



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (CAL-EPA)

AIR RESOURCES BOARD

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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.

MAJOR PROJECTS

ARB Amends Regulation Identifying Transported Air Pollution Areas. At its May 28 meeting, ARB adopted—with some modifications—amendments to section 70500, Title 17 of the CCR, which identifies geographical areas affected by

transported air pollution (receptors), as well as the origin of the pollution (contributors). ARB adopted this regulatory scheme pursuant to Health and Safety Code section 39610(a), which requires the Board to identify each air pollution control district in which transported air pollutants from upwind areas outside the district cause or contribute to a violation of the state ambient air quality standard for ozone. This statute also requires the Board to identify the origin of the transported pollutants. [10:4 CRLR 142]

The regulation identifies the Broader Sacramento Area (BSA) as a source of transport to the Upper Sacramento Valley (USV), and defines the boundaries of those areas. The amendments would shift all of Yuba County and most of Sutter County from the BSA to the USV. They would also remove the Nevada County Air Pollution Control District from the BSA entirely.

The effect of the proposed action will be to limit the applicability of ARB's transport mitigation regulations (sections 70600 and 70601, Title 17 of the CCR) in the Feather River Air Quality Management District, and to exempt Nevada County from compliance with those regulations. The regulations set forth mitigation requirements that must be complied with by areas that transport pollutants downwind. The Board feels that changes are necessary because the mitigation requirements impose a significant burden on less industrialized areas. Because these areas have few older, high-polluting sources, opportunities to create offsets for new sources are limited. Offsets are surplus emission reductions used to balance, or offset, the emission increases resulting from industrial development and expansion. Under the new amendments, industrial sources in Nevada County, Yuba County, and northern Sutter County would be subject to less stringent permitting requirements.

At its May meeting, the Board adopted the proposed amendments but modified them to also remove the mountainous portions of El Dorado and Placer counties from the BSA; on August 20, the Board released the modified amendments for a 15-day comment period ending on September 4. They have not been submitted

to the Office of Administrative Law (OAL) at this writing.

1,3-Butadiene Identified as a Toxic Air Contaminant. At its July 9 meeting, ARB adopted a regulatory amendment to section 93000, Titles 17 and 26 of the CCR, designating 1,3-butadiene as a toxic air contaminant (TAC) with no identified threshold exposure level below which significant adverse health effects are not anticipated.

At room temperature, 1,3-butadiene is a flammable, colorless gas with a pungent odor. Ninety-six percent of the 1,3-butadiene emitted into California's atmosphere results from the incomplete combustion of gasoline and diesel fuel in mobile sources. On-road motor vehicles account for 67% of the total amount of annual emissions statewide, while other mobile sources (such as off-road vehicles, boats, trains, and aircraft) account for 29%. Stationary point sources, such as boilers, heaters, internal combustion engines, and turbines, also emit 1,3-butadiene into the atmosphere; the amount emitted from these sources, however, is only 3%. Tobacco smoke is the primary source of indoor 1,3-butadiene.

The potential health effects of exposure to 1,3-butadiene include potential lifetime cancer risks. According to Cal-EPA's Office of Environmental Health Hazard Assessment (OEHHA), 1,3-butadiene qualifies as an animal carcinogen and a probable human carcinogen as well. 1,3-Butadiene can induce cancer in several sites, including the heart, lung, and liver. In fact, 1,3-butadiene is one of only two chemicals known to cause cancer of the heart in laboratory animals. OEHHA staff also determined a range of risk for 1,3-butadiene inhalation exposure, and found that no evidence exists to support the identification of an exposure level below which carcinogenic effects do not have some probability of occurring.

No control measures for 1,3-butadiene were proposed at the July meeting; a report on the need and appropriate degree of control measures to reduce 1,3-butadiene will be developed in accordance with Health and Safety Code sections 39665 and 39666. At this writing, ARB has not yet submitted this amendment to OAL for review and approval.

