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AGENDA

Monday, June 10, 2024
2:30 p.m. -- State Capitol, Room 447

BILLS HEARD IN SIGN-IN ORDER

**** = Bills Proposed for Consent**

- | | | | |
|----|------------------|-----------------------------|--|
| 1. | SB 312 | Wiener | California Environmental Quality Act: university housing development projects: exemption. Pulled by Author |
| 2. | **SB 504 | Dodd | Wildfires: defensible space: grant programs: local governments. |
| 3. | SB 689 | Blakespear | Local coastal program: bicycle lane: amendment. |
| 4. | SB 768 | Caballero | California Environmental Quality Act: Transportation Agency: vehicle miles traveled: study. |
| 5. | **SB 1046 | Laird | Organic waste reduction: program environmental impact report: small and medium compostable material handling facilities or operations. |
| 6. | SB 1175 | Ochoa Bogh | Organic waste: reduction goals: local jurisdictions: waivers. |
| 7. | **SB 1361 | Blakespear | California Environmental Quality Act: exemption: local agencies: contract for providing services for people experiencing homelessness. |
| 8. | **SB 1520 | Natural Resources and Water | Public resources. |

Date of Hearing: June 10, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac Bryan, Chair

SB 504 (Dodd) – As Amended June 4, 2024

SENATE VOTE: 37-0

SUBJECT: Wildfires: defensible space: grant programs: local governments.

SUMMARY: Updates defensible space requirements and implementation timeframes.

EXISTING LAW:

- 1) Requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material, to at all times maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as provided. (Public Resources Code (PRC) 4291.5)
- 2) Requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within a very high fire hazard severity zone (VHFHSZ) designated by the local agency to, at all times, maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as provided. (Government Code (GC) 51182)
- 3) Requires California Department of Forestry and Fire Protection (CAL FIRE) to establish a local assistance grant program for fire prevention and home hardening education activities in California. (PRC 4124.5 (a))
- 4) Requires CAL FIRE, when reviewing applications for the local assistance grant program, to prioritize any local governmental entity qualified to perform defensible space assessments in very high and high fire hazard severity zones (FHSZ) for using the common reporting platform. (PRC 4124.5 (f))
- 5) Requires the State Fire Marshal (SFM) to identify areas in the state as moderate, high, and very high fire hazard severity zones (FHSZs) based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. (GC 51178)
- 6) Requires the State Board of Forestry and Fire Protection (Board) to adopt regulations for an ember-resistant zone for the elimination of materials that would likely be ignited by embers. (GC 51182)

THIS BILL:

- 1) For defensible space requirements in a very high fire hazard severity zone designated by a local agency:

- a) Deletes reference to land in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material.
 - b) Requires, without reference to weather conditions, fuels to be maintained and spaced in a condition so that a wildfire would be unlikely to ignite the structure.
 - c) Authorizes the Board's regulations for an ember-resistant zone to additionally alter the fuel reduction required between 5 and 30 feet to integrate the ember-resistant zone into the existing defensible space requirements.
 - d) Requires existing and new structures to meet the standards for the ember-resistant zone, and requires regulations to allow the staging of work for existing structures to support implementation of the ember-resistant zone and address the costs of compliance.
 - e) Extends, from one year to three years, the effective date for new structures to meet the requirements for an ember-resistant zone.
- 2) Requires CAL FIRE, when reviewing applications for the local assistance grant program for fire prevention and home hardening education activities, to give priority to any local governmental entity qualified to perform defensible space assessments in very high and high FHSZs or by a local agency using the common reporting platform created to report that information.
- 3) For defensible space requirements in the state responsibility area (SRA):
- a) Deletes reference to a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material.
 - b) Authorizes the Board's regulations for an ember-resistant zone to additionally alter the fuel reduction required between 5 and 30 feet to integrate the ember-resistant zone into the existing defensible space requirements in the SRA.
 - c) Requires existing and new structures in the SRA to meet the standards for the ember-resistant zone, and requires regulations to allow the staging of work for existing structures to support implementation of the ember-resistant zone and address the costs of compliance.
 - d) Extends, from one year to three years, the effective date for new structures in the SRA to meet the requirements for an ember-resistant zone.
- 4) Provides that no reimbursement is required by this act pursuant to the California Constitution.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement:**

Over the last eight years, California has been dealing with a growing number of destructive wildfires that despoil precious landscapes, destroy property, and even result in loss of life. In response, the Legislature and Governor have enacted and funded numerous programs, laws and regulations to enhance, prevent, and protect against these catastrophic wildfire losses. As time goes by and we gain experience on how to better implement the programs, laws and regulations we've enacted, we need to make updates so they all work better. SB 504 is a cleanup bill to existing law pertaining to wildfire protection and defensible space around homes in high wildfire threat severity zones. The changes included in SB 504 will strengthen the effectiveness of our laws pertaining to wildfire protection, help better protect life and property, and may even help encourage property casualty insurers to return to the California market.

- 2) **Defensible space.** In recent years, California has experienced a growing number of highly destructive wildfires. Of the 20 most destructive wildfires in California's recorded history, 13 have occurred since 2017. Together, these 13 fires caused tremendous damage, destroying nearly 40,000 structures, taking 148 lives, and charring millions of acres of land.

Defensible space is the buffer created between a building on a property and the grass, trees, shrubs, or any wildland area that surrounds it. This space is needed to slow or stop the spread of wildfire, and it helps protect structures from catching fire. A 2019 analysis done by CAL FIRE of the relationship between defensible space compliance and destruction of structures during the seven largest fires that occurred in California in 2017 and 2018 concluded that the odds of a structure being destroyed by wildfire were roughly five times higher for noncompliant structures compared to compliant ones.

The defensible space for all structures within the SRA and VHFHSZ is 100 feet. CAL FIRE additionally requires the removal of all dead plants, grass, and weeds, and the removal of dry leaves and pine needles within 30 feet of a structure. In addition, tree branches must be 10 feet away from a chimney and other trees within that same 30 feet surrounding a structure. AB 3074 (Friedman), Chapter 259, Statutes of 2020, established an ember-resistant zone within 5 feet of a structure as part of revised defensible space requirements for structures located in FHSZs. The Board has not yet promulgated regulations effectuating that defensible space requirement (known as Zone 0).

