



REGULATORY AGENCY ACTION

diesel bus engines and other heavy-duty diesel engines. The bill, which is also pending in the Assembly Transportation Committee, would also require the Board to require automobile manufacturers to offer a specified number of automobiles as low-emission vehicles.

SB 1006 (Leonard) would require the ARB to certify by June 30, 1990, which motor vehicles are low-emission vehicles; it would also require the Department of General Services to determine how much more these certified low-emission vehicles cost compared to comparable motor vehicles that are not certified as low-emission vehicles. The bill would exempt owners of low-emission vehicles from sales and use taxes on the cost of the vehicle that is above comparable vehicles not certified as low-emission vehicles. This bill is pending in the Senate Transportation Committee.

AB 1050 (Sher) would clarify existing provisions requiring the ARB to classify each air basin according to whether it is in attainment with air quality standards and to identify districts in which pollutants from upwind areas contribute to a violation of the ozone standards. This bill is pending in the Assembly Ways and Means Committee.

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 1 (Winter 1989) at page 86:

SB 54 (Torres), which would prohibit an air pollution control district or air quality management district from issuing or renewing a permit for the construction or operation of a project which burns hazardous waste unless the project will not interfere with the attainment or maintenance of state and federal ambient air quality standards, is pending in the Senate Committee on Toxics and Public Safety Management.

SB 231 (Roberti), which would require ARB to adopt criteria to determine the existence of replacement products for specified chlorofluorocarbon (CFC) applications, is pending in the Senate Committee on Natural Resources and Wildlife at this writing.

SB 155 (Leonard), which would impose emission charges on motor vehicles and fuels at designated rates based on specified pollutants emitted, as determined by ARB, is pending in the Senate Transportation Committee.

RECENT MEETINGS:

On January 12, the ARB staff reported on its activities regarding air pollution in the San Joaquin Valley. Staff has been examining the role and responsibilities of the San Joaquin Valley Basin-

wide Control Council (BCC), and reported its findings on the need to identify opportunities and options to strengthen the BCC's authority to address air quality issues from a valleywide perspective.

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. 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.

The Board consists of the following nine members who are appointed for staggered four-year terms: one county supervisor, one city councilperson, three public representatives, a civil engineer, two persons from the private sector, and a person with specialized education and experience in natural resources, conservation, and resource recovery. The Board is assisted by a staff of approximately 86 people.

MAJOR PROJECTS:

AB 2448 Implementation. CWMB is currently implementing AB 2448 (Eastin)

(Chapter 1319, Statutes of 1987). (See CRLR Vol. 9, No. 1 (Winter 1989) p. 87 and Vol. 8, No. 3 (Summer 1988) p. 108 for background information.) This major legislation required solid waste landfill operators to submit certifications to CWMB by January 1, 1989, that an initial closure cost estimate has been prepared, that a financial mechanism has been established, and that the chosen mechanism will ensure adequate resources for closure and postclosure maintenance. CWMB has prepared cost estimate worksheets to assist operators in ensuring that sufficient resources are available to close and maintain the landfills.

CWMB staff personnel are reviewing the certifications to verify that all requirements have been met and are supported by documentation. The review includes an assessment of the reasonableness of the initial cost estimate; and verification that the selected financial mechanism has actually been established, and that the schedule of funding the selected mechanism equals the initial cost estimate by the intended closure date. CWMB has approved trust funds as an appropriate financial mechanism, but it must still decide whether a corporate guarantee, letter of credit, surety bond, enterprise fund, or municipal financing bond are equally appropriate mechanisms. Operators who have selected financial mechanisms which CWMB finds unacceptable will be notified of any additional information needed and are being given fourteen days to provide the information. Operators not providing the requested information are brought to the attention of the Board. Submitted certifications that pass staff review will be brought to CWMB as a consent list for consideration of approval of the operator verification.

Senate Task Force on Waste Management. This Task Force was formed pursuant to Senate Resolution 33 (Roberti) of 1988, and is charged with developing a comprehensive legislative program to address California's emerging solid waste crisis. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 107 for background information.) The Task Force, composed of public and private sector representatives of the various interests with a stake in solving the problem, has announced that it will hold regional public workshops to examine solid waste management policies, the present solid waste management system, the planning and siting system for landfills and other waste facilities, the present local enforcement system for the implementation of a statewide integrated waste management system, and



the present state and federal incentives for source reduction and recycling.

Status of CoSWMPs. County Solid Waste Management Plans (CoSWMPs) are current and complete for 51 counties. CoSWMP revisions for Del Norte, Orange, and San Mateo counties are in the process of being referred to the Attorney General. Negotiations are proceeding on a consent degree for the Contra Costa County revision.

