



History of California Solid Waste Law, 1985-1989

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Statutes of 1989

AB 888* (LaFollette)–*Household Hazardous Waste Plan*–Required a Household Hazardous Waste Plan to be attached to a CoSWMP at the next revision after 1/1/90. Authorized the Board to review and comment upon the plan and make recommendations. Required every local agency to certify that the plan is being implemented. Also required that specified solid waste facility permits include a permit condition which precludes acceptance of any solid waste originating in a county which has not submitted a household hazardous waste plan or method. Stated legislative intent regarding access to household hazardous waste disposal. Required a city or county or local agency to implement the household hazardous collection, recycling, and disposal program identified in the CoSWMP, and authorized the implementation of a joint household hazardous waste program. Required the Board’s guidelines to allow adequate flexibility to local agencies. Increased membership on the advisory committee to include a representative of used oil recyclers. Provided immunity to any city, county or local agency operating a household hazardous waste program for any damage or injury caused in the course of operating the program, unless the action is performed in bad faith or in a negligent manner. (*Chapter 809*)

* Provisions of this bill were superseded by AB 939 (Sher) of 1989.

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 Repealed the majority of Title 7.3 of the Government Code, regulating solid waste management, and codified the new Act in the Public Resources Code. Also repealed provisions of the Health and Safety Code, related to garbage and refuse disposal, and codified them in the Public Resources Code.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*)

AB 1010 (Eastin)—*Woodwaste*—Excluded from the definition of “solid waste landfill” a facility which receives only nonhazardous wood waste derived from timber production or wood product manufacturing. (*Chapter 72*)

AB 1041 (LaFollette)—*Plastic Recycling* -Required the Board to submit a report on the use, disposal, and recyclability of plastic materials and containers which are not subject to the “Bottle Bill” (AB 2020 of 1986) to the Governor and Legislature, by 1/1/91. (*Chapter 498*)

AB 1092 (Tanner)—*Waste Discharge in the San Gabriel Valley*—Prohibited, in the Main San Gabriel Groundwater Basin, any variance to be issued by a regional board to a waste discharge permit for a new landfill or lateral expansion to an existing landfill. Also revised the definition of “lateral expansion” to exclude certain waste management units.

Made legislative findings and declarations regarding the need for the specified restrictions due to the unique conditions in the San Gabriel Valley. (*Chapter 736*)

AB 1101 (LaFollette)—*Household Hazardous Waste*—Required local agencies which do not directly charge a fee for solid waste collection, transfer, and disposal, or which charge a fee which is equivalent to less than 90 percent of the cost of providing the services, to inform all residential households at least once every three months concerning the monthly costs of solid waste handling and the monthly volumes of solid waste produced. (*Chapter 541*)

AB 1308 (Killea)—*Personal Income Taxes: Recycling Equipment*—Provides, until 1994, a personal income tax credit for each of three specified years, of the purchase price paid or incurred by the taxpayer for qualified property, which would be defined, generally, as machinery or equipment used to manufacture finished products composed of secondary waste material and postconsumer waste. The credit could exceed \$250,000 with respect to qualified property used in any one manufacturing facility. Required the CIWMB to perform specified duties in connection with the credit. (*Chapter 1091*)

AB 1427 (Wright)—*Closure and Maintenance*—Required an owner of a solid waste landfill to submit the same plans, estimates, fiscal arrangements, and deposits in trust funds, as the operator of a landfill. Prohibited transfer of any obligation imposed on an owner or operator for the financial responsibilities of closure and postclosure from the owner or operator to any other person. (*Chapter 527*)

AB 1843 (W. Brown)—*Waste Tire Facilities*—Required the Board to adopt regulations for issuing permits for waste tire facilities. Required every person, except specified tire dealers, who store or stockpile more than 500 waste tires at a specific location in a calendar year, and every owner or operator of a waste tire facility to file a registration statement with the Board, subject to a civil penalty. Prohibited, under specified penalty, any person from directing or transporting waste tires to, or accepting waste tires at, a waste tire facility unless the operator has a permit; prohibited any person from knowingly directing, or transporting waste tires to, or accepting waste tires at, a waste tire facility for which a permit has not been issued by the Board. Provided for the issuance of permits for major and minor waste tire facilities, as defined, and provided exemptions for retreading, burning, and agricultural purposes.

