



Also at the November 9 meeting, Carl B. Moyer of the Accurex Corporation presented to ARB the *Report of the Advisory Board on Air Quality and Fuels* (Report). ARB Chair Jananne Sharpless noted that this portion of the meeting was not regulatory in nature, but informational only. Among its key findings, the Report determined that the use of alternative fuels will provide improvements in air quality beyond what is achievable from conventionally-fueled vehicles using the most advanced emission controls. Since it is likely that additional improvements in air quality will be needed, the Report continued, the use of alternative fuels can make an important contribution. Moyer noted that this fundamental issue is still being debated at the national level.

The Report used methanol as a case study on the costs of alternative fuels, since most feel that methanol has the best chance of any of the alternative fuels to achieve a substantial market penetration. The majority contributing to the Report found that methanol pump prices are likely to be 5-10 cents per gallon of gasoline equivalent higher than premium gasoline prices in low oil price scenarios. These extra costs would be justified by the air quality benefits obtained. However, a minority found that methanol prices are likely to be 30-40 cents per gallon of gasoline equivalent higher than premium gasoline prices. At these prices, methanol is at the high end of reasonable costs for air quality strategies.

Following the presentation, Sharpless thanked Moyer for the Report and noted that "the ball is now in ARB's court."

FUTURE MEETINGS:

To be announced.

CALIFORNIA WASTE MANAGEMENT BOARD

Executive Officer: George T. Eowan
Chairperson: John E. Gallagher
(916) 322-3330

Created by SB 5 in 1972, the California Waste Management Board (CWMB) formulates state policy regarding responsible solid waste management. The Board is authorized to adopt implementing regulations, which are codified in Chapters 1-8, Division 7, Title 14 of the California Code of Regulations (CCR). Although the Board once had

jurisdiction over both toxic and non-toxic waste, CWMB jurisdiction is now limited to non-toxic waste. Jurisdiction over toxic waste now resides primarily in the toxic unit of the Department of Health Services. CWMB considers and issues permits for landfill disposal sites and oversees the operation of all existing landfill disposal sites. Each county must prepare a solid waste management plan consistent with state policy.

Other statutory duties 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. The Board has also attempted to develop economically feasible projects for the recovery of energy and resources from garbage, encourage markets for recycled materials, and promote waste-to-energy (WTE) technology. Additionally, CWMB staff is responsible for inspecting solid waste facilities, e.g., landfills and transfer stations, and reporting its findings to the Board.

AB 939 (Sher), the California Integrated Waste Management Act of 1989, Public Resources Code section 40000 *et seq.*, was signed into law by Governor Deukmejian on October 2 (Chapter 1095, Statutes of 1989). AB 939 repeals SB 5, which created CWMB in 1972, thus abolishing the California Waste Management Board. In its place, AB 939 creates the California Integrated Waste Management and Recycling Board (CIWMB). (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 110-11 for extensive background information.)

CIWMB will be comprised of six full-time members: one member appointed by the Governor who has private sector experience in the solid waste industry; one member appointed by the Governor who has served as an elected or appointed official of a nonprofit environmental protection organization whose principal purpose is to promote recycling and the protection of air and water quality; 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. CWMB will automatically dissolve once the appointments to the new CIWMB are completed; these appointments are expected to be made by January 1, 1991.

CIWMB's chief functions will

include its authority 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. The local governments must outline in their CoIWMPs concrete data and programs which will verify that the local government is reducing the total waste stream in that locality by 25% by 1995 (via source reduction, recycling, and composting) and by 50% by the year 2000.

CIWMB will inherit other statutory duties from CWMB. These duties 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. The Board will also attempt to develop economically feasible projects for the recovery of energy and resources from garbage, encourage markets for recycled materials, and promote development of environmentally safe waste-to-energy (WTE) technology. Additionally, CIWMB staff will be responsible for inspecting solid waste facilities, e.g., landfills and transfer stations, and reporting its findings to the Board.

