



except as specified, when adding or replacing vehicles or when purchasing vehicles to form a new motor vehicle fleet, to purchase low-emission motor vehicles and to require, to the maximum extent feasible, that those vehicles be operated on a cleaner burning alternative fuel. This bill is pending in the Senate Committee on Governmental Organization.

RECENT MEETINGS:

At the Board's March 15 meeting in Sacramento, ARB staff presented a status report on the Air Toxics Monitoring Program (also referred to as the "AB 1807 Program"). Since the initiation of the program nearly seven years ago, the number of sites at which toxics are monitored has increased from 6 stations to 22 stations plus a roving mobile station. The number of compounds reported has increased from 8 to 33, with a corresponding increase in annual analyses from 2,500 to over 29,000. The Monitoring Program has been innovative from the start, with ARB staff designing volatile and nonvolatile substance sampling systems which are now able to detect substances as low as 0.01 parts per billion. The Program has also coordinated with the National Institute of Standards and Technology to develop sub-part per billion reference standards gasses.

Also at the March 15 meeting, ARB staff presented the Annual Report on the Toxic Air Contaminant (TAC) Identification Program and an update to the list of TACs. The TAC Identification Program is authorized by Health and Safety Code section 39650 *et seq.*, which directs ARB to identify substances which may cause or contribute to an increase in mortality or serious illness, or which may pose a present or potential hazard to human health. ARB is also directed to evaluate the need for and appropriate degree of regulation for substances identified as TACs. The resulting TAC Control Measure Development Program has made decisions affecting over 2,300 stationary sources of TACs, resulting in an estimated 2,000 to 7,000 potential lifetime cancer cases avoided.

ARB staff made two presentations at the meeting. The first addressed the steps leading to the recommendation that a substance be identified by the Board as TAC. Fourteen substances are currently identified as TACs, with an additional nine substances under review for TAC listing.

The second presentation concerned proposed revisions to the 1990 TAC Identification List. The purpose of the list is to assist ARB staff with the selec-

tion of substances for review as TACs. The proposed changes to the list include revising category definitions, revising the status of some of the substances on the 1990 list, and adding substances to the list. The proposed revisions are partly based on the listing of 189 hazardous air pollutants in the federal Clean Air Act. Since the Board is required to identify hazardous air pollutants as TACs, all of the hazardous air pollutants not included on the 1990 list were added to the 1991 list. Category definitions were revised to reflect the status of substances in the process, the factors that are evaluated prior to revising the status of substances on the list, and the listing of federal hazardous air pollutants. Other substances not listed as hazardous air pollutants, but for which California emissions data were available, were also added to the list. Based on the revisions, 170 substances were proposed to be added to the 1991 list, for a total of 232 substances. These revisions were approved by the Board.

Also at the March 15 meeting, the Scientific Review Panel forwarded a letter to the Board recommending that environmental tobacco smoke be considered for identification as a TAC. ARB staff agreed to work with DHS on options to address the request.

At its April 11 meeting, the Board considered a proposed report to the legislature required by section 39611 of the Health and Safety Code, regarding prospects for meeting the state ambient air quality standards for particulate pollutants—specifically, suspended particulate matter (PM10), visibility reducing particles (VRP), sulfates, lead, and hydrogen sulfide. The major findings of the report are as follows: (1) Lead levels measured in California are well below state and national standards. Because lead is an extremely toxic pollutant, and public exposure in some areas may still be hazardous, ARB is evaluating the need to regulate lead as a TAC. (2) Problems with sulfates and hydrogen sulfide are infrequent, occur in only a few areas, and are relatively minor. (3) The PM10 problem is widespread, severe, and diverse, and represents a significant public health problem. (4) The state's visibility problems are also widespread. Staff believes that at least 10 of the 14 air basins exceed the state standard. Only Lake County is in attainment for VRP. (5) PM10 controls will assist in achieving the state standard for VRP.