SCAQMD's Bold New Plan: Regional Clean Air Incentives Market. The South Coast Air Quality Management District (SCAQMD) has proposed a new approach to emission reduction regulation called the Regional Clean Air Incentives Market (RECLAIM). [12:2&3 CRLR 10] This regulatory program will allow com-



panies which are stationary sources of air pollutants to achieve required reductions of reactive organic gases (ROG) and nitrogen oxides (NOx) emissions through add-on controls, use of reformulated products, and/or by purchasing excess emission reductions from other sources. It is hoped that this market-based strategy will reduce the costs of complying with required reductions in air pollution and enable the extension of clean air efforts to smaller sources. SCAQMD and ARB must give final approval, probably next year, before the market can begin.

RECLAIM begins with a basic "bubble" concept—stationary sources will be given a facility-wide permit that will detail all emission sources at the facility. As the plan currently stands, it will cover emissions of ROG and NOx; the District is considering including sulfur oxides (SOx) as well. RECLAIM will establish facility mass emission limits as a base, and then specify a mandatory rate of reduction that must be met for each of the next ten years. The actual method of compliance will be up to each individual firm.

The permit is the cohesive force behind RECLAIM. The permit will specify the baseline limit for the facility, and emissions reductions will be treated as amendments to the permit. In addition, the permit will be adjusted to reflect emissions trading. Permits are renewable annually upon submission of a facility emissions and compliance report and an associated fee.

The real novelty of RECLAIM is emission reduction trading. Permits will reflect the ownership of emission reduction "credits," which may be used to meet annual targets or traded or sold to other facilities. Facilities may sell emission credits during any quarter without prior approval; however, actual emission reductions must occur before credits for those reductions are sold. Also, the seller will be held responsible for compliance with its reduced allowable emissions level. In addition to these requirements, tradable credits will be restricted in use by geography and by seasons of the year. Geographical constraints will be necessary to comply with California Sensitive Zone requirements, and seasonal constraints will be used to prevent dumping of non-summer emissions into the summer ozone season.

To help facilitate implementation of this program, the District will examine ways to assist in the development of a successful market for emissions credit trading. It will also establish an official tracking system to record all credit transactions. SCAQMD hopes that RECLAIM's market-based approach will

provide incentives for sources to find cleaner and less expensive production technologies and to reduce pollution beyond required limits. The District is currently examining alternatives to mitigate RECLAIM's potential for increasing incentives for facility shutdown and business flight. (See *supra* report on AMERICAN LUNG ASSOCIATION OF CALIFORNIA for related discussion of environmental concerns.) SCAQMD gave a presentation on the RECLAIM program at ARB's July 9 meeting; at this writing, the Board has taken no action on the plan.

Air Toxics "Hot Spots" Fee Regulation. Following public hearings on July 10 and August 13, the Board adopted amendments to sections 90700–90705, Titles 17 and 26 of the CCR, to establish new fee schedules which APCDs and AQMDs must adopt to cover the state's cost of implementing the "Hot Spots" program. [12:2&3 CRLR 198; 11:4 CRLR 153–54] The amended fee schedules will allow the districts to collect anticipated combined state and district program costs of \$12.5 million for fiscal year 1992–93. Staff also proposed modifications to exempt specified categories of small sources from fees, and to review the list of districts for which fees are established in the fee regulation. The Board adopted the amendments as modified, and is scheduled to release the modified version for a 15-day comment period in the near future.

Board Adopts Specifications for New Certification Fuel. Following a public hearing on August 14, ARB amended sections 1960.1(k) and 1956.8(d), Title 13 of the CCR, to adopt new specifications for gasoline used during the certification testing of motor vehicles to determine their compliance with California emission standards. The proposed specifications are part of ARB's overall efforts to require the introduction of low-emission vehicles and cleaner motor vehicle fuels. [11:1 CRLR 113]

Currently, ARB utilizes a special type of fuel, "certification fuel," when testing motor vehicles to determine if they comply with the Board's emission standards. At its August meeting, ARB approved the use of an additional certification fuel based on Phase 2 reformulated gasoline, which is referred to as Phase 2 gasoline certification fuel. [12:1 CRLR 139–40] This fuel will be allowed in testing 1993 and later model year low-emission vehicles, and 1995 and later model year conventional gasoline motor vehicles. With the addition of Phase 2 gasoline certification fuel, ARB expects that car manufacturers should be able to introduce cleaner-burning vehicles sooner, and at a lower cost to the con-

sumer.

