



any public or private entity after January 1, 1992, for public transit, to be certified by ARB to meet specified exhaust emission standards. This bill is pending in the Senate Appropriations Committee.

SB 1138 (Marks) would prohibit the manufacture, import, or export of any product containing any CFC or halon, and the use of those substances in any application that is harmful to the environment. This bill is a two-year bill pending in the Senate Natural Resources and Wildlife Committee.

SB 1192 (Marks), as amended on May 22, would prohibit the manufacture, distribution, or sale of any polystyrene foam food service or packing products made with certain CFCs or with any compound that presents a significant risk to workers or public health, if substitutes are available. SB 1192 passed the Senate on May 26 and is pending the Assembly Natural Resources Committee.

SB 1219 (Rosenthal) would require the Public Utilities Commission (PUC), whenever it considers the cost of fuel in establishing the rates of an electrical utility, to consult with ARB and any affected air pollution control district concerning the increased costs associated with a utility switching from the use of natural gas to fuel oil in the generation of electricity. ARB would be required to develop an air pollution cost differential value, and that cost would be added to the cost of the fuel oil. If the cost of the fuel oil together with the value is lower than the cost of natural gas, the utility would be able to recover (through ratesetting) only the cost of the fuel oil. If the cost of fuel oil together with the value is higher than the cost of natural gas, then the utility would be able to recover only the cost of natural gas if the corporation uses fuel oil in the generation of electricity. The bill would also require the utility to pay the cost differential to the district in which it is located. This bill is a two-year bill pending in the Senate Committee on Energy and Public Utilities.

SB 1677 (Garamendi), as amended on May 23, requires local air pollution control districts to designate persons as voluntary clean fuel consumers by virtue of their use of clean fuels rather than fuel oil in a combustion process. This bill is pending in the Senate Appropriations Committee.

The following is a status update on bills described in detail in CRLR Vol. 9, No. 2 (Spring 1989) at pages 97-98:

SB 361 (Torres), which would require ARB to undertake a study of determine the feasibility of requiring large, new and modified industrial sources of carbon

dioxide to offset additional carbon dioxide emissions with reductions of carbon dioxide from other existing sources, is still pending in the Senate Governmental Organization Committee.

AB 204 (D. Brown), which would specify that the term "solid waste disposal site" does not apply to an island in the Pacific Ocean fifteen or more miles from the mainland coast, is still pending in the Assembly Natural Resources Committee.

SB 718 (Rosenthal), as amended on May 1, would appropriate \$1,200,000 from federal settlement funds received by the state to the Secretary of the Environmental Affairs Agency for allocation to ARB, air pollution control districts, air quality management districts, and the California Coastal Commission to ensure that offshore oil operations conform to federal and state air pollution control requirements. This bill is pending in the Senate Appropriations Committee suspense file.

AB 292 (Floyd), which would eliminate the requirement that ARB adopt a resolution to exempt modifications that do not reduce the effectiveness of required pollution control devices or which result in emissions that are at levels which comply with existing state or federal standards, is still pending in the Assembly Transportation Committee.

SB 1123 (Rosenthal), as amended on April 26, would require the Department of General Services to purchase low-emission vehicles. The bill would require the state to seek to acquire a mix of least polluting and least cost qualifying vehicles available. SB 1123 passed the Senate on May 18 and is pending in the Assembly Utilities and Commerce Committee.

AB 911 (Killea), as amended on May 16, would make a statement of legislative intent with respect to the attainment of federal and state ambient air quality standards through the purchase and use of low-emission vehicles and fuel. AB 911 passed the Assembly on May 22 and is pending in the Senate Rules Committee.

SB 1006 (Leonard), as amended on May 23, would require ARB to certify by June 30, 1990 which motor vehicles are low-emission vehicles. This bill passed the Senate on May 26 and is pending in the Assembly Committee on Economic Development and New Technologies.

AB 1050 (Sher), which would clarify existing provisions requiring ARB to classify each air basin according to whether it is in attainment with air qual-

ity standards, passed the Assembly on April 27 and is pending in the Senate Governmental Organization Committee.

SB 54 (Torres), as amended June 15, would prohibit an air pollution control district or air quality management district from issuing or renewing a permit for construction or operation of a project which burns hazardous waste unless the project will not interfere with state and federal ambient air quality standards. This bill is pending in the Senate Appropriations Committee suspense file.