Provided for suspension or revocation of the permits after notice and hearing, and authorized the Board to clean up or abate the effects of waste tires stored, stockpiled, or accumulated in violation of the provisions of the bill. Provided for the recovery of costs. Provided for civil penalties, imposed administratively or by the court, for negligent or intentional violation of the bill, not to exceed \$10,000 per violation, or for continuous violation, \$10,000 per day. Created the California Tire Recycling and Management Fund, and required the penalties to be deposited in the Fund. Required the Board to adopt

regulations authorizing shredded tire storage at landfills and to award funds for recycling activities, to be funded by a 25 cent tire disposal fee imposed after 7/1/90 until 6/30/99. Required DGS to give a preference in state purchases of recycled tire products. Transferred \$1 million from the Environmental License Plate Fund to the Tire Recycling Fund as a loan, to be repaid with interest by 6/30/91. (*Chapter 974*)

AB 2295 (Cortese)—*Fertilizer*—Exempted agricultural products derived from municipal sewage sludge for fertilizer material from regulation as a solid waste. (*Chapter 1247*)

SB 228 (Garamendi)—*Eastin Fund Fee*—Required the fee imposed to support the Eastin Fund to be based on the amount of waste disposed at each facility, rather than on the amount handled. (*Chapter 654*)

SB 432 (Alquist)—*Income Taxes: Recycling Equipment*—Provides, until 1994, a personal income tax credit for each of three specified years, of the purchase price paid or incurred by the taxpayer for qualified property, which would be defined, generally, as machinery or equipment used to manufacture finished products composed of secondary waste material and postconsumer waste. The credit could exceed \$250,000 with respect to qualified property used in any one manufacturing facility. Required the CIWMB to perform specified duties in connection with the credit. (*Chapter 1090*)

SB 1322 (Bergeson)—*Supplement to AB 939 / State Programs*—SB 1322 was enacted in union with AB 939 to form the “California Integrated Waste Management Act of 1989.” Made legislative declarations regarding the high priority of implementing state programs to: change manufacturing and consumption habits; increase the procurement of recycled materials by the state; improve markets for recyclable materials; conduct research and development to improve the manufacturing processes for recycled materials; and inform and educate the public about the integrated waste management hierarchy. Defined terms used throughout the IWMA. Primarily described actions and programs to be developed at the state level to promote integrated waste management. Included the following programs:

- *Source Reduction Advisory Committee*—Created a seven-member committee to recommend specific actions to the Board and the Legislature to reduce the volume of materials generated in the state, and to make recommendations regarding: packaging and product design; product durability; increasing the use of recycled feedstock; reducing toxicity in packaging and products; and new technology techniques.
- *Recycled Market Development Commission*—Created the commission, consisting of the Chair of the CIWMB, the Director of the Department of Commerce, and a

manufacturing representative to be appointed by the Governor, to: serve as a liaison between the state and manufacturers; assist local governments in including recycling in economic development plans; promote utilization of all financial resources for expanding the capacity of the recycling industry; review the Board's research and development programs; and review state, local and private industry procurement practices and make recommendations for improvements.

