

**Chair Rosario Marin
Integrated Waste Management Board
Responses to January 11, 2005
Little Hoover Commission Request for Information**

1. What were the reasons for establishing the entities proposed for reorganization and how has this public need changed?

Assembly Bill 939 (Sher, Chapter 1095, Statutes of 1989) and Senate Bill 1322 (Bergeson, Chapter 1096, Statutes of 1989) established the Integrated Waste Management Act of 1989 (IWMA). AB 939 created the California Integrated Waste Management Board (IWMB) and charged it with ensuring that local agencies, as subdivisions of the State, made adequate provisions for solid waste handling within their jurisdictions.

Prior to enactment of these bills, experts estimated that more than 90 percent of California's solid waste was disposed in landfills, some of which posed serious threats to groundwater, air quality, and public health and safety. It was calculated at that time that this level of disposal would exhaust the capacity of California's available landfills by the mid-1990's. Moreover, there was no single coherent state policy to ensure that California's solid waste would be managed in an effective and environmentally sound manner. In response to these concerns, the Legislature, the private waste industry, the environmental community, and local government worked together to craft the IWMA to address these solid waste issues. The Act declared that responsibility for solid waste management to be shared between state and local governments, and that the state, through the IWMB, would ensure an effective and coordinated approach to the safe management of all solid waste generated within California.

It is the Administration's position that the public need for an effective and coordinated approach to waste management in California can continue to be addressed, and the goals of the IWMA achieved, through a different organizational structure.

2. In what ways does the board or commission function well and in what ways does it function poorly?

The board was designed to provide a structure for developing and implementing new policies and programs. It is arguable that mandates of the IWMA, which have driven California to divert almost half its waste from landfill disposal and decreased public health and environmental threats posed by solid waste facilities, could also have been achieved in a department setting or could have been as effective if delivered through an executive office. While the public process, diversity of views and the moderating influence inherent in a board structure are seen as beneficial to the programs and issues that effect California's waste needs, these same processes, diversities and mediations may

create stalemates among IWMB members as each sets agendas and goals driven by their respective appointing authorities.

It is understandable that in order to round out discussions on specific issues there is benefit in having individuals representing specific constituencies. In its quest to gather input from, and reach consensus with, as many stakeholders as possible, the IWMB does require longer time frames to accomplish some policy changes. Since my appointment in April of last year, I have also observed that the IWMB deliberates not just on policy matters, but on administrative matters as well. I believe that this is the result of the IWMB's passion for its mission as well as the expectations of stakeholders that have developed over the years. In my tenure as Chair, since September, I have been working toward streamlining both processes.

3. How will the reorganization impact how these functions are performed?

Through a board structure, the IWMB provides a public forum for deliberation and decision making for waste management issues. This provides transparency to both the deliberation and the decision making process. The board structure also process for a diversity of backgrounds and perspectives that benefit decision making. GRP#1 provides for a continuing, transparent public participation process for decision making. I am confident that an adequate process will be developed and I will work to ensure that the process developed provides the same access for the public.

4. What are the strengths and weaknesses of this reorganization plan?

The Governor's proposal would create a savings of approximately \$1.9 million in special funds. (This includes salaries of members and advisors, as well as their operating expenses.) It is anticipated that any savings realized would be returned to the special funds from which they were derived and then be available through the budget process for reallocation to the statutorily mandated programs supported by the funds.

Furthermore, the proposal provides for greater accountability by vesting responsibility in a single Governor's appointee, rather than a board with three different appointing authorities. In addition, by vesting the responsibility with the CalEPA Secretary the opportunity for greater coordination with other entities within the agency to address cross-media issues will be enhanced.

While not a weakness in the plan, the issue of providing adequate public participation must be carefully and thoughtfully addressed. How public participation and input will be solicited and regarded is of paramount concern to the IWMB and its stakeholders.

5. What other changes, if any, would improve the performance of this board or commission?

Regardless of the oversight structure that is decided upon, there are changes that can be made to improve the management of solid waste in California in order to protect human health and the environment and conserve natural resources. Below are a few examples.

Currently, statute limits the IWMB's ability to affect permitting decisions. The IWMB has no role in the siting of solid waste facilities, all siting decisions are made at the local level. The IWMB is limited by statute as to what grounds it may use to deny a permit. It can not consider issues of obvious statewide implications such as landfill capacity and overall need for the facility; nor can it consider environmental justice concerns. The IWMB does not have the ability to condition permits nor is it able to defer its decision until other permits required at both the state and local level are obtained by the applicant.

On the subject of enforcement, while the IWMB is proud of its compliance record for its programs, this can not be attributed to the enforcement authority provided in statute. The amounts and types of penalties in statute are low and do not always work as an adequate deterrent. Some progress has been made legislatively over the past two years, but more can be done.

Also, the IWMB is mandated to oversee many resource intensive programs that represent very small portions of the overall waste stream. While, these programs are important, they do draw resources from other diversion and market development efforts. Conversely, we do not have specific mandates on the largest portions of the waste stream such as organics.

Lastly, as brought to light in the CPR there is considerable overlap in both media and jurisdiction throughout state government. This applies to the IWMB as well, and further consideration should be given to CPR proposals that recommend the combining of programs.