order. The nursery must pay penalties of $135,000, $100,000 of which will be paid to the CDFA Agriculture Fund for citrus registration and certification in compensation for the unfair business advantage. The Riverside County District Attorney will be paid a civil penalty of $28,000. The Riverside County Agricultural Commissioner will receive $4,000 for costs of the investigation, and CDFA will be paid $3,000 to cover its investigation costs.

RECENT MEETINGS:

At its January 7 meeting in Sacramento, members of the State Board of Food and Agriculture heard presentations from two representatives of the Monsanto Agriculture Company on the subjects of animal and plant biotechnology and herbicide research. Members learned of Monsanto's research in genetic engineering, which has led to crops which are more tolerant to disease and insects, including crops which produce their own insecticides or herbicides. Also presented was information regarding genetically engineered microbes which protect plants from freezing. (For additional information on the use of these microbes, see CRLR Vol. 7, No. 3 (Summer 1987) p. 109 and Vol. 7, No. 2 (Spring 1987) p. 85.)

On February 4, the Board again met in Sacramento for its monthly meeting. Members participated in a lengthy discussion regarding the state government's role in promoting California commodities outside the state. Board member Thomas DiMare described a successful Massachusetts promotion program which has included low-interest loans for agribusiness and marine industries totalling $250 billion in the last five years. Board President Richard Peters suggested that Department Director Parnell appoint a task force to explore ways in which the state and/or the agriculture industry could better promote California-produced commodities.

Anne Chadwick, Agricultural Trade Specialist for the World Trade Commission, explained the October 1987 trade agreement between the U.S. and Canada. Characterized as a "free trade" agreement, it gradually eliminates tariffs and reduces other barriers to trade in agriculture, services, and manufactured goods. The agreement must now be ratified by Congress. Chadwick told Board members that U.S. import quotas on cotton, sugar, dairy products, and peanuts were excluded from the agreement.

The March 3 meeting of the Board in Sacramento was held in conjunction with the California-Japan Agricultural Trade Conference. A very short agenda was addressed prior to the Conference.

FUTURE MEETINGS:

To be announced.

RESOURCES AGENCY

AIR RESOURCES BOARD

Executive Officer: James D. Boyd
Chairperson: Jananne Sharpless
(916) 322-2990

The California legislature created the Air Resources Board in 1967 to control air pollutant emissions and improve air quality throughout the state. The Board evolved from the merger of two former agencies, the Bureau of Air Sanitation within the Department of Health and the Motor Vehicle Pollution Control Board. The members of the Board have experience in chemistry, meteorology, physics, law, administration, engineering and related scientific fields.

The Board regulates both vehicular and stationary pollution sources. The primary responsibility for controlling emissions from nonvehicular sources rests with local air pollution control districts (California Health and Safety Code sections 39002 and 40000).

The Board develops rules and regulations for stationary sources to assist local air pollution control districts in their efforts to achieve and maintain air quality standards. The Board oversees their enforcement activities and provides them with technical and financial assistance.

The Board's staff numbers approximately 425 and is divided into seven divisions: Technical Services, Legal and Enforcement, Stationary Source Control, Planning, Vehicle Control, Research and Administrative Services.

MAJOR PROJECTS:

Test Method for Determining Emissions from Non-Vehicular Sources. Following a January 7 public hearing, the ARB adopted an amendment to section 94105, Title 17 of the California Code of Regulations. The amendment concerns Method 5 of the 37 test methods established by the Board to determine whether a non-vehicular source is in compliance with air pollution control laws and local air pollution control district regulations. Section 39606(d) of the Health and Safety Code requires the ARB to adopt these test procedures to determine compliance with non-vehicular emission standards of the Board and the local districts.

Method 5 is a test method for particulate matter emissions from stationary sources. It provides for a sampling train for collection of solid particulate matter at source stack conditions and for collection of condensed particulate matter in cooled liquid impingers. The use of leak-free ground glass fittings or any similar leak-free non-contaminating fittings in the impinger train is required. Method 5 specifies that modifications may be used, subject to the approval of the control agency's authorized representative. However, a note in Method 5 indicated that the impinger system shall be used without modification under specified circumstances.

The amendment adopted by the Board eliminates that note in Method 5, which has been construed as prohibiting modifications in the impinger system. According to the ARB staff, flexible fittings and tubings have been demonstrated to be non-contaminating.

Adoption of an Airborne Toxic Control Measure for Hexavalent Chromium Emissions from Chrome Plating and Chromic Acid Anodizing Facilities. ARB adopted new section 93102, Titles 17 and 26 of the California Code of Regulations, on February 18 following a public hearing. The new section adopts an airborne toxic control measure of hexavalent chromium emissions from chrome plating and chromic acid anodizing facilities. The Board previously adopted a regulation listing hexavalent chromium as a toxic air contaminant. This means that there is not sufficient scientific evidence to identify a threshold level below which no significant adverse health effects are anticipated from exposure to hexavalent chromium.

