



## REGULATORY AGENCY ACTION

Also at its January 19 meeting, OSB considered Petition No. 358, filed by Landis Martila of the International Brotherhood of Electrical Workers, who requested that OSB amend sections 2940.8, 2951(g), and 2951(h), Title 8 of the CCR, regarding tree trimming operations in proximity to high voltage lines. Staff explained that the petitioner is requesting that OSB adopt specific language regarding unloading poles from a utility truck trailer or dolly; notifying the line clearance tree trimming crew foreman of any change in the status of deenergized lines; and requiring that a qualified line clearance tree trimmer act as a dedicated observer during tree trimming operations in proximity to high voltage lines during storms. DOSH reported that the first and third proposals are unnecessary, but found merit in the proposal to notify the foreman of any change regarding deenergized lines. OSB staff opined that the unloading proposal has merit, but that the other two proposals are already addressed in existing regulations. Following discussion, OSB decided to grant the petition to the extent that Board staff will convene an advisory committee to consider the revisions concerning unloading poles and notification of the status of deenergized lines; OSB denied the portion of the petition requesting that a qualified line clearance tree trimmer be required to act as a dedicated observer during tree trimming operations in proximity to high voltage lines during storms.

At its February 23 meeting in San Francisco, OSB revisited Petition No. 349, submitted by John Banzhaf, Executive Director of Action on Smoking and Health, which the Board originally discussed at its July 1994 meeting; the petitioner requested that OSB adopt regulations to protect workers from the proven carcinogenic hazards and other serious adverse health effects of environmental tobacco smoke and to ban smoking in the workplace. [14:4 CRLR 137] Despite the enactment of AB 13 (T. Friedman) (Chapter 310, Statutes of 1994), which prohibits smoking in enclosed spaces at specified places of employment, the petitioner asked that OSB defer action on his request for six months pending the outcome of Proposition 188, a measure on the statewide November 1994 ballot which would have invalidated AB 13 and put in place statewide smoking standards considered by most observers to be significantly less restrictive than AB 13. At the Board's February meeting, staff reported that because Proposition 188 was defeated by the California voters, OSB should deny the petition on the basis that it is unnecessary; the Board unanimously agreed.

Also at OSB's February 23 meeting, staff reported that pursuant to the Board's January 1994 direction regarding Petition No. 343, staff had convened an advisory committee to review and consider the need for a regulation that would require all miter, chop, tilt, cut-off, rip, and radial arm saws to have positive protection for the operator's "off hand." [14:2&3 CRLR 151] Staff reported that it convened the advisory committee on July 7, and that it was the committee's consensus that such an amendment is not necessary, and that the off hand is needed to secure the stock against the miter saw fence; the committee also agreed that awareness training of employees regarding the hazards of miter saws would be a more appropriate method of accident prevention. OSB accepted staff's recommendation that no further action be taken on this petition.

At OSB's March 23 meeting, Executive Officer Steven Jablonsky announced that he will retire from OSB on July 31; OSB Chair Jere Ingram expressed his appreciation for Jablonsky's dedication over the past several years. OSB agreed to designate an executive committee consisting of Ingram and OSB member Ken Young to identify potential replacements; according to Ingram, Jablonsky will also serve on that committee as an advisor.

At its April 20 meeting, OSB considered Petition No. 360, filed by members of the International Brotherhood of Elec-

trical Workers; the petitioners requested that OSB amend section 2943(d)(3), Title 8 of the CCR, which currently requires that suitable rubber gloves with protectors shall be worn when working on exposed conductors or equipment energized at 7,500 volts or less; the petitioners requested that OSB expand this provision to require that such gloves be worn when working on or near such conductors or equipment. DOSH staff reported its determination that the proposed revision is necessary and recommended that the petition be granted. Although OSB staff opined that the present language is sufficiently clear, it recommended that OSB grant the petition to the extent that the Board direct staff to convene an advisory committee to develop proposed revisions to clarify section 2943; OSB unanimously adopted staff's recommendation.

### ■ FUTURE MEETINGS

June 22 in San Francisco.  
July 20 in San Diego.  
August 17 in Sacramento.  
September 21 in Los Angeles.  
October 19 in San Francisco.  
November 16 in San Diego.  
December 14 in Sacramento.



## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (CAL-EPA)

### AIR RESOURCES BOARD

*Executive Officer: James D. Boyd*  
*Chair: John D. Dunlap III*  
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Pursuant to Health and Safety Code section 39003 *et seq.*, the Air Resources Board (ARB) is charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solutions to air pollution, and to systematically attack the serious problem caused by motor vehicle emissions, which are the major source of air pollution in many areas of the state. ARB is empowered to adopt regulations to implement its enabling legislation; these regulations are codified in Titles 13, 17, and 26 of the California Code of Regulations (CCR).

