



cant amount of energy on a statewide basis; and require CEC, by January 1, 1993, to adopt energy conservation measures that are cost-effective and feasible for privately-owned residential buildings. This bill is pending in the Assembly Ways and Means Committee.

## LITIGATION:

In *CEC v. Department of Water and Power, City of Los Angeles*, No. B-055524, currently pending in the Second District Court of Appeal, CEC is seeking review of the trial court's decision that the Los Angeles Department of Water and Power's (LADWP) Harbor Generating Station Repowering Project is not subject to CEC's jurisdiction. The Los Angeles County Superior Court agreed with LADWP that the Repowering Project is not subject to CEC's jurisdiction as it cannot be considered a "modification of an existing facility" under Public Resources Code section 25123 or a "construction of any facility" under section 25110. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 140 and Vol. 10, No. 4 (Fall 1990) pp. 167-68 for detailed background information on this case.) CEC had until July 31 to file its opening brief with the Court of Appeal; LADWP will have 30 days to file its responding brief.

## FUTURE MEETINGS:

CEC meets every other Wednesday in Sacramento.

## CALIFORNIA INTEGRATED WASTE MANAGEMENT AND RECYCLING BOARD

*Executive Director:*

*Ralph E. Chandler*

*Chair: Michael Frost*

(916) 322-3330

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 The Act is codified in Public Resources Code (PRC) section 40000 *et seq.* AB 939 repealed SB 5, thus abolishing CIWMB's predecessor, the California Waste Management Board (CWMB). (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 110-11 for extensive background information.)

CIWMB reviews and issues permits for landfill disposal sites and oversees the operation of all existing landfill disposal sites. The Board is authorized to require counties and cities to prepare Countywide Integrated Waste Management Plans (CoIWMPs), upon which the

Board will review, permit, inspect, and regulate 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.

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).

The new 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.

The new Board begins its work under a new enabling statute, with a variety of recently enacted bills and many new regulations. The Board is operating on a \$53 million budget during fiscal year 1990-91, and will deploy an enlarged staff of about 200 in meeting the solid waste management needs of the state.

The Board position reserved for a representative of environmental protection groups remains empty, waiting for an appointment by Governor Wilson.

## MAJOR PROJECTS:

*Board Appoints New Executive Director.* In May, CIWMB announced its selection of Ralph E. Chandler as its new Executive Director. Chandler previously served for nearly two years as Chief of the Division of Recycling at the Department of Conservation, and was with the state's beverage container recycling program since its inception in 1986. Chandler, a graduate of UC Davis with a degree in economics and business

management, will earn an annual salary of \$91,224.

*CIWMB Included in Governor's Cal-EPA Plan.* On April 17, Governor Wilson released the details of his plan to create the California Environmental Protection Agency (Cal-EPA). Pursuant to his "executive reorganization" authority under Government Code section 12080 *et seq.*, Wilson proposes to establish Cal-EPA and place within it the cabinet-level Office of the Secretary for Environmental Protection and six distinct units:

- three existing agencies from the Resources Agency—CIWMB, the Air Resources Board, and the Water Resources Control Board (including the regional water quality control boards); these boards will retain their existing memberships, jurisdiction, and autonomy;

- the Department of Toxic Substances Control (transferred intact from the Department of Health Services), which would handle responsibility for the regulation and clean-up of hazardous waste;

- the Department of Pesticide Regulation, transferred intact from the California Department of Food and Agriculture (CDFA); and

- the Office of Environmental Health Hazard Assessment (functions transferred from DHS), which would oversee risk assessment and the implementation of the Safe Drinking Water and Toxics Enforcement Act of 1986 (Proposition 65).

Under the Governor's reorganization plan, the Secretary will serve as the primary point of accountability for the management of environmental protection programs. The Office of the Secretary will bring together functions which cut across the various programs designed to address pollution in a single medium (*e.g.*, air, surface water, groundwater, land). In releasing his plan, Wilson acknowledged that it will not necessarily lead to a change in environmental law or policy, but is intended to correct the current "dilution of accountability" by consolidating related environmental responsibilities now divided among several state agencies.

