



struct has been issued, the start-up operations must be monitored to ensure compliance with the permit, as well as with district rules and regulations. AB 2595 is pending in the Senate Committee on Governmental Organization.

AB 2930 (Sher) has also been amended. The measure would now create the Atmospheric Acidity Protection Act of 1988, which would require ARB to adopt and implement a program to determine damage to, and develop ways to protect, public health from atmospheric acidity. The bill would require local districts to impose specified fees through 1993 and would limit collection of those fees to an amount designated by the legislature. AB 2930 is pending in the Senate Appropriations Committee.

SB 1274 (Senate Committee on Natural Resources and Wildlife) has been substantially amended. It would no longer modify the requirements of the acid deposition program; instead, it would require ARB to evaluate and measure the effects on agriculture and forests of combined and cumulative exposure to acid deposition and photochemical oxidants. The bill would also impose specified hearing and reporting requirements on ARB. This bill is pending in the Assembly Natural Resources Committee.

SB 1997 (Presley), which would create a Department of Vehicle Inspection and Repair within the Resources Agency, passed the Senate on May 20 and is pending in the Assembly Ways and Means Committee. (For further details on SB 1997, as amended, see *supra* agency report on BUREAU OF AUTOMOTIVE REPAIR.)

SB 2297 (Rosenthal), which would require southern California air pollution officials to promote the use of methanol and other clean-burning fuels, passed the Senate on June 8 and is pending in the Assembly Natural Resources Committee.

#### RECENT MEETINGS:

On April 7, the ARB conducted a public meeting to discuss information regarding the air quality impacts of anticipated economic, population, and industrial growth in the San Joaquin Valley Air Basin (SJVAB). The Board also considered a petition, received from Ecology Action Educational Institute, League of Conservation Voters, and other groups in the Central Valley Safe Environmental Network, which requests the preparation of an environmental impact report to address, on a valley-wide basis, the cumulative environ-

mental impacts of all new stationary sources, particularly biomass, waste-to-energy, and cogeneration facilities. No regulatory action was proposed.

The Board's staff presented information regarding current air quality in the SJVAB and anticipated a worsening of air quality with future economic, population, and industrial growth. The focus of the staff presentation was on the outlook for attaining ambient air quality standards for ozone, carbon monoxide, and particulate matter .10 microns and smaller in size. A panel composed of invited guests from industry, academia, citizen groups, and government presented its views on anticipated growth in SJVAB and air quality impacts, and on possible actions to balance the anticipated growth with air quality improvement and protection.

#### FUTURE MEETINGS:

To be announced.

### CALIFORNIA WASTE MANAGEMENT BOARD

*Executive Officer: George T. Eowan*  
*Chairperson: Sherman F. Roodzant*  
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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 re-

porting 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:

*Status of CoSWMPs.* Each county must prepare a solid waste management plan (CoSWMP) consistent with state policy which is reviewed by the Board. As of May, the Board reported that 52 CoSWMPs are current and complete. The Napa CoSWMP revision was approved at the CWMB's May meeting. Contra Costa was scheduled to resubmit its plan revision in May, and Alameda will resubmit its partially approved plan in August. San Francisco and Kern CoSWMP revisions have been referred to the Attorney General for legal action because of failure to comply with revision deadlines, and the Solano CoSWMP has recently become delinquent.

As per legislative amendment (Government Code section 66780.5 *et seq.*), any review of CoSWMPs after January 1, 1988 must (1) include a plan for the safe management and disposal of household hazardous waste; (2) demonstrate that the county has eight years' total remaining capacity at solid waste disposal facilities; and (3) include a mechanism for establishing and implementing a recycling goal of 20% of the waste disposed in the county.

*Enforcement Advisory Council Report.* The EAC is designed to achieve a coordinated, consistent statewide enforcement program through ongoing communication among all local enforcement agencies (LEAs) and the CWMB; assure that the local enforcement interests and viewpoints regarding legislation, policies, programs, and training needs are considered at the state level; and continue to support the concept of the Guidelines for the Enforcement of the State Minimum Standards.

The EAC met on March 2-3, and recommended that the Board write to facility operators to inform them that the Board is currently in the process of developing the requisite regulations and minimum standards to implement AB 2448 (Eastin) (Chapter 1319, Statutes of 1987), which requires them to provide financial assurances and closure plans.