ARB regulates both vehicular and stationary pollution sources. The California

Clean Air Act requires attainment of state ambient air quality standards by the earliest practicable date. ARB is required to adopt the most effective emission controls possible for motor vehicles, fuels, consumer products, and a range of mobile sources.

Primary responsibility for controlling emissions from stationary sources rests with local air pollution control districts (APCDs) and air quality management districts (AQMDs). ARB develops rules and regulations to assist the districts and oversees their enforcement activities, while providing technical and financial assistance.

Board members have experience in chemistry, meteorology, physics, law, administration, engineering, and related scientific fields. ARB's staff numbers over 400 and is divided into seven divisions: Administrative Services, Compliance, Monitoring and Laboratory, Mobile Source, Research, Stationary Source, and Technical Support.



In March, the Senate confirmed Governor Wilson's appointment of Joseph C. Calhoun, Jack Pamell, and Douglas Vagim as ARB members. Calhoun is the Board's engineer member, Pamell is ARB's public member, and Vagim represents the San Joaquin Valley Air Pollution Control District.

The Senate has until December 20 to confirm the Governor's appointment of John D. Dunlap III as ARB Chair. Last year, the Senate failed to confirm Wilson's appointment of Jacqueline E. Schafer prior to the statutory deadline, and she was forced to resign as chair. [15:1 CRLR 124]

## MAJOR PROJECTS

**ARB's State Implementation Plan Awaits EPA Approval.** On November 15, 1994, ARB finally approved comprehensive revisions to its state implementation plan (SIP) to achieve national ozone standards throughout the state and, specifically, in six major ozone nonattainment areas of the state (San Diego, Sacramento, the San Joaquin Valley, the South Coast Air Basin, the Southeast Desert, and Ventura). If approved by the U.S. Environmental Protection Agency (EPA), the SIP will preclude implementation of the federal implementation plan (FIP) prepared by EPA in response to California's failure to either meet national ambient air quality standards or to prepare an acceptable plan as required by the 1977 and 1990 federal Clean Air Act amendments, and to settle a lawsuit filed by environmentalists. [15:1 CRLR 124-25; 14:4 CRLR 144-45]

On February 6, the Board appeared in U.S. District Court for the Central District of California to ask Judge Harry L. Hupp to order a delay in the implementation of the FIP until EPA has a chance to review and approve California's SIP; however, Judge Hupp denied ARB's request, finding that he lacked authority to grant the petition, and advised California to seek relief from Congress. Accordingly, the California congressional delegation drafted H.R. 1025, the language of which was later amended into H.R. 889, which was signed by President Clinton in April; the bill rescinds the FIP prepared by EPA under the 1977 Clean Air Act, and paves the way for EPA to consider and approve ARB's SIP under the 1990 Clean Air Act amendments. At this writing, ARB is still awaiting EPA's approval of the SIP.

**ARB Adopts Rule to Reduce Emissions from Aerosol Coating Products.** At its March 23 meeting, ARB held a public hearing on the proposed adoption of new Article 3 (sections 94520-94528), and amendments to sections 94540-94543, 94547, 94550, 94551, and 94553, Title 17 of the CCR. In 1992 and 1993

amendments to Health and Safety Code section 41712, the legislature directed ARB to adopt regulations reducing volatile organic compound (VOC) emissions from aerosol paints on or before January 1, 1995; the regulations must achieve by December 31, 1999, at least a 60% reduction in VOC emissions from aerosol paints (calculated with respect to the 1989 baseline year), and must establish interim VOC limits prior to 1999. Section 41712(f) further requires ARB to conduct a public hearing on or before December 31, 1998, to determine the technological and commercial feasibility of the final VOC limits, and grant an extension not to exceed five years if it determines that the 60% reduction is not technologically or commercially feasible by December 31, 1999. The proposed regulations are designed to fulfill all of these statutory requirements.

The proposed regulations will prohibit the sale, supply, offer for sale, commercial application, or manufacture for use in California of any aerosol coating product with a VOC content greater than the specified standards, which are based on the percentage of VOC by weight. The proposed regulations establish two sets of standards limiting the VOC content of 35 different categories of aerosol paints and related products. For all categories, the effective date of the first set of standards is January 1, 1996, and the effective date of the second set of standards is December 31, 1999.

In addition to establishing VOC content limits, the proposed regulations also include an eighteen-month sell-through period for non-complying products; restrictions on the use of toxic air contaminants and ozone-depleting compounds; requirements for multi-component kits; administrative requirements for labeling and reporting information; exemptions for specific products and for products that are manufactured for use outside of California; and compliance test methods. The proposed regulatory changes would also amend the alternative control plan (ACP) adopted by the Board in September 1994 for other consumer products (*see below*) [15:1 CRLR 126-27; 14:4 CRLR 125], to allow aerosol coating products to be included in the ACP. These changes would allow an ACP to include either consumer products or aerosol coating products, but not both.

