Maggie Robbins, Service Employees International Union, requesting that OSB adopt a standard with regard to protecting workers from back injury. OSB noted that a special advisory committee has recently completed drafting a rulemaking package, known as the ergonomics standard, to address cumulative trauma disorders. Finding that the upcoming ergonomics standard rulemaking package will adequately address the problems noted, OSB characterized the petition as premature, and denied it "without prejudice."

At its September 23 meeting, OSB considered Petition No. 335, submitted by David Caldwell, requesting that OSB amend Articles 95 and 98, Title 8 of the CCR, regarding cranes and derricks; petitioner argued that the proposed amendments would simply require employers to comply with existing rules. OSB denied the petition, finding that the proposed amendments are unnecessary.

Also at its September 23 meeting, OSB considered Petition No. 336, submitted by R.F. Andrews, Shell Oil Company, requesting that OSB amend section 2540.8(b)(6), Title 8 of the CCR, and Title 24, Part 3, section 515-2, with respect to the electrical classification of wharfs or docks used for the loading and unloading of flammable liquids and gases from tanker ships. Petitioner noted that existing classifications are inconsistent and confusing, and should be simplified. OSB granted the petition to the extent that it directed staff to develop proposed amendments to section 2540.8(b)(6) to reflect the requirements found in section 515-2.

FUTURE MEETINGS

January 13 in Los Angeles.
February 24 in San Francisco.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (CAL-EPA)

AIR RESOURCES BOARD

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

Pursuant to Health and Safety Code section 39003 *et seq.*, the Air Resources Board (ARB) is charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solutions to air pollution, and to systematically attack the serious problem caused by motor vehicle emissions, which are the major source of air pollution in many areas of the state. ARB is empowered to adopt regulations to implement its enabling legislation; these regulations are codified in Titles 13, 17, and 26 of the California Code of Regulations (CCR).

ARB regulates both vehicular and stationary pollution sources. The California Clean Air Act requires attainment of state ambient air quality standards by the earliest practicable date. ARB is required to adopt the most effective emission controls possible for motor vehicles, fuels, consumer products, and a range of mobile sources.

Primary responsibility for controlling emissions from stationary sources rests with local air pollution control districts (APCDs) and air quality management districts (AQMDs). ARB develops rules and regulations to assist the districts and oversees their enforcement activities, while providing technical and financial assistance.

Board members have experience in chemistry, meteorology, physics, law, administration, engineering, and related scientific fields. ARB's staff numbers over 400 and is divided into seven divisions: Administrative Services, Compliance, Monitoring and Laboratory, Mobile Source, Research, Stationary Source, and Technical Support.

MAJOR PROJECTS

Rulemaking Under the Air Toxics "Hot Spots" Information and Assessment Act of 1987. This Act, codified at Health and Safety Code section 44300 *et seq.*, establishes a "Hot Spots" program to develop a statewide inventory of site-specific air toxic emissions of specified substances, assess the risk to public health from exposure to these emissions, and notify the public of any significant health risks associated with these emissions. In April 1989, ARB implemented the Act by adopting emission inventory criteria regulations to be utilized by APCDs in preparing air toxics emission inventories. *[9:3 CRLR 99]* In June 1990, ARB amended the regulations to include procedures for preparing biennial updates to the emission inventories and reporting requirements for specific classes of facilities that emit less than ten tons per year of criteria air pollutants. *[10:4 CRLR 139]* The regulations were further amended in September 1990 *[10:4 CRLR 139]* and again in June 1991 *[11:4 CRLR 153]* to reflect updates to the list of substances that must be inventoried under the "Hot Spots" program.

At its June 10 meeting, ARB adopted amendments to sections 93300–93354, Titles 17 and 26 of the CCR, to streamline the "Hot Spots" emission inventory reporting requirements and the biennial update process. The revisions will substantially reduce the biennial update reporting requirements for all facilities that are not determined to be a significant risk to public health under the "Hot Spots" program; add a new reporting form, the Biennial Summary Form, to streamline biennial update reporting; add provisions for removing facilities from the program that no longer meet the definition of applicability as specified in the regulations; add instructions for reporting source test data results that are below the level of detection (LOD) and allow emissions from source test results to be reported as "ND" (for non-detect) when all values are below the LOD; revise Appendix D source test requirements to eliminate requirements that have been determined to be infeasible or impractical; restructure and annotate the list of substances in Appendix A to consolidate and clarify information pertaining to the substances; remove supplemental reporting forms, and improve and clarify the reporting forms and instructions; and revise the requirements for plans and reports to clarify and streamline the reporting requirements based upon comments received. At this writing, ARB has not submitted these regulatory amendments to the Office of Administrative Law (OAL) for review and approval.

The Act also requires ARB to adopt a fee regulation to ensure that all costs incurred by the state in implementing and

administering the "Hot Spots" program are defrayed by assessing fees on those facilities subject to the requirements of the Act. To implement the Act, ARB first adopted the Air Toxics "Hot Spots" fee regulation in 1988. Each year, ARB staff, in consultation with the districts and the Fee Regulation Committee, prepares amendments to the fee regulation for the Board's consideration.

Following a public hearing on July 8, the Board adopted amendments to sections 90700–90705, Titles 17 and 26 of the CCR, to establish new fee schedules which the APCDs and AQMDs must adopt to cover the state's cost of implementing the "Hot Spots" program. Pursuant to SB 1378 (McCorquodale) (Chapter 375, Statutes of 1992) and SB 1731 (Calderon) (Chapter 1162, Statutes of 1992) *[12:4 CRLR 172]*, the Board's proposed amendments utilize a new basis for calculating the distribution of state costs and facility fees for the twelve districts which have requested ARB to adopt fee schedules. Instead of basing these calculations on the criteria pollutant emission inventory, as was done in past years, the proposed assessments to the districts to recover state costs and the calculation of facility fees are based on resource indexes and the number of facilities each district has in specific "Hot Spots" program categories.

The amendments also include a fee waiver for a facility included in the industrywide emission inventories if the facility has already paid a "Hot Spots" fee once, and does not cause the district a significant workload; a $700 cap on fees for facilities defined as small businesses; and a $2,000 Supplemental Risk Assessment Fee which the districts may assess to review supplemental health risk assessment information.

At the July 8 hearing, staff proposed modifications to the proposal which would change the number of facilities and district costs for certain districts, retain the requirement for annual adoption of the state fee regulation and, at the direction of the Board, revise the small business definition. The Board approved the proposed regulations subject to publication of the modified language for a 15-day public comment period which ended on July 23. At this writing, ARB has not submitted these regulatory changes to OAL for review and approval.