- *Market Development Zone Program*—Created the Market Development Zone Program to stimulate the recycling of postconsumer waste materials generated in California as raw materials used for feedstock by private business, industry, and commerce.
- *Recycled-Content Paper Program*—Established the Recycled-Content High Grade, Bleached Printing and Writing Papers Program to ensure that DGS purchases at least 25 percent of all specified paper made from recycled-content paper; increasing to 30 percent on and after 1/1/94, 35 percent on and after 1/1/97, and 40 percent on and after 1/1/2000.
- *Compost Market Program*—Created the Compost Program to maximize the use of compost, co-compost, and chemically-fixed sewage sludge.
- *Plastic Recycling Program*—Established the Plastic Program requiring: a Board review of DGS procurement guidelines; the development of specifications for the procurement of recycled secondary and postconsumer plastic products; a purchasing preference for recycled plastic products where the price is equal to or less than that of the virgin product and the quality is equal; and a Board study to identify methods to increase the utilization of recyclable plastics in the manufacturing of new products.
- *Retreaded Tire Program*—Created the Tire Program, requiring the Board to identify obstacles for an increased market for retreaded tires, and authorizing DGS and the Board to promulgate regulations for the purchase of retreaded tires by the State. Also required all tires on state vehicles issued for short term use to be equipped with retreaded tires by 7/1/91. Required the Board, in consultation with DGS, to study the quality and performance of retreaded tires purchased by DGS, and to report on the effectiveness of the entire program in its annual report to the Legislature.

- *Recycled Lead-Acid Battery Program*—Established the Lead-Acid Battery Program, requiring all such batteries purchased by any state agency to be recycled lead-acid batteries, as defined. Also required DGS to report the number of recycled lead-acid batteries purchased annually.
- *Technical Assistance Program*—Required the Board to provide periodic training to enforcement agencies regarding state and federal regulations, new technologies, and other issues to enhance enforcement capabilities. Also required the Board to provide ongoing technical assistance to enforcement agencies, including: technical studies and reports; innovative facility operation plans; and investigative findings and analyses of new waste management practices and procedures. Required the Board to provide assistance to public and private sector in the form of government and business waste evaluations, upon request. Required the Board to establish a Plastics Recycling Information Clearinghouse to provide information to collectors, reprocessors, and recyclers about programs, availability of postconsumer plastics, and technological advances. Also required the Board, on or before 1/1/91, to study a uniform cost accounting methodology to evaluate the costs of integrated waste management program options; to review the tax incentive provisions related to the integrated waste management program, annually; and to evaluate the costs and benefits of integrated waste management, and to report the results by 3/31/95. Required the Board to provide technical assistance to cities and counties in the preparation and implementation of source reduction and recycling elements and integrated waste management plans, including the development of regulations, conducting waste characterization studies, studying issues related to the achievement of the waste diversion goals, mechanisms to implement market development recommendations, and information needed to achieve the objectives of integrated waste management elements and plans.
- *Office Paper Recovery Program*—Required the Board, on or before 1/1/91, to initiate a high grade white office paper recovery assistance program for state and local agencies and private businesses, including: training materials, public information materials, desk top collection containers, metal collection bins, and staff assistance from the Board to identify markets for collected materials, including model contracts for negotiation with local paper brokers. Required the Board to report on the implementation of the program.

- *Los Angeles County Pilot Litter Program*—Required the Board to develop and implement a pilot litter cleanup and abatement project on highways in Los Angeles County, to be administered in consultation with Caltrans through 6/30/91.
- *Public Information and Education Program*—Required the Board to conduct a statewide public information and education program to encourage participation by the general public, business, government, and industry in all phases of integrated waste management. Required the program to include strategies and campaign activities to, at a minimum, do all of the following: encourage reduced packaging, eliminate nonrecyclable contaminants from consumer goods, and increase product durability; provide consumer information to reduce waste generation; promote local government procurement of recycled products, the integration of recycling into the community waste management infrastructure, and public participation in local waste management decisionmaking; and implement a “Buy Recycled” campaign to encourage business, industrial, and residential consumers to purchase products manufactured with, or packaged in, recycled materials. Required the Board, in cooperation with the Department of Education, to develop and disseminate materials to teach the concepts of source reduction, recycling, and integrated waste management in California schools. Also required the development of requests for proposals for supplementary materials for schools, and the development of a teacher training and implementation plan to guide the placement of the supplementary materials in the schools. Required California Community Colleges, California State University, and the University of California to focus teaching and research efforts to promote career development and technological advancement in integrated waste management. Also required the State Board of Education to include integrated waste management in the ecology and environmental studies area; and required the Department of Education to encourage the use of supplementary materials, developed in cooperation with the CIWMB, to satisfy the teaching requirements of the science framework developed by the Board of Education.
- *Research and Development Program*—Authorized the Board to establish a research and development program to develop and refine processes and technologies to assist state and local governments and private industries to implement innovative resource management and waste reduction programs, including: a recycling