At the hearing, staff noted that the proposed aerosol paint regulations would result in a positive environmental impact due to the reduction in VOC emissions. Manufacturers generally supported the 1996 interim VOC standards as being feasible and appropriate, but objected to the final 1999 standards. Noting that the VOC re-

strictions are contained in state law and are not within the discretion of the Board, ARB adopted the proposed regulatory changes by a unanimous vote. At this writing, staff is preparing the rulemaking file on these proposed changes for submission to the Office of Administrative Law (OAL).

**Board Adopts Annual Nonvehicular Source Permit Fees.** At its April 27 meeting, ARB adopted new section 90800.6 and amended section 90803, Title 17 of the CCR, pursuant to Health and Safety Code section 39612; these regulatory changes would establish the fee rate which APCDs and AQMDs must pay ARB to offset the state costs of air pollution control programs related to nonvehicular sources during the seventh year of ARB's implementation of the California Clean Air Act of 1988. [14:2&3 CRLR 154; 13:2&3 CRLR 156; 12:2&3 CRLR 199-200]

Proposed new section 90800.6 specifies the fee rate and amounts to be remitted to ARB for the 1995-96 fiscal year; section 90803 would be amended to be applicable to fees collected under new section 90800.6. As with the fee regulations for the first six years, the regulatory changes provide for the collection of the emission fees by districts on a dollar-per-ton basis, recovery of administrative costs by the districts, imposition of additional fees on districts that do not pay in a timely manner, and relief for districts from the fee collection requirements for demonstrated good cause.

At this writing, staff is preparing the rulemaking file on these proposed regulatory changes for submission to OAL.

**Board Retains Standard for Sulfur Dioxide.** At its January meeting, ARB approved staff's proposal to retain section 70100, Title 17 of the CCR, its current one-hour ambient air quality standard for sulfur dioxide. State ambient air quality standards consist of specific maximum concentrations and durations of air pollutants or combinations of pollutants. These standards essentially define satisfactory air quality by identifying the maximum acceptable levels of air contaminants in the atmosphere during a prescribed, sustained period of time. ARB is responsible for periodically reviewing these standards to ensure that the most up-to-date scientific information is considered in their formulation. ARB has established a one-hour ambient air quality standard for sulfur dioxide of .25 parts per million, averaged over a one-hour period.

Cal-EPA's Office of Environmental Health Hazard Assessment reviewed the most recent medical and scientific information regarding sulfur dioxide's effects and submitted a report and recommenda-



tion to the Board. Based on this report and on ARB staff's review, staff recommended that the Board retain the existing one-hour sulfur dioxide standard. Staff also recommended that the Board make no changes to the information contained in section 70200, Title 17 of the CCR, concerning the one-hour sulfur dioxide standard's concentration and measurement method, duration averaging period, most relevant effects, or comments. The current sulfur dioxide standard has not been exceeded at any measuring station in California since 1987. Since the November 1994 Board meeting, all areas of California are now designated as attainment for sulfur dioxide.

Sulfur dioxide results from the combustion of sulfur contained in fuels such as gasoline and diesel. According to the most recent ARB readings, 57% of airborne sulfur dioxide, or 238 tons per day, comes from mobile sources such as cars, trucks, construction equipment, and jets. The remaining 43%, or 181 tons per day, is emitted by industrial sources. The statewide trend toward improvement in the levels of sulfur dioxide is primarily due to industries switching to cleaner fuels like natural gas, and to reformulated gasoline and diesel fuels.

**Update on Other ARB Rulemaking Proceedings.** The following is a status update on regulatory changes proposed and/or adopted by ARB in recent months, and discussed in previous issues of the *Reporter*:

- At its December 1994 meeting, ARB adopted several proposed amendments to sections 1968.1, 2040, and 2031, Title 13 of the CCR; originally adopted in September 1989, these provisions require automobile manufacturers to implement new on-board diagnostic (OBD) systems to monitor all emission-related components or systems for proper performance, starting with the 1994 model year. [13:4 CRLR 139; 11:4 CRLR 154; 9:4 CRLR 107-08] The so-called "OBD II" regulations apply to passenger cars, light-duty trucks, and medium-duty vehicles and engines, and require the implementation of monitoring strategies for catalyst efficiency, misfire detection, evaporative systems, exhaust gas recirculation systems, fuel systems, oxygen sensors, secondary air systems, electronic emission-related powertrain components, and others. Although manufacturers were able to certify and have been offering for sale in California motor vehicles meeting the OBD II regulations, this year's amendments to the OBD II regulations address problems experienced by manufacturers in attempting to satisfy enhanced monitoring requirements that become effective with the 1996 or later model

years. [15:1 CRLR 126] In late April, ARB submitted the rulemaking file on these proposed regulatory changes to OAL, where they are pending at this writing.