Exhaust Emission Standards and Test Procedures for Heavy-Duty Diesel Engines. Pursuant to Senate Bill 135 (Boatwright) (Chapter 496, Statutes of 1991) and Health and Safety Code section 43806, ARB is required to adopt new emission standards and test procedures for transit buses to be implemented no later than January 1, 1996. The statute directs ARB to set emission standards that reflect use of the best emission control technologies expected to be available at the time the standards and procedures are to become effective. *[11:4 CRLR 156]*

At its June 10 meeting, ARB adopted amendments to sections 1956.8, 1965, and 2112, Title 13 of the CCR. Specifically, the amendments to section 1956.8 align California with regulations recently adopted by the U.S. Environmental Protection Agency (EPA) which require engines used in 1994 and later model year urban buses to meet stricter standards for emissions of particulate matter (PM) and nitrogen oxides (NOx). In order to facilitate mobile source reduction credit programs and encourage transit agencies to purchase cleaner operating buses, these amendments also provide for a more stringent optional NOx emission standard for urban buses beginning with the 1994 model year.

ARB's amendments to section 1965 would modify the California Motor Vehicle Emission Control Label specifications to include information identifying the optional NOx emission standard for which each engine is certified and to state that the engine meets all other applicable California emission standards for that particular engine model year. The Board's amendment to section 2112 conforms the useful life requirement for heavy-duty engines used in urban buses for 1994 and later model years to the new EPA standards.

Following the June 10 hearing, ARB approved the proposed regulatory changes with two modifications: (1) engine manufacturers will be allowed to use California diesel fuel (0.05% sulfur, 10% aromatics) for certifying 1996 and 1997 model year urban bus engines; and (2) exemptions will be granted for certain urban bus engines up to a 10% cap based on each manufacturer's urban bus engine sales in California for the 1996 and 1997 model years.

At this writing, ARB has not submitted these regulatory amendments to OAL for review and approval.

Amendments Provide Limited Relief From 1994 OBD II Requirement. At its July 9 meeting, ARB adopted amendments to its on-board diagnostic II (OBD II) provisions in section 1968.1, Title 13 of the CCR. ARB first adopted the OBD II standard in September 1989; it requires vehicle manufacturers to equip 1994 and later model year vehicles with advanced, computerized on-board systems which monitor all emissions-related components or systems for proper performance and provide early detection of pollution-producing malfunctions, thereby leading to prompt and efficient repair. *[9:4 CRLR 107]* Ford Motor Company petitioned for limited relief from the 1994/1995 OBD II requirements, and ARB granted it in anticipation that other manufacturers will claim similar difficulties complying with the OBD II requirements.

The amendment to section 1968.1 authorizes ARB's Executive Officer to certify 1994 OBD II systems that do not fully meet the minimum requirements in one or more areas. Executive Officer action will be based primarily on the extent to which the OBD II requirements are met overall, the effectiveness of the resultant diagnostic system design in comparison with current OBD I designs, and demonstration that a good-faith effort was made to meet the minimum requirements in full. The provision will extend to vehicle models for which production commences prior to April 1, 1994.

For 1995 models beginning production after March 1, 1994, the Executive Officer may still certify deficient vehicles, but manufacturers of such vehicles will be subject to monetary fines. For the third and each subsequent monitoring system deficiency, ARB will impose a fine in the amount of $50 or $25 per vehicle per deficiency, depending on the significance of the monitoring requirement which has not been met.

ARB submitted these amendments to OAL on August 19 with a request for an early effective date. OAL approved the amendments and they became effective on August 27.

Amendments to Pollution Transport Identification and Mitigation Regulations. At its August 12 meeting, ARB considered the first triennial report of the assessment and mitigation of the impacts of transported pollutants on ozone concentrations in California, and adopted amendments to sections 70500 and 70600, Title 17 of the CCR, its transport identification and mitigation regulations.

Health and Safety Code section 39610(b) requires ARB, in cooperation with the APCDs, to identify districts which are affected by pollutants transported from other districts ("transport couples"), assess the relative contribution of upwind emissions to downwind ambient ozone levels to the extent permitted by available data, and establish mitigation requirements commensurate with the level of contribution from the upwind area. These provisions apply only to ozone and ozone precursors. *[13:2&3 CRLR 156–57; 10:4 CRLR 142; 10:1 CRLR 126]*

Staff's first triennial update of ARB's regulations implementing section 39610(b) made the following suggestions: section

70500, Title 17 of the CCR, should be amended to identify six additional transport couples; the findings of transport severity for identified transport couples should be updated; and section 70600 should be amended to add new areas to the list of areas subject to the mitigation requirements. Under these mitigation requirements, upwind areas identified as causing overwhelming impacts must adopt control measures sufficient to attain the state ozone standard within the downwind impacted areas.

At its August meeting, ARB adopted these proposed changes with a modification which more clearly defines the downwind portion of the Broader Sacramento Area for which the San Francisco Bay Area AQMD must demonstrate attainment of the state ambient air quality standard for ozone. At this writing, the Board has not submitted the rulemaking file on these changes to OAL for review and approval.

ARB Amends Wintertime Oxygenated Gasoline Program Regulations. At its September 9 meeting, the Board adopted new sections 2259, 2283, and 2293.5, amended sections 2251.5, 2258, 2263, and 2267, and repealed section 2298, Title 13 of the CCR, to enhance the effectiveness of its wintertime oxygenated gasoline program which started last year and proved successful in reducing carbon monoxide levels. *[13:2&3 CRLR 157]* The regulatory program currently specifies a minimum oxygen content of 1.8% by weight and a maximum of 2.2% by weight; it sunsets on February 29, 1996, after which the year-round oxygen content regulations in ARB's Phase 2 reformulated gasoline regulations go into effect.

During implementation of the requirements last winter, several problems arose in the program. To increase the effectiveness of the regulations and to make implementation more practical, ARB adopted regulatory changes which revise the wintertime oxygenates control period for San Luis Obispo County to October 1 through January 31 to more closely align it with the existing gasoline distribution network in the area; exempt gasoline sold by small gasoline retailers in certain limited areas to eliminate the potentially excessive compliance costs that may occur; allow a distributor to deliver to a retail outlet gasoline with an oxygen content exceeding 2.2% during the first 15 days of a control period upon demonstration that the delivery is being made pursuant to a prior agreement to bring the outlet's gasoline into compliance by the end of the 15 days, which will provide greater flexibility to distributors and retailers coming into compliance at the beginning of each season; impose less stringent Reid vapor pressure limits for gasoline which contains at least 4.9% volume ethanol, is supplied during calibration of ethanol blending equipment, and meets other conditions, to make it more practical for gasoline oxygenated with ethanol to be supplied at the beginning of the wintertime season; and identify ASTM Method D 4815-93 in place of ASTM Method D 4815-89 for determining gasoline oxygen content.