Health and Safety Code section 39666 specifies that the Board must design and adopt control measures to reduce emissions of toxic air contaminants. Emissions must be reduced to the lowest level achievable through application of best available control technology or a more effective control method, unless an alternative level of emission reduction is determined to be adequate or necessary to prevent danger to the health of the public. With the adoption of this control measure, local air pollution control districts are required by Health and Safety Code section 39666(d) to adopt the measure or one more stringent.

The control measure adopted by the Board will reduce hexavalent chromium emissions from chrome plating and chromic acid anodizing facilities by 97%. Most chrome plating and chromic acid anodizing facilities will not be required to use the best available control technology. The control measure requires decorative chrome platers to reduce their hexavalent chromium emissions by 95% relative to uncontrolled emissions. Hard chrome plating and chromic acid anodizing facilities must reduce emissions based on the amount of hexavalent chromium that the facility emits.

Decorative chrome platers must comply with these requirements within six months after local air pollution control districts adopt regulations enacting the control measure. Depending on the level of emission reduction required at a facility, hard chrome platers and chromic acid anodizers must comply 18 to 48 months after local district adoption of regulations.

The ARB estimates that within four years of the effective date of this control measure, statewide hexavalent chromium emissions from chrome plating and chromic acid anodizing facilities will be reduced by 11,700 pounds per year. This reduction is expected to reduce the lifetime statewide cancer incidence from chrome plating and chromic acid facilities by 210 cases, to 2,600 cases.

LEGISLATION:

AB 138 (Leonard), as amended, would have permitted every air pollution control district and air quality management district located in a federally designated nonattainment area, after a public hearing held on or before July 1, 1990, and on or before July 1 of every even-numbered year thereafter, to adopt regulations to achieve net reductions of emissions through the greater use of clean fuels. This bill died in committee.

AB 792 (Brown), as amended, would have prohibited any reduction in the emissions resulting from the regulations adopted by the ARB from being available for offsets, emission banking, or growth allowances. The bill also would have required the ARB to report to the legislature on the status of regulations to control benzene from retail service stations before January 1, 1989. The ARB also would have been required to adopt regulations by January 1, 1989 requiring all new light-duty gasoline-powered motor vehicles, except motorcycles, to provide for on-vehicle control of refueling vapors and enhanced recovery of evaporation emissions. The bill was vetoed by the Governor.

AB 1897 (Hauser), as amended, requires the operator (as opposed to the owner) of a solid waste disposal site to submit the solid waste air quality assessment test report. The bill was signed by the Governor.

AB 2595 (Sher), as amended, would require the ARB to identify annually air basins which have not met state standards; to complete a study on or before December 31, 1988, on the feasibility of distinguishing between emission control measures on the basis of their air quality impact; and to report the results of the study to every district and basinwide air pollution control council. The bill would also require the ARB to periodically review the incidence of transport of air pollutants within and between air basins, and to transmit the results of the review to the legislature and the districts. The districts would be required to adopt rules and regulations imposing additional controls on sources which contribute to the transport of pollutants. The bill also would require the Board, by January 1, 1992, to take action to achieve a 50% reduction in emissions of organic gases and a 25% reduction in emissions of oxides of nitrogen from motor vehicles by the year 2000. The bill is pending in the Senate Committee on Governmental Organization.

AB 2930 (Sher), as introduced, would extend from 1988 to 1994 the prohibition against the ARB adopting any control of acid deposition without new law. It would be authorized, after hearings, to adopt standards for maximum allowable acid deposition. The bill was referred to the Assembly Committee on Natural Resources.

SB 961 (Hart), as amended, extends the right of the ARB to enter on the premises of any new or used car dealer to inspect any new or used vehicle for compliance with emissions standards. The bill was signed by the Governor.

SB 1016 (Keene), as amended, would require the ARB, on or before January 1, 1989, to submit to the legislature a report describing the status of regulations to control benzene from retail service stations. This bill was placed in the inactive file on request of Senator Keene.

SB 1022 (Dills), as amended, would have imposed a civil penalty not to exceed the greater of $4 per barrel or $25,000 for the initial sale or supply of nonconforming fuel, and the greater of $8 per barrel or $50,000 for a subsequent sale or supply within a consecutive twelve-month period. The bill died in committee.

SB 1072 (Bergeson), as amended, prohibits any retailer from allowing the operation of any pump dispensing leaded gasoline that is not equipped with a nozzle spout meeting specifications contained in designated federal regulations. The bill was signed by the Governor.

SB 1223 (Roberti), as amended, requires the ARB, in consultation with the scientific review panel, air pollution control districts and air quality management districts, the Department of Food and Agriculture, and the state Department of Health Services, to prepare, on or before January 1, 1989, a report on the availability and effectiveness of toxic air contaminant monitoring options, and to develop, to the extent it determines it to be appropriate and feasible, by July 1, 1989, in conjunction with the districts, guidelines for the establishment of supplemental toxic air contaminant monitoring networks to be implemented by the districts. The ARB is required to provide matching funds to the districts for purposes of establishing these monitoring networks. The bill was signed by the Governor.

SB 1274 (the Senate Committee on Natural Resources and Wildlife), as amended, would modify the requirements of the research program related to acid deposition to include a projection of the environmental consequences of acid deposition, including combined and cumulative exposure to acid deposition and photochemical oxidants. If the ARB determines that adequate information exists, it would be required to adopt state ambient air quality standards for atmospheric acidity. The bill is pending in the Assembly Natural Resources Committee.

SB 1633 (Seymour), as introduced, would have authorized the ARB to impose fees on manufacturers of new cars and new car engines to recover costs of actually conducting certification of the

new cars and engines. The bill died in committee.

SB 1997 (Presley), as introduced, would make major changes in the state's Smog Check Program. The bill would raise the cost to consumers with faulty pollution control equipment from no more than $50 to a sliding scale from $60 to $250, depending upon the year of the car. Beginning in 1990, the bill calls for manufacturers to provide a warranty on defective parts for the first three years or 50,000 miles, then pay for repairs above $300 for ten years or 100,000 miles. (For details on SB 1997, *see supra* agency report on BUREAU OF AUTOMOTIVE REPAIR.) At this writing, this bill is pending in the Senate Transportation Committee.

SB 2297 (Rosenthal), as introduced, would require southern California air pollution officials to promote the use of methanol, natural gas, electricity, and other clean-burning fuels in vehicles, businesses, and utilities. This measure is pending in the Senate Committee on Energy and Public Utilities.

The following is a status update of two-year measures discussed in CRLR Vol. 7, No. 3 (Summer 1987) p. 113:

AB 1461 (Elder) is still pending in the Assembly Natural Resources Committee.

AB 1479 (Sher) is in the inactive file upon the motion of Senator Marks.

RECENT MEETINGS:

From February 1 through February 3, members of the ARB attended a conference in Pasadena on Photochemical Modeling as a Tool for Decisionmakers. The purpose of the workshop was to bring the research and technical communities together with policymakers and to identify the role of photochemical modeling in the decisionmaking process. The conference was cosponsored by the ARB and the California Institute of Technology.

At its February 18 meeting, the Board presented its revised list of compounds being considered for review as toxic air contaminants and the basis for the revisions. In December 1987, the ARB notified members of the public, private, and scientific sectors of anticipated changes to the list of compounds and asked for comments and/or any new information on health effects, emissions, and exposure to the compounds on the list. The list was revised on the basis of public comments and discussions with officials from the Department of Health Services and the Scientific Review Panel. The revised list is entitled "Status of Toxic Air Contaminant Identification." The ARB plans to review the list annually and revise it as necessary.

FUTURE MEETINGS:

To be announced.

CALIFORNIA WASTE MANAGEMENT BOARD

Executive Officer: George T. Eowan
Chairperson: Sherman F. Roodzant
(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 75 people.

MAJOR PROJECTS:

County Solid Waste Management Plans. Each county must prepare a solid waste management plan (CoSWMP) consistent with state policy which is reviewed by the Board. As of February, the Board reported that 55 CoSWMPs are current and complete. Only two CoSWMPs are delinquent. The CoSWMPs of Alameda and Contra Costa counties were rescheduled for revision. The Contra Costa CoSWMP revision was disapproved in January and its resubmitted plan revision was due on May 12. The Board anticipated final printing of the Alameda County CoSWMP revision to be complete sometime in February.

Pursuant to 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 Enforcement Advisory Council (EAC) adopted its mission statement prepared by Council members. The EAC's mission is to achieve a coordinated, consistent statewide enforcement program through ongoing communication among all local enforcement agencies and the CWMB; assure that local government 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.

Enforcement of State Minimum Standards. The CWMB staff has recently reviewed the applicable enforcement standards for solid waste facilities and has drafted a guidance document to assist local enforcement agencies (LEAs) in determining the appropriate enforcement response for specific violations at solid waste facilities. The document outlines what an inspection should entail and what type of evidence is necessary to document a violation before enforcement action may be taken. The Enforcement Advisory Council supports the document, which was approved by the CWMB at its January meeting.

Regulatory Action. At the Board's February meeting, it approved the Final Statement of Reasons for its amendment to section 17322, Title 14 of the California Code of Regulations. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 91 for background information.) The amendments concern regulations for refuse collection and were developed in response to refuse being collected at gated condo-