- In December 1994, the Board amended section 2190, Title 13 of the CCR, to delay implementation of the Periodic Smoke Self-Inspection Program (PSI) for heavy duty diesel vehicles from January 1, 1995 to January 1, 1996. The delay was permitted in order to allow the Society of Automotive Engineers more time to develop a new smoke test procedure that would mandate the use of substantially modified, or new, smoke test opacity meters. [15:1 CRLR 125] At this writing, ARB has not yet submitted the rulemaking file on this proposed regulatory change to OAL.

- Also in December 1994, ARB amended section 2292.1, Title 13 of the CCR, which contains its specifications for M100 methanol fuel (100% methanol) and required such fuel to contain a flame luminosity additive by January 1995. Because no additive has been found which satisfies the luminosity requirements of M100 without sacrificing emissions performance, ARB adopted amendments which permit fuel suppliers to sell M100 fuel which does not have a luminosity additive after January 1, 1995 if they can demonstrate that the fuel will be used in vehicles equipped with either a system for automatically detecting and suppressing on-board fires or a system for on-board luminosity enhancement. [15:1 CRLR 125-26] At this writing, the Board has not yet submitted the rulemaking file on this proposed change to OAL.

- At its November 1994 meeting, ARB amended sections 60201, 60202, 60204, and 60206, Title 17 of the CCR, the regulatory provisions which designate certain areas of the state as attainment, nonattainment, or unclassified for any state ambient air quality standard cited in section 70200, Title 17 of the CCR. The amendments change the carbon monoxide designations for the counties of Santa Clara, Orange, San Joaquin, and Stanislaus; the sulfur dioxide designation for the Southeast Desert Air Basin portion of Kern County; and the sulfate designation for the South Coast Air Basin. [15:1 CRLR 126] At this writing, ARB expects to submit the rulemaking file on these proposed amendments to OAL by June 9.

- At its September 1994 meeting, ARB adopted new sections 94540-94555, Title 17 of the CCR, to establish a voluntary, market-based "alternative control plan" for controlling VOC emissions from consumer products (*see above*). Under this approach, manufacturers of consumer products would be permitted to replace traditional emissions controls on individ-

ual products with company-wide pollution limits. In other words, manufacturers of consumer products like hair sprays, colognes, window cleaners, and adhesives will be given greater freedom to choose from a number of emission reduction options that allow maximum operating flexibility, theoretically without increasing pollution. [15:1 CRLR 126-27; 14:1 CRLR 125] At this writing, the Board expects to submit the rulemaking record on these proposed regulations to OAL by June 9.

- Also in September 1994, the Board approved amendments to sections 1956.8(b), 1956.8(d), 1960.1(k), and 2292.6, Title 13 of the CCR, its specifications for diesel fuel used for motor vehicle engine certification and its commercial motor vehicle liquefied petroleum gas (LPG) regulations. The new specifications for diesel engine certification fuel are designed to provide a more consistent fuel test, and the amendment to the LPG regulations is intended to address concerns regarding the available supplies of low-propene LPG by continuing the 10 volume percent propene standard until January 1, 1997. [15:1 CRLR 127] On April 13, OAL approved these amendments.

- At its July 1994 meeting, ARB approved amendments to sections 2400-2407, Title 13 of the CCR, its regulations and test procedures for controlling emissions from utility engines such as lawn mowers, chain saws, leaf blowers, and generator sets. The regulations are applicable to engines produced on or after January 1, 1995; the amendments conform the Board's regulations to newly approved test procedures and clarify and enhance the certification and compliance process. [15:1 CRLR 127; 14:4 CRLR 142-43] ARB severed the amendment to section 2403(c) from the rest of the package and submitted it to OAL, which approved the change on October 18, 1994; at this writing, the Board expects to submit the remainder of the regulatory changes to OAL for approval by June 9.

- In October 1994, ARB released the modified language of its July 1994 amendments to sections 90700-90705, Titles 17 and 26 of the CCR, for an additional 15-day comment period. These provisions are ARB's fee regulations to cover the cost of implementing the Air Toxics "Hot Spots" Information and Assessment Act of 1987, Health and Safety Code section 44300 *et seq.* [15:1 CRLR 127; 14:4 CRLR 143] On April 24, ARB submitted the rulemaking file on these proposed changes to OAL, where they are pending at this writing.