ARB also reported that Phase 2 gasoline certification fuel will cost about \$1.50 to \$1.85 per gallon in railcar (200,000 gallons) or tank truck (7,200 gallons) lot sizes. These costs are approximately 30–50% more than current costs for certification fuels. This difference, however, is expected to be less than 1% of the total cost of certification testing. These amendments have not been submitted to OAL at this writing.

Annual Report to the Governor on ARB's Atmospheric Acidity Protection Program. In 1988, the legislature enacted the Atmospheric Acidity Protection Act (Chapter 1518, Statutes of 1988) to require ARB to research and combat the deposition of atmospheric acidity from unnatural sources in California. [9:3 CRLR 100] The legislature found that the continued accumulation of this acidity, alone or in combination with human-made pollutants, could have serious, adverse effects on public health and safety. Pursuant to the Act, ARB implemented the Atmospheric Acidity Protection Program to determine the extent of potential damage to the public health and the state's ecosystems that could result from atmospheric acidity. If needed, ARB is authorized to establish an atmospheric acidity and/or acidic deposition standard to protect the economic and ecological resources of the state.

At its August 27 meeting, staff presented ARB's Annual Report to the Governor and legislature on activities and findings of the Atmospheric Acidity Protection Program, which is required by section 39910 of the Health and Safety Code. The major findings of the report are as follows: rates of acidic deposition differ widely within the state; nitric acid is the predominant acid in wet and dry deposition; acid fog can be up to 100 times more acidic than rain; episodic depressions of surface water pH occur in the Sierra Nevada; a variety of human-made materials such as paints, metals, and stone are damaged by acidic air pollutants; and the combined effects of nitric acid and ozone on human health are still not well understood, but are of great concern to health scientists.

Researchers from UC Riverside and UC Davis made presentations regarding San Joaquin Valley crops. They announced that acidic deposition produces only slight adverse effects on crops, and that the extent of air pollution-related crop losses may largely be determined by ambient concentrations of ozone in the Valley. It was also reported that ozone, in combination with atmospheric acidity,



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may produce adverse health effects for humans, especially when exposure to them at high levels occurs intermittently over a period of years. As a result, the "health effects" segment of the Atmospheric Acidity Protection Program plans to emphasize this area of research over the next three years.

ARB Adopts Regulations to Phase Out the Use of CFC Refrigerants in Air Conditioner-Equipped New Vehicles.

At its September 10 meeting, the Board adopted section 2300, Title 13 of the CCR, to phase out the use of chlorofluorocarbon (CFC) refrigerants in air conditioner-equipped new passenger cars, light-duty trucks, medium-duty vehicles, and heavy-duty vehicles. The regulations implement the requirements of AB 859 (Vasconcellos) (Chapter 874, Statutes of 1991), which declares "[f]or the first time in human history, the use and disposal of certain manmade products are actively destroying a layer of the earth's atmosphere without which human life cannot continue to exist." AB 859 addresses the critical problem of CFC contribution to ozone depletion, and establishes a schedule for phasing out the use of CFCs in automobile air conditioning systems. ARB's phase-out schedule is essentially the same as that set forth in AB 859. [11:4 CRLR 156-57]

The phase-out would begin with a requirement that during the 1993 calendar year, no more than 90% of a manufacturer's total production of air conditioner-equipped new 1993 and 1994 model year motor vehicles may use CFC refrigerants for air conditioning. During the 1994 calendar year, the amount drops to 75%. During the period from September 1 to December 31, 1994, no more than 10% of air conditioner-equipped new 1995 model year vehicles may use CFC refrigerants. Finally, effective January 1, 1995, no new 1995 or later model year vehicle using any CFC refrigerant for vehicle air conditioning may be sold, supplied, or offered for sale in California.

Staff initially recommended that the phase-out regulations apply to vehicles using HCFC-22 for air conditioning. However, AB 859 provides that the phase-out schedule applies only to refrigerants with an ozone depletion potential (ODP) greater than 0.1. HCFC-22's ODP is 0.05, which led several commenters to question ARB's authority to regulate HCFC-22. In response, staff reluctantly withdrew HCFC-22 from the purview of the proposed regulations, warning that the recreational vehicle industry and urban bus manufacturers have planned to extensively use HCFC-22 in their air condition-

ing systems. Staff analysis suggests that HCFC-22 is likely to prove more damaging than its low ODP would suggest, due to a relatively heavy short-term release of chlorine into the atmosphere. By one estimate, HCFC-22's atmospheric chlorine loading increment will amount to 40% of that of CFC-11 over the next 25 years—before declining to 20% over a 100-year period. The current federal deadline for HCFC-22 phase-out is 2030. In addition to excluding HCFC-22, the CFC phase-out schedule does not apply to air conditioned off-road vehicles such as backhoes, tractors, or earth-moving equipment.

