



# REGULATORY AGENCY ACTION

*SB 2048 (Dills)* creates the Winegrowers of California Commission, which is authorized to carry on programs and research relating to wine, winegrapes, and winegrape products. The Commission is authorized to levy an assessment on growers of winegrapes and processors of wine.

*AB 2964 (Kelley)*. Existing law authorizes the Director of the Department to inspect and take samples of any produce grown, processed, packed, shipped, or sold as part of enforcing statutes and regulations regarding pesticide tolerances. *AB 2964* authorizes the Director to accredit a commercial lab to test produce or environmental samples for pesticide residue.

*SB 2357 (McCorquodale)*. Under existing law, any interested person may file a petition with the U.S. Trade Representative requesting that the President take action under the Trade Act of 1974 to attempt to remedy violations of U.S. trade interests. Existing law does not specifically authorize the Department of Food and Agriculture to become involved in the petition process. *SB 2357* authorizes the Department, upon request of a California agricultural interest which is pursuing a case under the Trade Act of 1974, to gather and provide analytical data, confirmation, and assistance in support of the case.

## LITIGATION:

A stipulated agreement was reached in the Careau Group's attempt to obtain a license for its Julius Goldman's Egg City in Moorpark. The case, *Careau Group v. Butler*, was an appeal of CDFA's denial of the Careau Group's application for a license to purchase and process eggs from other handlers and producers. CDFA denied the application because the business is filing Chapter 11 bankruptcy proceedings.

Under the agreement reached in the California Central District U.S. Bankruptcy Court, CDFA has issued the requested license to Egg City. However, if the firm fails to pay for egg purchases, the Department's Farm Products Trust Fund will not reimburse the seller for any part of the loss.

Commission merchants, brokers, dealers, and processors are required to pay \$100 into the Farm Products Trust Fund under the state's Food and Agricultural Code. If a licensee fails to pay a supplier for commodities, the fund is used to partially reimburse the supplier for losses.

## RECENT MEETINGS:

At the November 6 meeting of the

CDFA, the Board discussed the controversial issue of whether people should be allowed to profit from selling subsidized water. A proposal to transfer water from Imperial Irrigation District to Metropolitan Water District was made. Metropolitan argues that under federal law governing the Colorado River, Metropolitan is next in line after Imperial in order of priority for water. Imperial argues that federal law no longer applies once Imperial has taken delivery of the water. Rather, state law governs and does not provide for prioritizing districts

in terms of water supply.

If successful, this transfer would be a new major source of water for southern California.

## FUTURE MEETINGS:

The Board of Food and Agriculture, an advisory body, usually meets the first Thursday of each month at various locations throughout the state.

The Consumer Advisory Committee meets bimonthly at various locations throughout the state.



# 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.

Governor Deukmejian has proposed a \$60 million budget for the ARB in fiscal 1986/87 which includes increased funding for diesel particulate control, the study of indoor air pollution and controls for toxic pollutants.

The proposal submitted to the legislature is \$5.2 million, or 9.6%, greater than the current spending levels. Among the

proposed increases are \$515,000 for a two-year program that would outfit up to 25 diesel transit buses with experimental versions of anti-soot technology; \$685,000 to speed up development of scientific methods for measuring and analyzing concentrations of potentially cancer-causing toxic air pollution; \$228,000 to help county or regional anti-smog agencies enforce existing regulations which control toxic emissions; and \$260,000 to improve methods of measuring indoor pollution and assessing the health risk it poses.

The budget proposal also includes \$1.2 million for a variety of ARB programs aimed at improving the state's program for controlling pollution from cars and trucks.

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:

*Benzene Plan Approved.* A proposed Benzene Control Plan was submitted to the Board and adopted in June 1986. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 72.) However, that plan did not mandate or propose the adoption of any specific control measures. The Board has recently approved a plan intended to cut the cancer risk caused by benzene in half over the next fifteen years.

Although the plan contains no specific controls, it outlines types of rules to be developed over the next three years and is one of the state's first efforts to control



a compound in the air strictly because of its cancer-causing potential instead of its contribution to health problems caused by more traditional air quality problems.

The adopted plan notes that ongoing efforts to reduce smog, primarily auto emissions standards, will also reduce benzene levels 29%. Benzene emissions have fallen from 40,000 tons per year in 1964 to about 20,000 tons per year currently, largely through progressively stricter emissions standards for motor vehicles and, to a lesser extent, through the use of vapor recovery nozzles in urban area service stations. The Board estimated that those emissions would drop to about 10,000 tons per year if all measures suggested in the plan are developed and adopted.