- In July 1994, ARB adopted several amendments to section 2282, Title 13 of the CCR, which imposes statewide limits



on the aromatic hydrocarbon content and the sulfur content of diesel fuel sold or supplied after September 30, 1993, for use in motor vehicles in California. Among other things, the amendments permit small refiners to produce greater quantities of exempt volume diesel fuel which is subject to a 20% aromatic hydrocarbon limit, provide a new "optional calculation" which small refiners may elect to calculate their exempt volume, and delay the effective date of the exempt volume limitation from October 1, 1994 to January 1, 1995. [15:1 CRLR 127; 14:4 CRLR 143] ARB bifurcated the rulemaking file on these proposed regulatory amendments; it separated out the fourth-quarter volume gas provisions from the rest of the package and submitted them to OAL, which approved them on September 29, 1994. At this writing, ARB expects to file the rest of the amendments with OAL by June 9.

• At its June 1994 meeting, ARB adopted new sections 2264.2 and 2265, and amended sections 2260, 2261, 2262.2, 2262.3, 2262.4, 2262.5, 2262.6, 2262.7, 2264, and 2270, Title 13 of the CCR, its Phase 2 Reformulated Gasoline (RFG) regulations originally adopted in November 1991. [12:1 CRLR 139-40] These regulations establish a comprehensive set of specifications for eight properties of gasoline (sulfur, benzene, olefin, oxygen, and aromatic hydrocarbon contents, the 50% and 90% distillation temperatures, and the Reid vapor pressure (RVP)), and are designed to achieve the maximum reductions in emissions of criteria pollutants and toxic air contaminants (TACs) from gasoline-powered motor vehicles. California gasoline will in most cases have to meet the Phase 2 RFG specifications beginning March 1, 1996. If approved, the regulatory changes will allow gasoline producers the option to use the "California predictive model" to assign specifications to an alternative gasoline formulation, which could then be used in lieu of meeting either the flat or averaging limits applicable to gasoline being supplied from production and import facilities. [15:1 CRLR 127-28; 14:4 CRLR 143-44] On April 21, ARB filed the rulemaking file on these proposed regulatory changes with OAL, where it is pending at this writing.

• On January 26, OAL approved ARB's January 1994 adoption of new sections 2410-2440 (nonconsecutive), Title 13 of the CCR, important new regulations establishing emission standards, test procedures, certification procedures, and labeling and registration requirements for 1997 and later model year "off-highway recreational vehicles" (defined to include off-road motorcycles, all-terrain vehicles,

golf carts, go-karts, and specialty vehicles such as hotel and airport shuttle vehicles). [15:1 CRLR 128; 14:4 CRLR 144; 14:2&3 CRLR 154-55]

• On February 15, OAL approved ARB's adoption of sections 2259, 2283, and 2293.5, and the amendment of sections 2251.5 and 2267; these regulations are part of a rule-making package which will enhance the effectiveness of the Board's wintertime oxygenated gasoline program which started in 1993 and proved successful in reducing carbon monoxide levels. [14:4 CRLR 144; 13:4 CRLR 140; 13:2&3 CRLR 157]

## LEGISLATION

**AB 339 (Richter).** In 1990, ARB adopted regulations that require each vehicle manufacturer's sales fleet of passenger cars and light-duty trucks to be composed of at least 2% zero-emission vehicles commencing in the 1998 model year, 5% in 2001 and 2002, and 10% commencing in 2003. [14:2&3 CRLR 152-53; 11:1 CRLR 113] As amended March 16, this bill would express the intent of the legislature to establish an incentive for automobile manufacturers to remove vehicles that are high polluters from highway use in lieu of producing electric vehicles pursuant to ARB's regulations. [A. *Trans*]

**AB 1318 (Kuehl).** The Personal Income Tax Law and the Bank and Corporation Tax Law allow credits against the taxes imposed by those laws for the cost of the conversion of a vehicle to a low-emission motor vehicle or for the differential cost, as defined, of a new low-emission motor vehicle that meets specified requirements. As amended May 9, this bill would enact the Zero-Emission Vehicle Development Incentive Program Act to require ARB, in consultation with the California Energy Commission (CEC) and the Trade and Commerce Agency, to adopt standards for zero-emission vehicles to qualify for a sales tax exemption. The bill would, until January 1, 1998, exempt zero-emission vehicles that are certified by ARB from certain state, but not local, sales and use taxes. [A. *Appr*]

**SB 37 (Kelley).** Existing law authorizes ARB to adopt and implement motor vehicle fuel specifications that ARB finds are necessary, cost-effective, and technologically feasible. As amended April 25, this bill would require ARB to consult with significantly impacted entities and to make specified determinations before adopting or amending a standard or regulation relating to motor vehicle fuel specifications. [A. *NatRes*]