SB 63 (Stern), Chapter 382, Statutes of 2021, requires CAL FIRE to adopt high FHSZs in the local responsibility area (LRA), which includes incorporated cities, urban regions, agriculture lands, and portions of the desert where the local government is responsible for wildfire protection. Currently, only VHFHSZs are adopted for the LRA.

- 3) **Ember-resistant zone.** Current law establishes the requirement for the Zone 0 ember-resistant defensible space, but the law doesn't provide explicit authority to the Board to ensure the requirements of Zone 0 and Zone 1 (removal of dead and dried plants within 30-feet) are supportive of each other despite their zones' contiguous coverage. This bill authorizes the Board's regulations for the ember-resistant zone to additionally alter the fuel reduction required between 5 and 30 feet to integrate the ember-resistant zone into the existing defensible space requirements.

- 4) **A little more time.** When the Zone 0 regulations are adopted, current law requires the requirements to take effect for existing structures one year after the effective date for new structures. To provide more time to meet these requirements, which are likely going to be costly for existing home owners, this bill extends the timeframe to three years for existing structures to comply with the ember-resistant requirements.
- 5) **Updating the codes.** SB 504 makes various changes to the statutes on defensible space to update terminology, and reflect conversations at the Board with stakeholders about Zone 0 implementation.

In the defensible space requirements for structures in VHFHSZs and the SRA, the bill deletes topographical references to structures in areas “in or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material,” which is verbiage dating back to the mid-1960s. Wildfires are not confined to any specific type of geography or topography, as evidenced by the October 2017 Tubbs Fire that burned 5% of the structures in the City of Santa Rosa. Furthermore, climate change is perpetuating more unpredictable wildfire patterns, making the references to mountains and grass-covered lands outdated in today’s wildfire climate.

Current defensible space laws also require fuels to be maintained and spaced so that a wildfire burning under average weather conditions would be unlikely to ignite a structure. Because climate change alters wind patterns, and changes wildfire conditions, this bill proposes deleting the reference to “burning under average weather conditions” since ‘average’ is undefined, and also an inappropriate benchmark since fires can burn and spread in all wind conditions.

- 6) **Local assistance grant program.** The Legislative Analyst’s Office (LAO) September 2021 report, *Reducing the Destructiveness of Wildfires: Promoting Defensible Space in California*, reported that not all areas of the state are inspected regularly, resulting in uninspected parcels and uneven data across the state. The LAO reported that local agencies vary widely in their inspection rate of properties in the high fire risk areas in the LRA, with inspection rates ranging from 3% to 100% across the state.

To incentivize data submission, this bill would require CAL FIRE, when reviewing applications for the local assistance grant program for fire prevention and home hardening education activities, to give priority to any local governmental entity qualified to perform defensible space assessments in very high and high FHSZs or by a local agency for using the common reporting platform created to report that information.

- 7) **Related legislation.** AB 3150 (Quirk Silva) transfers authorities related to designation of fire hazards from the Board to the State Fire Marshal (SFM). This bill is referred to the Senate Natural Resources and Water Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California Water Agencies
City of Santa Rosa

Opposition

None on file

Analysis Prepared by: Paige Brokaw / NAT. RES. /

Date of Hearing: June 10, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SB 689 (Blakespear) – As Amended June 3, 2024

SENATE VOTE: 31-8

SUBJECT: Local coastal program: bicycle lane: amendment

SUMMARY: Provides that an application by a local government to convert an existing motorized vehicle travel lane into a dedicated bicycle lane, dedicated transit lane, or a pedestrian walkway shall not require a traffic study for the processing of either a coastal development permit (CDP) or an amendment to a local coastal plan (LCP).

EXISTING LAW, Pursuant to the California Coastal Act (Coastal Act) (Public Resources Code (PRC) 30000 *et seq.*):

- 1) Declares that it is a basic goal of the state to maximize public access to and along the coast and to maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners. (PRC 30001.5 (c))
- 2) Requires any person wishing to perform or undertake any development in the coastal zone, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a CDP. (PRC 30600)
- 3) Requires each local government lying, in whole or in part, within the coastal zone to prepare a LCP for that portion of the coastal zone within its jurisdiction. (PRC 30500)
- 4) Defines “development” to mean, among other things, the placement or erection of any solid material or structure on land or in water. “Structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (PRC 30106)
- 5) Requires all new development to, among other things, minimize energy consumption and vehicle miles traveled (VMT). (PRC 30253 (f))
- 6) Provides for LCPs to be amended by the local government and that the amendment does not take effect until certified by the Coastal Commission (Commission). Authorizes the executive director of the Commission to determine that a proposed LCP amendment is de minimis if the executive director determines that a proposed amendment would have no impact, either individually or cumulatively, on coastal resources, is consistent with specified policies of the Coastal Act, and meets the specified criteria. (PRC 30514)

THIS BILL:

- 1) Finds and declares that designing and building complete streets that safely accommodate the needs of nonmotorized vehicles, pedestrians, and motorized vehicles in the coastal zone is preferred and encouraged.

- 2) Provides that, in order to expedite the provision of safe, nonvehicular travel within urbanized areas for the purpose of increasing recreational public access to the coast, limiting VMT, and reducing greenhouse gas emissions, an application by a local government to convert an existing motorized vehicle travel lane into a dedicated bicycle lane, a dedicated transit lane, or a pedestrian walkway shall not require a traffic study for the processing of either a CDP or an amendment to a LCP.
- 3) Requires, if a proposal to convert an existing motorized vehicle travel lane into a dedicated bicycle lane, dedicated transit lane, or a pedestrian walkway within the developed portion of an existing road right-of-way requires an amendment to a LCP, the amendment to be processed pursuant to the requirements of the Coastal Act, if the executive director determines that, on balance, the project will provide additional public access benefits without significantly reducing existing public access opportunities.

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill will have negligible state costs.

COMMENTS:

1) **Author's statement:**

SB 689 will help ensure that bike lane projects are not unnecessarily delayed. The climate crisis we find ourselves in demands a comprehensive approach that eliminates bureaucratic hurdles and facilitates transportation projects to meet the State's climate goals.

- 2) **Active transportation.** Active transportation is the use of non-vehicular modes of transportation, including bicycling, walking, skateboarding, etc. Providing greater access to safe modes of active transit improve local air quality through reduced VMT, give greater opportunities for physical activity, enhance public health benefits, and provide a broad spectrum opportunities for greater transit options.