It was also recommended that the Board revise the waste facility permit application form to reflect the landowner's signature, not the facility owner's signature.

**Solid Waste Clean-up and Maintenance Advisory Committee.** The Solid Waste Disposal Site Hazard Reduction Act of 1987 (AB 2448) provides for systematic comprehensive closure and postclosure of disposal facilities. The Act requires operators of facilities to submit closure and postclosure plans; expands the Board's enforcement authority; funds enforcement and remedial activities; requires operators to establish a fund sufficient to cover closure and postclosure maintenance; and creates the Solid Waste Disposal Site Clean-up and Maintenance Advisory Committee (Advisory Committee).

The Advisory Committee consists of the Chairs of the CWMB, the Air Resources Board, and the state Water Resources Control Board (WRCB); the Director of the Department of Health Services; and three other members appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly.

On March 9, the Advisory Committee met for the first time. No representatives were present from the Legislature or the Governor's Office. Among the topics discussed were the mandated role and functions of the Advisory Committee; the authority of each of the represented agencies in closure and postclosure of landfills; coordination issues; and the criteria for grants and loan guarantees. The Board will conduct research into the public and private sector uses of loan guarantees and report back to the Advisory Committee, which will subsequently establish the criteria for making loan guarantees and make recommendations to the Board (*see infra* RECENT MEETINGS).

**Waste-to-Energy Demonstration Program.** The Board entered into a contract with the Los Angeles County Sanitation District (LACSD) to conduct a demonstration program at the Commerce waste-to-energy facility. The program will be carried out under the direction of a technical advisory committee (TAC) made up of representatives from CWMB, the Air Resources Board, the Department of Health Services, the WRCB, the California Energy Commission, and the LACSD.

The TAC has developed testing protocols which will be utilized to characterize the incoming wastes from the plant, determine air emissions from the stack, and analyze the combined ash

produced by the furnace and air pollution control devices. The ARB will conduct air emissions sampling and analysis with its own resources simultaneously with emissions sampling by a contractor. The characterization of the incoming wastes will be performed by a contractor. The ash sampling and analysis will be performed by a combination of contractor and LACSD staff.

**Public Awareness Project.** In March, the Board approved a pilot project sponsored by California Partnerships, Inc. to increase public awareness of California's trash crisis. The pilot will target the southern California area, particularly the counties of Los Angeles, Orange and San Bernardino. The project plans to increase public awareness through the use of utility bill inserts, service station literature, information provided on retail/supermarket shopping bags, securing media exposure for pilot project efforts, and establishing local governmental commemorative events and proclamations.

## LEGISLATION:

**AB 4103 (Friedman)**, as amended April 6, would create the Los Angeles County Solid Waste Task Force with specified appointed members. On or before September 1, 1989, after conducting public hearings and receiving comments, the Task Force would be required to prepare and submit a report to the legislature relating to solid waste management in the County of Los Angeles. This bill is pending in the Assembly Ways and Means Committee.

**AB 4498 (Sher)** would require specific labeling on oil containers, and would require the CWMB to maintain access to a toll-free telephone number for informing consumers on permissible methods of recycling or disposing of used oil. This bill would also require state agencies to give preference to recycled oil, as specified. AB 4498 is pending in the Senate Committee on Toxics and Public Safety Management.

**AB 4607 (Brown)**, as amended May 18, would require the Board to adopt specified regulations for issuing permits for waste tire facilities, as defined. This bill would also require every person, except specified tire dealers, who stores, stockpiles, or disposes of 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 contents with the Board. This bill is pending in the Senate Governmental Organization Committee.

**AB 612 (Sher, et al.)** includes wine and distilled spirit cooler containers

under the California Beverage Container Recycling and Litter Reduction Act of 1987. The bill was signed by the Governor on June 13 (Chapter 170, Statutes of 1988).

**AB 3299 (Killea)** would declare legislative findings and intent, and would require all rigid plastic bottles and containers sold in California on and after January 1, 1992, to have a label which indicates their composition. This bill passed the Assembly on June 9 and is pending in the Senate Committee on Natural Resources and Wildlife.