**SB 199 (Kelley).** Under existing law, ARB has powers and duties with regard to motor vehicle fuel and engine specifica-

tions and standards, the South Coast Air Quality Management District (SCAQMD) has powers and duties with regard to clean-burning fuels, and CEC has powers and duties with regard to technologies that displace conventional fuels. As amended May 3, this bill would require ARB, SCAQMD, and CEC, prior to expending any funds for any research, development, or demonstration program or project relating to vehicles or fuels, to each adopt a specified plan and make prescribed findings, and after the conclusion of each program or project, to report on the actual costs, the results achieved, and any problems encountered. [A. *NatRes*]

**SB 490 (Solis).** Existing law requires ARB to determine, among other things, the availability of devices to monitor particulate matter, and authorizes ARB, APCDs, and AQMDs to regulate particulate matter. As amended May 17, this bill would require ARB, in consultation with the districts, to study the public health and environmental effects of particulate matter air pollution from sand, gravel, and rock quarries, and make specified recommendations. The bill would require SCAQMD, in consultation with ARB and EPA, to develop a pilot project in the San Gabriel Valley to report and forecast particulate matter air pollution levels exceeding state standards for dissemination in the media. [A. *NatRes*]

**SB 501 (Calderon).** Existing law requires the Department of Consumer Affairs (DCA), and authorizes APCDs and AQMDs, to establish programs to repair or replace high-pollution vehicles, and authorizes the districts to establish programs for the banking and use of emission reduction credits. As amended May 18, this bill would delete various provisions relating to the operation of the high polluter repair or removal program. The bill would require ARB to establish, by emergency regulation, a statewide privately operated program, to be overseen by a state agency designated by the Governor, to generate emission reduction credits through the retirement or disposal of high-emitting light-duty vehicles. The bill would prescribe means of funding those programs and require DCA to establish the percentage of the available funds to be expended for repair assistance. [S. *Appr*]

**SB 811 (Monteith and Haynes),** as amended April 17, would, on and after January 1, 1997, abolish AQMDs (except the Sacramento district), unified districts, and regional districts. The bill would require the functions of those abolished districts to be performed by a county air pollution control district in each county, unless the functions of the county district



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are delegated to a joint powers agency; require each district which is to be abolished to determine by December 31, 1996, the manner in which the funds, properties, obligations, and employees of the district shall be apportioned among the succeeding county districts; and make conforming changes in ARB's membership as it relates to members who are board members from the districts.

Existing law requires the membership of the county districts to include one or more mayors, city council members, or both, and one or more county supervisors. This bill would require the membership to include every county supervisor. [*S. LGov*]

**SB 1116 (Monteith and Haynes).** The Air Toxics "Hot Spots" Information and Assessment Act of 1987 requires ARB to compile a list of substances which present a chronic or acute threat to public health when present in the ambient air; requires operators of facilities which are sources of air releases or potential air releases of hazardous materials to develop, submit to the appropriate APCD or AQMD, and update every four years, emissions inventories; requires the districts, based on data from the inventories, to designate facilities as high, intermediate, or low-priority category facilities; requires the highest priority facilities to prepare and submit to the district a health risk assessment and authorizes the districts to require any facility operator to prepare and submit a health risk assessment; and requires the districts to collect fees from facility operators. As amended April 25, this bill would recast provisions exempting certain facilities from the Act to instead exempt any facility for which a health risk assessment is not required to be filed or as to which the district finds that the facility poses no significant health risk. The bill would require exempted facilities to submit a specified statement and emissions inventory to the district. [*S. Appr*]

**AB 564 (Cannella),** as amended April 17, would exempt a facility from any reporting, fee, emissions inventory update, or other requirement of the Air Toxics "Hot Spots" Information and Assessment Act if a health risk assessment was not required to be filed for the facility or the facility poses no significant health risk, as specified, and would prescribe circumstances that would subsequently make the facility subject to the Act. The bill would require certain exempt facilities to submit a specified quadrennial statement and would limit any fee that may be imposed for that purpose to the administrative processing cost.

The Act requires ARB to adopt a regulation that requires each district to adopt a

fee schedule to recover the reasonable anticipated cost of ARB and the Office of Environmental Health Hazard Assessment in administering the Act. This bill would impose a prescribed limit on those costs. [*A. T&PSM*]

**SJR 2 (Russell).** The Clean Air Act requires states in which an area with severe or extreme air pollution is located to submit to EPA a SIP revision requiring employers in those areas to implement programs to reduce work-related vehicle trips and miles traveled by employees. As introduced December 5, this measure would memorialize the Congress to amend the Clean Air Act to eliminate the provisions mandating an employer trip reduction program in those areas, and allow states to pursue practical, cost-effective alternatives to solving their air quality problems. [*A. Trans*]