extension service; a cooperative research and development program with colleges and universities; the study of utilizing landfill mining technology to extend the life of existing landfills, recover valuable resources, and to reuse the reclaimed landfill in an environmentally sound manner; identification of educational and promotional methods that can effect environmentally positive changes in human behavior; studies of hazards posed by the ash and air emission from the incineration of waste; evaluation of materials recovery technologies; development of computer-based databases on waste characteristics, special waste volumes, and county and regional waste capacities; and analysis of landfill encroachment problems. Required the Board to report on the results of the programs.

- *Biennial Report*–Required the Board, beginning 3/31/91 and every two years thereafter, to submit a comprehensive report to the Legislature that reflects the progress on implementation of the IWMA. Required the biennial report to include an evaluation of the effectiveness of the IWMA and recommendations for legislative change, and a comprehensive state plan for action to be taken in the ensuing five years to establish priorities and implement programs for integrated waste management in the state. (*Chapter 1096*)

Statutes of 1988

AB 2790 (Chandler)–*Regional Planning*–Authorized any county to join with other counties, subject to the consent of the cities in the county, to form a regional solid waste planning authority to prepare, amend and revise a regional solid waste management plan. Required the preparation, amendment, and revision of a plan which is administered by a regional planning authority, to be subject to the consent of the counties and a majority of the cities within each county which contain a majority of the population of the incorporated area in each county. Also provided that in those counties with only two cities, the approval, agreement, or consent of specified county solid waste planning activities be made by the city which contains a majority of the population of the incorporated area of the county. Provided that no reimbursement would be made for the mandates imposed by the bill. (*Chapter 1165*)

AB 2831 (LaFollette)–*Recycling*–Required a solid waste facility permit for a new landfill to increase the permitted capacity of an existing landfill for a new waste-to-energy facility or to increase the capacity of an existing waste-to-energy facility to include a permit condition that precludes accepting any solid waste unless the county which is the source of the waste has adopted a recycling plan element. Made the requirement

applicable to a county after the first required revision of the CoSWMP after 1/1/90. (*Chapter 1588*)

AB 3071 (Eastin)—*Closure and Maintenance Plans*—Required persons operating or applying to become an operator of a solid waste landfill after 1/1/88, to also submit a closure and postclosure maintenance plan to the LEA, and required maintenance to be done in accordance with the most recent plan. Also required the revision of the plans to be approved by the Board and the LEA. Required persons later commencing operation of a solid waste landfill to submit evidence of financial ability to provide for the costs of closure and postclosure maintenance. Authorized the LEA to recover costs incurred under those provisions by charging a fee imposed on an applicant for a solid waste facility permit, or a revised permit. Also required the closure and postclosure maintenance plan to the regional board which would be required to approve or disapprove the plan under provisions of the water code. Required the grants and allocations from the Eastin Fund for landfill permit inspections and enforcement programs to be made to the SWRCB, instead of regional boards. Made other changes to conform the activities of the SWRCB and regional boards to other provisions of existing law. Also defined “closure plan”, “postclosure maintenance plan”, “regional water board”, and “state water board”. Provided that no reimbursement would be made for the mandates imposed by the bill. (*Chapter 263*)

AB 3344 (Tanner)—*Waste-to-Energy / Thermal Powerplants*—Required an LEA, prior to the issuance of a solid waste facility permit for a thermal powerplant project or a solid waste-to-energy conversion project, to make specified findings. Required any revision of a solid waste management plan for a thermal powerplant using solid waste as fuel to be submitted to the State Energy Resources Conservation and Development Commission before or at the same time that it is submitted to the California Waste Management Board if the project will generate more than 50 or more megawatts from one or more generating units, or if the project has an undefined generating capacity. Prohibited the Board from approving the revision until the commission reviews and makes specified comments on the revision, unless the commission does not comment within 30 days. Provided that no reimbursement would be made for the mandates imposed by the bill. (*Chapter 1446*)