Staff recommended that a control strategy for each area be developed, with emphasis on reducing public exposure to unhealthy PM10 levels. Staff also recommended establishment of a health

advisory program; evaluating the cost-effectiveness of PM10 controls; development of a methodology for assessing public exposure and tracking changes in relation to time; refinement of emission trading policies to account for the different health effects of PM10; and expansion of the information base for PM10 and VRP. All of these actions are presently within ARB's current authority, but specific legal mandates would be helpful and additional resources are essential if the state is to upgrade its program. The Board approved the report and directed the Executive Officer to forward the report to the legislature.

At ARB's May 9 meeting, staff made a presentation to the Board on three transportation guidance reports prepared by the Office of Strategic Planning. These reports include new development and clarification of policies set forth last year in the document *California Clean Air Act Transportation Requirements Guidance*. The new reports are entitled *Transportation Performance Standards of the California Clean Air Act, Employer-Based Trip Reduction: A Reasonably Available Transportation Control Measure*, and *High Occupancy Vehicle System Plans as Air Pollution Control Measures*. These reports are viewed as a continuation of last year's state guidance to local air pollution control districts on transportation control measure development. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 162 for extensive background information.)

FUTURE MEETINGS:

September 12-13 in Sacramento.
October 10-11 in Sacramento.
November 14-15 in Sacramento.
December 12-13 in Sacramento.

CALIFORNIA ENERGY COMMISSION

Executive Director: Stephen Rhoads
Chairperson: Charles R. Imbrecht
(916) 324-3008

In 1974, the legislature enacted the Warren-Alquist State Energy Resources Conservation and Development Act, Public Resources Code section 25000 *et seq.*, and established the State Energy Resources Conservation and Development Commission—better known as the California Energy Commission (CEC)—to implement it. The Commission's major regulatory function is the siting of powerplants. It is also generally charged with assessing trends in energy consumption and energy resources available to the state; reducing wasteful,



unnecessary uses of energy; conducting research and development of alternative energy sources; and developing contingency plans to deal with possible fuel or electrical energy shortages. CEC is empowered to adopt regulations to implement its enabling legislation; these regulations are codified in Division 2, Title 20 of the California Code of Regulations (CCR).

The Governor appoints the five members of the Commission to five-year terms, and every two years selects a chairperson from among the members. Commissioners represent the fields of engineering or physical science, administrative law, environmental protection, economics, and the public at large. The Governor also appoints a Public Adviser, whose job is to ensure that the general public and interested groups are adequately represented at all Commission proceedings.

There are five divisions within the Energy Commission: (1) Administrative Services; (2) Energy Forecasting and Planning; (3) Energy Efficiency and Local Assistance; (4) Energy Facilities Siting and Environmental Protection; and (5) Energy Technology Development.

CEC publishes *Energy Watch*, a summary of energy production and use trends in California. The publication provides the latest available information about the state's energy picture. *Energy Watch*, published every two months, is available from the CEC, MS-22, 1516 Ninth Street, Sacramento, CA 95814.

On May 2, Governor Pete Wilson announced that CEC Public Adviser Thomas Maddock has been named the Department of Consumer Affairs' Deputy Director of Bureaus and Programs. At this writing, Governor Wilson has not yet named Maddock's replacement as CEC Public Adviser.

MAJOR PROJECTS:

CEC Amends Intervenor Funding Guidelines. In August 1989, CEC adopted standards and criteria for its Intervenor Funding Program (IFP), pursuant to SB 283 (Rosenthal) (Chapter 1436, Statutes of 1988), which appropriated a one-time amount of \$285,000 from the Petroleum Violation Escrow Account (PVEA) funds to establish the program on a trial basis. The IFP is intended to encourage public participation in certain CEC proceedings by awarding financial reimbursement to eligible organizations and individuals who make a compensable contribution to those proceedings. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 142; Vol. 9, No. 4 (Fall 1989) p. 128;

and Vol. 9, No. 3 (Summer 1989) p. 118 for background information.)

At its April 3 business meeting, CEC adopted amendments to the original IFP guidelines. The amendments, which were adopted to expedite the distribution of program funds during this fiscal year, include a once-a-year filing period for all applications for funding during the coming fiscal year. The amendments establish that each year, at a CEC business meeting in late March or early April, the Commission will determine the total amount of funds available for the program during that fiscal year and how the funds will be allocated throughout the year. To be eligible for funding, an individual, group of individuals, or organization wishing to obtain intervenor status for the fiscal year is required to submit specified application information by the last business day in April.

