmental protection organization, whose principle purpose is to promote recycling and the protection of air and water quality; two members appointed by the Governor who shall represent the public; one member appointed by the Senate Committee on Rules who shall represent the public; and one member appointed by the Speaker of the Assembly who shall represent the public.

*Integrated Waste Management Planning*--Replaced the County Solid Waste Management Plan (CoSWMP) with an Integrated Waste Management Plan (IWMP). Required each county to establish a task force to coordinate the development of city Source Reduction and Recycling Elements (SRREs) and a countywide siting element. Required each city, by 7/1/91, to prepare, adopt and submit a SRRE to the county which includes the following components: waste characterization; source reduction; recycling; composting; solid waste facility capacity; education and public information; funding; special waste (asbestos, sewage sludge, etc.); and household hazardous waste. Also required each county, by 1/1/91, to prepare a SRRE for its unincorporated area, with the same components described above, and a countywide siting element, specifying areas for transformation or disposal sites to provide capacity for solid waste generated in the jurisdiction which cannot be reduced or recycled for a 15 year period. Required each county to prepare, adopt, and submit to the Board an Integrated Waste Management Plan (IWMP), which includes all of the elements described above, according to the following schedule: by 1/1/92 for counties with less than 5 years landfill capacity; by 1/1/93 for counties with 5 to 8 years landfill capacity; by 1/1/94 for counties with more than 8 years landfill capacity.

*Waste Diversion Mandates*--Required each city or county plan to include an implementation schedule which shows: diversion of 25 percent of all solid waste from landfill or transformation facilities by January 1, 1995 through source reduction, recycling, and composting activities; and, diversion of 50 percent of all solid waste by January 1, 2000 through source reduction, recycling, and composting activities. Excluded agricultural wastes, inert wastes and other wastes not normally disposed of at landfills. Authorized any plan submitted after 1/1/95 to include up to 10 percent transformation in achieving its 50 percent diversion goal, provided front-end removal of recyclable materials and other specified conditions are met. Authorized the Board to exempt a city or county from these goals or to reduce the requirements if the city or county demonstrates that attainment of the goals is not feasible due to the small geographic size of the jurisdiction and the small quantity of waste generated. Authorized the Board to establish an alternative goal to the 50 percent requirement, after 1/1/95, if the Board finds that the local agency is effectively implementing all source reduction, recycling, and composting measures to the maximum extent feasible. Also authorized the Board to reduce the goals for any city or county which, prior to 1/1/89, disposed of 75 percent or more of its solid waste by transformation, provided that attainment of the 25 percent or 50 percent waste diversion goals would impair existing contracts, or would interfere with repayment of debt incurred to finance a transformation project.

*Board Review of IWMPs and Plan Implementation*--Required the Board to approve or disapprove a city element or a county plan within 120 days of receipt. Required the Board to issue a notice of deficiency with specific recommendations for corrections, if an element or plan is disapproved, providing 120 days in which the

city or county must correct the document and resubmit it to the Board. Required the Board to conduct a public hearing on any element or plan which still fails to meet the requirements after the revision, and authorized the Board to impose administrative civil penalties of up to \$10,000 per day for failure to submit an adequate plan. Also required the Board to review the implementation of each SRRE at least once every two years. Authorized the Board, if it finds, after a public hearing, that the city or county has failed to implement its element, to issue an order of compliance with a specific schedule. Also authorized the Board to impose administrative civil penalties of up to \$10,000 per day for continued failure to comply. Required each city to review its element and each county its plan at least once every five years to correct deficiencies, comply with the waste diversion requirements, and revise documents as necessary.

*Permitting and Enforcement*--Established a comprehensive statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities. Required the Board to adopt minimum standards for solid waste handling and disposal to protect air, water, and land from pollution. Required the Board, by 1/1/94, to establish minimum standards requiring operators of solid waste facilities to provide assurance of financial ability to respond to possible damage claims. Required the Board, by 8/1/91, to prepare and adopt certification regulations specifying requirements that a local agency shall meet before being designated as a Local Enforcement Agency (LEA). Required the Board, in conjunction with an inspection conducted by an LEA, to conduct at least one inspection per year of each solid waste facility in the state.

*Financing*--Authorized local jurisdictions to impose fees based on the types or amounts of solid waste generated to be used to pay actual costs incurred in preparing, adopting and implementing integrated waste management plans, as well as in setting and collecting the local fees. Also provided that state planning, implementation and operating costs be funded by a fee collected by every operator of a solid waste landfill and paid quarterly to the Board of Equalization, based on all solid waste disposed of at each disposal site, after 1/1/90. Set the fee initially at 50 cents per ton through 6/30/90; at an amount sufficient to generate the 1990-91 funding, but not to exceed 75 cents per ton from 7/1/90 through 6/30/91; and, from 7/1/91, at an amount sufficient to generate funding for each fiscal year, but not to exceed one dollar per ton. (*Chapter 1095*)