



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*  
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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 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-



## REGULATORY AGENCY ACTION

minimum communities by persons not professionally engaged in the refuse collection business. The goal of the proposed amendment is to clarify and enhance existing regulations requiring that all solid waste collection service providers comply with local government requirements; obtain business licenses or other written approval; and comply with all minimum standards for storage, removal and collection, and safe equipment.

In approving the Final Statement of Reasons, the Board directed the staff to complete the rulemaking file on the amendment and submit it to the Office of Administrative Law for approval.

*New Landfill Proposed.* The San Diego County Board of Supervisors has announced that six remote sites are being considered for a new landfill in north San Diego County. Each site consists of approximately 500 acres, and is located in a sparsely populated area. The sites include two near Warner Springs, two northeast of Ramona, one in Trujillo Canyon in Pala, and one in Rainbow Canyon north of Fallbrook.

The selection of the six sites was narrowed down from a list of fifty based on technical criteria including terrain and groundwater proximity. Elected officials in San Marcos, Escondido, Oceanside, and Vista are vehemently opposed to landfill sites in their cities and promise to oppose action directed toward these sites.

The new landfill will need final approval from the Board of Supervisors, the Regional Water Quality Control Board, CWMB, and the San Diego County Air Pollution Control District. The officials hope a new landfill can be in operation within four years, which is approximately the time the San Marcos landfill is slated to reach capacity.

### LEGISLATION:

*AB 3012 (Katz)*, introduced February 4, relates to water quality at refuse sites. The bill would require the Water Resources Control Board to adopt standards requiring all new waste disposal sites to install a clay or synthetic liner, a groundwater monitoring system, a leachate collection and removal system, and a methane gas extraction system to protect groundwater from possible contamination by leachate and hazardous constituents associated with methane gas produced at disposal sites. The standards would also be applied to any expansion of existing waste facilities.

The bill also provides that no new waste disposal site shall be issued a waste discharge permit by a regional water

quality control board if the disposal area is located within 2,000 feet of any residential development with a permanent population density greater than ten persons, a hospital for humans, a school for persons under 21 years of age, or a day care center for children. The bill would also prohibit the issuance of a permit if the disposal area is located within one-half mile of a drinking water well, or within one-half mile of any injection well, surface impoundment or spreading ground used by a public or private drinking water supplier or water replenishment district to replenish an underground water basin or reservoir used as a source of drinking water.

*AB 3012* is pending in the Assembly Committee on Water, Parks and Wildlife.

*AB 2877 (Calderon)*, which would enact the Solid Waste Separation and Recycling Act of 1988, was discussed in detail in CRLR Vol. 8, No. 1 (Winter 1988) p. 91, as preprint AB 1. The bill was formally introduced in the legislature on January 28, and is pending in the Assembly Natural Resources Committee.

*AB 3662 (Cortese)* would amend section 66780.5 of the Government Code to specify the required contents of the recycling plan which is now required to be included in future CoSWMP revisions. The bill would require the plan to include the following: (1) existing and planned recycling opportunities for residential, commercial, industrial, and agricultural uses which may include curbside recycling programs, buyback centers and routes, composting areas, and state redemption centers; (2) existing and planned education programs; (3) existing and planned facilities for waste reduction, including separation systems or composting; (4) results of waste composition studies; (5) categories of generators including residential, commercial, industrial, and agricultural, and the estimated percentage share of the county's solid waste and recyclable materials; (6) a listing of the closest markets for the disposition of recyclable materials; (7) a description of waste management financing, including refuse collection fees, appropriations, and surcharges; and (8) a schedule for implementation of the recycling plan.

This bill is pending in the Assembly Natural Resources Committee.

*AB 3298 (Killea)* was introduced on February 12, and would enact the California Recycling Act of 1988 and the California Recyclable Materials Markets Act of 1988. As amended on March 22, the bill would require each county to prepare and adopt a recycling plan of

specified content which may be an element of its CoSWMP, to designate materials to be recycled and methods for collection and disposition of segregated materials, and to enter recycling contracts and agreements for implementing the recycling plan. The bill would authorize those counties to impose fees for implementing the recycling plan on each generator of municipal solid waste. The bill would similarly require cities to prepare, adopt, and implement recycling plans.