Following its release to the public, the reorganization plan was forwarded to the legislature and to the Commission on California State Government Organization and Economy (the "Little Hoover Commission"), which studied it, held public hearings on May 22-23, and released its evaluation of the proposal on June 7. The Little Hoover Commission concluded that the Cal-EPA plan should be adopted, but made several recommendations for legislative adjustment of the



## REGULATORY AGENCY ACTION

proposal. (See *supra* agency reports on CDFA and LITTLE HOOVER COMMISSION for background information.)

Under the executive reorganization statute, the legislature has 60 days to veto it. The plan is referred to an appropriate standing committee in each house, each of which reports to the respective floors at least ten days prior to the end of the 60-day period. The only legislative action allowed by law is for either house to adopt a resolution declaring that it "does not favor" the plan. The plan may not be modified, amended, or approved—only vetoed. If no action is taken by either house, the plan automatically takes effect on the sixty-first day. The legislature had until July 16 to veto Governor Wilson's Cal-EPA proposal.

**Board Approves Draft Financial Responsibility Regulations.** PRC section 43040 requires the Board to adopt standards and regulations requiring that, as a condition for the issuance, modification, revision, or review of a solid waste facilities permit for a disposal facility, the operator of the disposal facility must provide assurance of adequate financial ability to respond to personal injury claims and public or private property damage claims resulting from the operations of the disposal facility which occur before closure. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 146 for background information.) At its March 20 meeting, CIWMB approved a draft version of proposed sections 18230-18244, Title 14 of the CCR, which would implement section 43040 by describing the acceptable financial mechanisms available for use by facility operators. Among other things, the proposed regulations would state the following:

-An operator of one or more solid waste disposal facilities shall demonstrate financial responsibility for compensating third parties for personal injury and property damage caused by accidental occurrences; the amount of financial responsibility required would range from \$1-5 million, depending on the number of facilities operated by an individual.

-An operator shall use one, or any combination of, the following mechanisms for demonstrating financial responsibility: a trust fund, government securities, insurance, self-insurance and risk management, a financial means test, or a corporate guarantee.

-An operator shall maintain evidence of all financial assurance mechanisms until the operator is released from the requirements as specified by the Board.

CIWMB's Permitting and Enforcement Committee was scheduled to hold

a public hearing on these proposed regulations on June 12 in Sacramento.

**Board Approves Draft HHW Element Regulations.** AB 2707 (LaFollette) (Chapter 1406, Statutes of 1990) requires CIWMB to adopt regulations requiring jurisdictions to prepare a Household Hazardous Waste (HHW) element of their CoIWMPs to guide the handling and disposing of HHW. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 146 for background information.) At its March 20 meeting, CIWMB approved a draft version of proposed sections 18750-18751.8, Article 6.3, Title 14 of the CCR, which would establish such regulations. In addition to requiring jurisdictions to prepare a HHW element to guide the handling and disposal of HHW, the proposed regulations would include a statement of goals and objectives; a description of existing conditions; an evaluation of HHW program alternatives; and a selection of preferred HHW program alternatives. The proposed regulations also address the diversion of HHW, funding for preparing and implementing the HHW element, and public education regarding HHW. The Board also approved draft amendments to sections 18762-18775, Article 7, to include the procedures to be followed in preparing and adopting the HHW element. The Board's Administration Committee was scheduled to hold a public hearing on these proposed regulations on July 11 in Sacramento; thereafter, the full Board may consider their adoption at its July 17-18 meeting.

**Recycling Market Development Zone Regulations.** According to CIWMB, recycling market development zones may be created to stimulate the use of postconsumer waste materials as the feedstock in manufacturing processes by private business, industry, and commerce. State and local governing bodies may provide incentives to assist in attracting private sector recycling investment within designated zones. Local governing bodies, or individuals through a local governing body, may apply to the Board for designation as recycling market development zones. PRC section 42148 requires CIWMB, on or before July 1, 1991, to adopt regulations concerning the necessary contents of each application for designation. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 146 for background information.) Therefore, the Board has proposed to adopt sections 17900-17919, Article 1, Title 14 of the CCR, pertaining to the Recycling Market Development Zone designation process.