SB 231 (Roberti), as amended on April 5, would require ARB to adopt criteria to determine the existence of replacement products for specified CFC applications. This bill is still pending in the Senate Appropriations Committee.

SB 155 (Leonard), as amended on May 31, would enact the California Clean Transportation Act of 1989, and impose additional tax under the Motor Vehicle Fuel License Tax Law and the Fuel Tax Law on specified motor vehicle fuels at designated rates based on whether the fuel meets specified standards. This bill is still pending in the Senate Transportation Committee.

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



REGULATORY AGENCY ACTION

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:

Implementation of AB 2448. One of the Board's major activities at the present time is implementing AB 2448 (Eastin) (Chapter 1319, Statutes of 1987). (See CRLR Vol. 9, No. 2 (Spring 1989) p. 98; Vol. 9, No. 1 (Winter 1989) p. 86; and Vol. 8, No. 3 (Summer 1988) p. 106 for background information.) AB 2448 requires solid waste landfill operators to submit closure cost estimates and maintenance estimates for fifteen years of postclosure maintenance to CWMB. The bill also requires operators to establish financial mechanisms for closure and postclosure maintenance costs. Several operators have made claims of confidentiality, especially concerning the cost estimates and the financial information which the operators have submitted. The Public Records Act, Government Code section 6250 *et seq.*, requires that records kept by state agencies in the ordinary course of business be made available to the public upon request. The Public Records Act allows various exemptions from the disclosure requirements, one of which is the protection of trade secrets (Government Code section 6254). The Board may adopt regulations establishing a process for operators to make claims of confidentiality for information submitted, with CWMB making a determination of the validity of the claim. An appeals process would also be established.

Under the provisions of AB 2448, all solid waste landfill operators were required to make an initial certification to CWMB and their local enforcement agency (LEA) by January 1, 1989. This initial certification must include the initial cost estimate, the financial mechanism which has been established, and evidence of the adequacy of the mechanism

for closure and postclosure maintenance. Only 266 out of 378 operators had responded to CWMB by March 1989. Of the 266 operators responding, only 103 had made full and complete submittals as required by law.

Enforcement Advisory Council. Recently, EAC has made two requests of CWMB. EAC would like 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. EAC would also like CWMB to develop regulations defining the operations of a transfer/processing station as called for in Government Code section 66723(c). EAC would like regulations allowing an LEA to enforce section 66723(c) at waste collection yards as necessary. (See CRLR Vol. 8, No. 3 (Summer 1988) pp. 105-06 and Vol. 8, No. 2 (Spring 1988) p. 99 for background information on the EAC.)

Status of CoSWMPs. County Solid Waste Management Plans (CoSWMPs) are current and complete for 52 counties. Four counties (Orange, San Mateo, Del Norte, and Contra Costa) are delinquent, and their cases have been referred to the Attorney General for enforcement action. Contra Costa has agreed to a stipulation to adopt a CoSWMP revision by December 1. (For more information regarding the ongoing conflict between CWMB and Contra Costa County, see *infra* RECENT MEETINGS.) The Sutter-Yuba CoSWMP Revision must be resubmitted because of deficiencies previously identified by the Board in the originally submitted Plan Revision.

As an example of how the CoSWMP revision process works, CWMB approved a Plan Revision for Tehama County at its April meeting. The county had claimed that since its current plan was approved by CWMB in 1985 and only minor changes had occurred, a Plan Revision was not necessary. However, CWMB staff detected nine major weaknesses in the 1985 plan, including the asbestos disposal program, the septage and sludge disposal program, lack of verification of at least eight years of remaining disposal capacity, and the failure to identify a 20% recycling goal and establish a program to implement it. Tehama County was required to correct these deficiencies prior to the Board's approval of its Revision.

LEGISLATION:

SB 700 (Ayala). Existing law requires a CoSWMP to be reviewed and, if appropriate, revised at least every three years, and a report of the review to be submit-

ted to CWMB beginning on the third anniversary of the date of CWMB approval of the plan, with subsequent reviews and reports at least every three years thereafter. This bill would provide that the subsequent reviews and reports shall be submitted triennially. SB 700 is pending in the Senate Rules Committee.