The proposed regulations allow certain exemptions. Small volume manufacturers are exempt from some of the requirements for the first two years. Also, any manufacturer may apply for an exemption where compliance with the regulation would result in severe financial hardship. The exemption, however, may not exceed two years. Staff discussions with the six largest California sales-volume manufacturers (Honda, Toyota, Nissan, Ford, Chrysler, and GM) indicate that market forces are pushing all six to phase out CFCs by 1995. This appears to be the result of a decline in U.S. CFC production to 58% of 1986 levels, well below the federal Clean Air Act target level of 80%, which has driven up the price of CFC refrigerants.

The regulations also mandate recordkeeping requirements that will allow ARB to monitor and verify compliance with the phase-out schedule. Manufacturers will be required to submit quarterly and annual reports detailing the percentage of cars sold with CFC-based and non-CFC-based air conditioning systems. This information will be used to ensure that dealership installation of air conditioning units is not used to circumvent the regulations. The regulations also provide that all reporting requirements shall cease once a manufacturer has completely phased out the use of CFC refrigerants in its air conditioning-equipped new motor vehicles. Violations of AB 859 result in civil penalties of \$500 per incident, up to a maximum of \$5,000 per day. The regulations have not been submitted to OAL at this writing.

Certification Requirements and Procedures for Low-Emission Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. ARB was scheduled to hold a public hearing on November 12 to consider amending sections 1960.1, 1976, and 2061, Title 13 of the CCR, refining certain elements of its low-emission vehicles/clean fuels (LEV/CF) program. [12:1 CRLR 139]

In 1990, ARB adopted stringent exhaust emission standards for passenger cars, light-duty trucks, and medium-duty vehicles. [11:1 CRLR 113] The regulations contain four progressively more strict categories of standards for light-duty vehicles: Low-Emission Vehicles (LEVs), Transitional Low-Emission Vehicles (TLEVs), Ultra-Low-Emission Vehicles (ULEVs), and Zero-Emission Vehicles (ZEVs). The Board chose not to mandate specific phase-in percentages, instead using a "categorized fleet averaging approach," which determines compliance by calculating the average non-methane organic gas (NMOG) emission standard to which a manufacturer's fleet of light-duty vehicles is certified. Manufacturers may certify to any combination of low-emission or conventional vehicle categories, so long as the overall fleet average requirement for the model year is met. The fleet average requirements start with the 1994 model year, and each year until 2003 the required NMOG gram per mile fleet average becomes a step more stringent.

As part of its LEV/CF rulemaking, the Board approved a process for periodic review of the implementation status of the regulatory scheme and for consideration of appropriate modification of the rules. At a June 11 public meeting, ARB staff presented a status report on progress being made by the industry to comply with the LEV requirements, and several vehicle manufacturers presented comments. At the conclusion of the proceeding, the Board adopted Resolution 92-46 finding that the LEV program standards continue to be technologically feasible within the designated timeframes.

The Board set a November 12 hearing date to consider regulatory amendments covering a wide variety of subjects related to the certification of light- and medium-duty vehicles. The changes under consideration include the following:

-Establishing test procedures and requirements for certifying hybrid electric vehicles, which are designed to run on some combination of energy supplied by batteries and an auxiliary power unit (likely to be an internal combustion engine). The low-emission category (*i.e.*, LEV, TLEV, or ULEV) into which a hybrid can certify would be dependent on emissions of the vehicle's auxiliary power unit. However, additional emission credits would be granted for hybrids if they can be driven significant distances on battery power alone.

-Adjusting the current 4,000-mile, 50\$F emission standard for LEVs to allow for the previously unanticipated development that manufacturers will be able to



certify to TLEV and LEV standards using current gasoline engines. The adjustments are for NMOG and formaldehyde only; the data do not justify adjustments for carbon monoxide or nitrogen oxide emissions.