*AB 3298* is pending in the Assembly Natural Resources Committee.

*AB 2831 (LaFollette)*. As of January 1988, revised CoSWMPs must include a plan which establishes a goal of recycling 20% of solid waste generated in the county (*see supra* MAJOR PROJECTS). As amended on March 8, this bill would prohibit the LEA and CWMB from issuing a solid waste facility permit for a new landfill or a permit to increase the permitted capacity of an existing landfill unless there is a recycling program which meets the 20% goal and is consistent with the CoSWMP. This bill is pending in the Assembly Natural Resources Committee.

*AB 2818 (LaFollette)*. Existing law requires owners of solid waste disposal facilities to submit to air quality assessment test reports and water quality assessment test reports. Based on the results of such tests, appropriate government agencies may take remedial action. *AB 2818* would require the Secretary of Environmental Affairs (principal advisor to the Governor on environmental protection matters) to coordinate all remedial actions by the regional air quality management districts and regional water quality control boards that pertain to landfill operators. This bill is also pending in the Assembly Natural Resources Committee.

*AB 2790 (Chandler)*. Present law requires amendments to CoSWMPs to be initially approved by a majority of the cities within the county which contain a majority of the population of the incorporated areas in the county. After the initial approval, the CoSWMP must be approved by the CWMB.

As amended on March 14, this bill would specifically 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. This bill would also require an amendment to a plan which is administered by an agency created by a joint powers agreement to be approved by a majority of the legislative bodies of the



public agencies which have entered into the agreement before being submitted to the CWMB for final approval. This bill is pending in the Assembly Natural Resources Committee.

**AB 3071 (Eastin).** Existing law requires solid waste disposal facility operators to submit a closure and post-closure maintenance plan to be approved by CWMB. The owner and operator is required to close and maintain the landfill during postclosure in accordance with the plan. This bill would allow the LEA to recover any costs incurred in this process by charging a fee to applicants for solid waste facilities permits. This bill would also require the plan to be submitted to the appropriate regional water quality control board. This bill is pending in the Assembly Natural Resources Committee.

**AB 3297 (Killea).** Present law requires anyone transporting used oil to register as a hazardous waste hauler with the state Department of Health Services. An exemption exists if the used oil is transported to a location not subject to hazardous waste facility permitting requirements and certain conditions are met, such as limiting the content of any single container to five gallons.

The bill would require further conditions in order to claim this exemption. Until January 1, 1992, the container transporting the oil must meet specified requirements concerning leakage, absorption, and labeling. If offered for sale, the label must include bilingual information including the following: (1) used oil is a hazardous waste; (2) disposal of used oil in household waste is unlawful; and (3) the current toll-free telephone number for obtaining information about used oil recycling locations. AB 3297 is pending in the Assembly Committee on Environmental Safety and Toxic Materials.

**AB 3645 (Peace)** would enact the Plastic Recycling Act of 1988, and would make it an infraction to sell after January 1, 1996, nonbiodegradable plastic to consumers which is likely to be deposited in a waste facility or has been littered in the state since January 1, 1984.

The Department of Conservation would implement the bill and would have authority to adopt regulations to carry out the bill's provisions. The Department would be required to determine what plastic products are littered in the state and to conduct surveys to identify which plastic products make their way to disposal facilities. The bill would not apply to plastic products used for military or medical purposes, and is pending in the Assembly Natural Resources Committee.

**AB 3804 (Mountjoy)** would prohibit the acceptance for disposal of solid waste in a disposal site if the groundwater level over a fifty-year period would be less than fifty feet below the fill, and would make that prohibition a condition of any permit for solid waste disposal at a disposal site. AB 3804 is pending in the Assembly Natural Resources Committee.