At this writing, ARB has not yet submitted these regulatory changes to OAL for review and approval.

Update on Other Regulatory Changes. The following is a status update on regulatory changes proposed and/or adopted by ARB in recent months, and discussed in previous issues of the *Reporter*:

• The Board's April 1993 amendments to sections 2400 and 2403–07, Title 13 of the CCR, which delay implementation of the first tier of ARB's lawn and garden engine emission regulations by one year, were submitted to OAL on August 20 and are awaiting approval at this writing. *[13:2&3 CRLR 155–56]*

• ARB's April 1993 adoption of new section 90800.4 and amendments to section 90803, Title 17 of the CCR, which establish its 1993–94 permit fees for nonvehicular sources, were approved by OAL on June 15. *[13:2&3 CRLR 156]*

• The Board's April 1993 adoption of new section 90621.4 and amendments to section 90622, Title 17 of the CCR, which authorize local APCDs and AQMDs to collect permit fees from major nonvehicular sources emitting sulfur oxides and nitrogen oxides to fund ARB's Atmospheric Acidity Protection Program for 1993–94, were approved by OAL on July 23. *[13:2&3 CRLR 156]*

• ARB's April 1993 adoption of new section 93001, Titles 17 and 26 of the CCR, which designates 189 federal hazardous air pollutants as toxic air contaminants, has not yet been submitted to OAL. *[13:2&3 CRLR 156]*

• The Board's March 1993 amendments to sections 70600–70601, Title 17 of the CCR, which delete the permitting provisions of its existing transport mitigation emission control regulations, are currently pending at OAL. *[13:2&3 CRLR 156–57]*

• ARB's January 1993 adoption of new section 93107, Titles 17 and 26 of the CCR, establishing an airborne toxic control measure for hazardous emissions resulting from non-ferrous metal melting, has not yet been submitted to OAL for review and approval. These emissions include cadmium, inorganic arsenic, and nickel, which have been identified by ARB as toxic air contaminants, and other metals, such as lead, which may be potential contaminants. *[13:1 CRLR 97]*

• Following a January 14 public hearing, the Board adopted—with slight modifications—proposed amendments to sections 1960.1, 1976, and 2061, Title 13 of the CCR. These changes would establish test procedures and requirements for certifying hybrid electric vehicles, which are designed to run on some combination of energy supplied by batteries and an auxiliary power unit, which is likely to be a combustion engine; establish reactivity adjustment factors (RAFs) for Phase 2 gasoline transitional low-emission vehicles (TLEV) and low-emission vehicles (LEV); adopt an RAF for methane emissions from compressed natural gas (CNG) TLEVs; modify the 50°F emission standard to take into account recent developments indicating that manufacturers will be able to certify to LEV and TLEV standards using conventional technologies; and make a number of additional changes to clarify the certification test procedures or to make their application to LEVs more practical. ARB released the modified version of these amendments for an additional 15-day comment period on March 22, and submitted the rulemaking file to OAL on September 24. *[13:1 CRLR 98]*

• ARB's December 1992 amendment to section 1956.8(b), which sets forth standards and test procedures for heavy-duty diesel engines and vehicles, has not yet been submitted to OAL. The proposed amendment to this section would allow as an option the use of a low-sulfur diesel fuel specified in federal regulations for the certification of 1993 and subsequent model-year diesel engines. *[13:1 CRLR 98]*

• The Board's December 1992 amendments to its Heavy-Duty Vehicle Roadside Inspection Program (sections 2180 through 2187, Title 13 of the CCR), which revise the smoke opacity standards for 1991 and subsequent model-year vehicles and require engine manufacturers to submit smoke emissions data to ARB within 60 calendar days after receiving federal or California engine certification approval, have not been submitted to OAL at this writing. *[13:1 CRLR 97–98]*

• ARB's December 1992 adoption of new sections 2190–2194, Title 13 of the CCR, which require owners of heavy-duty diesel-powered fleets to test their vehicles annually for excessive smoke emissions and undertake repairs whenever tests reveal such problems (with some excep-

tions), has not yet been submitted to OAL. *[13:1 CRLR 97]*

• The rulemaking file on the Board's December 1992 adoption of new section 70303.5 and amendments to sections 60200–60209 and 70303, Title 17 of the CCR, which change the designation criteria for the nonattainment-transitional area air pollution classification in compliance with AB 2783 (Sher) (Chapter 945, Statutes of 1992), has not yet been submitted to OAL. *[13:1 CRLR 97]*

• ARB's November 1992 amendments to sections 2317 and 1960.1(k), Title 13 of the CCR, which revise existing test procedures for qualifying a fuel as a substitute or new clean fuel, were submitted to OAL on September 21. *[13:1 CRLR 96]*

• ARB's September 1992 adoption of section 2300, Title 13 of the CCR, to phase out the use of chlorofluorocarbon (CFC) refrigerants in air conditioner-equipped new passenger cars, light-duty trucks, medium-duty vehicles, and heavy-duty vehicles, was approved by OAL on June 2. *[12:4 CRLR 170]*

• The Board's August 1992 amendments to sections 90700–90705, Titles 17 and 26 of the CCR, establishing new fee schedules which APCDs and AQMDs must adopt to cover the state's cost of implementing the "Air Toxic Hot Spots" program, were approved by OAL on June 23. *[12:4 CRLR 169; 12:2&3 CRLR 198]*

• The Board's August 1992 amendments to sections 1960.1(k) and 1956.8(d), Title 13 of the CCR, adopting new specifications for gasoline used during the certification testing of motor vehicles, were approved by OAL on July 20. *[12:4 CRLR 169]*

• Following OAL's January 1993 rejection of its adoption of sections 2420–2427, Title 13 of the CCR, which establish exhaust emission standards and test procedures for new 1996 and later heavy-duty off-road engines, ARB corrected the deficiencies noted by OAL and resubmitted the rulemaking file. These proposed regulations were approved by OAL on June 9. *[13:2&3 CRLR 158; 12:2&3 CRLR 198]*

Smog Check Legislation Held Over Until 1994. Throughout the summer, legislators battled over several bills overhauling California's Smog Check Program, which is administered by the Department of Consumer Affairs' Bureau of Automotive Repair (BAR) under regulatory guidelines adopted by ARB. Federal law requires the state's Smog Check Program to comply with 1990 amendments to the federal Clean Air Act by November 15; in November 1992, EPA published new regulatory guidelines setting specific air quality goals and performance standards, including enhanced requirements for state smog check programs which appear to require California to scuttle its decentralized "test-and-repair" program and replace it with a centralized "test-only" program operated by the state. Thus, at least three bills—SB 119 (Presley), SB 1195 (Russell), and AB 1119 (Ferguson)—were introduced during 1993 to meet the federal government's requirements and November 15 compliance deadline. EPA repeatedly warned the legislature that none of the bills would sufficiently revamp the Smog Check Program such that it would meet EPA's new standards, and threatened to cut off significant highway funds to California if the state failed to enact an acceptable bill by November 15. *[13:2&3 CRLR 50; 13:1 CRLR 22]*