**SJR 5 (Kopp),** as amended March 14, would memorialize the President and Congress of the United States to amend the federal Clean Air Act to retain clean air standards prescribed by the Act but remove specific requirements such as vehicle inspection and maintenance and trip reduction, and to require EPA to reevaluate, using recent scientific, technological, and other environmental findings, the methodology and science used to measure both the inventory of emissions and the effectiveness of individual components of state clean air plans for purposes of compliance with the broader goals of the Clean Air Act Amendments of 1990. The measure would state that the legislature will continue to pursue all feasible and cost-effective strategies that, as implemented, produce cleaner air. [*A. Trans*]

**SB 437 (Lewis),** as amended May 10, would prohibit APCDs and AQMDs, except as specified, and other public agencies from imposing any requirement on any employer to implement a trip reduction program unless the program is expressly required by federal law and the elimination of the program would result in the imposition of federal sanctions. [*S. Floor*]

**AB 30 (Katz).** Existing law requires all motor vehicles powered by internal combustion engines that are registered in designated areas of the state to biennially obtain a certificate of compliance or non-compliance with vehicle emission standards, but exempts certain vehicles from those requirements. Documentation that a motor vehicle is exempt may not be based solely on the owner's statement that the vehicle is in an exempt category. As introduced December 5, this bill would instead state that the documentation shall not be based solely on the owner's statement and

would make various technical changes in those provisions. [*S. Trans*]

**AB 63 (Katz).** Existing law provides that the cost limit for repairs under the vehicle inspection and maintenance program shall be a minimum of \$450, except as specified. As amended February 23, this bill would, until January 1, 1998, delete the \$450 cost limit and instead prescribe repair cost limits of \$50 to \$300 for specified classes of vehicles. The bill would reinstate the \$450 cost limit on and after January 1, 1998. [*S. Trans*]

**AB 1457 (Granlund),** as introduced February 24, would require vehicle manufacturers to supply specified information to all licensed Smog Check Program stations, if that information is supplied to franchised automotive dealers. The bill would also require vehicle manufacturers to contract with after-market emissions parts manufacturers to supply those manufacturers with information necessary for the manufacture of emissions related parts and standardized test equipment. [*A. Trans*]

**AB 531 (Morrissey),** as amended April 27, would require ARB to establish a statewide registration program, by regulation, for all portable internal combustion engines, as defined, of more than 50 horsepower; authorize ARB to assess fees for the registration or the renewal of registration of those engines; express the intent of the legislature that the registration and regulation of emissions from those engines be done on a uniform, statewide basis and that permitting and regulation of those engines by APCDs and AQMDs be preempted; prohibit districts from taking prescribed actions regarding those engines; and require ARB to establish emission limits and emission control requirements for those engines after conducting a study, holding public hearings, and considering prescribed factors. The bill would also authorize a district air pollution control officer to enforce the registration requirements, emission limits, or emission control requirements in the same manner as district regulations. [*A. NatRes*]

**AB 924 (Rainey).** Existing law requires APCDs and AQMDs to prepare a plan to achieve and maintain state and federal ambient air quality standards. As introduced February 22, this bill would require each district that has adopted such a plan to annually report to ARB the percentage of time during the preceding calendar year that the district met the state standard for each pollutant. The bill would, if a state standard was met 99.9% of the time, prohibit the adoption by the district of any new or more stringent control measure unless the district analyzes the costs and benefits of achieving 100% attainment. [*A. NatRes*]



**AB 1460 (Morrissey).** Existing law requires ARB to develop a test procedure and to adopt regulations prohibiting the use of heavy-duty motor vehicles which have excessive smoke emissions, and provides for the enforcement of those provisions, including requiring the vehicle owner to immediately correct deficiencies, and to pay a specified civil penalty. As amended April 24, this bill would delete the provisions requiring ARB to adopt those regulations. The bill would prohibit the use of any heavy-duty motor vehicle with excessive smoke emissions or other emissions-related defects, except as to vehicle engines of the 1994 and subsequent model years, and would make related changes. [A. Trans]

**AB 1675 (Goldsmith).** Existing law designates ARB as the agency responsible for preparation of the SIP required by the federal Clean Air Act, and requires that the plan only include those provisions that are necessary to meet the requirements of the federal Act. As amended March 30, this bill would prohibit ARB from adopting or enforcing any standard for emissions of any pollutant from heavy-duty diesel motor vehicles that is more stringent than the federal standard for the same pollutant, unless ARB finds that the additional emission reduction is necessary to achieve the requirements of the SIP or a FIP; determines the amount of the necessary additional reduction; has adopted and implemented a heavy-duty diesel motor vehicle scrappage program to remove older, high-polluting vehicles from the highways at a faster rate than would occur without the scrappage program; and finds that the emission reduction that can be achieved pursuant to the scrappage program will not be sufficient to achieve the reduction required by the state or federal implementation plan. [A. NatRes]