**AB 3817 (Bader)** would require the Legislative Analyst to investigate and prepare a model regional plan for collection and disposal of solid waste (other than hazardous waste) for the counties of Los Angeles, Orange, San Bernardino, and Riverside. It would appropriate \$200,000 to the Legislative Analyst from the General Fund to prepare the model plan. AB 3817 is pending in the Assembly Natural Resources Committee.

**AB 3847 (Tanner).** Present law requires CWMB, in consultation with an advisory committee, to develop and implement a public information program concerning household hazardous wastes. This bill would repeal those provisions and require the Department of Health Services to implement a similar program. The new program would be required to include the following: a library, a toll-free phone number, the development of a manual, and a newsletter. This bill is pending in the Assembly Committee on Environmental Safety and Toxic Materials.

**AB 2748 (Condit)** would create the California Tire Storage and Disposal Task Force in the Office of State Fire Marshal to develop fire protection standards at tire storage areas and site criteria for tire storage areas. The Task Force would be required to submit a report to the legislature by January 1, 1990. No new stockpile of one million tires could be created, nor could any existing stockpile be increased by more than one million tires until the Task Force has submitted its report to the legislature. A violation would be a misdemeanor. This bill is pending in the Assembly Committee on Governmental Organization.

**AB 2714 (Jones)** was introduced on January 5 and amended February 16. The Safe Drinking Water and Toxic Enforcement Act of 1986 prohibits "a person in the course of business" from discharging toxic chemicals into water unless the discharge conforms with specified laws and will not cause a significant amount of the toxic chemical to enter into any drinking source. This bill would revise the definition of "significant amount" for purposes of the discharge exemption. The exemption would apply

under the bill if the exposure of reproductive toxins will have no observable effect assuming exposure at 100 times the level in question. This bill is pending in the Assembly Committee on Environmental Safety and Toxic Materials.

**AB 1028 (Katz),** as amended on January 19, also relates to the Safe Drinking Water and Toxic Enforcement Act of 1986. The Act excludes from the definition of "a person in the course of doing business" a city, county, district, or a state or federal agency. This bill would include cities, counties, districts, and state and federal agencies within the exposure prohibitions. It would also define "business" as the conduct of an activity (not limited to commercial or proprietary activities). This bill has passed the Assembly and is pending in the Senate Toxics and Public Safety Management Committee.

**AB 3745 (Eastin).** Existing law requires the CWMB to prepare and implement a statewide solid waste management information storage and retrieval system (SWIS) coordinated with other state information systems. This bill directs the Board to implement a program within SWIS to provide critical information specified by the bill before July 1, 1989. The critical information to be included within the system includes: the volume of solid waste generated each year and the volume of wastes diverted from landfills through recycling, resource recovery, incineration, composting, or other processing techniques; estimates on the volume of specific types of waste such as tires, used oil, and batteries; profiles on each permitted facility including a history of violations, waste generated, and amount diverted; and profiles on each county including identification of proposals for new or expanded landfills and other facilities. This bill is pending in the Assembly Natural Resources Committee.

**AB 3534 (Tanner)** would require the air pollution control plan of the South Coast Air Quality Management District to specifically address air quality impacts of solid waste management activities throughout the South Coast Air Basin. This bill is pending in the Assembly Natural Resources Committee.

**SB 269 (Kopp)** was reintroduced in the Senate this legislative session and has been amended twice. This bill also pertains to the Safe Drinking Water and Toxics Enforcement Act of 1986. Subject to approval by voters in November, this bill would include cities, counties, districts, and state, and to the extent permitted by law, federal agencies within



the Act's discharge or exposure prohibitions. It would also exclude discharges exclusively governed by federal law, and by public water systems in response to a public emergency or activities undertaken for public health purposes. This bill is pending in the Assembly Environmental Safety and Toxic Materials Committee.

*SB 188 (Alquist)* would allow a tax credit equal to 10% of the amount paid for recyclable secondary material purchased after October 1, 1987, and prior to January 1, 1993 and recycled by the taxpayer. The bill would define "secondary material" as material other than hazardous waste, which is utilized in place of a primary or raw material in manufacturing a new product, and includes waste paper and fibers, waste glass, and plastics except recyclable beverage containers as defined in the California Beverage Container Recycling and Litter Reduction Act of 1987. This bill is pending in the Assembly Committee on Revenue and Taxation.

*AB 544 (Killea)*, as amended in January, would enact the Litter Prevention Act of 1988, requiring CWMB to convene a Litter Prevention Task Force. In conjunction with the Board, the Task Force is mandated to develop and implement a litter prevention education program by February 1, 1990. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

*AB 3746 (Eastin)* would require all state departments and agencies to establish purchasing practices for recycled products. It would establish certain percentage requirements to be administered by the Department of General Services, increasing every two years until 1994 for the purchase of materials, goods, or supplies available as recycled products. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

#### RECENT MEETINGS:

Public criticism of Board policy and the recent enactment of AB 2020 in 1986—which gave lead responsibility for implementation of the "bottle bill" to the Department of Conservation—has given the Board impetus to reexamine its recycling policies. At its January meeting, the Board outlined three reasons which have led to the need for reassessing the importance of recycling: (1) diminishing landfill capacity; (2) local opposition to landfills and waste-to-energy plant siting; and (3) the positive public image of recycling.

The Board staff has developed a legis-

lative proposal entitled "The Recycling Programs and Market Development Act of 1988," which is being circulated to public and private solid waste industry officials, legislative staff, environmentalists, and the general public for comments. The legislative proposal has three components. Part I is a public information program which would develop a quarterly recycling journal, media campaign, and a recycling logo identifying packaging and products made of recycled materials.

Part II is a market studies, and development program which would give the Board authority to complete studies to enhance the recycled materials market. Based on the findings of these studies, the Board would recommend certain action by the legislature.

Part III would enable local jurisdictions to institute a local service fee surcharge of 10% of the cost attributable for solid waste collection services to be used to support local recycling activities. The bill would allow 80% of the local fees collected to be allocated toward the local recycling programs and 20% of these fees to be deposited in the California Recycling Fund created by the bill. The money in the fund would be used to support state and local public information programs, conduct market studies and for the administrative support of the bill by the CWMB.

At the Board's February meeting, the Yuba-Sutter Bi-County CoSWMP review took place. The Board directed the County to revise its CoSWMP. Review of the plan indicated that the county was unable to demonstrate eight years' remaining capacity for waste disposal. A county supervisor addressed the Board concerning the inability of local officials to agree on whether to site a new landfill or to expand a current facility. According to the supervisor, expansion of the present facility could threaten groundwater and a nearby river, while the siting of a new landfill appears blocked by local residents in the area. The supervisor expressed frustration at the local impasse and sought intervention from the Board.

The Board noted that the only authority it could exercise at this point is to direct the county to revise the plan, hoping this will encourage the county to agree upon some strategy to meet the mandate to demonstrate eight years' capacity. Board member Varner noted that siting legislation should be proposed to address the difficulties local entities have in siting future landfill and disposal facilities.

The Board reviewed the results of the Facility File Audit and Solid Waste Information System (SWIS) update at its February meeting. After determining that data for SWIS was outdated, the staff began an audit in 1986 and updated the information. Final results were reported to the Board in early February.

Each LEA is required to forward permit applications, issued permits, technical reports, violations, and other facility documents to the Board. The audit discovered many missing documents, necessitating considerable research and investigation to gather the missing documents. The updated system now contains valuable information about waste disposal facilities, e.g., data on different types of facilities, whether or not the facility is active, whether or not a permit has been issued, the age of the permit, whether the facility is owned and operated by private or public officials, what type of waste the facility receives, and quantity of waste maintained in the system.

#### FUTURE MEETINGS:

June 9-10 in Sacramento.

#### COASTAL COMMISSION

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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