



REGULATORY AGENCY ACTION

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:

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



per year. Of the three landfills, one will close in 1993, and the other will close in 1994.

The proposed revisions to the plan include the expansion of existing landfills or siting of new landfills, and an enforcement program yet to be appended to the plan. The county will also consider AB 1809 (Tanner), which requires each County Solid Waste Management Plan (CoSWMP) to develop a program for the safe management of household hazardous waste if it determines such a need exists.

The Board also approved the San Joaquin County SWMP revision. Although delinquent, the revision was finally submitted on July 1, 1986. The county has five major landfills and two transfer stations servicing a population of 423,154 which generates 406,000 tons of waste per year. Of the five landfills, the Harley Lane landfill in the north will close in 1991, and the Corral Hollow landfill in the south will close in 1990.

The revisions to the plan include the siting of new landfills near each of the two closing landfills, upgrading the Lovelace transfer station and, for the central area of the county, maintaining the Foothill landfill. Also, the county wants its solid waste system to be economically independent of General Fund contributions. In this regard, the plan recommends that any borrowing from the Fund be treated as a commercial loan with a regular amortization schedule. Further, it recommends a self-sufficient Enterprise Fund approach which includes charging a user fee for all services rather than splitting the fees with the cities through a revenue sharing basis. The Enterprise Fund will fund all of the county solid waste administrative activities and facility operations. Finally, the plan calls for the repayment of approximately \$5 million borrowed from the General Fund over the last ten years.

Board member Ginger Bremberg suggested to San Joaquin County Solid Waste Manager Tom Horton that the county pay special attention to the problem of potential groundwater contamination in the Lodi area. She feels the problem has been neglected in the past.

The Board also approved a permit revision for the Chicago Grade Landfill in San Luis Obispo County. The original permit allowed 27 tons of waste per day. Because of population growth, however, the waste has increased to 61 tons per day. Board staff agreed with the local enforcement agency of the county that the change was not significant given the

population growth. Therefore, the permit will be revised to allow for the increase in tonnage.

The Board approved issuance of a Request for Proposals to prepare guidelines to help local enforcement agencies design, construct, and operate leachate and gas monitoring and control systems at closed and operating landfills. So far, the standards in this area have been too vague. These guidelines will provide LEAs with a better understanding of the engineering aspects of these control systems, and will standardize system construction, operation, and monitoring practices. Hopefully, the guidelines will be completed by July 1987.

At its November 7 meeting the Board rejected the Marin CoSWMP Revision. The plan had been delinquent since March 1984. A new plan, however, was completed and received the approval of Marin County's eleven incorporated cities. Nevertheless, the Board members identified too many problems with the new plan, and have given the county six months to resolve those problems.

FUTURE MEETINGS:

To be announced.

COASTAL COMMISSION

Director: Peter Douglas

Chairperson: Michael Wornum

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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 Pro-

gram (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.

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:

LCPs. A major component of the CCMP is the preparation of local coastal programs (LCPs), mandated by the Coastal Act of 1976. The purpose of the LCPs is to conform local land use plans and implementing ordinances to the policies of the California Coastal Act. Each LCP consists of a land use plan (LUP or Phase II) and implementation ordinances (zoning or Phase III). 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.

To date the Commission has reviewed and acted upon 109 land use plans, or 84% of the 129 LCP segments. Of these, the Commission has certified 90, and denied or certified with suggested modifications the other 19. Twenty-four of these LCPs or LUPs have portions or areas that are uncertified at this time, and are known as "areas of deferred certification."

The Commission has acted upon 78 implementation (zoning) submittals (or 60% of the 129 segments). Of these, 52 have been approved, and the remaining 26 either rejected or approved with suggested modifications. Unlike the LUP portion of the LCP, there will not be 129 different zoning portions, because most local governments will implement their LUP segments using a single zoning