MAJOR PROJECTS:

Proposed Emergency Regulations to Implement AB 939. Among other things, AB 939 (Sher) charges CWMB with the duty of drafting regulations to implement the source reduction and recycling requirements contained in this new law by January 1990.

Counties and other local governments need guidance from the Board through these new regulations in order to lawfully and efficiently abide by the 1995 25% diversion goal required by AB 939. These regulations are expected to give local governments the standards and methodology necessary for them to accurately measure elements of the waste stream; without clear standards, a local government would not know whether its calculations and measurements of the waste stream and its diversion programs will be found acceptable and in conformance with the CoIWMP policies of the new state Board.

At this writing, however, CWMB has not drafted any such proposed regulations, thus overriding the statutory deadline of January 1, 1990. To assist it in drafting the regulations, CWMB recruited three consulting firms—Resource



Management, Inc. (experts on source reduction), R.W. Beck (consultants on recycling), and The Community Environmental Council (CEC), a consulting group which has organized workshops, gathered public feedback, analyzed data, and generally coordinated the research and work on drafting these emergency regulations. The workshops have been successful thus far and have generated many useful comments. Nonetheless, at this writing, the Board has completed only an outline of the proposed regulations, stating that the complexity and detail of the subject matter prevented staff from drafting definitive language in the time allowed. The outline paper on the proposed emergency regulations drew positive remarks during the public comment period of the Board's December 14 meeting. CWMB staff hoped to present the actual regulations for the Board's adoption at its January meeting, and Board Chair John Gallagher reiterated this goal publicly at the December 14 meeting.

Both Gordon Hart of the Sierra Club of California and Rod Miller of Californians Against Waste commended the Board for taking the right first step in this new direction, but urged that the proposed new regulations stress the integrated waste management (IWM) hierarchy by doing everything possible to ensure recycling by the local entities; request detailed waste characterization studies which would be community-specific; not allow a broad sweep of waste management activities already in place (such as demolition debris, wherein cement is easily broken and crumbled up and recycled as fill) to qualify as adding to a county's 25% diversion attempt; require that the only valid manner for measuring diversion programs is to measure all waste items by weight and not by volume; and require all source reduction programs to contain quantitatively-measured objectives.

In the meantime, many local officials are upset that these regulations are not already in place. They believe that CWMB has been unduly delaying the process of drafting these regulations; it appears to them that CWMB members are somewhat bitter over the termination of their board and are not enthusiastic about the prospect of aiding in the transition of the IWM approach of the new Board.

Local governments were even more upset at the Board's actions toward the end of 1989. At CWMB's November 8

meeting, Board Chair Gallagher informed the audience that all counties scheduled for Countywide Solid Waste Management Plan (CoSWMP) renewals before the end of 1989 were expected to follow the old CoSWMP regulations, rather than prepare CoIWMPs as per AB 939. Local governments may spend \$60,000 or more preparing their waste management plans, and several officials noted that this would be money wasted because they would soon have to revamp their CoSWMPs into CoIWMPs once the new regulations became effective. Nevertheless, Gallagher stated that the Board would continue to press upon the delinquent counties penalties and legal action filed through the Attorney General's Office. In turn, at least one official reported that his county may seek legal action to recapture from CWMB money lost in preparing useless CoSWMPs.

Several counties have already spent much money on gathering consultants and research in anticipating the IWM system and waste diversion goals (via source reduction, recycling, and composting) of AB 939. Last spring, the County of San Bernardino spent approximately \$300,000 on preparing source reduction and recycling programs. Local officials are upset that CWMB did not take the time to plan for the eventuality of AB 939 as well, leaving the counties with no clear guidelines on how to start effectively complying with the new law.

CWMB members and staff respond that, in addition to the complexity of the subject matter, AB 939 contained many ill-drafted technical ambiguities and difficulties. Further, CWMB members contend that the legal requirement of statutory authority prevented the Board from implementing the draft emergency regulations any sooner, since AB 939 did not become effective until 1990.