SB 1200 (Petris) would enact the Used Oil Recycling Grant Program Act of 1989, under which CWMB would be required to develop and administer a used oil grant program of specified content. The bill would transfer, to the extent permitted by federal law, \$1,000,000 from the Federal Trust Fund received by the state from federal oil overcharge funds to the Used Oil Recycling Grant Fund, created by the bill, and would continuously appropriate the money in that fund to the Board for purposes of the Act. This bill is pending in the Senate Appropriations Committee.

SB 1221 (Hart). The California Beverage Container Recycling and Litter Reduction Act requires every beverage container sold or offered for sale in this state to have a minimum redemption value of at least one cent, and provides, under specified circumstances, for an increase in the redemption value to two cents after December 31, 1989, and three cents after December 31, 1992. As amended May 30, this bill would increase the minimum redemption value to two cents on and after September 1, 1989, or sixty days after the effective date of this bill. The bill would also provide that after that date, a beverage container with a capacity of 24 fluid ounces is two beverage containers for purposes of the Act. The bill would increase the amount of the redemption to 2.5 cents on and after January 1, 1993, unless the Department of Conservation makes a specified determination, and would increase the amount of the redemption value to three cents after January 1, 1993, if certain conditions are met concerning the redemption rate for that type of beverage container. At this writing, SB 1221 is pending on the Senate Floor.

SB 1261 (Bergeson), as amended June 6, would decrease the number of members on CWMB to seven persons with specified experience. It would create a resource recovery advisory committee in CWMB, specifying its membership and their compensation. This bill would also enact the California Recycling Act of 1989, and would require each local agency to prepare, adopt, and implement a recycling plan of specified content in accordance with guidelines adopted by CWMB. The bill would require that the



recycling plan be adopted by each city before January 1, 1991, and by each county by January 1, 1992, and that it be incorporated into the CoSWMP. The bill would require the recycling plan to designate a recycling coordinator, materials to be recycled, methods for collecting and disposing of segregated materials, and the level of recycling to be utilized based on economic feasibility, and an implementation schedule. The plans would also be required to include education programs, a listing of markets for specified purposes, and a budget and designation of fees to be charged, as specified. The city recycling plans would be required to include the same elements as the county plans. The bill would require the recycling plans to be approved or disapproved by the Board after comments by the Department of Health Services (DHS). This bill is pending in the Senate Appropriations Committee.

SB 1450 (Roberti). Existing law requires a CoSWMP to include an implementation schedule not later than July 1, 1984. Existing law also requires CWMB to review the adoption, application, and cost of the implementation schedules, and report its findings to the legislature on or before January 1, 1989. This bill would require those plans to include an implementation schedule not later than July 1, 1991, and require the Board to review the plans and report to the legislature on or before January 1, 1992. This bill is pending in the Senate Local Government Committee.

SB 1624 (Hart) would require the Board to adopt regulations requiring all solid waste disposal facilities to implement standard cost accounting methods for all solid waste disposal operations, to submit financial reports to the Board based on these methods, and to make a specified demonstration to the Board concerning fees charged by that solid waste disposal facility. This bill is pending in the Senate Governmental Organization Committee.

AB 888 (LaFollette). As amended May 31, this bill affects existing law which requires each county to include within its CoSWMP a program for the management of household hazardous wastes, if the county determines there is a need for the program. The Board is required to establish guidelines and state policies to guide local governments in providing community services concerning household hazardous substances (including guidelines on the generic types of household hazardous substances), and to designate a household hazardous waste coordinator to advise and assist

local governments. This bill would require that at the next review of the county hazardous waste management plan occurring after January 1, 1990, the plan be revised to identify a program for the collection, recycling, and disposal of household hazardous waste. This bill passed the Assembly on June 7 and is pending in the Senate Committee on Toxics and Public Safety Management.

AB 939 (Sher), as amended in June, has grown from two pages in length to 112 pages in length, and would enact the California Solid Waste Management, Source Reduction, Recycling, Composting, and Market Development Act of 1989. This bill would repeal the provision creating the CWMB and provide instead for the California Integrated Waste Management and Recycling Board, consisting of five full-time members. The bill would provide for the appointment, salaries, terms, and duties of the board.