Among other things, EPA believes that California must adopt a centralized emissions inspection model, at least in the areas of highest smog concentration and least compliance with federal air quality standards. Under the EPA plan, consumers could not obtain both test and repair services from private operators licensed by BAR; instead, testing would be performed at approximately 200 government-run stations, and any needed repairs would be obtained at privately-owned automotive repair stations. EPA claims that such a system not only eliminates both fraudulent repairs and fraudulent certifications, but also provides more accurate and uniform testing since all the government stations would employ the same state-of-the-art equipment (which is prohibitively expensive for private auto repair shops). Industry members have directed their lobbying efforts toward preserving the status quo, claiming that EPA's plan would drive many auto repair shops out of business and that a split test-only and repair-only program would be time-consuming, costly, and inconvenient for motorists.

After numerous legislative debates and amendments to the Presley and Russell bills, EPA Administrator Carol Browner finally announced on August 26 that SB 119 (Presley) would establish a program which would meet EPA's standards. However, in what was characterized by the *San Diego Union-Tribune* as a "$1 billion game of chicken," the Wilson administration then opposed the Presley bill and pressed ahead with SB 1195 (Russell), expressing doubt that the Clinton administration would actually sanction California, which has 54 electoral votes President Clinton may need for reelection. In what it characterized as "calling the President's bluff," a defiant legislature rejected the Presley bill on several occasions at the end of August. However, in an eleventh-hour move and in exchange for Browner's promise not to impose sanctions so long as negotiations continued, Senate President pro Tempore David Roberti held up legislative action on SB 1195 until the legislature reconvenes in January.

In a related matter, Senator Tom Hayden is considering filing a lawsuit to compel EPA to impose sanctions on California for failing to meet the November 15 deadline. According to Hayden, this action would strengthen the EPA's bargaining position in its dealings with California's political leadership and may encourage interested parties to work harder to reach a compromise.

LEGISLATION

SB 919 (Dills). The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare an environmental impact report (EIR) on any project which it proposes to carry out or approve that may have a significant effect on the environment, with specified exemptions. As amended September 9, this bill—among other things—exempts from CEQA a discretionary decision by an AQMD for a project consisting of the application of coatings within an existing automotive manufacturing plant if the AQMD makes a finding that the project will not cause a net increase in pollution and will not cause other adverse environmental effects. This bill also requires ARB to perform an environmental analysis of reasonably foreseeable compliance projects when adopting a rule or regulation regarding installation of pollution control equipment. This bill was signed by the Governor on October 10 (Chapter 1131, Statutes of 1993).

AB 355 (Aguiar). Existing law authorizes APCDs and AQMDs in nonattainment areas to add a surcharge (from $2–$4) to annual motor vehicle registration fees in the district and to use the funds to reduce air pollution from motor vehicles, including the implementation and enforcement of local ridesharing and employer-based trip reduction ordinances and programs. As amended August 19, this bill prohibits, from July 1, 1994 until January 1, 1999, APCDs and AQMDs in these areas from imposing fees on school districts for the filing and review of ridesharing plans and instead directs that costs for these activities be paid from the motor vehicle fee surcharge. This bill was signed by the Governor on October 11 (Chapter 1293, Statutes of 1993).

AB 435 (Sher). Existing law authorizes APCDs and AQMDs to adopt a market-based incentive program to improve air quality, as specified. As amended June 17, this bill makes those provisions inap-

plicable to the implementation of market-based transportation control measures which do not involve emissions trading.

Existing law requires the districts, in adopting any program for the use of market-based incentives to improve air quality, to find that the rules and regulations will result in an equivalent reduction in emissions at less cost than current command and control regulations, and provides additional specific criteria applicable to the South Coast Air Quality Management District (SCAQMD). *[13:1 CRLR 100]* This bill revises those findings to require an equivalent or greater reduction in emissions at equivalent or less cost, and expresses legislative intent regarding the application of those provisions within SCAQMD. This bill was signed by the Governor on July 19 (Chapter 144, Statutes of 1993).

AB 1890 (Sher). Existing law requires APCDs and AQMDs to adopt, implement, and enforce transportation control measures for the attainment of state or federal ambient air quality standards. Existing law requires a district, which has entered into an agreement with a council of governments or regional agency to jointly develop a plan for transportation control measures, to quantify the emissions from transportation sources. As amended August 30, this bill requires ARB, to the extent requested to do so by a district, to assist a district in identifying the quantity of emission reductions necessary to comply with that requirement.

The bill requires each district, other than SCAQMD, to adopt an annual budget in accordance with prescribed requirements and makes legislative findings and declarations in that regard. The bill prohibits SCAQMD from imposing certain fees in excess of the adjusted actual cost of district programs in the preceding fiscal year, except as specified. The bill also requires each district which has a population of one million or more to establish a compliance program consisting of specified elements.

Under existing law, ARB is required at least once every two years to prepare a report on the sources of funding for each district with an annual budget which exceeds $1 million. This bill requires preparation of the report annually and contemporaneously with the state budget, and requires additional specified information to be included in the report.

Existing law, until January 1, 1994, requires SCAQMD to establish a special small business assistance fund known as the Air Quality Assistance Fund to help small businesses comply with its regulations, and requires it to annually allocate $1 million from specified sources to that fund. This bill prohibits SCAQMD from making an annual allocation to the fund, if the balance of the fund equals or exceeds $4 million; the bill also extends the life of the fund until January 1, 1999.

Existing law requires ARB to adopt regulations to achieve the maximum feasible reduction in reactive organic compounds emitted by consumer products, including aerosol paints, and prohibits the districts from adopting different regulations for that purpose. This bill requires ARB, by January 1, 1995, to adopt those regulations as to aerosol paints, requiring full compliance by December 31, 1999, subject to the granting of a specified extension, and establishing interim limits prior to that date. The bill prohibits the districts from adopting any different regulations, except as specified. This bill was signed by the Governor on October 10 (Chapter 1028, Statutes of 1993).

SB 802 (Lewis). The Lewis-Presley Air Quality Management Act authorizes SCAQMD to impose fees for, among other things, the issuance of permits and variances. As amended August 16, this bill limits any increase in permit or variance fees, or fees for any activity required for compliance with district rules and regulations, to any percentage increase in the state Consumer Price Index. This bill also limits the total fees collected by SCAQMD, as specified. This bill was signed by the Governor on October 10 (Chapter 1073, Statutes of 1993).