*Dioxins Named to Toxics List.* Pursuant to recommendations by the Scientific Review Panel (SRP), the Board has named fifteen chlorinated dioxins and dibenzofurans as toxic air contaminants (TACs) with no identifiable safe level of exposure. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 71.)

According to ARB staff, over thirty waste-to-energy incinerators proposed for California could pose a potential dioxin-related health threat if their emissions are not properly controlled. Sewage sludge, hospital incinerators, and copper wire recyclers also are sources of dioxin emissions which may be affected. The ARB staff is now developing a general plan to control dioxin emissions for the Board's consideration.

*Cadmium Evaluation.* The Department of Health Services (DHS) has prepared an evaluation of the health effects of cadmium. The SRP has reviewed the report and the technical support document, and has submitted written findings to the Board, in accordance with Health and Safety Code section 39661. The SRP agrees with the DHS staff recommendation that cadmium be listed by the Board as a TAC, and agreed that there is presently insufficient scientific evidence available to support the designation of an exposure level of cadmium below which carcinogenic effects would not have some probability of occurring. No control measures for cadmium are proposed at this time. If cadmium is listed as a TAC, a report on the need for, and appropriate degree of, control measures to reduce cadmium emissions will be developed in accordance with Health and Safety Code sections 39665 and 39666.

*Revamped Standards Set Stage for Long-Term Smog Cleanup.* Through a series of newly-adopted vehicle emis-

sions standards, California's smog problems may abate somewhat in future years. According to ARB Executive Officer Jim Boyd, the new standards "will not affect air quality in the next five years, but they will have profound, far-reaching effects on air quality in the 1990s and beyond."

The new standards significantly reduce soot-like particulate emissions from all diesel trucks and buses by more than half—about 62 tons per day—beginning with the 1988 model year and should produce virtually smokeless buses by 1991. Pollution controls on passenger cars will become more stringent and sophisticated. Standards will also limit hydrocarbon and carbon monoxide emissions from gasoline-powered trucks.

Overall, the new series of standards is expected to curb carbon monoxide and hydrocarbon emissions substantially by the year 2000 while nitrogen oxide emissions will be cut 15%, or up to 190 tons per year, beginning in 1989.

*Reasonable Extra Efforts Program.* A new federal program known as REEP (Reasonable Extra Efforts Program) will allow four of California's smoggiest areas to bypass a 1987 deadline for meeting federal Clean Air Act standards. The four areas include Sacramento, Fresno County, Ventura County and the Los Angeles Basin. All of these areas have high levels of ozone and carbon monoxide.

Under a 1977 amendment to the Clean Air Act, cities which do not attain federal air standards by December 31, 1987 could face sanctions such as loss of federal highway funds or the imposition of a construction ban. The law has not changed but the REEP program allows a trade-off: the cities avoid strict sanctions, but promise to take potentially costly control measures. Opponents of the program question its legality and maintain that it undermines the intent of the Clean Air Act. However, the Environmental Protection Agency, which is implementing the program, intends to go forward.

#### LEGISLATION:

*AB 138 (Leonard),* introduced December 18, would require 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, 1988, to adopt regulations requiring the use by public utilities and commercial and industrial fuel users of the cleanest available fuel, and to revise these regulations every two years. The bill would also

require the ARB, in consultation with the California Energy Commission, to prepare a report by April 1, 1988 for the use of the districts on availability, costs, and benefits of the use of the cleanest available fuels.

*AB 3792 (La Follette),* which was signed by the Governor on September 14, increases the compensation of members of the Air Resources Board. Under prior law, members of ARB advisory groups and committees received \$50 per day and expenses for each meeting of the group or committee. This bill increases the compensation of members appointed under these provisions to \$100 and restricts the expenses which members may receive to actual and necessary travel expenses, and permits the compensation and travel expenses for attending a meeting of the Board as well as a meeting of the group or committee.

*AB 1276 (Campbell),* which was signed by the Governor on September 30, provides a fine of not more than \$10,000 or imprisonment in the county jail for not more than nine months, or both, for certain types of violations of any statutory provisions relating to non-vehicular air pollution control or any order, rule or regulation of the ARB or an air pollution control district or air quality management district. The bill would also make specified violations pertaining to emissions regulations or limitations and falsification of documents subject to a fine of not more than \$25,000 or imprisonment in the county jail for not more than one year, or both.