For the current fiscal year, the Commission set aside \$100,000 for allocation to eligible applicants. In addition, CEC placed \$25,000 in reserve to be allocated during this fiscal year in special cases where new or unforeseen issues arise for which an intervenor desires funding. CEC received five applications under the new guidelines and is now in the process of reviewing those applications. The Commission is scheduled to make a final decision regarding the allocation of the \$100,000 among the potential recipients at its June meeting.

As amended, the guidelines are virtually identical to a proposed regulatory package recently drafted by former CEC Public Adviser Tom Maddock to implement, interpret, and make specific SB 2211 (Rosenthal) (Chapter 1661, Statutes of 1990), which provided a second budget augmentation for the IFP in the amount of \$250,000. The proposed regulations (sections 2570-2582, 2584, and 2588, Article 4, Chapter 7, Division 2, Title 20 of the CCR) are expected to be formally adopted later this year. (See CRLR Vol. 11, No. 2 (Spring 1991) pp. 142-43 for background information.)

Solar Energy Tax Credit Regulations. CEC is currently engaged in rulemaking proceedings to repeal sections 2601-2607, Title 20 of the CCR, and adopt new sections 2600-2607, Title 20 of the CCR, pursuant to SB 227 (Chapter 1291, Statutes of 1989), which created a new state tax credit for commercial solar energy systems of 30 megawatts (MW) or more for tax years 1990-93, inclusive. In March, the Office of Administrative Law (OAL) rejected CEC's proposed regulatory action because it failed to meet the clarity, consistency, and necessity standards of Government Code section 11349.1, among other things. (See

CRLR Vol. 11, No. 2 (Spring 1991) p. 143 for background information.) CEC is currently revising its proposed regulatory package and was scheduled to resubmit the package to OAL on July 19.

OAL Rejects CEC Rulemaking. On May 1, CEC submitted to OAL its proposed amendments to its appliance efficiency regulations in sections 1601-1608, Title 20 of the CCR. The regulations set forth and establish energy efficiency standards, test methods, certification requirements, identification requirements, and enforcement requirements for appliances such as refrigerators and freezers, air conditioners, heaters, water heaters, plumbing fittings, and fluorescent lamp ballasts.

On May 31, OAL disapproved the proposed regulatory action, finding that CEC failed to comply with the clarity and consistency standards of Government Code section 11349.1; the rulemaking file did not contain a summary of and response to each public comment received regarding the proposed action; the rulemaking file did not contain all required documents and/or required documents included in the file were defective; and other required procedures were not followed. For example, OAL found that CEC had made a number of substantial regulation text changes following the initial public comment period, but failed to release the modified text for an additional 15-day public comment period, as required by Government Code section 11346.8(c). CEC has 120 days in which to correct these deficiencies and resubmit the regulatory action to OAL.

OAL Examining CEC Policies. In January, OAL published notice in the *California Regulatory Notice Register* that it had received a request for a regulatory determination pursuant to Government Code section 11347.5. The request, which was made by the California Municipal Utilities Association (CMUA), seeks OAL's determination whether nine separate CEC policies are regulations as defined in Government Code section 11342(b), and are thus subject to the rulemaking requirements of the Administrative Procedure Act. For example, CMUA states that CEC has adopted a policy that "when a plant is under the CEC's jurisdiction, significant changes to that plant are logically within the Commission's jurisdiction, even if the changes do not result in an increase of 50 MW or more." According to CMUA, many of the challenged policies were articulated as bases for CEC's assertion of jurisdiction in the pending Harbor Generating Station Repowering Project matter (*see infra* LITIGATION for background information). OAL's



deadline for releasing its decision was April 10; however, at this writing, no determination on this matter has been published in the *Notice Register*.

CEC Releases Quarterly Oil Report. In May, CEC released its *Quarterly Oil Report* for the fourth quarter of 1990. The report noted that the average international crude oil price during the fourth quarter of 1990 was \$29.38 per barrel, 68% higher than twelve months earlier. Further, self-serve retail gasoline prices were 32-50% higher than the previous year. During the fourth quarter, oil company revenues increased an average of 36% (\$3.4 billion) from the previous year, while net income increased 480%, from \$97 million during the fourth quarter of 1989 to \$564 million in the fourth quarter of 1990.