SB 883 (Leslie). Under existing law, SCAQMD is governed by a district board consisting of twelve members, five of whom are mayors or members of a city council appointed in accordance with prescribed procedures. The terms of those members are four years and until a successor is appointed, and the appointing authority is required to fill any vacancy within 60 days. As amended September 7, this bill permits a SCAQMD board member who is a mayor or member of a city council from Orange County to be reappointed within 60 days after the expiration of his/her term and would provide that the office becomes vacant if the member is not so reappointed.

Existing law requires APCDs and AQMDs to include prescribed transportation control measures in plans to attain and maintain state ambient air quality standards. The Lewis-Presley Air Quality Management Act prohibits SCAQMD from requiring any employer with fewer than 100 employees at a single worksite to submit a trip reduction plan. This bill prohibits until January 1, 1997, all districts, except districts which meet specified criteria, from requiring any employer with fewer than 100 employees at a single worksite to implement a trip reduction program or to submit a trip reduction plan. The bill makes legislative findings and declarations. This bill was signed by the Governor on September 27 (Chapter 563, Statutes of 1993).

AB 584 (Cortese). Existing law requires ARB to develop a test procedure and to adopt regulations prohibiting the use of heavy-duty motor vehicles which have excessive smoke emissions and provides for the enforcement of those provisions, including requiring the vehicle owner to immediately correct deficiencies and to pay a specified civil penalty. Existing law provides that a cited vehicle owner may request an administrative hearing within 30 days. As amended July 15, this bill extends the period for requesting a hearing to 45 days. The bill also prescribes additional criteria relating to the adoption and use of smoke testing standards, procedures, and measuring equipment. This bill was signed by the Governor on September 28 (Chapter 578, Statutes of 1993).

AB 709 (Areias), as amended August 24, prohibits districts from increasing any fees for authority to construct permits or permits to operate by more than 15% per year if the district has an annual budget of $1 million or more, except SCAQMD, or by more than 30% in other districts. This bill was signed by the Governor on October 11 (Chapter 1165, Statutes of 1993).

AB 956 (Cannella). The Air Toxics "Hot Spots" Information and Assessment Act of 1987 requires operators of facilities which are sources of air releases or potential air releases of hazardous materials to develop, submit to the appropriate APCD or AQMD, and biennially update emissions inventories (*see* MAJOR PROJECTS). The Act requires the districts, based on data from the inventories, to designate facilities as high, intermediate, or low priority category facilities, and authorizes the districts to require any facility operator to prepare and submit a health risk assessment, and requires the districts to collect fees from facility operators. As amended August 30, this bill requires the districts to exempt facilities that meet prescribed criteria from further compliance with the Act; requires the operators of exempted facilities to biennially submit a specified statement and a copy of the most recent emissions inventory for the facility to the district; requires new facilities to prepare and submit an emissions inventory plan and report; and requires the operators of exempted facilities to submit an emissions inventory update for those sources and substances for which a change in activities

or operations has occurred, as specified. In other cases, the bill requires a district to exempt a facility that meets specified criteria from paying a fee. This bill was signed by the Governor on October 10 (Chapter 1037, Statutes of 1993).

AB 1062 (Costa). Under existing law, if the San Joaquin Valley Unified Air Pollution Control District (Unified District) is abolished, the San Joaquin Valley Air Quality Management District (Valley District) is to be created. A member of the Valley District board, if created, would rotate with a board member of one of the other air pollution control or air quality management districts as a member of ARB, which currently consists of nine members, including one public member. As amended May 18, this bill increases ARB's membership to eleven members by adding another public member, and by adding on a permanent basis a member of the governing board of the Unified District or, if the Unified District ceases to exist, a member of the governing board of the Valley District, if created. This bill was signed by the Governor on September 28 (Chapter 579, Statutes of 1993).

AB 2288 (Quackenbush). Existing law authorizes an APCD or AQMD to establish a permit system; requires the district regulations to provide that a permit is valid only for a specified period, renewable upon the payment of specified fees; and limits to one year the time during which an order of SCAQMD granting a permit shall be effective. As amended September 9, this bill deletes that one-year limit in the case of SCAQMD and, in the case of the districts generally, deletes the provision for renewal on payment of specified fees, and requires the expiration date of a permit to be extended upon completion of an annual review, except as specified.

Existing law requires the air pollution control officer of a district to observe and enforce all orders, regulations, and rules prescribed by the district board. This bill requires the officer to additionally observe and enforce permit conditions.

Existing law requires a permit system adopted by a district to prohibit the issuance of a permit unless the permitted article, machine, equipment, or contrivance will comply with prescribed orders, rules, regulations, and statutes. This bill authorizes a district air pollution control officer to subject the issuance of a permit to compliance with an applicable implementation plan, and subjects the issuance of the permit to other specified requirements of federal law. The bill imposes additional requirements on the districts, and imposes penalties for violations relating to the federal law.

Existing law authorizes any person to apply for a variance from a specified statute or from rules and regulations of the district, but not from the requirement for a permit to build, erect, alter, or replace. This bill also prohibits the granting of a variance from the requirement for a permit to operate or use, and authorizes the issuance of a permit for activities for which a variance has been granted, including an abatement order which has the effect of a variance. This bill was signed by the Governor on October 11 (Chapter 1166, Statutes of 1993).

SB 100 (Kopp). Existing law requires the Department of Motor Vehicles (DMV), upon the renewal of registration of a motor vehicle subject to a motor vehicle smog inspection program, to require biennially a valid certificate of compliance issued by a licensed Smog Check station. As amended August 30, this bill would have required DMV, if a fee of not less than $50 nor more than $100, as determined by the Department of Consumer Affairs (DCA), is paid upon the initial registration of a new motor vehicle, to issue a certificate of exemption from those requirements; authorized DMV to charge an additional fee for the certificate of exemption equal to the fee charged for a certificate of compliance; and authorized DCA to make grants to assist in the purchase or lease of new low-emission vehicles of domestic manufacture to replace high-polluting vehicles. This bill was vetoed by the Governor on October 10.

SB 575 (Rogers). Existing law requires a certificate of compliance or noncompliance with motor vehicle emission standards upon, among other things, the transfer of registration of a vehicle, except in certain instances. As amended August 23, this bill exempts certain transfers from this requirement if a valid certificate of compliance or a certificate of noncompliance, as appropriate, was obtained, as specified. The bill also requires the transferor of a motor vehicle that is subject to emission certification requirements, and that is not subject to certain exceptions, to sign and deliver to the transferee, upon completion of the transaction, a statement, under penalty of perjury, that he/she has not modified the emission system and does not have any personal knowledge of anyone else modifying the emission system in a manner that causes the emission system to fail to qualify for the issuance of a certificate of compliance. The bill requires DMV to prescribe and make available to transferors the necessary forms, as specified. This bill was signed by the Governor on October 9 (Chapter 958, Statutes of 1993).