This bill would also repeal existing law requiring counties and cities to prepare CoSWMPs and to permit, inspect, and regulate solid waste handling and disposal facilities. Among other things, AB 939 would designate those plans "integrated solid waste management plans" and transfer the duties relating to permits, inspection, and regulation of solid waste facilities to the new board by July 1, 1992.

AB 939 would authorize the board to levy a fee on retailers or distributors of disposable containers, other than specified beverage containers, which would be required to be deposited in the Solid Waste Management Fund in separate accounts for each container type, and would require the funds to be used for waste reduction, recycling, or reuse programs for the type of container for which the fee was paid.

The bill would provide for permit fees, disposal fees, and other charges levied by the new board and the State Board of Equalization, and would require that revenue to be deposited in the fund to pay, upon appropriation by the legislature, for the regulation of solid waste facilities. AB 939 passed the Assembly on June 12 and is pending in the Senate Governmental Organization Committee.

AB 1041 (LaFollette), as amended May 3, affects existing law which requires all rigid plastic containers sold in California after January 1, 1992, to be labeled with a specified code. Under existing law, the California Waste Management Board is generally required to conduct studies and investigations regarding solid waste handling, but it is not

expressly required to study plastics waste recycling. This bill would require CWMB to submit a report of specified content on the use, disposal, and recyclability of plastic materials and containers which are not subject to the California Beverage Container Recycling and Litter Reduction Act, and report the results to the Governor and the legislature before January 1, 1991. AB 1041 passed the Assembly on June 1 and is pending in the Senate Committee on Natural Resources and Wildlife.

AB 1101 (LaFollette), as amended May 2, would require local agencies which do not directly charge a fee for solid waste collection, transportation, and disposal, or which charge a fee which equals less than 90% of the cost of providing these services, to arrange to inform all residential households at least once every three months concerning monthly costs of solid waste handling and the monthly volumes of solid waste produced. This bill passed the Assembly on June 1 and is pending in the Senate Local Government Committee. 383

AB 1293 (Filante). Under existing law, there is no resource recovery advisory committee in the CWMB. As amended May 16, this bill would create that advisory committee, specify its membership and the compensation of the members, and designate the duties of the committee. This bill is pending in the Assembly Ways and Means Committee.

AB 1305 (Killea), as amended June 13, would require that after January 1, 1991, every consumer of newsprint must ensure that at least 25% of all newsprint used (with that percentage increasing gradually to 50% by January 1, 2000) is made of recycled-content newsprint. If the newsprint consumer is unable to obtain recycled-content newsprint, the bill would require a certification of that fact. The bill would make a violation of its provisions an infraction. This bill is pending in the Assembly Ways and Means Committee.

AB 1308 (Killea), as amended June 1, would authorize new tax credits under the Bank and Corporation Tax Law in an amount equal to a specified percentage of the cost of recycling equipment certified by the Department of Conservation. It would also require the Department to perform various duties in conjunction with the credits, including adopting regulations and making specified reports. This bill is pending in the Assembly Ways and Means Committee.

AB 1377 (Bates), as amended June 5, would require all state agencies and public entities and the legislature to give



REGULATORY AGENCY ACTION

preference to recycled products. It would increase the preference for recycled paper in state agency contracts from 5% to 10%, and would require public entities to give that same preference to recycled paper. AB 1377 would also create the Recycling Market and Business Development Commission of specified members to administer the Recycling Market and Business Development Fund, created by this bill, and to aid recycling businesses in California. The bill would require each solid waste facility to collect a market development surcharge fee of \$6 per ton on all recyclable materials in solid waste received or handled at the facility and remit the fees for deposit in the Fund. This bill is pending in the Assembly Revenue and Taxation Committee.

AB 1530 (Katz). This bill 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 operating solid waste disposal site unless the city, county, or city and county makes specified determinations, and would prohibit the construction of a drinking well within a half-mile downgradient of an existing solid waste disposal facility. The bill would also require CWMB, by July 1, 1991, to adopt regulations requiring that all new and expansions of existing waste management units which are used for the disposal of nonhazardous solid waste be equipped with landfill gas monitoring systems. This bill is pending in the Assembly Ways and Means Committee.

AB 1570 (Sher), as amended May 16, would require state agencies and contractors with state agencies to purchase lubricating oil and industrial oil containing the greatest percentage of recycled oil, unless a specified certification is made. The bill would also require local agencies to purchase lubricating oil and industrial oil which contains recycled oil if the product meets specified conditions.