—Establishing reactivity adjustment factors (RAFTs) for Phase 2 reformulated gasoline TLEVs and LEVs. If data become available, staff may also propose RAFTs for compressed natural gas and liquefied petroleum gas TLEVs and LEVs, methanol LEVs, and ethanol TLEVs. [12:1 CRLR 139-41]

Revisions in Test Procedures for Qualifying a Fuel as a Substitute for a Clean Fuel or as a New Clean Fuel. Also at its November meeting, the Board was scheduled to consider proposed amendments to sections 1960.1(k) and 2317, Title 13 of the CCR, revising test procedures for qualifying a fuel as a substitute for a clean fuel or as a new clean fuel. Staff proposes to replace the existing procedure with one similar to that specified in the Phase 2 gasoline regulations, which determines how an emission demonstration must be conducted to qualify gasoline as an alternative to the Phase 2 standards.

Update on Other Regulatory Changes. The following is a status update on regulatory changes approved by ARB and discussed in detail in previous issues of the *Reporter*:

- ARB's May 1992 amendments to sections 2030 and 2031, Title 13 of the CCR, which strengthen existing procedures for approving alternative fuel retrofit systems for motor vehicles beginning with the 1994 model year, have not been submitted to OAL at this writing. [12:2&3 CRLR 200]

- At this writing, the Board's May 1992 amendments to sections 70303 and 70304, Title 17 of the CCR, and Appendices 2-4 thereof, which revise the criteria used to designate areas in California as attainment, non-attainment, or unclassified for state ambient air quality standards, have not yet been submitted to OAL. [12:2&3 CRLR 201]

- The Board's April 1992 adoption of section 90621.3, Title 17 of the CCR, requiring local APCDs and AQMDs to collect permit fees from major nonvehicular sources of sulfur oxides and nitrogen oxides to fund the Board's Atmospheric Acidity Protection Program for fiscal year 1992-93, was approved by OAL on September 10. [12:2&3 CRLR 199]

- The Board's April 1992 regulatory action adopting section 90800.3 and amending section 90803, Title 17 of the CCR, which establishes permit fees which APCDs and AQMDs must assess against

nonvehicular sources of air pollution, was approved by OAL on August 11. [12:2&3 CRLR 199-200]

- At this writing, the Board's March 1992 amendment to section 93000, Titles 17 and 26 of the CCR, identifying formaldehyde as a toxic air contaminant, has not been submitted to OAL for approval. [12:2&3 CRLR 198-99]

- ARB's March 1992 adoption of sections 2292.1 and 2292.2, Title 13 of the CCR, which would establish specifications, beginning on January 1, 1993, for M-100 methanol (100% methanol) and M-85 methanol (85% methanol, 15% gasoline), has not been submitted to OAL for review and approval at this writing. [12:2&3 CRLR 199]

- ARB's January 1992 adoption of sections 2420-2427, Title 13 of the CCR, establishing exhaust emission standards and test procedures for new 1996 and later heavy-duty off-road engines, has not been submitted to OAL at this writing. [12:2&3 CRLR 198]

- The Board's January 1992 amendments to sections 94503.5, 94506, 94507-94513, and 94515, Title 17 of the CCR, reducing volatile organic compound emissions from consumer products, have not been submitted to OAL at this writing. [12:2&3 CRLR 197-98]

- On July 30, the Board released a modified version of new sections 2258 and 2298 and its amendments to sections 2251.5 and 2296, Title 13 of the CCR, which require the addition of oxygen to gasoline sold during the winter months starting in November 1992. The regulatory changes, which the Board adopted in December 1991, modified in March 1992, and modified again after a 15-day notice, were submitted to OAL on September 9. [12:1 CRLR 140]

- In November 1991, the Board adopted new sections 2260-2272, and amended sections 2250, 2251.5, and 2252, Title 13 of the CCR, establishing specifications for "Phase 2 Reformulated Gasoline." These regulatory changes were scheduled for submission to OAL on October 2. [12:1 CRLR 139-40]

- ARB's November 1991 amendments to the area designation regulations contained in sections 60200-60209, Title 17 of the CCR, which are revised annually based on collected air quality data, were approved by OAL on June 25. [12:1 CRLR 142]