SB 766 (Rosenthal), The California Alternative Energy Source Financing Authority Act authorizes the California Alternative Energy Source Financing Authority, among other things, to provide financing assistance to a participating party, as defined, for projects utilizing, or designed to utilize, an alternative energy source. As amended August 30, this bill would have authorize the Authority to also provide financing assistance under the Act to a participating party for the design, technology transfer, manufacture, production, assembly, distribution, and service of clean fuel vehicles, their components, and the infrastructure required to fuel clean fuel vehicles. This bill was vetoed by the Governor on October 10.

AB 1205 (Tucker). Existing law limits the sale of motor vehicles equipped with air-conditioners using specified chlorofluorocarbons (CFC)-based products. As amended September 1, this bill would have revised the specifications of the CFCs subject to those provisions; prohibited the venting or disposing, and required the reuse or recycling, of CFCs from a nonvehicular commercial refrigeration system, as defined; and required the installation, replacement, or servicing of those systems to be done by qualified persons, as defined. This bill was vetoed by the Governor on October 10.

SB 119 (Presley), as amended August 30, **SB 1195 (Russell)**, as amended August 30, and **AB 1119 (Ferguson)**, as introduced March 2, are comprehensive proposals for reforming California's Smog Check program (*see* MAJOR PROJECTS; *see also* agency report on DEPARTMENT OF CONSUMER AFFAIRS for a complete description of these bills). *[S. Trans, S. Appr, A. Trans]*

SB 1070 (Presley). Existing law imposes various duties on ARB, DMV, and APCDs and AQMDs relating to the control of vehicular air pollution. As amended September 10, this bill would require DMV to collect a specified registration fee on motor vehicles. The amount of the fee would be calculated on the basis of mileage and pollutants emitted by a vehicle as determined by ARB. The fees would be used by ARB for specified programs related to reducing emissions, including retrofitting, sale, or disposal of high-emission vehicles, and reduction in their use. The bill would make related changes concerning the pollution control equipment of vehicles. *[S. Trans]*

AB 1853 (Polanco). Existing law does not require the budget of any APCD or AQMD to be submitted to the Cal-EPA Secretary for inclusion in Cal-EPA's budget. As amended August 17, this bill would

require each district having a budget in excess of $50 million (*e.g.*, SCAQMD) to submit its operating budget to the Secretary for inclusion in the budget of the Agency in the annual budget bill. The bill would also prohibit any such district from increasing specified fees except pursuant to specific statutory authority; require such a district to transmit specified revenues to the state for deposit in the Air Quality Operation Fund which the bill would create; and require the legislature to appropriate, in the budget act, the money in the Air Quality Operation Fund to such a district for district operations. *[S. Appr]*

SB 801 (Lewis). The Lewis-Presley Air Quality Management Act requires SCAQMD to have an Office of Public Advisor and Small Business Assistance, and requires the Public Advisor to be appointed by the SCAQMD executive officer. As amended April 27, this bill would rename that office in SCAQMD the Office of Small Business Assistance; require every multi-county APCD and AQMD to establish an Office of Public Advisor, appointed by the Governor and independent of the district's executive officer, with specified powers and duties; and establish in every multi-county district an independent appeals board to hear appeals of decisions of the district board. *[S. Appr]*

SB 1134 (Russell). Existing law requires specified governmental agencies to adopt a congestion management plan for each county. Existing law authorizes APCDs and AQMDs to encourage or require the use of ridesharing, vanpooling, flexible work hours, or other measures which reduce the number or length of vehicle trips and to adopt, implement, and enforce transportation control measures for the attainment of state or federal ambient air quality standards. SCAQMD is prohibited from requiring employers with fewer than 100 employees at a single worksite to submit a trip reduction plan. As amended June 15, this bill would define, and specify measures that may or may not be included in, a trip reduction plan submitted by an employer to, and measures that may not be required as a condition of plan approval by, an agency or a district for purposes of those provisions. The bill would require employers to give employees notice of proposed plans and the opportunity to comment prior to submittal of the plan to the agency or district. The bill would require the agencies to modify existing programs, and the districts to modify existing regulations, by June 30, 1995, to conform to these provisions. *[A. Trans]*

SB 334 (Rosenthal), as amended May 25, would, until January 1, 2002, exempt from state sales and use taxes the gross receipts not exceeding $1,500 from the sale, storage, use, or other consumption in this state of zero-emission vehicles, as defined.

Existing law imposes a specified statewide fee for the registration or renewal of registration of motor vehicles, and permits the imposition of various additional local vehicle registration fees, including fees for purposes relating to the reduction of air pollution. This bill would, commencing January 1, 1995, impose a $1 fee upon the registration or renewal of registration of any motor vehicle subject to specified vehicular air pollution control laws. *[S. Appr]*

SB 381 (Hayden). Existing law requires ARB to adopt standards and regulations to, among other things, require the purchase of low-emission vehicles by state fleet operators. As amended August 16, this bill would require ARB to require the purchase of low-emission and zero-emission vehicles by state and local governmental agencies, and authorize those agencies to form a consortium to purchase electric vehicles. The bill would require ARB to also require the purchase of specified percentages of zero-emission vehicles by fleet operators, and exempt from that requirement certain authorized emergency vehicles.

Existing law authorizes APCDs and AQMDs to impose fees of $1, $2, or $4, as specified, on motor vehicles for purposes of, and related to, reducing air pollution from motor vehicles. This bill would exempt zero-emission vehicles from those fees imposed by the districts. The bill would impose an additional $1 fee on the registration or renewal of registration of motor vehicles, other than zero-emission vehicles, to be collected by DMV and deposited in the general fund. The bill would declare legislative intent that these revenues replace the revenues lost through sales and use tax exemptions and tax credits pursuant to the bill.

Existing law exempts from sales and use taxes the incremental cost of the sale or use of a low-emission motor vehicle, and the gross receipts from the sale or use of a low-emission retrofit device, as specified, until January 1, 1995. This bill would extend that exemption to January 1, 2001, and would also exempt from sales and use taxes, until January 1, 2001, that portion of the sales price of a new electric vehicle that is above the sales price of a comparable vehicle of equal size and capacity with an internal combustion engine. The bill would require ARB to annually compute that cost differential.