**AB 3761 (Connelly)** would enact the Polystyrene Plastic Reduction Act of 1988, and would make it an infraction to manufacture, distribute, or sell to any person in the state on and after January 1, 1990, any product made of or with polystyrene plastic, as defined, with specified exceptions. This bill passed the Assembly on June 9 and is pending in the Senate Committee on Natural Resources and Wildlife.

**AB 4234 (Clute)**, as amended June 9, would require the CWMB to adopt regulations authorizing shredded tire storage at landfills, and to award funds for tire recycling activities. This bill is pending on the Assembly floor at this writing.

**SB 2437 (Alquist)**, as amended April 20, would amend section 25250.24 of the Health and Safety Code, which currently requires any person who generates, receives, or stores used oil to comply with the hazardous waste control law, and imposes an annual fee upon generators of hazardous waste who generate more than five tons annually. This bill would exclude from the calculation of the amount of hazardous waste generated, for purposes of this fee, used oil removed from a motor vehicle which is subsequently recycled. This bill has passed the Senate and is pending in the Assembly Committee on Environmental Safety and Toxic Materials.

**SB 2113 (Montoya)**, as amended June 21, would enact the California Recycling Act of 1988, and would require each local agency, as defined, to prepare, adopt, and implement a recycling plan in accordance with guidelines adopted by the CWMB. Each city must adopt a plan by January 1, 1990, and each county must adopt a plan by January 1, 1991, and the plan must be incorporated into the county solid waste management plan. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

**SB 2304 (Dills)** would change existing law which specifies that the position of Chair of the CWMB is a half-time



position receiving half the usual salary. This bill, which has passed the Senate and is pending in the Assembly Natural Resources Committee, would make the Chair position full-time with full salary.

*SR 33 (Roberti)*, adopted by the Senate on March 10, creates a Task Force on Waste Management with varied membership requiring statewide hearings to develop a comprehensive program to help solve the state's trash crisis. The Task Force is required to report its initial findings on December 1, 1988. At the Board's April meeting, CWMB members expressed concern that this resolution is yet another effort by the legislature to eventually do away with the Board.

*ACR 100 (LaFollette)* requests that the Assembly and Senate provide collection services for all legislative offices for recyclable paper products; that the Department of General Services indicate which items listed in its procurement catalogue are made from recyclable materials; and that all members of the legislature actively promote recycling activities. The resolution was adopted by the Assembly and is pending in the Senate Committee on Governmental Organization.

The following is a status update of bills discussed in detail in CRLR Vol. 8, No. 2 (Spring 1988) at pages 100-02:

*AB 3012 (Katz)*, as amended June 9, would require the CWMB, by January 1, 1990, to adopt regulations for the imposition of specified types of design features for new landfills and lateral expansions of existing landfills which are used for the disposal of nonhazardous solid wastes, and would require any new landfill or lateral expansion of an existing landfill which is used for the disposal of that waste to be constructed in compliance with those regulations. This bill passed the Assembly on June 9 and is pending in the Senate Local Government Committee.

*AB 3298 (Killea)*, as amended June 15, would repeal existing law which requires CWMB to take actions necessary to identify location of markets for recovered materials, identify specified barriers to use of recovered materials, and encourage development of new uses of recovered materials. Instead, this bill would enact the Killea-Cortese Solid Waste Recycling Act of 1988, which would require each local agency, which is defined to include each county, city and county, and city, to prepare, adopt, and implement a waste reduction and recycling plan in accordance with guidelines adopted by the Department of Con-

servation. The bill would also authorize the plan to be incorporated into the county solid waste management plan. This bill is pending on the Assembly floor at this writing.

*AB 2831 (LaFollette)*, as amended June 20, would require a solid waste facility permit issued after January 1, 1989, for a new landfill, a landfill expansion, a new waste-to-energy facility, or to increase the capacity of an existing waste-to-energy facility, to include a permit condition that precludes accepting any solid waste unless the county which is the source of the waste has adopted a recycling plan element in its county solid waste management plan. This bill is pending in the Senate Local Government Committee.

*AB 2818 (LaFollette)*, as amended May 25, would require the Solid Waste Clean-up and Maintenance Advisory Committee to make annual reports to the legislature on regulatory activities by state agencies relating to closure and postclosure maintenance of solid waste facilities. This bill is pending in the Senate Governmental Organization Committee.