CEC Releases Draft Global Climate Change Report. Pursuant to AB 4420 (Sher) (Chapter 1506, Statutes of 1988), CEC is required to conduct a study and report its findings to the legislature and Governor on "how global warming trends may affect California's energy supply and demand, economy, environment, agriculture, and water supplies." In late March, CEC released *Global Climate Change: Potential Impacts and Policy Recommendations*; this draft report incorporates previous assessments regarding potential impacts of global climate change on California and an inventory of greenhouse gas emissions attributable to the state. The draft report also identifies a number of actions that could be taken to reduce greenhouse gas emissions and actions California could take to adapt to potentially changing climate conditions. (See CRLR Vol. 10, No. 4 (Fall 1990) pp. 170-71 and Vol. 8, No. 4 (Fall 1988) pp. 113-14 for background information.)

CEC's Intergovernmental Relations Committee, which is assigned to prepare the final report for CEC, held a public hearing on April 25 to receive opinions and comments regarding the draft report and the establishment of a statewide goal for the reduction of greenhouse gases. CEC staff is currently reviewing the comments received.

CEC Releases Second Edition of Practice and Procedure Guide. On May 1, CEC announced the release of the second edition of its practice and procedure guide entitled *Participating in the Siting Process*. The guide, which is prepared by the CEC Public Adviser's Office, is designed to aid parties participating in a Notice of Intention (NOI), Application for Certification (AFC), or Small Power Plant Exemption (SPPE) proceeding before the Commission. The guide explains how to participate in the siting

process, as well as general procedures, requirements, practices, and the intervenor role.

According to CEC, the procedures described in the guide seek to maximize the time available to parties for analysis and information gathering at the beginning of the proceeding; provide workshops for the exchange of information among the parties and the resolution of substantive issues on which the parties agree; identify and narrow issues that must be heard in a single series of trial-like evidentiary hearings; and afford a full opportunity for the parties to argue the weight and effect of the evidence before and after the preparation of the proposed decision.

The siting process begins when an applicant files an NOI, AFC, or SPPE. Each application is very detailed and must fully explain the applicant's proposed project, as well as the expected environmental and other impacts from the project. Only after CEC determines that an application is sufficiently complete does the formal siting proceeding commence. The practice and procedure guide takes the applicant or intervenor through each step of the siting process, up to and including any hearings, decisions, or appeals.

International Energy Developments. In January, CEC's Energy Technology Export Program released a solicitation for proposals to perform pre-feasibility activities for energy projects in foreign countries. In response, the Commission received 21 proposals from California companies proposing to perform pre-feasibility activities including environmental assessments, economic and financial studies, legal structures, geophysical and chemical analyses, market penetration studies, resource assessments, and private power packaging. At its April 3 meeting, CEC distributed \$250,000 in matching grant funds to those firms whose projects CEC believed would be able to improve the California economy, its business presence internationally, and its trade balance.

LEGISLATION:

AB 1267 (Sher), as introduced March 6, would declare the policy of the state and the intent of the legislature to employ a wide range of measures to reduce the state's contribution to global climate change and the production of greenhouse gases. It would require CEC to submit a report the legislature by July 1, 1993, addressing the impacts of, and the mitigation or reduction of, greenhouse emissions. The bill would also enact the Global Climate Change Act of 1991; it would require state agencies to

consider the effects of climate change on their areas of jurisdiction. It would establish, within CEC, the California Greenhouse Information Center, and would require state and local agencies to forward to the Center copies of any written material developed on climate changes. AB 1267 was passed by the Assembly on May 16 and is pending in the Senate Committee on Energy and Public Utilities.

SB 1212 (Committee on Energy and Public Utilities). Existing law requires a specified percentage of the motor vehicles purchased by the state to be low-emission motor vehicles, if available. As amended April 25, this bill would instead require specified percentages of the new motor vehicles purchased by the state in 1993 and thereafter to be low-emission or alternative fuel motor vehicles meeting certain requirements, if available. The bill would also exempt programs operated by CEC to encourage the use of alternative fuels, or alternative fuel vehicles, as defined, from specified public contract and regulatory requirements. This bill is pending in the Senate Appropriations Committee.

SB 1216 (Rosenthal), as amended May 23, would enact the Energy Security and Clean Fuels Act of 1992 which would authorize, for purposes of financing a specified energy security and clean fuels program, the issuance of bonds in the amount of \$100 million. This bill is pending in the Senate Appropriations Committee.

SB 103 (Morgan) temporarily reenacts repealed provisions of law which provide property tax incentives for the construction of solar power plants. The primary beneficiary of this bill is Luz International, a Los Angeles-based company which is building and operating a large complex of solar collectors in the Mojave Desert; because of SB 103, Luz will receive an estimated \$10 million annual property tax break. However, the bill was also supported by CEC and environmental groups such as the Sierra Club, which argued that such a bill is necessary to help reduce California's dependence on fossil fuels. The bill was originally enrolled to Governor Wilson on April 8; however, the Governor requested that unspecified changes be made to the bill to reduce the amount of lost revenues to the state. However, according to Senator Morgan, the Governor reviewed additional information on the project and asked to have the bill returned to his desk; he subsequently signed the bill on May 14 (Chapter 28, Statutes of 1991).

AB 1273 (Speier), as amended April 18, would establish the State Facilities



REGULATORY AGENCY ACTION

Energy Efficiency Task Force, prescribe its membership, and require the task force on or before January 1, 1993, to issue a five- and ten-year plan to implement cost-effective energy efficiency measures in public buildings. This bill is pending in the Assembly Ways and Means Committee.

SB 1214 (Killea), as amended May 30, would require CEC to perform various planning and program identification functions relative to achieving petroleum use reduction targets. This bill is pending on the Senate floor.

AB 2198 (Sher), as amended May 7, would state the policy of the state and the intent of the legislature that state and municipal electric resource acquisition programs recognize and include a value for the resource diversity provided by renewable resources. This bill is pending on the Assembly floor.

AB 1338 (Harvey, et al.), as amended May 2, would require CEC to develop recommendations for a program to be implemented on the campuses of the University of California and the California State University to expand the use of alternative fuels in medium-duty vehicles; CEC would be required to submit its recommendations to the legislature by March 1, 1992. This bill is pending on the Assembly floor.

The following is a status update on bills reported in detail in CRLR Vol. 11, No. 2 (Spring 1991) at pages 144-45:

AB 920 (Hayden), as amended May 24, would require CEC to adopt and implement a plan to reduce annual emissions of carbon dioxide, and require CEC to adopt and implement a fee schedule on sources of carbon dioxide emissions to cover development of the plan. This bill is pending in the Assembly Ways and Means Committee.

AB 1064 (Sher), as amended May 23, would require CEC to include in its biennial report recommendations relative to practicable and cost-effective conservation and energy efficiency improvements for investor-owned and publicly-owned utilities. It would also require CEC, in conjunction with the Public Utilities Commission and investor-owned and municipal utilities, to establish a comprehensive demand-side data monitoring and evaluation system to provide detailed and reliable statistics on actual energy savings from all classes of demand-side management programs. This bill is pending in the Assembly Ways and Means Committee.

AB 1090 (Hayden), as amended May 8, would declare legislative intent concerning CEC's duty to promote energy diversity and greater reliance upon

renewable energy resources. This bill is pending on the Assembly floor.

AB 1122 (Sher), as amended May 15, and *SB 51 (Torres)*, as amended April 10, would both create the California Environmental Protection Agency (Cal-EPA) by reorganizing the Resources Agency and transferring functions of agencies outside the Resources Agency to the new Cal-EPA. AB 1122 would include within Cal-EPA the Air Resources Board, the California Integrated Waste Management and Recycling Board, the California Energy Commission, and the Water Resources Control Board; SB 51 would include all of those agencies except the Energy Commission. (See *supra* agency report on AIR RESOURCES BOARD for related discussion.) AB 1122 is pending in the Assembly Ways and Means Committee; SB 51 is pending in the Senate Appropriations Committee.

AB 1586 (Moore), as amended May 30, would require CEC, on or before January 1, 1993, to certify home energy conservation rating systems and procedures that calculate energy and utility bill savings to be expected from conservation measures. CEC would also be required to certify a uniform rating scale for measuring dwelling energy efficiency and potential utility bill savings. This bill is pending in the Assembly Ways and Means Committee.

SB 634 (Rogers). Existing law authorizes CEC to make loans from geothermal revenues deposited in the Geothermal Resources Development Account to entities engaged in the exploration and development of geothermal energy. As amended May 20, this bill would also authorize CEC to make grants to those entities. This bill passed the Senate on May 24 and is pending in the Assembly Natural Resources Committee.

SB 1203 (Committee on Energy and Public Utilities), as introduced March 8, would abolish CEC and create the California Energy Resources Board, and authorize the Board to succeed to all powers, authority, responsibilities, and programs of CEC. This bill is pending in the Senate Committee on Energy and Public Utilities.

SB 1204 (Committee on Energy and Public Utilities), as introduced March 8, would return, effective January 1, 1993, CEC's authority to certify new powerplant sites and facilities to cities and counties for projects utilizing non-nuclear energy. Cities and counties would be authorized to refer an application for such certification to CEC. This bill is pending in the Senate Committee on Energy and Public Utilities.

SB 1205 (Committee on Energy and Public Utilities), as amended March 19, would require CEC, by January 1, 1993, to evaluate and report to the legislature on economic and environmental benefits of energy-efficient appliance technologies which are commercially available, in comparison to minimum appliance efficiencies required by federal standards, and upon specified findings, to apply for a waiver of the federal preemption against more efficient state standards. This bill is pending in the Senate Appropriations Committee.

SB 1206 (Committee on Energy and Public Utilities), as amended April 22, would require CEC and the Department of General Services, on or before January 1, 1993, to adopt energy efficiency measures for new state buildings and to adopt goals for the reduction of energy consumption in existing state buildings. This bill is pending in the Senate Appropriations Committee.

SB 1207 (Committee on Energy and Public Utilities), as introduced March 8, would amend existing law which requires CEC to adopt, by June 30, 1992, home energy rating and labeling guidelines that may be used by homeowners to make cost-effective decisions regarding the energy efficiency of their homes. The bill would require CEC to adopt a single, consistent method for rating the energy efficiency of both new and existing homes by January 1, 1993. The bill is pending in the Senate Appropriations Committee.

SB 1208 (Committee on Energy and Public Utilities), as introduced March 8, would require CEC, as part of the biennial report it must submit to the legislature, to establish priority technologies for research, development, and demonstration; establish specific performance goals for these priority technologies; and develop research, development, and demonstration programs which pursue these technologies. This bill is currently pending in the Senate Appropriations Committee.

AB 1732 (Costa), as amended May 21, would require CEC to develop best practice/best technology model codes for energy-efficient new residential and nonresidential buildings, which shall be available for voluntary adoption by local governments. This bill is pending in the Assembly Ways and Means Committee.

AB 2130 (Brown), as amended May 7, would direct CEC to prescribe, by regulation, standards for minimum levels of operating efficiency, maximum energy consumption, or efficiency design requirements, based on a reasonable use pattern, for appliances whose use, as determined by CEC, requires a signifi-



cant amount of energy on a statewide basis; and require CEC, by January 1, 1993, to adopt energy conservation measures that are cost-effective and feasible for privately-owned residential buildings. This bill is pending in the Assembly Ways and Means Committee.

LITIGATION:

In *CEC v. Department of Water and Power, City of Los Angeles*, No. B-055524, currently pending in the Second District Court of Appeal, CEC is seeking review of the trial court's decision that the Los Angeles Department of Water and Power's (LADWP) Harbor Generating Station Repowering Project is not subject to CEC's jurisdiction. The Los Angeles County Superior Court agreed with LADWP that the Repowering Project is not subject to CEC's jurisdiction as it cannot be considered a "modification of an existing facility" under Public Resources Code section 25123 or a "construction of any facility" under section 25110. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 140 and Vol. 10, No. 4 (Fall 1990) pp. 167-68 for detailed background information on this case.) CEC had until July 31 to file its opening brief with the Court of Appeal; LADWP will have 30 days to file its responding brief.

FUTURE MEETINGS:

CEC meets every other Wednesday in Sacramento.

CALIFORNIA INTEGRATED WASTE MANAGEMENT AND RECYCLING BOARD

Executive Director:

Ralph E. Chandler

Chair: Michael Frost

(916) 322-3330

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 repealed SB 5, thus abolishing CIWMB's predecessor, the California Waste Management Board (CWMB). (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 110-11 for extensive background information.)

CIWMB reviews and issues permits for landfill disposal sites and oversees the operation of all existing landfill disposal sites. The Board is authorized to require counties and cities to prepare Countywide Integrated Waste Management Plans (CoIWMPs), upon which the

Board will review, permit, inspect, and regulate solid waste handling and disposal facilities. A CoIWMP submitted by a local government must outline the means by which its locality will meet AB 939's requirements of a 25% waste stream reduction by 1995 and a 50% waste stream reduction by 2000. Under AB 939, the primary components of waste stream reduction are recycling, source reduction, and composting.

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, Title 14 of the California Code of Regulations (CCR).

The new CIWMB is composed of six full-time salaried members: one member who has private sector experience in the solid waste industry (appointed by the Governor); one member who has served as an elected or appointed official of a nonprofit environmental protection organization whose principal purpose is to promote recycling and the protection of air and water quality (appointed by the Governor); two public members appointed by the Governor; one public member appointed by the Senate Rules Committee; and one public member appointed by the Speaker of the Assembly.

The new Board begins its work under a new enabling statute, with a variety of recently enacted bills and many new regulations. The Board is operating on a \$53 million budget during fiscal year 1990-91, and will deploy an enlarged staff of about 200 in meeting the solid waste management needs of the state.

The Board position reserved for a representative of environmental protection groups remains empty, waiting for an appointment by Governor Wilson.

MAJOR PROJECTS:

Board Appoints New Executive Director. In May, CIWMB announced its selection of Ralph E. Chandler as its new Executive Director. Chandler previously served for nearly two years as Chief of the Division of Recycling at the Department of Conservation, and was with the state's beverage container recycling program since its inception in 1986. Chandler, a graduate of UC Davis with a degree in economics and business

management, will earn an annual salary of \$91,224.

CIWMB Included in Governor's Cal-EPA Plan. On April 17, Governor Wilson released the details of his plan to create the California Environmental Protection Agency (Cal-EPA). Pursuant to his "executive reorganization" authority under Government Code section 12080 *et seq.*, Wilson proposes to establish Cal-EPA and place within it the cabinet-level Office of the Secretary for Environmental Protection and six distinct units:

- three existing agencies from the Resources Agency—CIWMB, the Air Resources Board, and the Water Resources Control Board (including the regional water quality control boards); these boards will retain their existing memberships, jurisdiction, and autonomy;

- the Department of Toxic Substances Control (transferred intact from the Department of Health Services), which would handle responsibility for the regulation and clean-up of hazardous waste;

- the Department of Pesticide Regulation, transferred intact from the California Department of Food and Agriculture (CDFA); and

- the Office of Environmental Health Hazard Assessment (functions transferred from DHS), which would oversee risk assessment and the implementation of the Safe Drinking Water and Toxics Enforcement Act of 1986 (Proposition 65).

Under the Governor's reorganization plan, the Secretary will serve as the primary point of accountability for the management of environmental protection programs. The Office of the Secretary will bring together functions which cut across the various programs designed to address pollution in a single medium (e.g., air, surface water, groundwater, land). In releasing his plan, Wilson acknowledged that it will not necessarily lead to a change in environmental law or policy, but is intended to correct the current "dilution of accountability" by consolidating related environmental responsibilities now divided among several state agencies.

Following its release to the public, the reorganization plan was forwarded to the legislature and to the Commission on California State Government Organization and Economy (the "Little Hoover Commission"), which studied it, held public hearings on May 22-23, and released its evaluation of the proposal on June 7. The Little Hoover Commission concluded that the Cal-EPA plan should be adopted, but made several recommendations for legislative adjustment of the