The bill would also impose, commencing July 1, 1995, an additional $1 fee on the registration or renewal of registration of motor vehicles, to be collected by DMV and deposited in the Zero-Emission Vehicle Sales Tax Exemption Fund, which the bill would create, and thereafter transferred periodically to the general fund, as specified, until DMV receives a specified notification from the Controller. The bill would declare legislative intent that vehicle owners not be subjected to any additional fees beyond those fees which are necessary to offset the loss of revenues as a result of the sales and use tax exemption for zero-emission vehicles, and that no surplus be created in the Zero-Emission Vehicle Sales Tax Exemption Fund.

Existing law, the Personal Income Tax Law and the Bank and Corporation Tax Law, until January 1, 1995, allows credits against the taxes imposed by those laws for the costs of the conversion of a vehicle to a low-emission motor vehicle, or for the differential cost, as defined, of a new low-emission motor vehicle that meets specified requirements. This bill would extend those credits to January 1, 2001. *[S. Appr]*

SB 455 (Presley). Existing law requires agencies responsible for the preparation of regional transportation improvement programs to develop and biennially update a congestion management program for every county that includes an urbanized area and to monitor implementation of the program. Existing law specifies the elements required to be contained in a congestion management program, including a trip reduction and travel demand element. As amended September 7, this bill would prohibit that element from requiring an employer to implement a trip reduction plan if the employer is already required to implement a trip reduction plan by an APCD or AQMD pursuant to other provisions.

Existing law authorizes APCDs and AQMDs to adopt and implement regulations to reduce or mitigate emissions from indirect and areawide sources of air pollution. This bill would limit the requirements that the districts may impose by regulation on indirect sources for that purpose to requirements that the districts determine are based on the extent of the contribution of the indirect sources to air pollution by generating vehicle trips that would not otherwise occur.

The bill would allow a district to adopt, implement, enforce, or include in any plan to attain state ambient air quality standards, regulations or transportation control measures to reduce vehicle trips or vehicle miles traveled if the district determines that the regulation or measure is not duplicative, as specified. The bill would allow a district to delegate to any local

agency the responsibility to administer those district regulations, except as specified.

Under existing law, the provisions authorizing a district to adopt and implement regulations to reduce or mitigate emissions from indirect and areawide sources of air pollution and to encourage or require the use of measures to reduce the number or length of vehicle trips do not constitute an infringement on the authority of counties and cities to plan or control land use. This bill would also state that those provisions, as modified by the bill, do not constitute an infringement of the authority of counties and cities to condition land use, or on the ability of a public agency to impose trip reduction measures pursuant to a voter-mandated growth management program.

Existing law requires the SCAQMD Board to adopt a plan to achieve and maintain the state and federal ambient air quality standards for the South Coast Air Basin. Existing law imposes on the Southern California Association of Governments the responsibility for preparing and approving the portions of the plan relating to, among other things, transportation programs, measures, and strategies. This bill would require the governing board of both the Association and SCAQMD, prior to the inclusion in the plan of a transportation control measure, to make a specified finding.

Existing law does not require the budget of any air pollution control district or air quality management district to be submitted to Cal-EPA Secretary for inclusion in Cal-EPA's budget. This bill would require each district having a budget in excess of $50 million (*e.g.*, SCAQMD) to submit its operating budget to the Secretary for inclusion in the budget of the Agency in the annual budget bill. The bill would prohibit any such district from increasing specified fees except pursuant to specific statutory authority. The bill would require any such district to transmit specified revenues to the state for deposit in the air quality operation fund, which the bill would create, and would require the legislature to appropriate, in the budget act, the money in the air quality operation fund to those districts for district operations. The bill would make those provisions inoperative on July 1, 1999, and would repeal the provisions as of January 1, 2000.

Existing law authorizes local authorities, under prescribed circumstances, to determine and declare prima facie speed limits different than the generally applicable speed limits. This bill would authorize, until January 1, 1997, a county or city that is wholly or partly within the Kern County Air Pollution Control District or SCAQMD to determine and declare a prima facie speed limit lower than that which the county or city is otherwise permitted to establish, for any unpaved road, if necessary to achieve or maintain state or federal ambient air quality standards for particulate matter.

Existing law authorizes the Los Angeles Metropolitan Transportation Authority to conduct a study of the congestion management program with the objective of recommending modifications that would reduce or eliminate any inconsistency with the requirements of specified state and federal air pollution control laws. This bill would make a statement of legislative intent with regard to that study and the avoidance of overlapping and duplicative requirements. *[S. Inactive File]*

SB 532 (Hayden). Existing law requires the state Department of Health Services (DHS) to submit to ARB recommendations for ambient air quality standards. As amended May 28, this bill would require DHS to determine if any adoption, amendment, revision, or extension of the recommendations adequately protects human health, including the health of infants, children, elderly, and other population categories and, if not, to take more stringent action.

Existing law requires ARB to divide the state into air basins and adopt standards of ambient air quality for each air basin, in consideration of the public health, safety, and welfare. Existing law requires the standards relating to health effects to be based upon the recommendations of the Office of Environmental Health Hazard Assessment. This bill would require ARB to determine if any adoption, amendment, revision, or extension of the standards adequately protects human health, including the health of infants, children, elderly, and other population categories and, if not, to take more stringent action.

Existing law requires ARB to adopt airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources and to consider the adoption of revisions in the emission standards for vehicular sources. This bill would require ARB to determine if any adoption, amendment, revision, or extension of the standards adequately protects human health, including the health of infants, children, elderly, and other population categories and, if not, to take more stringent action, as specified. *[S. Appr]*

SB 668 (Hart), as amended June 9, would enact the Zero-Emission Vehicle Development Incentive Program, to be administered by ARB. The bill would, until January 1, 2001, exempt zero-emission vehicles from state (but not local) sales and use taxes, and establish a tax credit under the Personal Income Tax Law and the Bank and Corporation Tax Law for the development of zero-emission vehicle technologies and industries. The bill would impose a $1 motor vehicle registration fee, beginning on January 1, 1995 and terminating on December 31, 2000, to be deposited in the Zero-Emission Vehicle Development Incentive Fund, which the bill would create, to fund the exemption and the credit. *[A. Rev&Tax]*

SB 1113 (Morgan). Existing law establishes the Bay Area Air Quality Management District and the San Joaquin Valley Air Pollution Control District and imposes various duties on the districts regarding the control of air pollution. As amended August 17, this bill would, except as specified, prohibit any emission standard, rule, regulation, or other requirement from taking effect or being implemented prior to July 1, 1997, in those districts to require the owner or operator of any stationary source, which is required to make vehicular fuel composition modifications, to make any capital expenditure, as described, to reduce nitrogen oxide emissions. The bill would make related legislative findings and declarations. *[S. Floor]*

LITIGATION

In ***Coalition for Clean Air, et al. v. Air Resources Board***, No. 372697 (Sacramento County Superior Court), a coalition of environmental groups has sued ARB over its decision to conditionally approve SCAQMD's proposed Regional Clean Air Incentives Market (RECLAIM) emissions trading program (*see* RECENT MEETINGS below). The action also attacks ARB's approval of SCAQMD's 1991 air quality management plan and 1992 amendments. The Coalition claims that the air quality plan fails to take strong measures in regulating the quality of the air found in the Los Angeles Basin. *[13:1 CRLR 99–100]* At this writing, oral argument on the Coalition's petition for writ of mandamus is scheduled for October 18.