AB 3462 (Cortese)—*Countywide Solid Waste Management Plans*—Made conforming changes to legislative declarations in the Act to reflect the requirements that CoSWMPs be consistent with general plans, and identify and reserve areas for the establishment and expansion of solid waste facilities which ensure that land uses adjacent to the solid waste facilities will be compatible. Also rephrased the requirement for the three year revision of CoSWMPs, and redefined “solid waste landfill” for purposes relating to solid waste disposal site cleanup and maintenance. Redesignated the landfill depletion surcharge and special disposal fees imposed on generations of solid waste as special fees. (*Chapter 1391*)

AB 3804 (Mountjoy)—*Mining or Excavation Lands*—Prohibited a regional water pollution control board from issuing a waste discharge permit for a new landfill, or a lateral expansion of an existing landfill for the disposal of nonhazardous solid waste if the land has been used at any time for the mining or excavation of gravel or sand. Authorized a regional board to grant a variance to the prohibition under specified conditions. (*Chapter 1476*)

SB 2304 (Dills)—*California Waste Management Board*—Made the position of the chairperson of the Board a full time position at a lower prescribed salary, rather than a half time position with half of a prescribed salary. (*Chapter 1334*)

Statutes of 1987

AB 223 (Tanner)—*Los Angeles Solid Waste Facilities*—Required the next revision of the CoSWMP for Los Angeles occurring on or after 1/1/88 to identify a program and schedule to ensure to the extent feasible and appropriate that solid waste facility sites identified in the plan are equitably distributed within the county. Required the Board and the County Sanitation District of the County of Los Angeles to jointly conduct a study concerning the generation and disposal of solid waste by specified regions of the county and to submit a report to the Legislature by 7/1/88. (*Chapter 1290*)

AB 1462 (Cortese)—*Countywide Solid Waste Plans*—Required revisions to CoSWMPs after 1/1/88 to indicate the remaining capacity of existing solid waste facilities, and required, if the capacity of an existing facility will be exhausted within eight years, the plan to reserve an area or areas for the location of new, or the expansion of, existing solid waste facilities, consistent with the applicable city or county general plan. Required, if the county determines that there is no suitable area, a plan revision to include a specific program for the handling and disposal of solid waste in excess of the remaining capacity. Also required the county to include in its next revision of the plan occurring on or after 1/1/88 a plan which establishes a goal of recycling 20 percent of the solid waste generated in the county. (*Chapter 754*)

AB 2448 (Eastin)—*Solid Waste Disposal and Site Hazard Reduction Act of 1987*—Included the following major provisions:

- *Solid Waste Disposal Site Cleanup and Maintenance Advisory Committee*—Created the seven-member Solid Waste Disposal Site Cleanup and Maintenance Advisory Committee, including the chairpersons of the California Waste Management Board, the Air Resources Board, and the State Water Resource Control Board, to establish criteria for making grants and loans. Required the Board to: provide grants to cities and counties to reduce the amount of hazardous waste disposed;

provide grants and loans to waste collectors and transfer station operators for recycling programs; make loans for facility owners for the costs of closure and postclosure maintenance plans and corrective actions; allocate funds to enforcement agencies and the SWRCB for support of enforcement and inspection programs; and make grants upon application by the SWRCB to pay for the implementation of closure and postclosure maintenance plans and for the costs of corrective actions when a facility owner is unable to undertake such actions.