As drafted, the proposed regulations would define how a Recycling Market

Development Zone designation cycle starts; specify the deadline for submitting applications; state the necessary elements of a zone application; describe the types of information which must be included in a recycling market development plan; and state the statewide program objectives, among other things. CIWMB was scheduled to hold a public hearing on these proposed regulations on June 6.

**Recycling Investment Tax Credit Regulations.** Revenue and Taxation Code sections 17052.14 and 23612.5 allow for a 40% tax credit for specific machinery or equipment which manufactures a marketable finished product composed of postconsumer and secondary waste. Prior to receiving the credit, applicants must obtain a certificate from CIWMB indicating that the equipment meets specific requirements. PRC section 40502 authorizes CIWMB to adopt regulations establishing these requirements. Therefore, the Board proposes to adopt section 17941, Article 1, Title 14 of the CCR, which would implement the Recycling Investment Tax Credit program. Among other things, the proposed regulations would state that eligible qualified equipment or machinery must be located in California and must produce finished products in which at least 50% of the product is composed of secondary waste and 10% of the secondary waste is postconsumer waste. The regulations would also set forth tests which must be satisfied to ensure that finished products meet the specified waste content requirements. CIWMB was scheduled to hold a public hearing on these proposed regulations on June 6 in Sacramento.

**Local Enforcement Agency Regulations.** PRC section 43200 requires CIWMB, on or before August 1, 1991, to adopt certification regulations for local enforcement agencies (LEAs); section 43200 specifies certain elements which must be included in the regulations. On May 24, CIWMB published notice of its intent to amend sections 18010-18070 of Articles 1 and 2, Title 14 of the CCR, and adopt new sections 18070-18084, Articles 2.1 and 2.2, Title 14 of the CCR, to implement section 43200. According to CIWMB, the proposed regulations will establish performance-oriented standards for LEA designation and certification which are consistent with the mandates of the PRC, while correcting several conflicts which exist in the current regulations.

The proposed regulations set forth the four types of LEA certification which the Board will issue; describe the procedure for applying for LEA certification;



state minimum components of an LEA's enforcement program plan; prescribe LEA performance standards, evaluation criteria, duties, and responsibilities; and provide that once certified, an LEA shall enforce the state and local minimum standards for solid waste collection, handling, storage, and disposal for the protection of the air, water, and land from pollution and nuisance, and for the protection of the public health, safety, and the environment. CIWMB was scheduled to hold a public hearing on these proposed changes on July 8 in Sacramento.

*Recycled-Content Newspaper Regulations.* AB 1305 (Killea) (Chapter 1093, Statutes of 1990) added sections 42750-42791 to the PRC. These provisions require "consumers of newsprint," defined in PRC section 42750 as "a person who uses newsprint in a commercial printing operation or in a commercial publishing operation," to use a minimum percentage of recycled-content newsprint in commercial printing and publishing operations. After January 1, 1991, at least 25% of all newsprint used in these operations shall be recycled-content newsprint. The required use of recycled-content newsprint increases gradually to 30%, 35%, 40%, and finally to 50% by the year 2000. The law defines newsprint to include all grades of uncoated paper sold as newsprint or uncoated groundwood paper which is made primarily from mechanical wood-pulps combined with some chemical woodpulp. The law defines recycled-content newsprint as newsprint in which not less than 40% of its fiber consists of postconsumer waste paper.

AB 1305 also authorizes CIWMB to administer and monitor certification of recycled-content newsprint use. On May 22 in Long Beach and May 30 in Sacramento, CIWMB held public workshops regarding its proposal to adopt sections 17950-17968, Article 1, Title 14 of the CCR, which would define terms, reporting requirements, and certification procedures for newsprint consumers and suppliers. The Board was scheduled to hold a public hearing on the proposed regulations on July 10.