LEGISLATION:

SB 429 (Torres) would decrease the size of the CWMB from nine to five members, appointed by the Governor, with terms of four years. This bill would require the members to serve on a full-time basis and would specify the salary of the chair and members. SB 429 is pending in the Senate Governmental Organization Committee.

AB 58 (Roybal-Allard) would require public agencies to use three different methods of providing notice that an environmental impact report or negative declaration is being prepared for new facilities to burn municipal waste, hazardous waste, or refuse-derived fuel, or for existing facilities desiring to increase the burning of these wastes or fuel. This bill is pending in the Assembly Natural Resources Committee.

SB 228 (Garamendi). Under existing law, the fee imposed on every operator of a solid waste landfill is based on the amount of solid waste handled. This bill would instead specify that the fee shall be based on the amount of solid waste disposed at each site. SB 228 is pending in the Senate Revenue and Taxation Committee.

SB 12 (Robbins) would prohibit the issuance of a local building permit or the approval of a tentative map or parcel map for construction which would be located within one-half mile of an existing or proposed disposal facility. This bill is pending in the Senate Housing and Urban Affairs Committee.

AB 204 (D. Brown) would provide that the term "solid waste disposal site" does not include a site located on an island fifteen or more miles from the coast for the purposes of submitting an air quality assessment test report to the air pollution control district currently required by law. This bill is pending in the Assembly Natural Resources Committee.

The following is a status update on bills discussed in detail in CRLR Vol. 9, No. 1 (Winter 1989) at pages 87-88:

AB 4 (Eastin), which would require all state departments to establish pur-

chasing practices for recycled products and give prescribed preferences to these products, is pending in the Assembly Governmental Efficiency and Consumer Protection Committee.

AB 34 (Tanner), which extends the date by which a council of governments or a county must submit a final regional hazardous waste management plan to the Department of Health Services until June 1, 1989, was signed by the Governor on April 3 (Chapter 7, Statutes of 1989).

AB 42 (Jones), an urgency bill which would revise the definition of the term "significant amount" in Proposition 65, is pending in the Assembly Environmental Safety and Toxic Materials Committee.

SB 65 (Kopp), which would (subject to approval by the voters) extend Proposition 65's discharge and exposure prohibitions to public agencies, is pending in the Senate Toxics and Public Safety Management Committee.

AB 80 (Killea), which would enact the Solid Waste Recycling Act of 1989 and require every city and county to prepare, adopt, and implement a waste reduction and recycling plan in accordance with guidelines prepared by the Department of Conservation, is pending in the Assembly Natural Resources Committee.

LITIGATION:

On January 23, the Secretary of Environmental Affairs issued a draft arbitration decision (No. 88-0001) apportioning liability for the costs of removal and remedial actions taken to clean up environmental contamination at the Placerita Canyon facility in the city of Canyon Country. The action was taken pursuant to Health and Safety Code sections 25356.2 *et seq.* Five potentially responsible parties elected to submit to binding arbitration. The principal elements of cost include site assessment; preparation of a remedial action plan; excavation and disposal of sumps, contaminated materials, and soils; and extraction and treatment of contaminated groundwater. The Secretary of Environmental Affairs accepted written comments from the public until March 15, 1989. After review and consideration of any public comment, a final arbitration decision was to be issued within thirty days after the comment period.

RECENT MEETINGS:

AB 1809 (Tanner) (Chapter 574, Statutes of 1986) requires CWMB to provide technical assistance to local governments and to other agencies which establish

Household Hazardous Waste (HHW) Collection Days. At its January meeting, CWMB adopted guidelines which allow communities to follow a step-by-step procedure in organizing HHW Collection Days. The guidelines note that sponsors of HHW Collection Days must have a variance and an extremely hazardous (EH) waste disposal permit from the Department of Health Services (DHS), as well as an identification number from the U.S. Environmental Protection Agency (EPA). Sponsors must employ only waste haulers who are registered with EPA, have an ID number, and are registered with DHS as a transporter of hazardous waste. Communities sponsoring HHW Collection Days are liable for tort damages under the Tort Claims Act (Government Code section 900). Liability may be imposed under either negligence theory or strict liability. Products to be collected include solvents, sealants, pesticides, waste oil, mercury, kerosene, engine degreasers, batteries of all types, picric acid, radioactive waste, explosives, and ammunition.

Also in January, the Board also voted to close a SB 650 contract with the City of Hemet in San Diego County. Under that program, CWMB awarded \$36,201 to the city in 1983 to implement a plant waste composting program at a closed landfill site. Materials intended to be composted include grass clippings, leaves, tree trimmings, and street sweepings delivered by city park and maintenance crews, landscapers, and private gardeners. Hemet no longer operates the facility and has no immediate plans to restart the program.