*AB 2790 (Chandler)*, as amended May 18, would authorize any county to join with other counties, subject to the consent of the cities in the county, to form a regional solid waste planning authority to prepare, amend, and revise a regional solid waste management plan. This bill is pending in the Senate Local Government Committee.

*AB 3071 (Eastin)*, as amended June 6, requires persons operating or applying to operate landfills after January 1, 1988, to submit a closure plan and a postclosure maintenance plan to the local enforcement agency (LEA); any closure and postclosure maintenance must be in accordance with that plan. This bill also requires revision of the plans to be approved by the CWMB and the LEA. This bill was recently signed by the Governor (Chapter 263, Statutes of 1988).

*AB 3297 (Killea)*, as amended June 14, would amend section 25250.11 of the Health and Safety Code, which currently exempts persons who receive used oil from used oil generators from hazardous waste facilities permit requirements if specified conditions are met, including that no other hazardous wastes are received at the location. This bill would exclude lead-acid storage batteries and antifreeze from the hazardous wastes which the person is prohibited from receiving. This bill would also amend current provisions regarding the trans-

portation of used oil. *AB 3297* has passed the Assembly and is pending in the Senate Committee on Toxics and Public Safety Management.

*AB 3804 (Mountjoy)*, as amended April 18, would prohibit a regional water pollution control board from issuing a waste discharge permit for a new landfill, or a lateral expansion of an existing landfill, for the disposal of nonhazardous solid waste if the land has been used at any time for the mining or excavation of gravel or sand. This bill would authorize a regional board to grant a variance to that prohibition under specified conditions. This bill has passed the Assembly and is pending in the Senate Committee on Agriculture and Water Resources.

*AB 3817 (Bader)*, as amended May 26, would require the Joint Rules Committee to execute a contract for the preparation of a model solid waste management plan for specified counties. This bill is pending in the Assembly Ways and Means Committee.

*AB 3847 (Tanner)*, which would deprive CWMB of its jurisdiction to implement a public information program concerning household hazardous wastes and give it to the Department of Health Services, has passed the Assembly and is pending in the Senate Committee on Toxics and Public Safety Management.

*AB 2748 (Condit)*, which would have created the California Tire Storage and Disposal Task Force in the Office of the State Fire Marshal, failed passage in the Assembly Ways and Means Committee on May 18.

*AB 1028 (Katz)* relates to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), which prohibits any person in the course of doing business from knowingly discharging or releasing a chemical known to the state to cause cancer or reproductive toxicity into water, except as specified. This bill would include public agencies within the definition of "person", and would revise the definition of "person in the course of doing business" to exclude public agencies and public water systems which are water companies from the discharge prohibition, and to include public agencies and certain public water systems within the exposure prohibition. The bill would exempt an exposure by a public agency from the warning requirements of Proposition 65 if the exposure occurred before January 1, 1990, or twelve months after the chemical is listed, whichever is later. This bill is pending in the Senate Committee on Toxics and Public Safety Management.



*AB 2714 (Jones)*, which would revise the definition of the term "significant amount" in Proposition 65, was amended on June 20. This bill would now revise the exposure exemption, and thus revise the definition of "significant amount" for purposes of the discharge exemption, to instead exempt exposures of reproductive toxins that will have no observable effect assuming exposure at the level in question multiplied by a safety factor. The bill would specify that 1,000 is the safety factor, unless the Health and Welfare Agency establishes a specific safety factor; and would authorize the Agency to adopt a specific safety factor pursuant to a specified procedure. This bill is pending in the Assembly Ways and Means Committee.

*AB 544 (Killea)*, which would enact the Litter Prevention Act of 1988, has passed the Assembly and is pending in the Senate Committee on Natural Resources and Wildlife.

*AB 3745 (Eastin)*, as amended June 16, would require CWMB to supplement its statewide solid waste management information storage and retrieval system (SWIS) with specified information contained in the bill. This bill is pending on the Assembly floor at this writing.