At its May 29 meeting, the Board discussed an Invitation for Bids (IFB) for newsprint standards testing; according to CIWMB, the Board lacks the facilities and staff trained to perform this testing. Specifically, the project would have called for a contractor to summarize the results of newsprint testing already being conducted by the Department of General Services (DGS). Although 24 bid packages were mailed out, CIWMB did not receive any bids. Therefore, the

Board agreed to contract with DGS to perform the work outlined in the IFB.

*Regulatory Update.* On May 29, the Office of Administrative Law (OAL) approved CIWMB's permanent adoption of Articles 3, 6.1, 6.2, 7, and 8, Division 7, Title 14 of the CCR, which implement programs mandated by AB 939 (Sher) and AB 1820 (Sher), including Solid Waste Generation Studies, Source Reduction and Recycling (SRR) elements, procedures for preparing and revising city and county SRR elements, and procedures for preparing CoIWMPs. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 146; Vol. 11, No. 1 (Winter 1991) pp. 118-20; and Vol. 10, No. 4 (Fall 1990) p. 146 for detailed background information on these regulatory changes.)

*Permits.* At its March 20 meeting, CIWMB approved the issuance of a new solid waste facilities permit for Bakersfield Metropolitan Sanitary Landfill (Bena) in Kern County, which will be operated by Kern County Public Works; the landfill, which has an estimated site life of 65 years, is expected to establish an extensive recycling operation in the future. The Board also approved the issuance of a revised solid waste facilities permit for Intermountain Landfill located in Shasta County. The revised permit will (1) allow the operator to construct a wood ash monofill, which is expected to receive an average of 54 tons per day (TPD) and will have a permitted maximum daily capacity of 120 TPD; (2) increase the permitted maximum tonnage of the facility's Waste Management Unit I from 65 TPD to 120 TPD; and (3) add agricultural wastes, wood mill waste, industrial waste, and demolition waste to the list of permitted wastes that may be received at the facility.

At its May 29-30 meeting, the Board approved a revised solid waste facilities permit for Tehachapi Recycling/Transfer Processing Station in Kern County, which permits the expansion of the transfer station from "small volume" to "large volume." The Board also approved the issuance of a new solid waste facilities permit for VenVirotek /Arvin Transfer/Processing Station in Kern County, which will receive and process non-hazardous oil field waste to produce an end product that is similar to silty clay; the end product will be used by Kern County as a daily and intermediate cover and foundation layer for the final cover at the Arvin Landfill.

*Local Task Forces.* Each county in California has now formed a Local Task Force (LTF) to ensure cooperation between cities and counties in the preparation of the individual SRR elements; identify solid waste issues of local and

regional concern; develop goals, policies, and objectives for the siting element of the CoIWMP; provide assistance in preparing the CoIWMP; and review the required plan elements. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 148 for background information.)

At CIWMB's April 17-18 meeting, staff reported on the six workshops conducted in January and February to assist the LTFs in accomplishing their objectives; workshops were held in Redding, Sacramento, San Jose, Fresno, and Redlands. The workshops were designed for the specific needs of the regions where they were held, emphasizing the statutory and regulatory requirements for CoIWMP development. CIWMB staff distributed a checklist for LTFs to use in preparing their SRR elements. Because of the positive response which the initial workshops received, staff intends to hold future workshops for the LTFs.

*Implementation of AB 2448.* Pursuant to AB 2448 (Eastin) (Chapter 1319, Statutes of 1987), each solid waste disposal site in the state is required to submit closure/postclosure maintenance plans. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 146; Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 169-70; and Vol. 10, No. 1 (Winter 1990) pp. 130-131 for background information.) At its April 17-18 meeting, CIWMB announced that 419 of the 429 facilities listed on its Solid Waste Information System database had submitted closure/postclosure certifications; 291 of these responses had been reviewed and 142 certifications have been approved.

AB 2448 also requires CIWMB to award grants for the funding of local programs that help prevent the disposal of HHW at solid waste landfills. At its May 29-30 meeting, CIWMB approved 23 discretionary grants for the HHW grant program, totalling over \$800,000. Discretionary grants are awarded on a competitive basis for proposed or implemented programs, including additional reimbursement for programs that had received nondiscretionary grants during the same grant year.