At its February meeting, CWMB approved a "Used Oil Technical Paper" providing information on used oil recycling programs in California. The report will be distributed to local enforcement agencies (LEAs), HHW coordinators, the legislature, and the public as part of the Board's commitment to assisting counties reach their 20% recycling goal. The importance of this effort is underscored by the fact that recycling all the available used oil in California would save more than one million barrels of fuel per year. In addition, recycling used oil takes 70% less energy than refining new oil, thus saving additional energy and money. Currently, nine California communities—all but one in northern California—offer residents curbside collection of used oil. Only 41% of the state's used oil is recycled; the remainder is improperly put in the trash or discarded in sewers. Just one quart of oil will pollute 250,000 gallons of drink-



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ing water.

CWMB recently received a report on California's recycling markets in the last quarter of 1988. Average prices paid for old newspaper, aluminum, glass, and used motor oil are down. In some communities, those wishing to recycle used oil must pay a gas station to take the product. As prices paid for recycled materials decline, the economic incentive for recycling diminishes accordingly.

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 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 simultane-

ously 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. After certification of an LCP, the Commission's regulatory authority is transferred to the local government subject to limited appeal to the Commission. There are 69 county and city local coastal programs.

The Commission is composed of fifteen members: twelve are voting members and are appointed by the Governor, the Senate Rules Committee and the Speaker of the Assembly. Each appoints two public members and two locally elected officials of coastal districts. The three remaining nonvoting members are the Secretaries of the Resources Agency and the Business and Transportation Agency, and the Chair of the State Lands Commission.

MAJOR PROJECTS:

Lease Sales Delayed. On February 9, President Bush announced that the leasing of tracts in Lease Sale 91 off northern California, and in Lease Sale 95 off southern California, will be postponed indefinitely while a task force studies the environmental impacts of the sales. The task force will make recommendations in a formal report to the President by January 1, 1990. The task force will include Interior Secretary Manuel Lujan, Deputy Energy Secretary Henson Moore, and William Reilly from the Environmental Protection Agency. The task force will also consist of representatives from the National Academy of Sciences. Because of the delay, approximately \$400 million in "anticipated revenue" was removed from the 1990 fiscal year budget. However, pre-lease preparations for the offshore oil lease sales have not been delayed.

Territorial Sea Boundary Extended. On December 27, 1988, then-President Reagan issued a proclamation extending the seaward boundary of the territorial sea of the United States to twelve miles from the coastline (Proclamation No. 5928; 54 Fed. Reg. 777). The proclamation neither extends the State of California's boundaries nor does it extend the Coastal Commission's permit jurisdiction. However, it does extend the seaward boundary of the coastal zone from three to twelve miles, as defined for federal law purposes in the CZMA. This extension alters the consistency provisions of the CZMA because it enlarges the area to which they apply. This change means that more federally conducted or supported activities will directly affect

the coastal zone within the meaning of section 307(c)(1) of the CZMA, and more federally licensed and permitted activities will affect land or water uses in the coastal zone within the meaning of section 307(c)(3) of the CZMA.

LEGISLATION:

AJR 2 (Peace), which would request the President, the Congress, the U.S. Department of the Interior, and the U.S. Department of Defense to oppose the expansion of Lease Sale 95 off the coast of San Diego County, is pending in the Assembly Natural Resources Committee.

SJR 6 (Marks), which requests that specified tracts of California coastal land be defined as environmentally sensitive and deleted from further consideration by U.S. Department of the Interior in proposed Outer Continental Shelf Lease Sale 119 for oil and gas exploration and development, was chaptered on April 11 (Res. Chapter 25, Statutes of 1988).

AB 36 (Hauser), which would prohibit the State Lands Commission from leasing all state-owned tide and submerged lands situated in Mendocino and Humboldt counties for oil and gas purposes until January 1, 1995, was reintroduced for the fourth time and is pending in the Assembly Ways and Means Committee.

AB 145 (Costa) would enact the California Wildlife, Park, Recreation, Coastal and Museum Bond Act of 1990 which, if approved by voters, would finance programs for the acquisition, development, rehabilitation, or restoration of real property consisting of beaches, lakes, reservoirs, and waterways. This bill is pending in the Assembly Committee on Water, Parks and Wildlife.

SB 204 (Stirling), which would extend the termination date of a program of research on the artificial propagation and distribution of adversely affected marine fish species from January 1, 1990 to January 1, 1993, is pending on the Senate floor at this writing.

AB 306 (Allen), which would include the recreational fishing industry within the scope of a program which provides funds to address the impacts of oil and gas exploration or development, is pending in the Assembly Natural Resources Committee.

SB 332 (McCorquodale), which would revise the Commission's procedures for certification or refusal of certification of LUPs or proposed LUPs by deleting the current requirements for identifying substantial issues for conformity with the policies of the California Coastal Act of