- *Solid Waste Disposal Site Cleanup and Maintenance Account*—Established the Solid Waste Disposal Site Cleanup and Maintenance Account (Eastin Fund) based on annual fees assessed to facility operators per tons of waste disposed. Required the Board of Equalization to administer the Account and adjust fees as necessary to ensure that \$25 million of total receipts are generated (approximately 70 cents per ton of waste disposed) the first year and \$50 million (\$1.40 per ton) each year thereafter. Established a cap of \$250 million.
- *Closure and Postclosure Maintenance Plans*—Required a facility owner or operator to submit a plan for closure and postclosure maintenance to the LEA by 1/1/89, and would prohibit operations at any facility without a plan. Required an owner or operator to calculate and periodically revise cost estimates for closing the facility and providing ten years of postclosure maintenance, and to submit evidence of ability to provide for those costs. Required financial assurances to be in the form of a trust fund, surety bond, or financial arrangement acceptable to the Board. Required the Board to adopt regulations specifying the procedures and standards for closure and postclosure maintenance plans, and prohibited the Board from requiring revisions to approved plans if the Board amends regulations after approval of the plans.
- Granted the Board powers equal to those of LEAs for the purposes of enforcement, including: requiring owners to abate nuisances, contracting for corrective action, contracting or preparing closure and postclosure maintenance plans, and issuing cease and desist orders. Also authorized LEAs to require an owner or operator to take corrective actions when methane gas or solid or hazardous waste migrates beyond a facility boundary. (*Chapter 1319*)

Statutes of 1986

AB 1809 (Tanner)—*Household Hazardous Wastes*—Stated legislative findings regarding the importance of hazardous substances education programs. Required the Department of Education, on or before 7/1/87, to prepare and distribute to school districts a list and description of hazardous substances educational materials and curricula, and solicit suggestions from the California Waste Management Board and the advisory committee. Required each CoSWMP to identify a program for the safe management of hazardous wastes which are generated by households, and should be separated from the solid waste stream to the extent the county determines a need for such a plan.

Required the Board, in consultation with an advisory committee to be established by the Board, to develop and implement a public information program concerning household hazardous substances. Required the Board to establish guidelines and state policies to guide local governments in providing community services regarding household hazardous substances, and to designate a household hazardous waste coordinator to advise and assist local governments.

Authorized cities and counties to approve an increase in solid waste collection fees to offset the costs of establishing, publicizing, and maintaining a household hazardous waste inspection program. Required that where a licensed private sector center is utilized under a permit or franchise, the costs of handling, hauling, and disposing of household hazardous waste be paid through fees or rates charged for services. Required the Board to report to the Legislature by 1/1/88 regarding household hazardous waste management. Also provided that no reimbursement would be made for the mandates imposed by this bill. (*Chapter 574*)

AB 2020 (Margolin)—*Beverage Containers (The Bottle Bill)*—Enacted the California Beverage Container Recycling and Litter Reduction Act, to be implemented by the Department of Conservation. Established redemption values on beverage containers and required the establishment of at least one certified recycling center in a convenience zone, as specified, to pay out the refunds. (*Chapter 1290*)

AB 2948 (Tanner)—*County Hazardous Waste Management Plans*—Authorized a county, in lieu of preparing the hazardous waste portion of a CoSWMP, to adopt by 9/30/88, a county hazardous waste management plan. Created the Hazardous Waste Control Account in the General Fund and the Hazardous Waste Management Planning Subaccount. (*Chapter 1504*)

AB 3088 (O'Connell)—*Waste Discharge Requirements*—Required a regional board to consider, in addition to information from a SWAT report, any other relevant site-specific engineering data provided by the site operator for that solid waste disposal site as part of a report of waste discharge. Also extended the date for submittal of SWAT reports from January of each year to July of each year, beginning in 1987, for the top 150 ranked waste disposal sites. (*Chapter 971*)