California has taken steps to encourage the development of active transportation infrastructure as part of maintaining and improving the highway system. In 2017, the Department of Transportation (Caltrans) published the first-ever statewide plan for active modes of transportation, *Toward an Active California - State Bicycle and Pedestrian Plan*, with the following vision statement, "By 2040, people in California of all ages, abilities, and incomes can safely, conveniently, and comfortably walk and bicycle for their transportation needs." All California cities and counties are required to include complete streets policies as part of any substantial revision to the circulation element of their general plans; the complete streets policy requires that roadways are planned, designed, and operated for the safety of all people, including people biking and walking. Each Caltrans District is in the process of completing a districtwide bicycle and pedestrian plan in order to address active transportation needs throughout the state.

Californians love to bike. The League of American Bicyclists reports that 0.74% of Californians bike to work. No government body in California regularly keeps track of the number of miles of bikeways in a uniform manner, but the U.S. Department of Transportation estimates that California has 396,540 miles of road, nearly 250,000 of which are in urban areas. More than 45% of motor vehicle trips are 3 miles or less, and the average

bicycle trip distance is 2.4 miles, according to the 2017 National Household Travel Survey. More bike lanes can lead to greater biking and reduced VMT.

- 3) **Local Coastal Plans.** The Coastal Act declares that it is a basic goal of the state to maximize public access to and along the coast and to maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners. Further, the Coastal Act requires new development in the Coastal Zone to minimize energy consumption and VMT and provides that the location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service; providing nonautomobile circulation within the development; and, assuring that the recreational needs of new residents be balanced with the provision of onsite recreational facilities to serve the new development, among other things.

To manage development in the Coastal Zone, coastal local governments are required to develop LCPs that can carry out policies of the Coastal Act at the local level. LCPs are land use planning documents that lay out a framework for development and coastal resource protection within a city or county's Coastal Zone area. They are prepared by the local jurisdiction and submitted to the Commission for certification. About 73% of local jurisdictions in the coastal zone have approved LCPs. In the remaining jurisdictions that do not have an approved LCP, CDPs are issued by the Commission directly.

When a local government proposes amendments to its LCP, it must submit the amendments to the Commission to approve. Current law provides the Commission 90 working days to certify or refuse the proposed amendments.

The Commission's regulations establish procedures for reviewing and designating proposed amendments to an LCP as being minor in nature or as requiring rapid and expeditious action. Proposed amendments that are designated as being minor in nature or as requiring rapid and expeditious action are exempt from the statutory 90-day timeframe and take effect on the 10th working day after the Commission's designation. (Title 14, California Code of Regulations 13554 *et seq.*)

Further, the executive director of the Commission may determine that a proposed LCP amendment is *de minimis* if the executive director determines that a proposed amendment would have no impact, either individually or cumulatively, on coastal resources and meets specified criteria.

- 4) **Traffic lane studies.** This bill provides that when a local government applies to the Commission for a CDP or an LCP amendment to convert a vehicle travel lane into a bicycle lane, a dedicated transit lane, or a pedestrian walkway, the local government is not required to provide a traffic study as part of its application submittal to the Commission.

The Coastal Act does not specifically require a traffic study to be conducted, though the Commission has asked for traffic studies from time to time depending on the nature of the project. Traditionally, the role of traffic studies has been to evaluate the potential impacts of a proposed development on public access to the coast.

While not all bicycle lane projects in the coastal zone currently require a CDP or an LCP amendment, some local governments have faced delays in building active transportation infrastructure in areas covered by LCPs. For example, as reported by KPBS, on West Point Loma Boulevard in San Diego, there is a stretch of road where cyclists must currently share a lane with vehicles. San Diego developed plans to redesign the road that would have reduced the number of lanes and used the new space to establish a separated bike lane with street parking acting as a barrier to protect cyclists from traffic. However, the local LCP designates the Boulevard as a 4-lane road, so implementing the design would have required amending the LCP, which would have delayed and increased costs of the redesign.

Relieving local governments from having to prepare a traffic study for bicycle lane projects encourages local governments to consider public access to the coast and in do so in partnership with the Commission when designing such projects.

- 5) **This bill.** SB 689 explicitly provides that an application by a local government to convert an existing motorized vehicle travel lane into a dedicated bicycle lane does not require a traffic study for the processing of either a CDP or an amendment to a LCP. The bill also requires, if a proposal to create a dedicated bicycle lane within the developed portion of an existing right-of-way requires an amendment to a LCP, the amendment to be processed pursuant to current law if the executive director determines that, on balance, the project will provide additional public access benefits without significantly reducing existing public access opportunities.
- 6) **Double referral.** This bill has been double-referred to the Assembly Transportation Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Bicycle Coalition
Circulate San Diego
City of Carlsbad
City of Encinitas
City of Long Beach
City of Oceanside
City of San Diego
City of Santa Monica
Ride SD
San Diego Regional Chamber of Commerce
San Francisco Bay Area Planning and Urban Research Association
Streets for All

Opposition

Livable California

Analysis Prepared by: Paige Brokaw / NAT. RES. /

Date of Hearing: June 10, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SB 768 (Caballero) – As Amended May 29, 2024

SENATE VOTE: 34-4

SUBJECT: California Environmental Quality Act: Transportation Agency: vehicle miles traveled: study

SUMMARY: Requires the Transportation Agency (CalSTA) to study how vehicle miles traveled (VMT) is used as a metric for measuring transportation impacts pursuant to the California Environmental Quality Act (CEQA).