#### LEGISLATION:

*SB 610 (Calderon).* Under existing law, evidence of financial ability submitted to CIWMB with closure and postclosure maintenance plans is required to be in a specified form. As amended April 17, this bill would specify the permitted forms for these documents, and require that when financial assurance is provided by means of excess or surplus lines insurance, the insurer shall be subject to approval by the Board on a case-by-case basis. This bill passed the Senate on May



## REGULATORY AGENCY ACTION

16 and is pending in the Assembly Natural Resources Committee.

*SB 960 (Hart)*, as amended May 23, would require CIWMB to submit recommendations to the legislature by January 1, 1993, regarding programs which are needed to encourage high levels of recycling for mixed paper waste. This bill passed the Senate on May 30 and is pending in the Assembly Natural Resources Committee.

*AB 2213 (Sher)*, as amended May 29, would require CIWMB to establish and assess at the first point of sale a recycling incentive fee for any material which has a scrap value less than the sum of (1) the average weighted cost to recyclers and processors of receiving, collecting, handling, processing, storing, transporting, and maintaining equipment for each type of material sold, and (2) a reasonable financial return for recyclers and processors; the bill would require the fee to be at least equal to the difference between the scrap value paid by an end-user and the sum of the above. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 148 for background information on this issue.) This bill is pending in the Assembly Ways and Means Committee.

*AB 905 (Clute)*, as introduced February 28, would specify that nothing shall restrict the right to use any solid waste material found at any site to identify persons unlawfully disposing of solid waste. This bill passed the Assembly on May 16 and is pending in the Senate Governmental Organization Committee.

*SB 487 (Bergeson)*, as amended April 16, would create the Local Government Technical Advisory Committee in CIWMB; provide that the Committee's members would be appointed by the Board for terms of two years; specify the duties of the Committee; and require the Board to provide staff to assist the Committee. This bill is pending on the Senate floor.

The following is a status update on bills reported in detail in CRLR Vol. 11, No. 2 (Spring 1991) at pages 149-51:

*AB 2092 (Sher)*, as amended May 2, would extend the date by when the SRR element of a CoIWMP is required to be prepared and adopted to January 1, 1992. This bill would also extend the date by when city and county HHW elements are required to be prepared to January 1, 1992, and would specify related duties if the city or county determines that it is unable to comply with the deadline and requirements of the California Environmental Quality Act (CEQA). This bill is pending in the Assembly Ways and Means Committee.

*AB 2211 (Sher)*, as introduced March 8, would repeal the provisions of law

which establish the State Source Reduction Program, the Recycled Market Development Commission, the Office Paper Recovery Program, the Los Angeles County Pilot Litter Program, and the Research and Development Program; require CIWMB, to the extent of available resources, to provide technical assistance to the public and private sector in the form of government and business waste evaluations, if requested; and establish a program to facilitate the assessment of waste management options by local jurisdictions. This bill is pending in the Assembly Natural Resources Committee.

*AB 1122 (Sher)*, as amended May 15, and *SB 51 (Torres)*, as amended April 10, would both create the California Environmental Protection Agency (Cal-EPA). Both bills would include CIWMB within Cal-EPA. (See *supra* MAJOR PROJECTS for related discussion.) *AB 1122* is pending in the Assembly Ways and Means Committee; *SB 51* is pending in the Senate Appropriations Committee.

*AB 240 (Peace)*, as amended April 22, would prohibit any person from owning or operating a hazardous waste disposal facility or disposing of hazardous waste at, or causing the disposal of hazardous waste at, a hazardous waste facility if the facility is on Native American Indian reservation land or land dedicated for use by Native American Indians, unless the hazardous waste facility has been issued all applicable federal and state permits and meets all applicable federal and state statutes, regulations, and standards. This bill is pending on the Assembly floor.

*AB 556 (Horcher)*, as introduced February 15, would require CIWMB to report to the legislature by September 1, 1991, as to whether there are any landfills operating in the state which accept ash from a transformation facility in a manner which is not consistent with their solid waste facilities permit. This bill is pending in the Assembly Natural Resources Committee.

*AB 1100 (Lee)*, as amended April 23, would require the Board to adopt guidelines to administer a used oil grant program, and provide that these guidelines are not regulations, thus exempting them from the procedures for the adoption of regulations (including review by OAL). This urgency bill passed the Assembly on May 29 and is pending in the Senate Governmental Organization Committee.

*AB 1327 (Farr)*, as amended May 8, would require CIWMB to adopt a model ordinance for adoption by local agencies relating to adequate areas for collecting and loading recyclable materials in

development projects. This bill is pending in the Assembly Ways and Means Committee.

*AB 1381 (Arias)*, as amended May 2, would require CIWMB, the Department of Conservation, and the state Department of Education to jointly establish twenty three-year schoolsite SRR pilot programs, which create and implement a program for the purpose of reducing and recycling a significant percentage of the total waste stream emanating from each schoolsite and to educate students about waste management activities. This bill is pending on the Assembly floor.

*AB 1388 (Horcher)*, as amended May 15, would require an LEA to disapprove a revision of a solid waste facilities permit for an existing solid waste disposal facility or transformation facility if the outside perimeter of the disposal area or transformation facility would be expanded to within 2,000 feet of any existing single or multiple family residence, hospital for humans, school for persons under 21 years of age, child care facility, or commercial retail business, unless the LEA makes specified findings. The bill would also prohibit any city, county, or city and county from authorizing the use of land for specified purposes if the land use will be located within 2,000 feet of an existing and operating solid waste disposal site or area, unless the city, county, or city and county makes specified determinations. This bill passed the Assembly on May 30 and is pending in the Senate Governmental Organization Committee.

*AB 1515 (Sher)*, as introduced May 7, would require, as to hearings required to be conducted by CIWMB pursuant to statutory provisions relating to the administrative enforcement of requirements imposed upon a transfer or processing station or disposal site, that hearings be conducted by a hearing panel of three persons appointed by the chairperson of the Board. This bill passed the Assembly on May 30 and is pending in the Senate Governmental Organization Committee.

*AB 1520 (Sher)*. Existing law requires cities and counties to divert 25% of all solid waste from landfill or transformation facilities by January 1, 1995, and, except as specified, 50% by January 1, 2000, through source reduction, recycling, and composting activities. Existing law, which will terminate October 1, 1991, defines "solid waste" for the purpose of determining the base amount of solid waste from which source reduction, recycling, and composting levels are calculated. As amended May 29, this bill would delay until



January 1, 1992, the termination date of the statutory definition of "solid waste" for those purposes. This bill is pending on the Assembly floor.

**AB 1760 (Eastin)**, as amended May 8, would among other things, require CIWMB to evaluate the use of recycling residue as solid waste landfill cover materials or extenders for currently used cover material. This bill is pending in the Assembly Ways and Means Committee.

**AB 2076 (Sher)**, as amended May 20, would enact the California Oil Recycling Enhancement Act, under which, beginning October 1, 1992, every oil manufacturer would be required to pay quarterly five cents to CIWMB for each quart, or twenty cents for each gallon, of lubricating or industrial oil sold or transferred in this state or imported into this state in that quarter, with certain exceptions. This bill would also require CIWMB to pay a recycling incentive to every industrial generator, curbside collection program, and every certified used oil collection center, for oil collected from the public or generated by the used oil collection center or the industrial generator after April 1, 1993, and transported to a certified used oil recycling facility. This bill passed the Assembly on May 30 and is pending in the Senate Governmental Organization Committee.

**SB 545 (Calderon)**, as introduced February 28, would prohibit a city which has not complied with specified testing or planning requirements from receiving any funds from the Solid Waste Disposal Site Clean-up and Maintenance Account in the Integrated Waste Management Fund or any loan guarantees. This bill is pending in the Senate Governmental Organization Committee.

**SB 576 (Royce)**, as introduced March 4, would permit a city or county to count toward AB 939's diversion goals the total weight of any cover material, other than clean soil, which is approved by CIWMB for use, if the alternative cover material is made of recycled solid wastes or compost, and the solid wastes from which the alternative cover materials are made were normally disposed in solid waste landfills used by the city or county on January 1, 1990. This bill is pending in the Senate Governmental Organization Committee.

**SB 1005 (Hill)**, as amended April 15, would permit regulations adopted by CIWMB pertaining to postclosure land use to be enforced solely by the LEAs. This bill is pending in the Senate inactive file.

**SB 1051 (Vuich)**, as amended April 25, would, for the privilege of selling disposable diapers, impose an excise tax

on the sale of every disposable diaper sold in this state by a distributor to a dealer. This bill is pending in the Senate Revenue and Taxation Committee.

**SB 1066 (Dills)**, as amended May 23, would require CIWMB to conduct a study of the feasibility of requiring that all telephone directories issued or sold in this state be made of materials which will allow for the maximum volume of directories to be recycled, and require CIWMB to adopt general guidelines regarding production of recyclable telephone directories. This bill passed the Senate on May 30 and is pending in the Assembly Natural Resources Committee.

**SB 1142 (Killea)**, as introduced March 8, would, among other things, repeal existing law which establishes the Source Reduction Advisory Committee in CIWMB and create, within the Board, an Office of Source Reduction and Office of Recycling Markets Development and Reusable Product Information Exchange, with specified duties related to waste reduction and reuse of materials. This bill is pending in the Senate Governmental Organization Committee.

**AB 144 (Sher)**, as amended April 30, would make it unlawful for any person to represent that any consumer good which it manufactures or distributes is "compostable" unless that good meets specified definitions or meets definitions established in trade rules adopted by the Federal Trade Commission; and would provide that a consumer good may be labeled with specified terms if it meets definitions established in enforceable regulations adopted by the U.S. Environmental Protection Agency. This bill is pending in the Assembly Ways and Means Committee.

**AB 130 (Hansen)**, which would require CIWMB to establish a labeling program to license the use of environmentally safe product labels, is pending in the Assembly Natural Resources Committee.

**SB 97 (Torres)**, as amended April 9, would specify that "transformation," as that term is used in PRC section 41783, does not include the incineration of unprocessed municipal waste in a mass-burning facility, as specified, which begins operation after January 1, 1992. This bill passed the Senate on May 30 and is pending in the Assembly Natural Resources Committee.

#### RECENT MEETINGS:

According to staff, current CIWMB funding and staffing are sufficient to accomplish only partial implementation of the various integrated waste management statutes. According to staff's pro-

jections, the amount of funds received by the Integrated Waste Management Account are authorized to increase by more than \$10 million in fiscal year 1991-92. Therefore, at the Board's March 20 meeting, staff presented—and the Board approved—a proposal to allocate approximately \$5 million from the Account to create new staff positions for fiscal year 1991-92. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 147 for background information.)

Also at its March meeting, the Board discussed problems associated with landfill compliance issues in rural counties, which have experienced difficulty in obtaining expert staff to address solid waste facility issues. According to staff, solid waste management services in many rural areas rely primarily on "self-service" by residents, and solid waste landfills and transfer stations are often operated by local government public works departments. The Board directed staff to develop a program to assign existing technical positions to assist representatives of the rural counties in such cases.

At its April 17-18 meeting, CIWMB approved a \$150,000 expenditure for the evaluation of "the potential source reduction incentive that graduated disposal rates, or quantity-based user fees offer." According to the Board, this study would provide necessary information for future decisions regarding the implementation of such a system.

Also at the April meeting, the Board discussed the Facilities Evaluation Report for the Lake County LEA, which was rated by Board staff as needing improvement. Staff recommended that CIWMB advise the LEA that a higher level of performance would be required to meet the proposed standards for redesignation/certification by August 1, 1992, pursuant to PRC section 43219(b). The Board voted to follow the staff recommendations and noted that its staff would be available to assist the LEA.

#### FUTURE MEETINGS:

August 28 in Sacramento.  
September 25 in San Diego.  
October 23 in Bakersfield.  
November 20 in Sacramento.  
December 11 in Sacramento.

#### COASTAL COMMISSION

*Executive Director: Peter Douglas*  
*Chair: Thomas Gwyn*  
(415) 904-5200

The California Coastal Commission was established by the California