## ■ LITIGATION

**Citizens for a Better Environment—California v. California Air Resources Board,** No. 378401 (filed June 14, 1994), is still pending in Sacramento County Superior Court. In this action, Citizens for a Better Environment—California (CBE), a nonprofit environmental organization, challenges ARB's March 1994 decision to permit implementation of the South Coast Air Quality Management District's (SCAQMD) recently approved Regional Clean Air Incentives Market (RECLAIM) program. RECLAIM is a market-based pollution control strategy which allows industries in Los Angeles, Orange, Riverside, and San Bernardino counties an annual pollution limit and then lets them choose the cheapest way to stay within the limit, including

trading of pollution credits. [14:2&3 CRLR 153; 14:1 CRLR 125; 13:4 CRLR 145-46]

CBE alleges that ARB should not have approved RECLAIM because it will fail to achieve equivalent pollution reductions compared with the District's 1991 Air Quality Management Plan; it will delay, postpone, or hinder compliance with state ambient air quality standards; it fails to require the installation of the best available retrofit control technology at all existing sources; it fails to show expeditious progress toward attainment of state ambient air quality standards; it fails to assure the earliest practicable attainment date for ambient air quality standards; and it fails to maintain progress toward attainment of state ambient air quality standards.

## ■ FUTURE MEETINGS

May 25 in Sacramento.  
 June 29-30 in Sacramento.  
 July 27-28 in Sacramento.  
 September 28-29 in Sacramento.  
 October 26-27 in Sacramento.  
 November 16-17 in Sacramento.  
 December 14-15 in Sacramento.

## CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

*Executive Director:*

*Ralph E. Chandler*

*Chair: Vacant*

*(916) 255-2200*

The California Integrated Waste Management Board (CIWMB) was created by AB 939 (Sher) (Chapter 1095, Statutes of 1989), the California Integrated Waste Management Act of 1989. The Act is codified in Public Resources Code (PRC) section 40000 *et seq.* AB 939 abolished CIWMB's predecessor, the California Waste Management Board. [9:4 CRLR 110-11] CIWMB is located within the California Environmental Protection Agency (Cal-EPA).

CIWMB reviews and issues permits for landfill disposal sites and oversees the operation of all existing landfill disposal sites. The Board requires counties and cities to prepare Countywide Integrated Waste Management Plans (CoIWMPs), upon which the Board reviews, permits, inspects, and regulates solid waste handling and disposal facilities. Alternatively, local governments may join together to form regional agencies which must file Regional Agency Integrated Waste Management Plans (RAIWMPs). Approved CoIWMPs or RAIWMPs must outline the means by which the locality will meet AB

939's required 25% waste stream reduction by 1995 and 50% waste stream reduction by 2000. Under AB 939, the primary components of waste stream reduction are recycling, source reduction, and composting.

CoIWMPs and RAIWMPs are comprised of several elements. Each area must produce a source reduction and recycling (SRR) element, which describes the constituent materials which compose solid waste within the area affected by the element, and identifies the methods the city will use to divert a sufficient amount of solid waste through recycling, source reduction, and composting to comply with the requirements of AB 939. Each area must also produce a household hazardous waste (HHW) element which identifies a program for the safe collection, recycling, treatment, and disposal of hazardous wastes which are generated by households in the area and should be separated from the solid waste stream. The siting element describes the methods and criteria a jurisdiction will use in the process of siting a new or expanding an existing solid waste disposal and transformation facility. The nondisposal facility (NDF) element must include a description of new facilities or expansion of existing facilities that will be needed to reach AB 939's mandated disposal reduction goals, and must identify transfer stations to be used by the local jurisdiction. Once a CoIWMP or RAIWMP is certified by the Board, the responsibility for enforcing its terms is delegated to a CIWMB-approved local enforcement agency (LEA).

The statutory duties of CIWMB also include conducting studies regarding new or improved methods of solid waste management, implementing public awareness programs, and rendering technical assistance to state and local agencies in planning and operating solid waste programs. Additionally, CIWMB staff is responsible for inspecting solid waste facilities such as landfills and transfer stations, and reporting its findings to the Board. The Board is authorized to adopt implementing regulations, which are codified in Division 7, Title 14 of the California Code of Regulations (CCR).

CIWMB is composed of six full-time salaried members: one member who has private sector experience in the solid waste industry (appointed by the Governor and confirmed by the Senate); one member who has served as an elected or appointed official of a nonprofit environmental protection organization whose principal purpose is to promote recycling and the protection of air and water quality (appointed by the Governor and confirmed