EXISTING LAW:

- 1) Requires lead agencies with the principal responsibility for carrying out or approving a proposed discretionary project to prepare a negative declaration (ND), mitigated negative declaration (MND), or environmental impact report (EIR) for this action, unless the project is exempt from CEQA. (Public Resources Code (PRC) 21000, *et seq.*)
- 2) Requires the Office of Planning and Research (OPR) to prepare and develop proposed guidelines for the implementation of CEQA by public agencies. Requires the guidelines to include objectives and criteria for the orderly evaluation of projects and the preparation of EIRs and NDs. Also requires the guidelines to include criteria for public agencies to follow in determining whether a proposed project may have a significant effect on the environment. (PRC 21083)
- 3) Requires OPR to prepare proposed revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts within transit priority areas (TPAs). Requires the criteria to promote the reduction of greenhouse gas (GHG) emissions, the development of multimodal transportation networks, and a diversity of land uses. (PRC 21099)
- 4) Authorizes OPR to adopt CEQA Guidelines establishing alternative metrics to traffic “levels of service” (LOS) for transportation impacts outside of TPAs. Authorizes the alternative metrics to include the retention of LOS, where appropriate and as determined by OPR. (PRC 21099)
- 5) Defines “transit priority area” as an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan. (PRC 21099)

THIS BILL:

- 1) Requires CalSTA, on or before January 1, 2028, to conduct and post on its internet website a study on how VMT is used as a metric for measuring transportation impacts pursuant to CEQA.
- 2) Requires CalSTA to consult with local governments and other interested parties.
- 3) Requires the study to include:
 - a) An analysis of the implementation and ramifications of the CEQA guidelines for determining the significance of transportation impacts.
 - b) An analysis of the methodologies used to create VMT reduction targets as part of a mitigation measure at the local, regional, and statewide level.
 - c) An analysis and comparison of how VMT impacts and mitigation measures are identified, measured, and deployed at the local, regional, and statewide level that shall include an exhaustive list of project types that are considered to increase capacity, induce VMT, or both.
 - d) An inventory of the cost of VMT mitigation measures to projects thus far, and an analysis of whether the cost of those measures either indefinitely delayed, temporarily delayed, or necessitated the phasing of those projects.
 - e) An inventory of project types, if any, that are exempted from analysis of VMT.
 - f) An analysis of the differences in the availability and feasibility of mitigation measures for VMT in rural, suburban, and urban areas, including best strategies and planning changes to mitigate VMT in areas where public transportation is inadequate.
 - g) A discussion of the relationship between VMT reduction, greenhouse gas emissions reduction, housing, transportation, economic development, and equity.
- 4) Declares that implementation is contingent upon an appropriation by the Legislature.
- 5) Sunsets January 1, 2029.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Background.** LOS is a measure used by traffic engineers to determine the effectiveness of elements of transportation infrastructure. It measures the presence of traffic and how quickly cars can move through a street.

Some contend that LOS is outdated and neglects transit, pedestrian crossings, and bicycles, and believe that an over-reliance on LOS considerations by planners had led to widening intersections and roadways to move automobile traffic faster at the expense of other modes of transportation.

In response, SB 743 (Steinberg), Chapter 386, Statutes of 2013, required OPR to update the criteria for analyzing transportation impacts of projects to replace LOS in TPAs (areas within a one-half mile of a major transit stop, existing or planned). According to SB 743, “(n)ew methodologies under (CEQA) are needed for evaluating transportation impacts that are better able to promote the state’s goals of reducing (GHG) emissions and traffic-related air pollution, promoting the development of multimodal transportation system, and providing clean, efficient access to destinations.” Under SB 743, the criteria was required to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. For areas outside of a TPA, OPR was authorized to adopt guidelines that would establish alternative metrics to LOS. Additionally, OPR could retain LOS as a part of those alternative metrics outside of a TPA, if and where OPR deemed appropriate.

Pursuant to SB 743, OPR proposed changes to the CEQA Guidelines that identify Vehicle Miles Traveled (VMT) as the most appropriate metric to evaluate a project’s transportation impacts and to apply VMT statewide (both within and outside of TPAs). VMT measures the amount and distance of automobile travel attributable to a project. Those Guidelines took effect July 2020 and agencies are now required to analyze the transportation impacts of a project using a VMT metric instead of LOS.

According to OPR’s *Technical Advisory on Evaluating Transportation Impacts in CEQA*, published in December 2018:

The transportation sector has three major means of reducing GHG emissions: increasing vehicle efficiency, reducing fuel carbon content, and reducing the amount of vehicle travel. The California Air Resources Board (CARB) has provided a path forward for achieving these emission reductions from the transportation sector in its 2016 Mobile Source Strategy. CARB determined that it will not be possible to achieve the State’s 2030 and post-2030 emission goals without reducing VMT growth. Further, in its 2018 Progress Report on California’s Sustainable Communities and Climate Protection Act, CARB found that despite the State meetings its 2020 climate goals, ‘emissions from statewide passenger vehicle travel per capita (have been) increasing and going in the wrong direction,’ and ‘California cannot meet its (long-term) climate goals without curbing growth in single-occupancy vehicle activity.’ CARB also found that ‘(w)ith emissions from the transportation sector continuing to rise despite increases in fuel efficiency and decreases in the carbon content of fuel, California will not achieve the necessary (GHG) emissions reductions to meet mandates for 2030 and beyond without significant changes to how communities and transportation systems are planned, funded, and built.’

Thus, to achieve the State’s long-term climate goals, California needs to reduce per capita VMT. This can occur under CEQA through VMT mitigation. Half of California’s GHG emissions come from the transportation sector, therefore, reducing VMT is an effective climate strategy, which can also result in co-benefits. Furthermore, without early VMT mitigation, the state may follow a path that meets GHG targets in the early years, but finds itself poorly positioned to meet more stringent targets later.

2) **Author’s statement:**

SB 768 will shed light on the statewide implementation of applying VMT as the new standard of measuring transportation impacts through CEQA, as required by SB 743. SB 743 required OPR create new metrics to measure a proposed development's impacts on traffic congestion and the environment through the CEQA process. Effective July 2020, OPR replaced the prior metric, LOS, which analyzed traffic patterns and road conditions, with VMT, which quantifies the number of vehicle trips a proposed development would generate.

We are only just beginning to see the consequences of this change. In areas without access to reliable, high quality public transportation and other multimodal options, developers must now consider how to mitigate VMT in their projects, through fees or implementation of other measures, which ultimately drive up costs. For housing development, especially in rural parts of the state, where public transportation is sparse or non-existent, increased project costs are passed on to the homebuyer or renter. SB 768 tasks CalSTA with conducting a study of the implementation and impact of VMT to ensure the adoption of this standard is fair, equitable, and achieving its proposed goals.

REGISTERED SUPPORT / OPPOSITION:

Support

Associated General Contractors of California
California State Association of Counties
Contra Costa Transportation Authority
League of California Cities
Riverside County Transportation Commission
Rural County Representatives of California

Opposition

None on file

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /

Date of Hearing: June 10, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SB 1046 (Laird) – As Amended April 9, 2024

SENATE VOTE: 36-0

SUBJECT: Organic waste reduction: program environmental impact report: small and medium compostable material handling facilities or operations

SUMMARY: Requires the California Department of Resources Recycling and Recovery (CalRecycle) to develop a Program Environmental Impact Report (PEIR) for small and medium sized compost facilities by January 1, 2027.

EXISTING LAW:

- 1) Requires, under the California Environmental Quality Act (CEQA), lead agencies with the principal responsibility for carrying out or approving a project to prepare a negative declaration (ND), mitigated negative declaration (MND), or environmental impact report (EIR) for the project, unless the project is exempt from CEQA. (Public Resources Code (PRC) 21000 *et seq.*)
- 2) For a project that may have a significant effect on the environment, requires the lead agency to prepare a draft EIR. (California Code of Regulations (CCR) 15064)
- 3) Establishes and defines a PEIR in the CEQA guidelines as an EIR that may be prepared for a series of actions that can be characterized as one large project and are related either:
 - a) Geographically;
 - b) As logical parts in the chain of contemplated actions;
 - c) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or,
 - d) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. (CCR 15168)
- 4) Requires the Air Resources Board (ARB) to develop a comprehensive strategy to reduce the emissions of short-lived climate pollutants (SLCP) to achieve a 40% reduction in methane emissions, 40% reduction in hydrofluorocarbon gases, and 50% reduction in anthropogenic black carbon below 2013 levels by 2030. (Health and Safety Code (HSC) 39730-39730.5)
- 5) Requires the state to reduce the disposal of organic waste by 40% from the 2014 level by 2020 and 75% by 2025 to help achieve the state's methane reduction goal. (HSC 39730.6)
- 6) Requires CalRecycle, in consultation with the Air Resources Board (ARB), to adopt regulations to achieve the targets for reducing the disposal of organic waste in landfills. (PRC 42652.5)

THIS BILL:

- 1) Requires CalRecycle to develop and certify a PEIR to streamline the permitting process for small and medium compostable material handling facilities or operations in the state that accept agricultural, food, and green materials that are source separated or comingled by January 1, 2027. Specifies that the PEIR streamline the process with which jurisdictions can develop and site those facilities or operations to ensure organic material in the state is processed to its highest and best use.
- 2) Defines terms used in the bill, including
 - a) “Medium compostable material handling facility or operation” as a facility or operation that handles more than 5,000 and not more than 12,500 cubic yards of material, including feedstock, compost material, additives, amendments, and finished compost at any one time; and,
 - b) “Small compostable material handling facility or operation” as a facility or operation that handles not more than 5,000 cubic yards of material, including feedstock, compost material, additives, amendments, and finished compost at any one time.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, this bill has negligible state costs.

COMMENTS:

- 1) **CEQA.** CEQA provides a process for evaluating the environmental effects of applicable projects undertaken or approved by public agencies. If a project is not exempt from CEQA, an initial study is prepared to determine whether the project may have a significant effect on the environment. If the initial study shows that there would not be a significant effect on the environment, the lead agency must prepare a ND. If the initial study shows that the project may have a significant effect on the environment, the lead agency must prepare an EIR.

An EIR must accurately describe the proposed project, identify and analyze each significant environmental impact expected to result from the proposed project, identify mitigation measures to reduce those impacts to the extent feasible, and evaluate a range of reasonable alternatives to the proposed project. If mitigation measures are required or incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

Some projects that are similar may be grouped together under an umbrella EIR, known as a PEIR. The CEQA guidelines specify that a PEIR may be useful and appropriate for projects that are related geographically, as logical parts in a chain of actions, are connected to a set of rules, regulations, are plans related to a single program, or are a set of activities.

PEIRs can be used in two ways. A PEIR can be so comprehensive and detailed that it covers every environmental consideration that could come up for all the projects nested under the program: for these types of PEIRs, no further project-specific EIRs are needed. When a PEIR cannot cover all environmental considerations for the projects that fall under its purview, the PEIR can be used to cover environmental review for some aspects of those projects. In this case, the PEIR can be used in conjunction with a project-specific EIR that

provides additional, site specific analysis that was not include in the PEIR.

CalRecycle published a PEIR for anaerobic digestion technologies in July 2011. The final PEIR, which took a year and a half to prepare, included research on a range of topics that could be applied broadly to anaerobic digestion technologies, regardless of the site-specific placement of a given project. This included research on various anaerobic digestion technologies, typical locations of facilities, types of projects being considered statewide, barriers to implementing potential anaerobic digestion projects, environmental impacts, potential feedstocks, and best management practices to reduce environmental impacts.

To evaluate the potential environmental impacts associated with anaerobic digestion projects analyzed in the PEIR, CalRecycle took input from a Technical Advisory Group made up of more than 50 stakeholders.

- 2) **Organic waste management.** SB 1383 (Lara), Chapter 395, Statutes of 2016, requires ARB to approve and implement a comprehensive SLCP strategy to achieve, from 2013 levels, a 40% reduction in methane, a 40% reduction in hydrofluorocarbon gases, and a 50% reduction in anthropogenic black carbon by 2030. In order to accomplish these goals, the law specifies that the methane emission reduction goals include targets to reduce the landfill disposal of organic waste 50% by 2020 and 75% by 2025 from the 2014 level. SB 1383 also requires that by 2025, 20% of edible food that would otherwise be sent to landfills is redirected to feed people.

To achieve these targets, California's waste management infrastructure is going to have to process and recycle much higher quantities of organic materials, involving significant investments in additional processing infrastructure. Organic waste is primarily recycled by composting the material, which generates compost that can be used in gardening and agriculture as a soil amendment and engineering purposes for things like slope stabilization. Anaerobic digestion is also widely used to recycle organic wastes. This technology uses bacteria to break down the material in the absence of oxygen and produces biogas, which can be used as fuel, and digestate, which can also be used as a soil amendment.

- 3) **Target progress.** California has made progress towards the organic-waste diversion goals outlined in SB 1383: however, according to a report by the Little Hoover Commission in 2023, the state failed to reach its 2020 targets and is not on track to reach its 2025 goals. Progress towards the goals has been mixed. For example:
 - Jurisdictions report they rescued over 200,000 tons of unsold food in 2022, which is 87% of the SB 1383 edible food recovery target;
 - 464 out of 616 jurisdictions report having residential organic waste collection in place, which is 25% below the SB 1383 target; and,
 - Organics diverted for recycling increased from 9.9 million tons in 2021 to 11.2 million tons in 2022. CalRecycle estimates that approximately 27 million tons of organic material will need to be redirected from landfills in 2025 to meet the SB 1383 reduction goal, meaning that diversion rate in 2022 was just 41% of the 2025 goal statewide.

Expanding organic waste processing infrastructure has been and continues to be an essential step in achieving SB 1383's goals. As of 2024, California has 210 operating organics processing facilities, including 169 composting facilities, 17 anaerobic digestion facilities,

and 24 biomass operations. From October 2022 to December 2023, CalRecycle issued permits for seven solid waste facilities that included new compost, in-vessel digestion, and transfer/processing facilities for organic material.

According to CalRecycle, the state needs approximately 50 to 100 new or expanded organics facilities to recycle the additional 20-25 million tons of organic waste that will be collected to meet the SB 1383 organic waste reduction targets.

- 4) **This bill.** This bill requires CalRecycle to develop a PEIR for small to medium composting facilities to ease the regulatory barriers to citing new compost facilities. If composting facilities are similar enough to use elements of the PEIR, the PEIR has the potential to provide significant time-savings in the CEQA process for individual composting facilities and reduce the overall permitting timeline for these facilities. In addition to providing environmental review that could be directly used in individual project EIRs, those elements of environmental analysis would not be subject to legal challenge for individual projects once the PEIR has been approved.

5) **Author's statement:**

California set ambitious organic waste diversion and composting goals in an effort to curb methane emissions, a climate super pollutant 84 times more potent than carbon dioxide. However, California is not expected to meet its 2025 goal to reduce landfill disposal of organic materials by 75% below 2014 levels, which is partially attributed to insufficient infrastructure to process our organic waste.

Senate Bill 1046 requires the Department of Resources Recycling and Recovery to develop a program environmental impact report (PEIR) for small and medium compost facilities to streamline permitting and help the state meet its climate goals, all while maintaining California's strong environmental standards. A PEIR creates a clear and streamlined path to compliance for compost facilities, permitting agencies, and local governments, and reduces the time, cost, and resource barriers associated with the current permitting process. Additionally, small and medium compost facilities will help keep the compost closer to its point of generation to reduce emissions and wear and tear of road infrastructure. SB 1046 ensures a thoughtful approach to efficient development of compost facilities to meet our climate goals, without sacrificing environmental review.

- 6) **Cumulative impacts.** A number of bills relating to organic waste management have been introduced this year. While viewed individually, these bills have modest impacts on the state's efforts to achieve its SLCP reduction goals; however, added together, they may result in further hindering the state's ability to reduce these critical GHG emissions. As the bills move through the process, the authors should work together and with CalRecycle, stakeholders, and the relevant policy committees to ensure that the bills are complimentary and not duplicative or conflicting and that they do not negatively affect the state's SLCP reduction efforts. The bills include:

AB 2311 (Bennett) adds edible food recovery activities to the activities eligible for funding from CalRecycle's grant program that provides financial assistance to promote the

development of organic waste infrastructure and waste reduction programs (infrastructure grant program). This bill has been referred to the Senate Environmental Quality Committee.

AB 2346 (Lee) authorizes local jurisdictions to be credited for the procurement of recovered organic waste products through contracts with direct service providers, and authorizes jurisdictions to receive procurement credit for investments made in projects that increase organic waste recycling capacity. This bill has been referred to the Senate Environmental Quality Committee.

AB 2514 (Aguiar Curry) exempts small counties with a population less than 70,000 from the state's organic waste reduction requirements. This bill defines pyrolysis as the thermal decomposition of organic material at elevated temperatures in the absence of oxygen. This bill also requires CalRecycle to include hydrogen and pipeline biomethane converted from organic waste as eligible for procurement credit by local jurisdictions and requires CalRecycle to consider life cycle impacts when providing incentives to facilitate progress toward the organic waste reduction targets. This bill has been referred to the Senate Environmental Quality Committee.

AB 2902 (Wood) indefinitely extends the exemption for small rural counties with a population below 70,000 from the state's organic waste reduction requirements, as specified. This bill provides additional compliance flexibility for small counties that produce less than 200,000 tons of solid waste annually. This bill also provides a process by which jurisdictions located at higher altitudes may receive an exemption from CalRecycle where food waste collection bins pose a threat to public health or animal safety due to bears. This bill has been referred to the Senate Environmental Quality Committee.

SB 972 (Min) requires CalRecycle, ARB, and the California Environmental Protection Agency to hold at least two joint meetings each calendar year to coordinate the implementation of policies that affect organic waste reduction targets. This bill has been referred to the Assembly Natural Resources Committee.

SB 1045 (Blakespear) requires the Office of Planning and Research, in consultation with CalRecycle, to develop a model zoning ordinance that facilitates the siting of compost facilities and requires local jurisdictions, when amending a zoning ordinance to also amend an appropriate zoning ordinance based on the model ordinance. This bill also requires district or regional water boards to act on permits for compost facilities within 30 days. This bill has been referred to the Assembly Natural Resources Committee and the Assembly Local Government Committee.

SB 1175 (Ochoa Bogh) requires CalRecycle to consider alternatives to census tracts when establishing the boundaries for a low-population or elevation waiver from the state's organic waste reduction requirements. This bill has been referred to the Assembly Natural Resources Committee.

- 7) **Suggested amendment.** To avoid confusion about the types of organic waste that can be processed by the small and medium sized compost facilities and operations, *the committee may wish to amend the bill* to strike "that are source separated or comingled" from page 2, line 10.

REGISTERED SUPPORT / OPPOSITION:

Support

California Compost Coalition
California State Association of Counties
Californians Against Waste
City of Emeryville
City of Goleta
City of Thousand Oaks
League of California Cities
Recology
Rural County Representatives of California
South Bayside Waste Management Authority

Opposition

None on file

Analysis Prepared by: Elizabeth MacMillan / NAT. RES. /

Date of Hearing: June 10, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SB 1175 (Ochoa Bogh) – As Amended May 13, 2024

SENATE VOTE: 36-1

SUBJECT: Organic waste: reduction goals: local jurisdictions: waivers

SUMMARY: Requires the Department of Resources Recycling and Recovery (CalRecycle) to consider alternatives to census tracts when deciding the boundaries of low-population and elevation waivers from the state's organic waste diversion requirements.

EXISTING LAW:

- 1) Requires the Air Resources Board (ARB) to develop a comprehensive strategy to reduce the emissions of short-lived climate pollutants (SLCP) to achieve a 40% reduction in methane emissions, 40% reduction in hydrofluorocarbon gases, and 50% reduction in anthropogenic black carbon below 2013 levels by 2030. (Health and Safety Code (HSC) 39730-39730.5)
- 2) Requires the state to reduce the disposal of organic waste by 40% from the 2014 level by 2020 and 75% by 2025 to help achieve the state's methane reduction goal. (HSC 39730.6)
- 3) Requires that the regulations adopted by CalRecycle include requirements intended to meet the goal that not less than 20% of edible food that is currently disposed is recovered for human consumption by 2025, among other things. (Public Resources Code (PRC) 42652.5)
- 4) Requires CalRecycle, in consultation with ARB, to adopt regulations to achieve the state's organic waste reduction requirements. Specifies that the regulations, in part:
 - a) May require jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction and may authorize local jurisdictions to impose penalties on generators for noncompliance.
 - b) Include requirements intended to meet the goal that not less than 20% of edible food is recovered for human consumption by 2025.
 - c) May include penalties for noncompliance, as specified.
 - d) Specify that penalties for the organic waste procurement target established by CalRecycle shall be imposed on the following schedule:
 - i) On or after January 1, 2023, each jurisdiction shall procure a quantity of recovered organic waste products that meet or exceed 30% of its recovered organic waste procurement target;
 - ii) On or after January 1, 2024, each jurisdiction shall procure a quantity of recovered organic waste products that meet or exceed 65% of its recovered organic waste procurement target; and,

- iii) On and after January 1, 2025, each jurisdiction shall procure a quantity of recovered organic waste products that meet or exceed 100% of its recovered organic waste procurement target. (PRC 42652.5)
- 5) Authorizes CalRecycle to grant waivers to a jurisdiction, and some or all generators located within the jurisdiction, from some or all of the requirements, as specified, from the organic waste recycling requirements for low population census tracts, rural jurisdictions, and jurisdictions above 4,500 feet elevation, as specified. (California Code of Regulations (CCR) 18984.12)
- 6) Requires jurisdictions to annually procure a specified quantity of recovered organic waste products that meets or exceeds its annual organic waste procurement target. Specifies that the organic waste procurement target is calculated by multiplying the per capita procurement target (0.8 tons per resident per year) by the jurisdiction's population. (CCR 18993.1)

THIS BILL:

- 1) Requires CalRecycle, when it revises the regulations adopted pursuant to PRC 42652.5 after January 1, 2025, to consider boundaries submitted by local agencies, boundaries of incorporated cities, and boundaries of census-designated places in addition to census tracts when it reviews and evaluates a waiver application.
- 2) Prohibits CalRecycle from considering alternatives to census tracts until it adopts revised regulations.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, this bill has negligible state costs.

COMMENTS:

- 1) **Organic waste management.** SB 1383 (Lara), Chapter 395, Statutes of 2016, requires ARB to approve and implement a comprehensive SLCP strategy to achieve, from 2013 levels, a 40% reduction in methane, a 40% reduction in hydrofluorocarbon gases, and a 50% reduction in anthropogenic black carbon by 2030. In order to accomplish these goals, the law specifies that the methane emission reduction goals include targets to reduce the landfill disposal of organic waste 50% by 2020 and 75% by 2025 from the 2014 level. SB 1383 also requires that by 2025, 20% of edible food that would otherwise be sent to landfills is redirected to feed people.

To achieve these targets, California's waste management infrastructure is going to have to process and recycle much higher quantities of organic materials, involving significant investments in additional processing infrastructure. Organic waste is primarily recycled by composting the material, which generates compost that can be used in gardening and agriculture as a soil amendment and engineering purposes for things like slope stabilization. Anaerobic digestion is also widely used to recycle organic wastes. This technology uses bacteria to break down the material in the absence of oxygen and produces biogas, which can be used as fuel, and digestate, which can also be used as a soil amendment.

Though California has made significant progress toward achieving its SLCP reduction goals, more needs to be done. Since the program's implementation in 2022, 75% of California

communities (464 out of 616 jurisdictions) report that they have residential organic waste collection in place. According to CalRecycle, California now has 206 organic waste processing facilities and is building 20 more, and CalRecycle has invested over \$220 million in grants and loans for organics processing infrastructure. CalRecycle states that the state needs approximately 50 to 100 new or expanded organics facilities to recycle the additional 20-25 million tons of organic waste that will be collected to meet the SB 1383 organic waste reduction targets.

2) **Waivers.** CalRecycle has recognized that certain local entities face more challenges than others when developing organic waste infrastructure. Specifically, CalRecycle notes that "rural, elevation, and low-population jurisdictions have a small organic waste footprint and face significant challenges to collecting material." In response to these challenges, CalRecycle included waivers for some or all organics collection requirements for jurisdictions if they meet specific criteria:

- Low population waivers: Jurisdictions with a total population less than 7,500 or that disposed less than 5,000 tons of solid waste in 2014 may apply for a waiver from some or all of the regulations for up to five years.
- Rural exemptions: Jurisdictions that meet the statutory definition of a rural jurisdiction are eligible for an exemption from the regulations if the governing body adopts a resolution, as specified. The exemption is valid until December 31, 2026, or until five years after CalRecycle makes a determination that the statewide disposal of organic waste has not been reduced to 50% of the level of disposal during the 2014 calendar year, whichever is later.
- Elevation waivers: A jurisdiction may apply to CalRecycle for a waiver from the requirement to separate and recover food waste and food-soiled paper if the entire jurisdiction is, or in census tracts located in unincorporated portions of a county that are, located at or above 4,500 feet elevation.

Unlike rural exemptions, which rely on a statutory definition of "rural jurisdiction," the low-population and elevation waivers determine eligibility based on census tracts. Census tracts, unlike city or county lines, can split geographic areas in ways that pose logistical challenges for waste management entities. Waste hauling routes are typically based on town or city lines; therefore, waivers based on census tracts can create confusion on the part of collection entities in planning their waste hauling routes and cause residents to lose regularly scheduled organic waste pick up.