- The Board's modified November 1991 amendments to section 1960.1, Title 13 of the CCR, adopting an ozone reactivity adjustment factor for transitional low-emission vehicles (TLEVs) using 85% methane fuel (M-85), which corrects

TLEV M-85 emission calculations to make the measurements for ozone-forming potential comparable to the measurements used for conventional gasoline-fueled vehicles, were submitted to OAL on September 25. [12:1 CRLR 140-41]

- ARB's October 1991 amendment to section 93000, Titles 17 and 26 of the CCR, which identifies perchloroethylene as a TAC, is pending at OAL at this writing. [12:1 CRLR 141]

- ARB's October 1991 amendments to sections 70100(k) and 70200 and its repeal of section 70201, Title 17 of the CCR, which revise the 24-hour ambient air quality standard for sulfur dioxide, were approved by OAL on June 29. [12:1 CRLR 141]

- The Board's September 1991 amendments to sections 1968.1 and 1977, Title 13 of the CCR, requiring vehicle manufacturers to equip 1994 and later-modeled vehicles with advanced, computerized on-board diagnostic systems, were approved by OAL on September 3. [11:4 CRLR 154]

- ARB's August 1991 amendment to section 93000, Titles 17 and 26 of the CCR, identifying nickel as a toxic air contaminant, was approved by OAL on July 14. [11:4 CRLR 154]

- The Board's August 1991 amendments to sections 80130, 80150, 80250, 80260, and 80290, Title 17 of the CCR, which modify existing reporting requirements under ARB's agricultural burning guidelines, were approved by OAL on September 2. [11:4 CRLR 154]

■ LEGISLATION

SB 1728 (Green). Existing law requires the hearing board of an APCD or AQMD to make certain findings before granting a variance. This bill requires the hearing board to consider, in making those findings, whether requiring immediate compliance would impose an unreasonable burden upon an essential public service. The bill was signed by the Governor on September 27 (Chapter 1025, Statutes of 1992).

The following is a status update on bills reported in detail in CRLR Vol. 12, Nos. 2 & 3 (Spring/Summer 1992) at pages 202-03:

SB 1294 (Presley). Existing law establishes an Inspection/Maintenance (I/M) Review Committee to analyze the effect of the "Smog Check" motor vehicle inspection program on motor vehicle emissions and air quality; the I/M Review Committee is required to prepare and submit to the legislature on or before December 31, 1992, a report on the effect of existing cost limitations for repairs re-



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quired under the program. This bill requires the I/M Review Committee, in consultation with ARB and the Bureau of Automotive Repair (BAR), to include in that report its recommendations for improving the effectiveness and cost-effectiveness of the Smog Check Program, including prescribed information. This bill requires the I/M Review Committee to seek comments from ARB before submitting its report to the legislature, and requires those comments to be published as an appendix to the report. This bill was signed by the Governor on September 12 (Chapter 677, Statutes of 1992). (See *supra* agency report on BAR for related discussion.)

SB 1352 (Lewis) prohibits the South Coast Air Quality Management District, until January 1, 1997, from requiring any employer with fewer than 100 employees at a single worksite to submit a trip reduction plan. This bill was signed by the Governor on September 15 (Chapter 725, Statutes of 1992).

SB 1378 (McCorquodale) requires ARB to adopt regulations stating that any district which has an approved toxics emissions inventory compiled pursuant to the Air Toxics "Hot Spots" Information and Assessment Act of 1987 by August 1 of the preceding year must adopt a fee schedule which imposes on facility operators fees that are, to the maximum extent practicable, proportionate to the extent of the releases identified in the toxics emissions inventory and the level of priority assigned to that source by the district. This bill was signed by the Governor on July 29 (Chapter 375, Statutes of 1992).

SB 1395 (Rosenthal), would have, among other things, authorized the issuance of special "Blue Sky" license plates to the owner or lessee of a clean fuel vehicle, as defined. SB 1395 would have authorized the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, and every state agency and local authority that operates an offstreet parking facility, to establish a preferential parking program for clean fuel vehicles displaying "Blue Sky" license plates. This bill was vetoed by the Governor on September 30.