Existing law requires CWMB to submit a specified annual report to the legislature relating to used oil collection and recycling. This bill would, instead, require DHS to include that information in its report regarding hazardous waste which is required to be submitted to the legislature before January 1 of each odd-numbered year. This bill passed the Assembly on May 22 and is pending in the Senate Governmental Organization Committee.

AB 1796 (Moore). Existing law prohibits the sale of beverages in beverage containers connected to each other with

plastic rings or devices which are not classified as degradable by CWMB. As amended May 22, this bill would enact the Problem Plastics Elimination Act, and impose a fee of four cents on each pound of problem plastics products manufactured or sold for use in retail transactions, to be paid by the manufacturer or purchaser for use in retail transactions. The bill would require the Department of Conservation to adopt, by regulation, requirements for the labeling of all problem plastics products which are sold or distributed directly to the consumers. The bill would also require the fees imposed by the bill to be deposited into the Problem Plastics Elimination Fund, which this bill would create. The Department would be authorized to expend money in the fund, upon appropriation, for aid to state and local agencies in recycling and removing problem plastics waste, for research grants to minimize the deposit of problem plastics into landfills, and to carry out the provisions of the bill. AB 1796 is pending in the Assembly Natural Resources Committee.

AB 1843 (W. Brown). This major bill would require CWMB to adopt specified regulations for issuing permits for waste tire facilities. The bill would require every person, except specified tire dealers, who stores, stockpiles, or disposes or more than 500 waste tires in a calendar year, and every owner and operator of a waste tire facility to file a registration statement of specified content with the Board, subject to specified civil liability. The bill would provide for the issuing of permits to major waste tire facilities, as defined, and minor waste tire facilities, as defined, and would provide for exemptions from the latter for retreading businesses and agricultural purposes. The bill would provide for suspension and revocation of the permits after notice and hearing and would authorize the Board to clean up or abate the effects of waste tires stored, stockpiled, or accumulated in violation of the bill. The bill would provide for recovery of the costs of that abatement and clean-up. The bill would provide for civil penalties, imposed administratively or by the court, for negligent or intentional violations or the bill in an amount not to exceed \$10,000 per violation or, for continuing violations, \$10,000 per day.

Existing law requires an environmental impact report to be prepared for resource recovery projects which burn tires, but does not otherwise expressly regulate the disposal or recycling of used whole tires except as to their reuse on

vehicles. This bill would require CWMB to adopt regulations authorizing shredded tire storage at landfills and to award funds for tire recycling activities. These awards and related administrative costs would be funded by a fifty cents per tire disposal fee imposed on persons leaving tires for disposal with sellers of new and used tires. The bill would also require the Department of General Services to give preference in state purchases to recycled tire products. This bill is pending in the Assembly Ways and Means Committee.

AB 1948 (Killea), as amended May 10, would repeal the provision creating CWMB and would instead create the Board as a five-member Board and would specify the special qualifications of the members. The bill would require the members to serve full-time and would provide for the salary of the chairperson and the members.

Existing law provides for the local determination of specified aspects of solid waste handling of local concern. An enforcement agency is authorized to suspend or revoke the permit of a solid waste facility which converts waste to energy or fuel if the facility uses recyclable materials and the local agency enters into a specified agreement with the facility. This bill would require a county or other local government agency to include, in any new or renegotiated contract or franchise, requirements designed to encourage source reduction, reuse, and recycling. The bill would also expressly require the Board to include waste reduction, reuse, and recycling minimum standards in its formulation and adoption of state policy for solid waste management in a specified hierarchy. This bill is pending in the Assembly Ways and Means Committee.

AB 2192 (Margolin). Under existing law, the California Beverage Container Recycling and Litter Reduction Act establishes redemption values for beverage containers. This bill would require each county to revise its CoSWMP by July 1, 1990 to include a recycling convenience center element which would include specified information concerning implementation of the Act. This bill is pending in the Assembly Natural Resources Committee.

The following is a status update of bills discussed in detail in CRLR Vol. 9, No. 2 (Spring 1989) at page 99:

AB 204 (D. Brown), which would provide 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,



is still pending in the Assembly Natural Resources Committee.