#### LITIGATION:

The ARB has reached an out-of-court settlement with Texaco Corporation stemming from two lawsuits over alleged violations of air pollution laws. The first lawsuit alleges that Texaco sold gasoline in southern California during April 1984 which exceeded the state vapor pressure standard (RVP) of nine pounds per square inch. The standard, which is in effect from April through October of each year, is intended to prevent excessive evaporation that results in smog-forming hydrocarbon emissions.

The second lawsuit alleges that, in October 1984, Texaco sold unleaded gasoline which contained more than the 300 parts per million of sulfur allowed under state standards. That standard is intended to restrict sulfur-based emissions which are linked to many air quality problems, including visibility-reducing and health threatening small particles, acidic fallout, and sulfur dioxide.



## REGULATORY AGENCY ACTION

### 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:

**Litter Program.** Under SB 5, CWMB is required to create a litter program. Previously, the Board directed the staff to pursue several activities to develop this program. At the November 7 CWMB meeting, the staff reported on the progress of the following projects: (1) creation of a Litter Law Enforcement

Manual, which contains all current California law pertaining to littering, and an outline of the New York litter law enforcement program; (2) the search for industry and government sponsors for the Litter Barrel Program, which will place litter receptacles in cities, parks and on highways; (3) the drafting of legislation and search for sponsors for a litter control and recycling law; (4) the promotion of local truck tarping programs, which would require that all vehicles arriving at a landfill or transfer station have a cover over waste materials being transported; (5) the creation of litter prevention public service announcements and educational programs directed at males under thirty, who have been identified as the prime source of litter; and (6) the solicitation of industry support in the production and distribution of vehicle litter bags.

**Facilities Inventory.** Government Code section 66796.38 requires the CWMB to maintain an inventory of solid waste facilities which violate state minimum standards, and to inspect permitted solid waste facilities on a regular basis. The staff reported on the SB 1346 (Presley) inspection program and maintenance of the inventory.

Solid waste facilities are measured against administrative, operational, and performance standards. Realistically, the facility should be in 90% compliance with these standards. However, because of serious health and safety consequences, the leachate and gas control performance standards must be 100% fulfilled.

The staff will inspect a facility three times, and if it finds two violations of either an operational or performance standard it may propose that the facility be listed on the Board's inventory. (Facilities are very rarely listed for violations of administrative standards.) If a facility is proposed for listing, a notice will be sent to the local enforcement agency (LEA) and the facility's owner and operator. The violations must be corrected within ninety days or the facility will be listed. If it is listed, the facility must come into compliance within a year or the LEA will revoke its permit.

Presently, 120 facilities are under active inspection. Sixty-one of those facilities now being inspected have had two inspections; at least nine will be scheduled for a third inspection. In early 1987, the first cases of noncompliance will be presented to the Board.

### LEGISLATION:

*SB 2572 (Marks)*, effective January 1,

1987, amends Government Code section 66780.5 to provide that a county's revision of its solid waste plan must include the amount of asbestos waste generated in the county from asbestos removal projects and the sites which have been designated to accept that waste.

*SB 2049 (Montoya)* amends Government Code section 66723. This bill excludes from the statutory definition of a transfer processing station the operations premises of a licensed solid waste handling operator who deals with waste as an activity incidental to the conduct of the refuse collection and disposal business. It also authorizes the CWMB to adopt regulations specifying those operations subject to this exclusion, and requires the Board to adopt specified regulations. This bill is now law.

*AB 2948 (Tanner)*, which has been signed by the Governor, authorizes a county, in lieu of preparing the hazardous waste portion of the solid waste management plan, to adopt, by September 30, 1988, a county hazardous waste management plan pursuant to guidelines adopted by the state Department of Health Services, and specifies the procedures for the preparation, revision, adoption, approval, and amendment of these plans.

*AB 3374 (Calderon)* changes the due dates for the state Water Resources Control Board to submit its annual reports on the extent and effect of hazardous wastes in solid waste disposal sites on water quality. It also requires owners of solid waste disposal sites to submit a solid waste air quality assessment test report to the board of the air pollution control district on or before July 1, 1987, and required owners of inactive solid waste disposal sites to submit a screening questionnaire to the district on or before November 1, 1986. This bill is now law.

*AB 3088 (O'Connell)* requires that a California regional water quality control board consider all relevant site-specific engineering data as well as a solid waste assessment test report when revising the waste requirements for a solid waste disposal site.

### RECENT MEETINGS:

At its October 10 meeting, the CWMB approved a resolution to accept the Kings County Plan Review Report on the need for Solid Waste Management Plan (SWMP) revision. The county has three major landfills and one transfer station servicing a population of 85,000 which generates 74,211 tons of waste per year. Further, two new prisons will open soon, each generating at least 2,300 tons