AB 3374 (Calderon)—*Waste Discharge Requirements*—Extended the date for submittal of annual reports on the extent and effect on water quality of hazardous wastes in solid waste disposal sites by the SWRCB, from 7/1/1988, 1989, and 1990 to 1/1/89, 1990, and 1991. Extended the date for submittal of a SWAT test to the local air quality management district from 1/1/87 to 7/1/87. Required the owner of an inactive solid waste disposal site to submit a screening questionnaire to the district by 11/1/86, and to submit specified information based on an evaluation of the questionnaire. Required the SWRCB to develop guidelines for the test report, and evaluation by 2/1/87 and to develop the questionnaire by 10/1/86. Authorized an air district to exempt a site from these provisions. Required the district to take appropriate remedial action if it determines, after evaluating the test report, and consulting with the Department of Health Services and the California Waste Management Board, that the levels of specified air contaminants pose a health risk or a threat to the environment. Deleted a requirement that the SWRCB submit a report to the Legislature by 7/1/90. Urgency measure. (*Chapter 1055*)

AB 3989 (Sher)—*Resource Recovery Projects / Waste-to-Energy*—Required an LEA, prior to the issuance of a permit for a project which burns municipal solid waste or refuse-derived fuel, to require the project applicant to consider in its contracts, or other commitments for municipal solid waste, methods to remove recyclable materials prior to incineration.

Prohibited an air district from issuing or renewing a permit for the construction of, renewing a permit for the operation of, or issuing a determination of compliance for, a project which burns municipal waste or refuse-derived fuel unless the project will not prevent or interfere with the attainment or maintenance of state and federal ambient air quality standards, will comply with applicable emission limitations and toxic air control measures of the district, the district performs health risk assessment and submits it for review to the ARB and the Department of Health Services, and determines that no significant increase in illness or mortality is anticipated as a result of air pollution from the project, and periodic monitoring of emission is performed. Exempted any project which exclusively burns digester gas produced exclusively from manure or other animal solid or semisolid waste, or methane gas from a disposal site, or forest, agricultural, wood, or other biomass products. Required resource recovery projects to complete an EIR. Also required the State Energy Resources Conservation and Development Commission to include in its written decision approving any waste-to-energy technology site and related facility, specific condition requirements that the facility be monitored to ensure compliance with state and federal ambient air quality standards, compliance with emission limitations, and toxic air control measures of the district and periodic monitoring for compliance. (*Chapter 1134*)

AB 4350 (Cortese)—*Garbage and Refuse Disposal Districts*—Deleted the requirement that a “garbage and refuse disposal district” contain those specific terms, and instead required the name of the district to be descriptive of the function of the district. (*Chapter 1019*)

SB 1837 (Montoya)–*Countywide Solid Waste Management Plans*–Required a CoSWMP to provide for waste disposal within the county or any other designated jurisdiction, based upon population and the waste generated, and required the plan to include an analysis of the cost of waste disposal in the designated jurisdiction. (*Chapter 1180*)

SB 2040 (Montoya)–*Transfer Stations*–Excluded from the definition of a “transfer processing station” the operations premises of a licensed solid waste facility handling operation which receives, stores, transfers, or processes wastes as an activity incidental to the refuse collection and disposal business. Authorized the Board to adopt regulations for those operations subject to this exclusion. (*Chapter 1182*)

SB 2572 (Marks)–*Asbestos*–Required the next revision of a CoSWMP, occurring on or after 1/1/87, to indicate the amount of asbestos waste generated in the county from asbestos removal projects and the sites or potential sites which have been designated to accept such waste. Authorized waste asbestos to be disposed of at landfill disposal sites which meet specified requirements. Urgency measure. (*Chapter 1451*)

Statutes of 1985

AB 821 (Cortese)–*Resource Recovery Planning*–Authorized a city or county to require a person who requests the adoption or audit of a spending plan to pay the estimated costs of preparing the plan or audit, and specified the procedures for repealing a specific plan. Changed the designation of a regional planning agency, by requiring it to be recognized by OPR, and not the Council on Intergovernmental Relations, and by deleting an obsolete reference to planning and planning districts.

SB 1463 (Dills)–*Resource Recovery Projects / Conversion Facilities*–Provided that a solid waste facility for the conversion of solid waste into energy is deemed to be permitted if the facility meets certain conditions concerning the location, the agency undertaking the facility, and the certification of the permit by the LEA. Urgency measure. (*Chapter 51*)

Resources

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