SB 1404 (Hart) authorizes ARB to adopt nonregulatory guidelines specifying the amount and types of pollutants that qualify a vehicle as a "gross polluter," as defined, and to establish standards and testing procedures for the use of remote sensors or other technologies to identify vehicles that qualify as gross polluters. This bill was signed by the Governor on September 26 (Chapter 972, Statutes of

1992).

SB 1731 (Calderon) requires the operator of every high-priority category facility to prepare health risk assessments in accordance with described guidelines established by the Office of Environmental Health Hazard Assessment. This bill also requires facility operators to conduct an airborne toxic risk reduction audit, develop a plan to implement airborne toxic risk reduction measures, and implement the measures set forth in the plan. This bill was signed by the Governor on September 29 (Chapter 1162, Statutes of 1992).

AJR 72 (Polanco) memorializes the President and the Congress to secure prestige for America as a forerunner in the development of a clean fuel vehicle industry by providing consumer investment tax credits to stimulate a national market for the purchase of electric and other alternative fuel vehicles. This resolution was chaptered on July 1 (Chapter 59, Resolutions of 1992).

AB 2370 (Cannella) establishes the California Dry Cleaning Industry Task Force, and requires it to prepare and submit to the legislature and the Governor by February 28, 1993, a report on prescribed matters relating to the effect of dry cleaning industry practices on the environment. This bill was signed by the Governor on July 24 (Chapter 347, Statutes of 1992).

AB 2522 (Woodruff) creates the Mojave Desert Air Quality Management District, which will assume the functions of the San Bernardino County Air Pollution Control District on July 1, 1993. This bill was signed by the Governor on September 12 (Chapter 642, Statutes of 1992).

AB 2728 (Tanner) makes various statutory changes in provisions relating to TACs to conform statutes to the Governor's Reorganization Plan No. 1 of 1991, which took effect on July 17, 1991; requires ARB to identify or designate various substances as TACs and adopt airborne toxic control measures, with reference to federal law; and authorizes ARB, APCDs, and AQMDs to take prescribed actions to regulate certain TACs. This bill was signed by the Governor on September 29 (Chapter 1161, Statutes of 1992).

AB 2781 (Sher) requires every APCD and AQMD, with specified exceptions, to establish by regulation a program to provide for the expedited review of permits for certain activities, and requires ARB to assist districts in the issuance of permits. This bill was signed by the Governor on September 28 (Chapter 1096, Statutes of 1992).

AB 2783 (Sher), among other things, requires ARB to periodically review

criteria for designating an air basin as attainment or nonattainment for any state ambient air quality standard.

Existing law requires ARB to evaluate, in consultation with APCDs and AQMDs, air quality-related indicators which may be used to measure or estimate the districts' progress in the attainment of state standards. This bill imposes certain additional reporting requirements on the districts regarding progress toward attainment. This bill was signed by the Governor on September 26 (Chapter 945, Statutes of 1992).

AB 2848 (Bentley) requires APCDs and AQMDs to determine, prior to adopting any rule or regulation to reduce criteria pollutants, that there is a problem that the proposed rule or regulation will alleviate and that the rule or regulation will promote the attainment or maintenance of state of federal ambient air quality standards. This bill was signed by the Governor on August 30 (Chapter 567, Statutes of 1992).

AB 3050 (Polanco) would have required the Department of Commerce, in collaboration with the California Energy Commission and the Business, Transportation and Housing Agency, to establish and maintain, until January 1, 1997, a California Electric and Clean Fuel Vehicle Interagency Consortium with specified objectives and functions. This bill was vetoed by the Governor on September 30.

AB 3290 (Tucker) makes a legislative finding and declaration that the South Coast Air Quality Management District shall make reasonable efforts to incorporate solar energy technology into its air quality management plan where it is shown to be cost-effective. This bill was signed by the Governor on July 13 (Chapter 186, Statutes of 1992).

AB 3400 (Costa) authorizes, rather than requires, the San Joaquin Valley Air Quality Management District board to adopt regulations regarding fuel used by fleet vehicles, after a public hearing, and defines "motor vehicle fleet" to mean fifteen or more vehicles under common ownership or operation. This bill was signed by the Governor on September 18 (Chapter 765, Statutes of 1992).