SB 228 (Garamendi), which would provide that the fee imposed on every operator of a solid waste landfill is based on the amount of solid waste disposed at each site, passed the Senate on March 30 and is pending in the Assembly Revenue and Taxation Committee.

SB 429 (Torres), as amended May 22, would restructure the CWMB as a five-person Board, three members appointed by the Governor and subject to confirmation by the Senate, and one each appointed by the Senate Rules Committee and the Assembly Speaker, with terms of four years. The bill would require the members to serve full-time and would provide the salary of the chairperson and the members. This bill would provide for hearings of the Board, staff and legal counsel, location of the headquarters and facilities, and would prohibit conflict of interest of the members. *SB 429* is pending in the Senate Appropriations Committee.

AB 4 (Eastin), as amended May 22, would state the intent of the legislature to encourage the procurement of recycled paper products by the University of California, and that the Regents report annually to the legislature on the percentage of the total dollar amount of recycled paper products purchased or procured. This bill would also require the Trustees of the California State University to revise the contract procedures for the purchase of paper products to give preference to recycled paper products, as specified. *AB 4* is pending in the Assembly Ways and Means Committee.

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 Senate Appropriations Committee.

AB 80 (Killea), which CWMB opposes, would enact the Solid Waste Recycling Act of 1989, requiring each local agency to prepare, adopt, and implement a waste reduction and recycling plan in accordance with guidelines prepared by the Department of Conservation. The waste reduction and recycling plan would be incorporated into the CoSWMP. Assemblymember Killea has chosen the Department of Conservation to prepare the guidelines rather than CWMB because she believes the Department has the necessary expertise and a commitment to recycling. She also contends that CWMB is dominated by the waste hauling industry and does not support recycling. A similar bill by Assembly-

member Killea during the 1988 session was vetoed by the Governor. *AB 80* passed the Assembly on June 8 and is pending in the Senate Committee on Natural Resources and Wildlife.

AB 42 (Jones), which would revise the definition of the term "significant amount" in Proposition 65, is pending in the Assembly Ways and Means Committee.

AB 58 (Roybal-Allard), as amended May 31, 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 fuels. This bill would also require an environmental impact report for a new facility which would burn hazardous waste or to expand the capacity of an existing facility which burns hazardous waste. *AB 58* passed the Assembly on May 11 and is pending in the Senate Appropriations Committee.

SB 12 (Robbins), as amended April 27, 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, unless the city, county, or city and county makes specified determinations. The bill would be inapplicable to land use permits or other authorizations in those areas where a specified application was deemed complete before July 1, 1990. The bill would apply only to the area located within the San Fernando Valley statistical area and the area within two miles outside the perimeter of the statistical area. This bill has passed the Senate and is pending in the Assembly Natural Resources Committee.

RECENT MEETINGS:

On the first day of its March meeting, CWMB toured the Crow's Landing waste-to-energy (WTE) plant, which is approximately twenty miles from Modesto in Stanislaus County. The \$121 million plant, one of only three WTE plants in California, is owned by Ogden Martin Systems. The plant began operations in the fall of 1988 and burns 800 tons of garbage per day at 1,800 degrees or higher. CWMB support WTE plants as one alternative to landfills, but disposal of the ash generated by the plant is a problem. The Crow's Landing facility generates approximately one ton of ash per week; lead levels in the ash are

slightly higher than state law will allow for dumping in a regular landfill. Ogden Martin has requested DHS to classify the ash as non-toxic so that it may be deposited in nearby pits which have been built and lined to handle this kind of material. If DHS refuses the request, the ash must be placed in a landfill licensed to accept hazardous waste, which is a more expensive process.

Also at its March meeting, the Chief Administrative Officer of Contra Costa County testified on behalf of his county to explain its delinquent CoSWMP. The county's CoSWMP Revision had previously been disapproved by CWMB and the matter was referred to the state Attorney General for enforcement action. The Board has negotiated with the county and secured its agreement to a Consent Decree. CWMB technical staff and the Board's counsel are monitoring Contra Costa County to make sure that it is acting in good faith. At the March meeting, CWMB members propounded questions to the Contra Costa County CAO regarding whether the waste is going into legally assignable landfill places; why the county has suddenly come up with reports of new landfill capacity; whether adequate staff resources have been assigned to revising the CoSWMP; and why the facts reported by the county keep changing.