RECENT MEETINGS

SCAQMD was scheduled to present the latest version of its revamped RECLAIM proposal to ARB at its July meeting, but announced in early July that it would postpone presentation of RECLAIM until it can further refine the proposal. The RECLAIM proposal has undergone substantial revisions since it was first presented to ARB. *[12:4 CRLR 168–69]* The changes are due to the complexity of creating a market for the trading of emissions credits, the problems incurred in de-

veloping an enforcement program once the market is in place, and the public controversy which has been generated among those who would be affected by the plan.

A market for trading emissions credits would be the first of its kind. The goal of RECLAIM is to force industries to cut their smog-producing emissions while giving them flexibility and financial incentives. RECLAIM has been billed by SCAQMD as a more economical and flexible way to combat industrial pollution than the traditional "command and control" method of adopting emissions standards, attempting to measure compliance, and sanctioning noncompliance with penalties. SCAQMD also contends it would be cheaper for businesses. The market plan for RECLAIM has been designed by SCAQMD utilizing the assistance of 20 economists, sociologists, business people and environmentalists, including economics experts from MIT, UCLA, the Pacific Stock Exchange, and Caltech.

Originally, RECLAIM was envisioned to cover 2,800 business facilities in the four-county Los Angeles Basin. That number has now been pared to approximately 400 as the emissions market plan has developed. The RECLAIM program will assign maximum volumes of two pollutants—nitrogen oxides and sulfur oxides—to each company covered in the plan in the form of pollution credits. Hydrocarbons, the region's most plentiful pollutant, have been eliminated from the plan because of the difficulty in measuring them, although they could be phased in later if RECLAIM is approved. Enforcement of the pollution limits would require participating businesses to perform substantial monitoring and reporting of their own pollution as well as traditional monitoring by SCAQMD. The potential size of these monitoring costs to businesses has been a source of intense controversy.

The potential success or failure of the RECLAIM program has broad repercussions for SCAQMD. The District suspended new smog rules in 1989 and reallocated staff from its enforcement office to develop the RECLAIM program. A recent ARB audit indicates that business compliance with clean air rules in the District has dropped since 1989, and the allocation of SCAQMD's resources to RECLAIM has been suggested as a cause for the District's poor enforcement record. As a result, two bills now pending in the legislature (*see* AB 1853 (Polanco) and SB 455 (Presley) in LEGISLATION) would give the legislature control over the SCAQMD's $107 million budget.

In September, SCAQMD held a two-day hearing at which the RECLAIM proposal was further discussed; SCAQMD decided to postpone its vote on the final draft of the RECLAIM program until October 15.

After a public hearing on July 27–28, ARB Executive Officer Jim Boyd approved variances from the requirements of section 2282, Title 13 of the CCR, for Ultramar, Chevron, and Unocal. This regulation limits the aromatic hydrocarbon content of California motor vehicle diesel fuel starting on October 1, 1993. The variances permit production of a specified amount of non-complying diesel fuel after October 1, contingent on the companies' adherence to compliance plans.

At ARB's August 12 meeting, staff presented an informational report on the feasibility of reducing oxides of nitrogen and particulate matter emissions from heavy-duty vehicles. Emissions from heavy-duty vehicles contribute significantly to California's air quality problems, and must be reduced if California is to continue to progress toward attaining air quality goals. Oxides of nitrogen emissions from diesel-powered heavy-duty vehicles represent approximately 20% of the total NOx emissions statewide; particulate matter emissions from diesel powered vehicles are also of concern due to their potential toxicity. Staff will return at a future meeting with proposed regulations that are intended to reduce emissions from heavy-duty vehicles and engines sold in California.

FUTURE MEETINGS

January 13–14 in Sacramento (tentative).

February 10–11 in Sacramento (tentative).

CALIFORNIA INTEGRATED WASTE MANAGEMENT AND RECYCLING BOARD

Executive Director:
Ralph E. Chandler
Chair: Michael Frost
(916) 255-2200

The California Integrated Waste Management and Recycling Board (CIWMB) was created by AB 939 (Sher) (Chapter 1095, Statutes of 1989), the California Integrated Waste Management Act of 1989. The Act is codified in Public Resources Code (PRC) section 40000 *et seq.* AB 939 abolished CIWMB's predecessor, the California Waste Management Board. *[9:4 CRLR 110-11]* CIWMB is located within the California Environmental Protection Agency (Cal-EPA).

CIWMB reviews and issues permits for landfill disposal sites and oversees the operation of all existing landfill disposal sites. The Board requires counties and cities to prepare Countywide Integrated Waste Management Plans (CoIWMPs), upon which the Board reviews, permits, inspects, and regulates solid waste handling and disposal facilities. Alternatively, local governments may join together to form regional agencies which must file Regional Agency Integrated Waste Management Plans (RAIWMPs). Approved CoIWMPs or RAIWMPs must outline the means by which the locality will meet AB 939's required 25% waste stream reduction by 1995 and 50% waste stream reduction by 2000. Under AB 939, the primary components of waste stream reduction are recycling, source reduction, and composting.

CoIWMPs and RAIWMPs are comprised of several elements. Each area must produce a source reduction and recycling (SRR) element, which describes the constituent materials which compose solid waste within the area affected by the element, and identifies the methods the city will use to divert a sufficient amount of solid waste through recycling, source reduction, and composting to comply with the requirements of AB 939. Each area must also produce a household hazardous waste (HHW) element which identifies a program for the safe collection, recycling, treatment, and disposal of hazardous wastes which are generated by households in the area and should be separated from the solid waste stream. The siting element describes the methods and criteria a jurisdiction will use in the process of siting a new or expanding an existing solid waste disposal and transformation facility. The nondisposal facility element must include a description of new facilities or expansion of existing facilities that will be needed to reach AB 939's mandated disposal reduction goals, and must identify transfer stations to be used by the local jurisdiction.

The statutory duties of CIWMB also 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. Additionally, CIWMB staff is responsible for inspecting solid waste facilities such as landfills and transfer stations, and reporting its findings to the Board. The Board is authorized to adopt implementing regulations, which are codified in Division 7,