AB 3785 (Quackenbush) prescribes the circumstances when data used to calculate the costs of obtaining emissions offsets are, or are not, public records. The bill requires certain APCDs and AQMDs to annually publish the cost of emission offsets purchased. Further, the bill requires APCDs and AQMDs to adopt a system by which reductions in air contaminant emissions may be banked and used to offset future emission increases. This bill was signed by the Governor on



September 8 (Chapter 612, Statutes of 1992).

AB 3790 (Gotch) requires the State Treasurer, the California Pollution Control Financing Authority, and the Department of Commerce to work with APCDs and AQMDs to increase opportunities for small businesses to comply with districts' rules and regulations. This bill was signed by the Governor on September 28 (Chapter 1126, Statutes of 1992).

AB 1054 (Sher) requires APCDs, in adopting any program for the use of market-based incentives to improve air quality, to meet prescribed criteria, including specific criteria applicable to the South Coast Air Quality Management District. This bill was signed by the Governor on September 29 (Chapter 1160, Statutes of 1992).

SB 1211 (Committee on Energy and Public Utilities) requires ARB to adopt regulations requiring clean fuel producers, suppliers, distributors, and retailers to supply ARB with cost and price information, which it must then report to the legislature. This bill was signed by the Governor on May 27 (Chapter 67, Statutes of 1992).

AB 598 (Elder) was substantially amended and is no longer relevant to ARB.

The following bills died in committee: **AB 2419 (Quackenbush)**, which would have exempted LEVs, as defined, from local registration fees imposed on or after January 1, 1993, and before January 1, 1996, and provided other tax incentives for the sale and use of LEVs and certain other fuels; **AB 2489 (Hayden)**, which would have required Cal-EPA to prepare a list of CFCs for which substitutes are available and the earliest feasible dates by which their use may be implemented; and **AB 280 (Moore)**, which would have limited the existing \$300 fine imposed on owners of heavy-duty motor vehicles determined to have excessive smoke emissions or other emissions-related defects only to those owners who fail to take corrective action, and imposed a \$25 civil penalty in other cases.

RECENT MEETINGS

On September 10, ARB approved an attainment plan for the Monterey Bay Unified Air Pollution Control District. The California Clean Air Act of 1988 requires local and regional air pollution control districts that are not attaining one or more of the state ambient air quality standards for ozone, carbon monoxide, sulfur dioxide, or nitrogen oxide to adopt plans for attaining those standards as expeditiously as practicable (Health and

Safety Code sections 40910-26). The plan drew considerable public comment from small communities and local business employers, who are concerned about possible economic repercussions. Commenters urged flexibility in the attainment plan so that towns with low contributions to overall pollution are not made to bear a disproportionate burden.

FUTURE MEETINGS

December 10-11 in Sacramento.

CALIFORNIA INTEGRATED WASTE MANAGEMENT AND RECYCLING BOARD

Executive Director:
Ralph E. Chandler
Chair: Michael Frost
(916) 255-2200

The California Integrated Waste Management and Recycling 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 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. A CoIWMP submitted by a local government must outline the means by which its locality will meet AB 939's requirements of a 25% waste stream reduction by 1995 and a 50% waste stream reduction by 2000. Under AB 939, the primary components of waste stream reduction are recycling, source reduction, and composting.

A CoIWMP is comprised of several elements. Each city initially produces 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 city 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 city and should be separated from the solid waste stream. After receiving each city's contribution, the county produces an overall CoIWMP, which includes all of the individual city plans' elements plus a county-prepared plan for unincorporated areas of the county, as well as a countywide siting element which provides a description of the areas to be used for development of adequate transformation or disposal capacity concurrent and consistent with the development and implementation of the county and city SRR elements and the applicable city or county general plan.

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); 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); two public members appointed by the Governor; one public member appointed by the Senate Rules Committee; and one public member appointed by the Speaker of the Assembly.

Issues before the Board are delegated to any of six committees; each committee includes two Board members and is chaired by a third. The Permitting and Enforcement Committee is chaired by Jesse Huff and includes Sam Egigian and Paul Relis. This Committee handles all matters pertaining to the issuance and enforcement of solid waste facilities permits and state standards for solid waste.

The Legislation and Public Affairs Committee is chaired by Kathy Neal and includes Wes Chesbro and Michael Frost. This Committee recommends positions to the Board regarding relevant legislation, and oversees Board involvement in public