Finally, in an effort to determine the true cost of landfills in California, CWMB issued an invitation for bids (IFB). Seven proposals were received by the February 17 deadline; however, a committee of CWMB staff personnel and Board members gave only two bidders a qualified rating. At the March meeting, the Board decided that Energy Systems Research Group and its subcontractor Aqua Terra Technologies was the lowest responsible bidder.

At the April meeting, the Contra Costa County CAO again testified and asserted that his county is on track in complying with the Consent Decree. CWMB's counsel noted that two of the county's landfills are operating in excess of permitted capacity, with one receiving almost twice its allowed tonnage; counsel Conheim stressed that this practice must be stopped and that current permits must be honored. Conheim also warned the county that CWMB will monitor the county's land use decisions. For example, he warned that Contra Costa County should not approve any development until the CoSWMP has been approved.

The Board approved a permit for the WTR Mission Road Recycling/Transfer



REGULATORY AGENCY ACTION

Facility, which is southeast of downtown Los Angeles. CWMB members praised the facility because of its extensive proposed recycling which results from the fact that most of the facility's sources are commercial. Trucks depositing at this landfill will also pick up their loads before 7:00 a.m., thus helping to alleviate Los Angeles traffic problems.

CWMB Chair John Gallagher noted that Government Code section 66796.33(d) requires: "Any solid waste facility permit issued, modified, or revised under this chapter shall be reviewed and, if necessary, revised at least every five years." Of the 526 permitted and active solid waste facilities in California, 318 (or 60.5%) are overdue for completion of the five-year permit review. There are 16 overdue facilities in San Diego County. One sanction which CWMB may enforce is de-designation of the local enforcement agency (LEA). The Board would then determine if the LEA can fulfill its responsibilities or if these responsibilities should be given to another agency.

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 consist-

ent 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. 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:

Advisory Panel Calls for Commission Restructuring. On May 12, the Senate Advisory Commission on Cost Control in State Government issued its findings after a year-long investigation of the Coastal Commission. The advisory panel called for drastic changes within the structure of the Commission. It advocated a full-time nine-member commission that would serve four-year terms; members could be removed only for cause. Currently, twelve commissioners work part-time, are paid \$100 per meeting they attend, and may be removed at the whim of whoever appoints them. The chair of the Senate Rules Committee appoints four commissioners, as do the Speaker of the Assembly and the Governor. The advisory commission also advocated a new code of conduct and stricter enforcement of existing conflict of interest laws, to give the Coastal Commission greater political independence, credibility, and efficiency.

The panel found that budget cuts have greatly impeded the Commission's ability to properly carry out its duties, creating short-term views and an enormous backlog of coastal violations. The panel advocated greater funding and legal authority for the Commission.

LEGISLATION:

AB 1735 (Friedman), which would prohibit a Commission member and any interested person from conducting an ex parte communication, passed the Assembly on June 6 and is pending in the Senate Judiciary Committee. The bill would require a Commission member to report any ex parte communication and would authorize the revocation of any action taken after an unreported communication. Any person who knowingly commits an ex parte communication violation would be subject to a civil fine not exceeding \$15,000.

AB 2072 (Friedman), as introduced, would require any alternate Commission member to be a county supervisor or city councilperson from the same region as the person making the appointment. This bill passed the Assembly on June 6 and is pending in the Senate Rules Committee.

SB 1260 (Bergeson), as amended May 3, would require any city which acquires new coastal zone jurisdiction through incorporation to request the Commission to prepare an LCP within 24 months of the date of incorporation. This bill passed the Senate on June 1 and is pending in the Assembly Natural Resources Committee.

SB 1499 (Roberti), which would require the Commission to study and report its findings and recommendations to the legislature on various options and mechanisms which may be used to deal with low- and moderate-income housing units in the coastal zone of southern California in the Laguna Niguel area of Orange County, passed the Senate on June 1 and is pending in the Assembly Natural Resources Committee. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 101 and Vol. 8, No. 4 (Fall 1988) pp. 103-04 for background information on this issue.)

SB 1500 (Hart), which would prohibit any new development within an existing wetlands areas if the development would cause degradation or destruction to the wetlands, is pending in the Senate Committee on Natural Resources and Wildlife.

The following is a status update on bills discussed in detail in CRLR Vol. 9, No. 2 (Spring 1989) at pages 100-01: