use only when the EPA determines they are necessary.

The ARB staff recommended that the Board adopt sections 1965.8 and 1985, Title 13 of the California Administrative Code, which would incorporate the federal NCP provisions into the California heavy-duty engine and vehicle certification test procedures. The Board adopted the regulations, but limited their applicability to 1988 gasoline-powered models. Diesel engines are excluded because since 1984 most diesel engines meet the 0.60 g/bhp-hr particulate emission standard applicable.

As of this writing, the adopted regulations have not yet been submitted to OAL for review.

LEGISLATION:
SB 55 (Presley) has been signed into law by the Governor. The law authorizes an air pollution control district or an air quality management district which is not a federally-designated nonattainment area for the primary federal ambient air quality standards for ozone or carbon monoxide to request that the Department of Consumer Affairs (DCA) implement a motor vehicle inspection program within the district.

Previously existing law allowed only districts which were part of a federally-designated nonattainment area for the primary federal ambient air quality standards for ozone or carbon monoxide to request that the Department of Consumer Affairs (DCA) implement a motor vehicle inspection program.

AB 1006 (Tanner) has also been signed by the Governor. The law sets out a schedule for compliance with regulations requiring a reduction in emissions.

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

SB 957 (Presley) is a two-year bill currently pending in the Assembly Natural Resources Committee. Senator Presley intends to pursue the bill.

SB 1022 (Dills) will not be pursued this session.

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

AB 1479 (Sher) is pending on the Senate floor as of this writing.

AB 1777 (Brown) has been dropped.

AB 2593 (Sher) is pending in the Senate Government Organization Committee as of this writing. Assemblymember Sher intends to pursue this bill.

Future Legislation. Assemblymember Lloyd Connelly has indicated his intention to introduce legislation to give the Sacramento County Air Pollution Control District more authority to control emissions from vehicles. The bill may be modeled on recent legislation which authorized the South Coast Air Quality Management District to require that fleets of new vehicles be capable of running on methanol; ban truck traffic during rush hours; and adopt plans to reduce auto traffic at shopping centers and sports centers.

LITIGATION:
Settlement with Mobil Oil. In early October, the ARB announced that it had reached a settlement with Mobil Oil for Mobil's alleged violation of state air pollution standards.

The ARB alleges that Mobil sold over one million gallons of gas in the San Francisco area from May 1-11, 1986, which exceeded limits for smog-forming vapors. Mobil received a report of violation from the ARB in May 1986. Mobil agreed to pay $200,000 to settle the matter and avert a lawsuit by the ARB, but continues to deny ARB's allegations.

RECENT MEETINGS:
At its December 3 meeting, the Board decided to continue until a later date consideration of regulations regarding new and used aftermarket catalytic converters. The proposed regulations would add a new subsection to section 2222, Title 13 of the California Administrative Code.

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 (CoSWMP) consistent with state policy which is reviewed by the Board. As of December, the Board reported that 55 CoSWMPs are current and complete. Only two CoSWMPs are delinquent. Two counties, Alameda and Contra Costa, are rescheduled for revision in January 1988. At the December meeting, staff agreed to send documentation informing the legislature about CWMB's progress towards full CoSWMP compliance.

Waste Management Conference. On October 23, in conjunction with California Partnerships, Inc., CWMB sponsored a conference entitled "Waste Management—The Challenge Confronting California." Legislators, local government waste management officials, private industry, community members, and public interest groups attended the conference to discuss the current problems facing waste management in California and to develop strategies for a collective response in facing the future. Most participants seemed to agree that recycling and recovery, and public awareness and education programs are crucial in developing effective strategies to deal with waste management.

Household Hazardous Waste Advisory Committee. AB 1809 (Tanner) established the Household Hazardous Waste Advisory Committee in 1986. The bill required that CWMB submit a report to the legislature by January 1, 1988, based on its work in establishing guidelines for dealing with household hazardous waste. The Com-
include local ordinances mandating separation of recyclable materials from the solid waste stream and provisions for a solid waste collection system. The Board would be prohibited from taking action on solid waste facilities permits unless the county recycling plan's goals have been incorporated into the permit conditions.

Operators of solid waste facilities would be required to pay a fee of $1.50 per ton of solid waste disposed at the facilities. The fees would be deposited into the State Recycling Account, established by the bill under the General Fund. The money in the Recycling Account would be appropriated to the Board for expenditures in implementing grants, planning, and presenting public information programs to carry out the mandate of this bill.

Under this bill, designated recyclable materials would include metal, glass, paper, plastic containers, food waste, corrugated and other cardboard, newspaper, magazines, or high-grade office paper.

The bill would also make a legislative declaration that the identification of local, national, and international markets and distribution networks for recyclable materials is necessary to the development of effective statewide county recycling programs. Completion of studies of recycling markets would be required by the bill.

AB 2290 (Filante) is expected to be reactivated in conference committee. This bill would require any business which produces consumer products identified as household hazardous substances (according to CWMB guidelines) to label the product with specified red symbols, and would impose a civil penalty of up to $10,000 for failure to comply.

**LITIGATION:**

In addition to the City of Encinitas, two private groups have now filed lawsuits against the City of San Marcos to challenge construction of a controversial trash-to-energy plant in San Marcos. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 90 for background information.) The three individual suits request that the court overturn a development agreement approved by the San Marcos City Council in October, claiming the plant is an environmental hazard.

Private groups in the second lawsuit include Christward Ministry, North County Concerned Citizens, and Citizens for Healthy Air in San Marcos. In the third lawsuit, the plaintiff is Rheingold Inc., an Encinitas developer.