*AB 3746 (Eastin)*, which would require all state departments and agencies to establish purchasing practices for the purchase of recycled products and to give prescribed preferences, not to exceed \$100,000 per contract, to these contracts, is pending on the Assembly floor at this writing.

*SB 269 (Kopp)*, as amended June 23, would, subject to the approval of the electors, include public agencies, as defined, within the discharge and exposure prohibitions of Proposition 65, with specified exceptions. This bill is pending in the Assembly Ways and Means Committee.

*SB 188 (Alquist)*, as amended May 3, would allow a credit, equal to 10% of the amount paid for recyclable secondary materials, as defined, purchased on or after January 1, 1988, and prior to January 1, 1993, and recycled within California by the taxpayer. This bill is pending in the Assembly Ways and Means Committee.

The following bills died in committee or were dropped by their authors: *AB 2877 (Calderon)*, which would have enacted the Solid Waste Separation and Recycling Act of 1988; *AB 3662 (Cortese)*, pertaining to requirements for recycling plans included in future revisions of CoSWMPs; *AB 3645 (Peace)*, the Plastic Recycling Act of 1988; and

*AB 3534 (Tanner)*, pertaining to air quality in the South Coast Air Basin.

## LITIGATION:

On March 23, the Attorneys General from the states of California, West Virginia, Arizona, New York, Wisconsin, Minnesota, Massachusetts, and Alabama filed antitrust charges against several major domestic insurance companies, claiming the defendants conspired to eliminate coverage for environmental damages due to pollution and to sharply reduce all liability coverage available for public agencies, businesses, and nonprofit organizations. The state of Texas filed a separate but related complaint. Included among the defendants are the Insurance Services Office and Lloyd's of London.

## RECENT MEETINGS:

At its April meeting, CWMB staff reported that a Los Angeles housing development is in violation of a law requiring housing subdivisions to be located a minimum of 50-60 feet from a landfill. Owners of the Lopez Canyon homes were required to sign a waiver acknowledging the existence of the landfill nearby. A zoning change which enabled the developers to build the housing project is also in violation of existing law which prohibits zone changes in areas adjacent to landfills.

Legal counsel for the Board suggested that a letter be sent to the City of Los Angeles notifying it that it is in violation of the law, and that the Board will proceed with enforcement action against the City provided the statute of limitations has not run. The Board also agreed that staff should prepare a letter to be sent to all cities reminding them of the existing law regarding development adjacent to landfill areas.

Much of the April meeting focused on discussion of proposed regulations currently being developed by the staff. Under Government Code section 66771.7 (mandated by AB 2448), CWMB is required to develop regulations to enforce liability requirements at operating landfills. The staff noted that several key issues must be resolved before liability requirements may be promulgated. These issues include increasing unavailability of insurance (*see supra* LITIGATION), the establishment of a financial means test applicable to both private and public entities, establishing appropriate coverage, and an analysis for determining insurability. Testimony from the insurance industry, the solid waste industry, and interested members of the public on the status of liability insurance

for landfill operators will be used by the Board and staff in proceeding with the development of the necessary regulations.

AB 2448 also requires the Board to develop minimum standards for the closure and postclosure of solid waste disposal facilities. These regulations are in the process of being developed by the staff and were discussed at the April meeting. According to the staff, landfill gas and leachate control, including final cover design, represent the major areas where detailed standards and regulations are needed.

Finally, AB 2448 requires that landfill operators establish a trust fund or equivalent financial arrangement to ensure adequate resources for closure and postclosure maintenance. Such equivalent financial arrangements must be approved by the Board. In April, the staff presented a report to the Board outlining various financial methods currently in use and their effectiveness. Some of the methods discussed include trust funds, surety bonds, insurance, a letter of credit (where a financial institution sets aside funds in the case of nonperformance or nonpayment of the owner and then the bank collects repayment of the funds from the owner), self-insurance, an enterprise fund, state and federal funds, and state assumption of responsibility.

At its May meeting, the Board authorized the Chief Executive Officer to issue a cease and desist order against the City of Mountain View for operating a landfill without a permit. In 1984, Mountain View purchased an alternative site to its 700-acre facility in Santa Clara County after 500 acres were unofficially closed. The closed portion houses a golf course and the Bill Graham Amphitheatre. The Amphitheatre asked the city to relocate landfill operations to the alternative site during the upcoming concert season because of odor and aesthetics. Although problems were mitigated, Mountain View notified the Board that it intended to relocate its landfill operations to the unpermitted area at the alternative site to avoid problems with the Amphitheatre management. The Board gave several notices to the city that enforcement action would be taken if the city proceeded with the relocation plan. This action has culminated with the issuance of the cease and desist order.

Also at the May meeting, the staff presented its Quarterly Review of Recycling Markets for the first quarter of 1988. Prices paid to the public for aluminum and glass increased. Prices paid to collectors for aluminum remained the



same while prices paid for glass increased measurably. Prices paid to both collectors and the public was unchanged from the previous quarter for plastic, while newspaper prices to collectors were higher this quarter and prices to the public were unchanged.

#### 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 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:

*Lease Sales Delayed.* Donald Hodel, Secretary of the U.S. Department of the Interior, recently announced that several planned lease sales of offshore drilling tracts will be delayed. On June 6, Hodel directed the Department's Minerals Management Service to delay publication of the final environmental impact statement (EIS) on proposed Lease Sale 91 until after a new President is elected. Lease Sale 91, the first sale to be held under Interior's Five-Year Lease Sale Program, calls for the sale of tracts offshore central Humboldt County and all of Mendocino County. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 103; Vol. 7, No. 4 (Fall 1987) pp. 92-93; Vol. 7, No. 3 (Summer 1987) p. 116; and Vol. 7, No. 2 (Spring 1987) p. 91 for background information.) The EIS was previously scheduled for release in August 1988.

Interior also recently announced that Lease Sale 95, which includes offshore tracts from San Luis Obispo County to the Mexican border, would be delayed until January 1990, also to allow more time for preparation of a final EIS.

*Commission Budget in Limbo.* The Coastal Commission recently requested a \$518,000 increase in state funding to enable it to alleviate a two-year backlog of complaints about violations of state law intended to protect environmentally sensitive coastal areas. However, Governor Deukmejian rejected any increase in the Commission's budget, and at one point proposed a \$417,000 cut in its budget (including closure of two Commission offices). The Governor, who promised to eliminate the Commission in a 1982 campaign promise, criticized the Commission for its failure to approve local coastal plans (LCPs) in a timely manner. According to a February

report by Legislative Analyst Elizabeth Hill, however, the Commission is unable to investigate and prosecute complaints as well as evaluate LCPs as a result of the Governor's past budget cuts. At this writing, several Democratic Assemblymembers are attempting to restore the cuts proposed by the Deukmejian administration.

#### LEGISLATION:

The following is a status update on bills which were discussed in detail in CRLR Vol. 8, No. 2 (Spring 1988) at pages 103-05:

*AB 2766 (Hauser)*, as amended May 19, would include discarded nonbiodegradable materials within the definition of "garbage" for purposes of section 4400 of the Health and Safety Code, which prohibits the dumping of garbage in the ocean within twenty miles of the coast. This bill passed the Assembly on June 9 and is pending in the Senate Committee on Natural Resources and Wildlife.

*AB 2838 (Farr)*, which would enact the California Ocean Resources Management Act of 1988, to become operative on July 1, 1989, and establish the California Ocean Resources Management Advisory Committee, is pending on the Assembly floor at this writing.

*AB 4122 (Hayden)* would have changed the composition of the Coastal Commission and prohibited Commission members from engaging in fundraising for elective office candidates. This bill died in the Assembly Natural Resources Committee.

*SB 2211 (McCorquodale)*, which would revise the procedures for certification of land use plans of LCPs, has passed the Senate and is pending on the Assembly floor at this writing.

*AB 4479 (Hayden)*, which would have created additional requirements before further leasing, exploration, development, and production of oil and gas on the Outer Continental Shelf may be approved, failed passage in the Assembly Ways and Means Committee on June 1.

*AB 4639 (Friedman)*, which would prohibit Coastal Commission members from engaging in ex parte communication, is pending on the Assembly floor at this writing.

*SB 2066 (Dills)*, as amended April 19, would exempt specified Los Angeles industrial property from any requirement for a coastal development permit from the City of Los Angeles prior to certification of its LCP. This bill passed the Senate on May 5 and is pending in