Implementation of AB 2448. At its December 14 meeting, CWMB permanently adopted in large part emergency regulations implementing AB 2448 (Eastin) (Chapter 1319, Statutes of 1987), which have been effective since the Office of Administrative Law (OAL) approved them on August 17 and 18, 1989. The proposed new regulations appearing in Title 14 of the CCR and implementing AB 2448, are as follows: Chapter 5, Article 3.5 (sections 18280-18297) (Financial Responsibility for Closure and Postclosure Maintenance); Chapter 3, Article 7.8 (sections 17760-17796) (Disposal Site Closure and

Postclosure); Chapter 3, Article 7.6 (sections 17705-17725.5) (Disposal Site Controls); and Chapter 5, Article 3.4 (sections 18250-18277) (Application and Approval of Closure and Postclosure Maintenance Plans). (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 111-12; Vol. 9, No. 3 (Summer 1989) p. 102; and Vol. 9, No. 2 (Spring 1989) p. 98 for background information.)

The Board acted to adopt on a permanent basis all of the emergency regulations contained in these articles, except section 17796 of Article 7.8 (Disposal Site Closure and Postclosure). Revised section 17796 will be noticed for an additional fifteen-day public comment period before the Board acts to formally adopt it. This portion of Article 7.8 deals with development and construction on former landfill sites. During the public comment period at the Board's December meeting (which extended for well over an hour), many developers and builders complained that the proposed regulations would effectively bar any large-scale developments on former landfills. The Board disagreed with these criticisms, citing the existence of public parks, civic centers, and convention centers built on landfills under construction specifications similar to those contained in Article 7.8.

Nonetheless, the Board revised section 17796 to relax the construction specifications somewhat, although not to the extent desired by the construction/development industry. For instance, as now amended, section 17796 would not prohibit below-ground structures. (Due to concerns over methane and other noxious gas leaks emanating from the decomposing landfill, the original draft prohibited all below-ground structures.) However, it does prohibit enclosed basement construction and prohibits pilings from being "installed in or through the barrier layer of the final cover or any liner." The latter prohibition may prevent the construction of certain large buildings, especially those featuring underground parking structures.

Finally, the proposed regulations do not respond to the concerns raised by the October 17 San Francisco Bay area earthquake, during which it was proved that housing, viaducts, or other superstructures constructed on landfills, when subjected to the trembling forces of earthquakes, will likely result in serious, widespread devastation and fatal structural collapses.



At this writing, CWMB staff is preparing the rulemaking file on these adopted regulations for submission to OAL.

Financial Certifications. Under corollary provisions of AB 2448, all solid waste landfill operators were required to make an initial financial certification to CWMB and their local enforcement agency (LEA) by January 1, 1989. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 112 for background information.) Financial mechanisms submitted for approval after August 17, 1989, must comply with the Board's Article 3.5 emergency regulations, noted above. At this writing, only three of the subject 338 landfill operators have had their certification applications approved by the Board. AB 939 now requires most owners/operators to re-certify by January 31, 1990.

Household Hazardous Waste. At its November 8 meeting in Huntington Beach, CWMB directed staff to begin public notice on proposed regulations governing distribution of state funding to local governments for safe disposal of household hazardous waste (HHW). At this writing, CWMB staff is finalizing the language of the draft regulations and hoped to submit them to OAL for public notice in the *Notice Register* by the end of January. Only nine counties currently have in place formal HHW collection and disposal/recycling management programs. These counties automatically have access to state funding via a non-discretionary basis. The proposed regulations will prompt other counties in the state to submit proposals in compliance with their directives; funding to these local governments will then be based on these discretionary grants. AB 888 (LaFollette) (Chapter 809, Statutes of 1989) will also prompt the remaining counties of the state to implement formal HHW management programs, because it requires all local governments to have a HHW collection system in place during 1990. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 112-13 for background information.)

CWMB Sludge Policy. Among other things, SB 1322 (Bergeson) (Chapter 1096, Statutes of 1989) requires that, by 1993, certain environmentally-sound grades of sludge (*i.e.*, sludge without industrial metallic pollutants) be used as soil amendments in place of petroleum-based fertilizers. CWMB technical experts and other state officials are researching the matter and will ultimately

produce draft regulations based on their studies sometime during 1990. This concerted research effort among CWMB, the Department of Parks and Recreation, the Department of Transportation, and the state Board of Forestry may result in a memo of understanding, thus manifesting the IWM approach in reaching government solutions to waste management. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 111-12 for background information.)

Enforcement Advisory Council. As reported in CRLR Vol. 9, No. 3 (Summer 1989) at page 102, the Enforcement Advisory Council (EAC) made two requests of CWMB. The EAC has asked CWMB to support legislation clarifying the Government Code to state that LEAs may recover the full cost of solid waste enforcement programs on a regional basis. The EAC would also like the CWMB to develop regulations defining the operations of a transfer/processing station as called for in Government Code section 66723(c). The EAC would like regulations allowing a LEA to enforce section 66723(c) at waste collection yards as necessary.

CWMB staff believes that EAC's request for legislation has been addressed in AB 939 (Chapter 1095, Statutes of 1989). CWMB staff will consider introducing clean-up legislation if AB 939 does not completely satisfy EAC's request. EAC's request for regulations may not be addressed before the new Integrated Waste Management Board is installed.

Waste-to-Energy Update. Section 66786 of the Government Code directed CWMB to select at least one site suitable for the construction and operation of a waste-to-energy (WTE) plant. The Board selected six sites and the legislature redirected \$2 million in Board grant monies to fund pre-construction activities—primarily feasibility and environmental analyses—for these projects. The six projects were to be located in Humboldt County, Contra Costa County, the City and County of San Francisco, San Diego County, and the cities of Alameda and Long Beach. By 1988, however, only the Long Beach project was progressing as a municipal solid waste facility.

During the past five years, several other projects have developed and progressed. Operating municipal WTE plants exist in the cities of Commerce and Long Beach, and in Stanislaus County. In addition, a plant at Westley

has the capacity to burn nearly 150 tons per day of used tires. Three additional plants (located in Rialto, Susanville, and San Marcos) are actively seeking permits. Seven other projects have support by the project sponsor, but have demonstrated very little progress toward implementation.

The Board recently summarized the current status of the four operating plants. The Commerce plant is designed to generate ten megawatts (mw) of electricity per day. However, this plant has not been able to demonstrate continuous compliance with the hourly emission level standards imposed by the South Coast Air Quality Management District (SCAQMD). As a result, the project has not been issued the authority to operate and is presently operating under a variance from SCAQMD.

The Modesto energy project located in Westley is the only plant in the country which burns whole tires. Another unique feature of this plant is that all of the residues from the combustion (ferrous and zinc) and air pollution control equipment (gypsum) are being recycled. The plant has a permit to operate from the state Air Resources Board. It is designed to generate 14.4 mw of electricity per day.

The Stanislaus County project is the second WTE project in California's Central Valley. Following a brief shakedown period, the facility went into commercial operation on January 10, 1989. This facility is designed to process 643 tons of municipal waste and generate 18.0 mw of electricity per day.

The Long Beach plant is presently burning approximately 1,350 tons of waste per day and generating 30 mw of electricity. However, the plant has not been able to demonstrate compliance with all environmental requirements. Due to this problem, the facility is still in the start-up and testing phase.

In 1986, WTE projects were subjected to a unique regulatory requirement through AB 3989 (Sher). (See CRLR Vol. 6, No. 4 (Fall 1986) p. 74 for background information.) Under this bill, WTE plants are required to conduct an assessment of potential health risks imposed by toxic air contaminants (TACs). Additionally, a plant is required to establish a monitoring program for TACs. Finally, projects must comply with established TAC control measures, including those TACs whose standards are adopted after the issuance of the air permit.

At the federal level, the U.S. Envi-



ronmental Protection Agency (EPA) is scheduled by December 1990 to determine whether there is a need for specific air emissions standards for WTE plants. During the last two sessions of Congress, bills have been introduced which would establish specific air emissions regulations for WTE projects through amendments to the federal Clean Air Act.

The appropriate classification and management of the ash residues generated through the combustion of solid waste has been the subject of California regulatory agency debate for the past decade, with little if any resolution. The classification issue revolves around the question of whether the ash is a hazardous waste.

The ash residues of the Commerce and Long Beach plants are presently considered non-hazardous. These facilities bury their ash in special cells at the Puente Hills landfill in Whittier. However, the Los Angeles Regional Water Quality Control Board has issued an order which would prohibit, after March 1990, the disposal of untreated ash at the landfill. The Stanislaus project disposes of its ash in a monofill area at the Fink Road landfill next to the plant. This monofill with liner and leachate control system was designed specifically to handle ash from the plant.

WTE Regulations. In June, the Board discussed the possible addition of proposed sections 17201 and 17403-17460 to Chapter 7, Article 6.5, Title 14 of the CCR. These new regulations would apply to all resource recovery facilities including waste reclamation facilities, WTE facilities, composting facilities, and recycling facilities. The regulations would provide design and operating standards for these facilities in an effort to maximize efficiency and minimize environmental impacts of operation.

The Board has decided to put these regulations on hold until it decides what (if any) changes should be made to the regulations pursuant to AB 939. CWMB staff indicates that because AB 939 emphasizes recycling over incineration, the regulations may have to be modified to reflect this emphasis.

Controversial Permits. At its September, October, and November meetings, the Board considered several unusual applications for new solid waste facility permits.

At its September 20 meeting, the Board approved the revision of the Scholl Canyon landfill permit to allow

the operator to use "green waste" as a daily cover on fill slopes instead of dirt. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 114-15 for background information on green waste.) The operator may apply green waste only to the slope portion of the refuse cell as daily cover. The top of the cell will still be covered each day with dirt. However, each Saturday, the operator is required to use dirt to cover all slopes with exposed green waste covering. Every day but Saturday, the operator may pile trash against slopes covered with green waste the previous day.

At the time the Board considered this permit, the operator had not established an acceptable financial mechanism for closure and postclosure maintenance of the Scholl Canyon site. However, the Board decided to concur in the permit on the condition that the operator submit by October 16 an acceptable financial mechanism, as required by emergency regulations 18280-18297 of Chapter 5, Article 3.5, Title 14 of the CCR.

At the Board's November meeting, the LEA submitted proposed permits for two other sites operated by the Scholl Canyon landfill operator. The two sites are the Calabasas and Puente Hills landfills. As was the case for Scholl Canyon, the proposed permit would allow the operator to use green waste as daily slope cover. However, CWMB staff recommended that the Board not concur in the permits. Staff noted that the operator had not submitted an acceptable financial mechanism for closure and postclosure for either site, nor had it submitted an acceptable closure and postclosure financial mechanism for Scholl Canyon, in violation of that permit. However, the Board decided to concur in the permits with the condition that the operator establish acceptable financial mechanisms for Scholl Canyon, Calabasas, and Puente Hills by December 16. The operator met this deadline.

The Board also considered a proposed permit for the Twin Bridges landfill in Shasta County. The immediate construction and operation of the Twin Bridges landfill is crucial to the waste disposal needs of the Simpson paper mill. However, staff found the proposed permit deficient in two notable areas.

First, the LEA maintained that daily cover is not necessary to maintain compliance with minimum state standards. However, Board staff stated that allowing an unrestricted area of uncovered waste has the potential to cause a number of environmental and public safety

problems. Second, the proposed site would receive sludge and dredgings from the paper mill. Staff noted that this material will readily absorb moisture. The increase in water content during the rainy season could make the fill slopes more unstable.

At its December meeting, the CWMB decided to postpone consideration of this item until the January CWMB meeting.

Cleanup of McCourtney Landfill. During the winter of 1988-89, significant amounts of leachate were discovered draining from McCourtney Landfill into French Ravine Creek. This problem resulted from poor cover and grading operations, inadequate drainage controls, and the use of unlined septage ponds.

On May 3, 1989, the Nevada County Health Department (the LEA) issued a notice and order to the site operator to halt discharged of leachate to French Ravine Creek. When the landfill operator failed to contain leachate onsite, the Board issued a notice and order in conjunction with a complaint for civil penalties issued by the Attorney General's Office on May 5, 1989. Section 17704, Title 14 of the CCR, specifies the minimum standards for disposal site controls ("[t]he operator shall take adequate steps to monitor, collect, treat and effectively dispose of leachates"). Government Code section 66796.51(a) provides, in pertinent part, that any person who intentionally violates any standard adopted by the Board for storage of solid wastes shall be subject to a civil penalty not to exceed \$1,000 for each day such violation or operation occurs.

The Board's notice and order directed the operator to implement certain corrective actions to mitigate the leachate control problem. While some of these corrective actions are not due to be implemented until October 1, 1990, the majority were to be completed by October 1, 1989. The operator spent \$3 million installing a new leachate pumping system to satisfy the corrective actions required by October 1, 1989.

CWMB staff is in the process of explaining to the operator the corrective actions required by October 1, 1990. By 1990, the notice and order require the operator to complete a more thorough review of the landfill's contribution to groundwater contamination, and to investigate long-term remediation techniques.

LEA Report. On August 18, 1989, the



Board passed a resolution of its intent to withdraw its approval of the Los Angeles County Department of Health Services as an LEA unless specific corrective actions were taken within thirty days. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 114 for background information.) Since August 18, the LEA has taken corrective action in the areas in which the Board found deficiencies. For example, the LEA has now completed a number of five-year permit reviews. On September 6, the LEA ordered the operators of several facilities which were exceeding their permitted tonnage to reduce their daily intake to the level specified in their operating permits. Finally, the LEA has submitted a corrective action plan and schedule, addressing deficiencies cited by the Board. Based on the LEA's actions and its corrective action plan, the Board decided not to withdraw its approval of LEA designation.

The Board recently reviewed staff's report on the Tuolumne County LEA. The staff found several deficiencies in the LEA's operation. Foremost, the staff found a conflict of interest. Tuolumne County has three active landfills and two small-volume transfer stations. The LEA itself operates three of these facilities through a contractor. Staff also noted that all five permits in Tuolumne County are delinquent or incorrectly issued. Finally, the staff report indicates that three of the sites may be closing by 1992. While the operators of these landfills have provided initial cost estimates for closure/postclosure maintenance, the required certification for the closure/postclosure financial mechanism is not complete.

Among the Board's recommendations to the Tuolumne County LEA are that it resolve the conflict of interest, obtain permit applications from the sites, and revise its enforcement plan detailing methods to comply with all closure/postclosure maintenance requirements. The LEA has submitted a schedule to CWMB staff, under which it will resolve these issues by July.

LEGISLATION:

SB 937 (Vuich). AB 939 (Sher) (Chapter 1095, Statutes of 1989) recodified substantially all of the statutes relating to solid waste into the California Integrated Waste Management Act of 1989 in the Public Resources Code and prescribed a new California Integrated Waste Management Board to administer the new law. (See CRLR Vol. 9, No. 4

(Fall 1989) p. 112 for detailed information.) This bill would reconcile some of the provisions of other statutes enacted in the 1989 portion of the 1989-90 session with the recodification, and would thereby make nonsubstantive, technical changes. At this writing, SB 937 is pending on the Senate floor.

AB 2199 (Bates). Existing law requires every county to prepare and adopt a county solid waste management plan of specified contents, consistent with state policy, which includes a plan whereby the county establishes a goal of recycling 20% of the solid waste generated in the county and the actions the county will take to achieve that goal. This bill would require the inclusion of plastics, as defined, in any waste characterization study prepared prior to designing and implementing a local recycling plan. This bill is pending in the Senate inactive file.

SB 1260 (Bergeson) would require CWMB to implement specified state programs to promote integrated waste management, including resource recovery, recycling, and composting of specified materials; develop markets for recovered materials; and provide technical assistance and public information relating to integrated waste management. This bill would also require the State Board of Education and the State Department of Education to include integrated waste management in the science framework of specified study areas. This bill is pending in the Senate inactive file.

The following is a status update on bills reported in CRLR Vol. 9, No. 4 (Fall 1989) at pages 113-14:

SB 65 (Kopp), which would—subject to voter approval—extend Proposition 65's discharge and exposure prohibitions to public agencies, with specified exceptions, is pending in the Assembly Committee on Environmental Safety and Toxic Materials.

SB 12 (Robbins) would 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, under specified conditions. This bill is pending in the Assembly Natural Resources Committee.

SB 1200 (Petris), which would enact the Used Oil Recycling Grant Program Act of 1989, is pending in the Assembly Natural Resources Committee.

AB 1377 (Bates) would require all

state agencies and public entities, as defined, and the legislature to give preference to recycled products. This bill is pending in the Senate Governmental Organization Committee.

AB 1293 (Filante) would require CWMB to consult with representatives from specified industries and organizations in developing state policy for the resource recovery component of an integrated approach to waste management. This bill is pending in the Senate inactive file.

The following bills died in committee: *SB 700 (Ayala)*, which would have provided that reviews and reports regarding existing CoSWMPs be submitted to CWMB triennially; *SB 1450 (Roberti)*, which would have required CoSWMPs to include an implementation schedule no later than July 1, 1991, and would have required CWMB to review the plans and report to the legislature on or before January 1, 1992; *AB 1796 (Moore)*, which would have enacted the Problem Plastics Elimination Act, and would have imposed a fee of \$0.04 on each pound of problem plastics products, as defined, which are manufactured or sold for use in retail transactions, to be paid by the manufacturer or distributor for use in retail transactions; *AB 1948 (Killea)*, which would have repealed the provision creating CWMB and would instead have created the Board as a five-member Board and would have specified the special qualifications of the members; *AB 204 (D. Brown)*, which would have provided that the term "solid waste disposal site" does not include a site located on an island in the Pacific Ocean fifteen or more miles from the mainland coast; *SB 429 (Torres)*, which would have restructured the CWMB as a five-person Board, requiring that the members serve full-time and receive a specified salary; *AB 42 (Jones)*, which would have revised the exposure exemption of Proposition 65, thus revising the definition of the term "significant amount"; *SB 1624 (Hart)*, which would have required CWMB to adopt regulations requiring all solid waste disposal facilities to implement standard cost accounting methods for all solid waste disposal operations; and *AB 2192 (Margolin)*, which would have required each county to revise its CoSWMP by July 1, 1990, to include a recycling convenience center element which would include specified information implementing the California Beverage Container Recycling and Litter Reduction Act.



REGULATORY AGENCY ACTION

LITIGATION:

In City of Los Angeles v. California Waste Management Board, No. C730900 (Los Angeles Superior Court), CWMB is attempting to enforce the terms of a 1978 permit granted to Lopez Canyon Sanitary Landfill. Lopez Canyon claims the terms of the 1978 permit were altered through an engineering study conducted in 1983. In August, the court preliminarily enjoined CWMB from enforcing its permit. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 114 for detailed background information on this case.)

On September 26, the Los Angeles Superior Court issued a writ of mandate preventing CWMB from enforcing the terms of the 1978 permit. If the court had upheld the 1978 permit, the operator would have been forced to cease dumping at Lopez Canyon, because dumping has exceeded the provisions of the 1978 permit. Los Angeles Deputy City Attorney Christopher Westoff stated that the effect of the court's decision will be maintenance of the status quo. More specifically, the City of Los Angeles (the landfill operator) will continue to operate in accordance with an order issued by the Los Angeles County Department of Health Services (the LEA) on July 21, which order expanded the 1978 permit. It allows garbage to be piled higher than 1,725 feet while the city prepares an unused portion of the site for dumping.

At CWMB's September meeting, community representatives from neighborhoods next to Lopez Canyon complained about operations at Lopez since July. These complaints dealt primarily with the height of fills and excessive noise. In response to the concerns expressed by local residents, Assemblymember Richard Katz asked the Board in September to designate a point person to collect data on the landfill from all involved agencies and to provide status reports to agency and public officials. Board staff designated Charles Coffee, director of solid waste management with the County of Los Angeles, as the contact person. The staff directed Mr. Coffee to prepare and present monthly reports on monitoring and enforcement activities at the Lopez Canyon Landfill at the regularly scheduled Board meetings.

Thus, at CWMB's September, October, and November meetings, Mr. Coffee summarized the activities of the state Department of Health Services

(DHS), the Los Angeles Regional Water Quality Control Board, the South Coast Air Quality Management District, and the County of Los Angeles Department of Health Services (LEA) relevant to Lopez Canyon. Mr. Coffee's reports indicate that the LEA has continued to respond to complaints and carry out daily inspections of the landfill for compliance with the state minimum standards and compliance with the notice and order issued on July 21.

RECENT MEETINGS:

A major earthquake measuring 7.1 on the Richter scale occurred in the San Francisco Bay area on October 17. Because solid waste facilities are subject to damage from seismic activity, Board staff immediately began assessing damage at facilities located in the twelve counties most severely affected by the earthquake. These counties include Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma.

On October 18, Board staff conducted telephone surveys of LEAs and prompted them to assess damage at facilities within their jurisdiction. In addition, two teams, consisting of staff geologists and inspectors, traveled to the affected areas on October 19-20 to conduct field investigations at selected facilities.

At CWMB's November 8-9 meeting, staff reported on the status of earthquake-affected landfills. Minor damage to gas collection and water flow diversion systems was reported, but all problems were quickly repaired. The quake caused at least one landfill fire, but emergency fire crews controlled the situation almost immediately. The Board also adopted emergency regulations (sections 17000-17010, Title 14 of the CCR), addressing emergency responses to the earthquake.

FUTURE MEETINGS

To be announced.

COASTAL COMMISSION

Director: Peter Douglas
Chairperson: Michael Wornum
(415) 543-8555

The California Coastal Commission was established by the California Coastal Act of 1976, Public Resources

Code section 30000 *et seq.*, to regulate conservation and development in the coastal zone. The coastal zone, as defined in the Coastal Act, extends three miles seaward and generally 1,000 yards inland. This zone determines the geographical jurisdiction of the Commission. The Commission has authority to control development in state tidelands, public trust lands within the coastal zone and other areas of the coastal strip where control has not been returned to the local government.

The Commission is also designated the state management agency for the purpose of administering the Federal Coastal Zone Management Act (CZMA) in California. Under this federal statute, the Commission has authority to review oil exploration and development in the three mile state coastal zone, as well as federally sanctioned oil activities beyond the three mile zone which directly affect the coastal zone. The Commission determines whether these activities are consistent with the federally certified California Coastal Management Program (CCMP). The CCMP is based upon the policies of the Coastal Act. A "consistency certification" is prepared by the proposing company and must adequately address the major issues of the Coastal Act. The Commission then either concurs with, or objects to, the certification.

A major component of the CCMP is the preparation by local governments of local coastal programs (LCPs), mandated by the Coastal Act of 1976. Each LCP consists of a land use plan and implementing ordinances. Most local governments prepare these in two separate phases, but some are prepared simultaneously as a total LCP. An LCP does not become final until both phases are certified, formally adopted by the local government, and then "effectively certified" by the Commission. Until an LCP has been certified, virtually all development within the coastal zone of a local area must be approved by the Commission. After certification of an LCP, the Commission's regulatory authority is transferred to the local government subject to limited appeal to the Commission. Of the 125 certifiable local areas in California, 72 (58%) have received certification from the Commission as of January 1, 1990.

The Commission is composed of fifteen members: twelve are voting members and are appointed by the Governor, the Senate Rules Committee and the