**RECENT MEETINGS:**

At the Board's November meeting, staff presented its quarterly review of state recycling markets. The report indicated that the price paid for glass has increased, and that the price for aluminum cans increased about 10% during the last seven quarters. Staff believes that the implementation of AB 2020 (Margolin), the state's "bottle bill," has moderately influenced the market.

Prices for newspaper remain stable and the average price is up for this quarter, while the market for plastics is developing slowly. Board member Galagher suggested that a representative from Rutgers University in New Jersey who specializes in plastic waste recycling should make a presentation at the upcoming Duarte recycling conference.

At its December meeting, the Board agreed not to include the Sacramento County Landfill on its List of Non-complying Facilities. Corrective actions have been taken at the landfill to address methane gas found to exceed allowable limits. The site operator also continues to upgrade conditions to correct the two remaining violations concerning grading and cover requirements. The Board directed the local enforcement agency (LEA) to monitor the facility and verify correction of these violations.

Since 1978, the Board has allocated over $8 million in grant monies to encourage community recycling programs. The aim of these programs is to reduce the amount of recyclable materials going to landfills. In July 1986, the Board directed staff to prepare a detailed full-scale report evaluating the effectiveness of the state's curbside recycling programs. Data was collected from 25 programs for the period October 1985 through September 1986. The final report was presented at the Board's December meeting.

The report analyzes factors which are likely to determine the effectiveness of curbside recycling programs and makes recommendations for future successful programs. Factors which were reported to affect program participation include the following: (1) more frequent curbside recycling service appears to result in a higher level of participation; (2) high visibility leads to greater participation; (3) economic status appears to be a major determinant of the level of participation; and (4) competition affects program effectiveness.

Also at the December meeting, the Board reviewed a report by the BKK Corporation, operator of a major non-hazardous waste landfill in Los Angeles.
County. BKK's report, entitled "1987 Status Report on Los Angeles County Solid Waste Disposal Facilities," contains information on current and proposed operations of the ten major landfills in the county with a focus on the rapidly-dwindling disposal capacity. Although the BKK report suggests that the county has only 36 months of capacity remaining for waste disposal, CWMB staff expects the county's capacity to last 72 months.

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 on 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.

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:
Decertification. The Commission continues to face efforts by the federal Department of Commerce to decertify it. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 91 for background information.) On November 23, the Department's Office of Ocean and Coastal Resource Management (OCRM) released its final evaluation report on the Commission, which covered the period August 1984 through August 1987.

The OCRM reviewed Commission's overall implementation of the CCMP, and made nine findings, including the following: (1) the Commission has failed to effectively manage the timely certification of LCPs; (2) local governments have adopted initiatives which have amended LCPs to prohibit or restrict the construction of support facilities for offshore oil and gas activities; (3) the Commission has failed to provide a procedure to monitor permits for compliance by identifying when permitted construction begins; (4) the Commission's leadership role in coastal management has been undermined due to the public perception that its decisions are improperly influenced; (5) the Commission has imposed water quality requirements which conflict with those of the state Water Resources Control Board; (6) the Commission has failed to provide sufficiently detailed guidelines or standards to enable applicants to determine whether a proposed activity is consistent with general policies of the CCMP; (7) the Commission has failed to provide guidelines or standards to govern the imposition of mitigation measures; (8) the Commission has extended its review of federal consistency certification for Outer Continental Shelf (OCS) exploration, development, and production operations for consistency with the CCMP beyond the maximum time period authorized; (9) the Commission has improved some aspects of its permit and enforcement activities, has taken some steps to expedite the adoption and certification of local coastal plans (LCPs), has expedited its permitting process, has rearranged its meeting locations to accommodate the affected public, and has taken steps to implement the U.S. Supreme Court's decision in Nollan v. California Coastal Commission.

The OCRM final evaluation report made specified recommendations to cure the alleged deficiencies, and included draft terms and conditions. In December, the Commission acceded to several of the proposed conditions under protest.

On January 5, Attorney General John Van de Kamp filed a federal court lawsuit on behalf of the Commission, seeking to enjoin the Department of Commerce from withholding $407,000 in federal grant money earmarked for the Commission. On January 21, Lieutenant Governor Leo McCarthy announced that the State Lands Commission would join in the Coastal Commission's lawsuit.

Recent Applications. On October 15, the Commission approved (with conditions) a Department of Fish and Game (DFG) proposal to build an artificial reef approximately 0.7 nautical miles offshore from Pacific Palisades in Santa Monica Bay. The final reef in the program is proposed near Santa Barbara at a site to be determined.

Texaco proposes to drill eight exploratory wells approximately three to five nautical miles west-southwest of Point Conception. This proposal, which is the first plan of exploration on a lease to be reviewed by the Commission, will be considered at the Commission's February meeting. (See CRLR Vol. 7, No. 3 (Summer 1987) p. 116 for background information.)

Texaco also proposes to remove two platforms, Herman and Helen, from state waters between Point Conception and Gaviota. The platforms will be disposed of onshore in Long Beach. Platform Helen is a drilling and production platform with nine wells. It was installed in 1960 and was shut down in 1973, and the nine wells were abandoned between August 1984 and March 1985. Platform Herman, installed in 1964, is a satellite production platform with 20 subsea wells. Those wells were abandoned in 1982 and 1983. Herman and Helen would be the second and third platforms removed since extensive offshore drilling began in the area in the 1950s. The Commission was scheduled to hear Texaco's permit application at its January meeting.

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