Additionally, relying on census tracts to evaluate waiver eligibility sometimes results in sparsely populated rural areas being found ineligible for an exemption because a portion of the census tract is embedded in a densely populated area.

The intent of this bill is to provide local governments with more flexibility to reach SB 1383 targets, and to provide CalRecycle with more flexibility to consider alternative boundaries to census tracts for determining waiver eligibility. While many areas of the state may benefit from this increased flexibility, it could result in more areas being eligible for waivers, which may potentially slow down SB 1383 implementation. This effect may be minimized due to the relatively small quantities of organics that lower population jurisdictions produce.

The author provides the example of Running Springs, an unincorporated jurisdiction in the San Bernardino Mountains. Running Springs is split between two census tracts: one with a low-population waiver and one with an elevation waiver, leading to neighbors having to comply with different collection requirements. According to the author, waste management entities have consequently halted regularly scheduled organic waste pickup (such as pine needles, which can pose fire risks). Instead, residents must either drop off their waste at designated sites, or elect for monthly pickup services (6 bags per month at an additional cost, which often times is an insufficient number of bags for the large quantities of pine needles). Allowing CalRecycle to consider other boundaries for elevation waivers, which exempt jurisdictions from the requirement to separate and recover food waste and food-soiled paper, may provide more certainty for waste haulers in towns such as Running Springs to plan their routes based on consistent collection requirements.

CalRecycle has issued waivers to 151 jurisdictions from some or all of the organic waste collection requirements, a substantial increase from 54 entities in 2023.

3) **Author's statement:**

Recognizing that parts of SB 1383 (Lara, 2016) were difficult to implement in mountainous, sparsely-populated, and rural areas of the state, CalRecycle began accepting applications for waivers and exemptions to SB 1383 collection requirements. One of three waivers may be granted to exempt areas from SB 1383 collection requirements for varying periods. However, these waivers are awarded based not on well-established boundaries, like city or county lines, but on census tracts, which are geographic regions defined only for census purposes. The result is that the boundaries of areas eligible for a waiver make little sense for the purposes of disposing of organic waste.

For example, Running Springs, an unincorporated town in the San Bernardino Mountains, is split between two census tracts: one with a low-population waiver and one with an elevation waiver. This means that neighbors living across the street from each other have to comply with different collection requirements, which poses logistical challenges for waste management entities.

Due to these challenges, many households in the San Bernardino mountains have lost regularly scheduled organic waste pickup. Given that much of this region is designated as a "Very High Fire Hazard" zone, regular disposal of highly flammable organic waste such as pine needles is of the utmost importance.

To provide more flexibility to local governments in their attempts to reach emission reduction goals, SB 1175 will require CalRecycle to consider alternatives in addition to census tracts when deciding the boundaries of a jurisdiction eligible for a waiver of some or all of the collection requirements of SB 1383.

- 4) **Cumulative impacts.** A number of bills relating to organic waste management have been introduced this year. While viewed individually, these bills have modest impacts on the state's efforts to achieve its SLCP reduction goals; however, added together, they may result

in further hindering the state's ability to reduce these critical GHG emissions. As the bills move through the process, the authors should work together and with CalRecycle, stakeholders, and the relevant policy committees to ensure that the bills are complimentary and not duplicative or conflicting and that they do not negatively affect the state's SLCF reduction efforts. The bills include:

AB 2311 (Bennett) adds edible food recovery activities to the activities eligible for funding from CalRecycle's grant program that provides financial assistance to promote the development of organic waste infrastructure and waste reduction programs (infrastructure grant program). This bill has been referred to the Senate Environmental Quality Committee.

AB 2346 (Lee) authorizes local jurisdictions to be credited for the procurement of recovered organic waste products through contracts with direct service providers, and authorizes jurisdictions to receive procurement credit for investments made in projects that increase organic waste recycling capacity. This bill has been referred to the Senate Environmental Quality Committee.

AB 2514 (Aguiar Curry) exempts small counties with a population less than 70,000 from the state's organic waste reduction requirements. This bill defines pyrolysis as the thermal decomposition of organic material at elevated temperatures in the absence of oxygen. This bill also requires CalRecycle to include hydrogen and pipeline biomethane converted from organic waste as eligible for procurement credit by local jurisdictions and requires CalRecycle to consider life cycle impacts when providing incentives to facilitate progress toward the organic waste reduction targets. This bill has been referred to the Senate Environmental Quality Committee.

AB 2902 (Wood) indefinitely extends the exemption for small rural counties with a population below 70,000 from the state's organic waste reduction requirements, as specified. This bill provides additional compliance flexibility for small counties that produce less than 200,000 tons of solid waste annually. This bill also provides a process by which jurisdictions located at higher altitudes may receive an exemption from CalRecycle where food waste collection bins pose a threat to public health or animal safety due to bears. This bill has been referred to the Senate Environmental Quality Committee.

SB 972 (Min) requires CalRecycle, ARB, and the California Environmental Protection Agency to hold at least two joint meetings each calendar year to coordinate the implementation of policies that affect organic waste reduction targets. This bill has been referred to the Assembly Natural Resources Committee.

SB 1045 (Blakespear) requires the Office of Planning and Research, in consultation with CalRecycle, to develop a model zoning ordinance that facilitates the siting of compost facilities and requires local jurisdictions, when amending a zoning ordinance to also amend an appropriate zoning ordinance based on the model ordinance. This bill also requires district or regional water boards to act on permits for compost facilities within 30 days. This bill has been referred to the Assembly Natural Resources Committee and the Assembly Local Government Committee.

SB 1046 (Laird) requires CalRecycle to prepare a program environmental impact report that streamlines the California Environmental Quality Act process for small

and medium sized compost facilities. This bill has been referred to the Assembly Natural Resources Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Riverside County
Rural County Representatives of California
San Bernardino County

Opposition

None on file

Analysis Prepared by: Elizabeth MacMillan / NAT. RES. /

Date of Hearing: June 10, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SB 1361 (Blakespear) – As Amended April 8, 2024

SENATE VOTE: 36-0

SUBJECT: California Environmental Quality Act: exemption: local agencies: contract for providing services for people experiencing homelessness

SUMMARY: Exempts from the California Environmental Quality Act (CEQA) actions taken by a local agency to approve a contract for providing homeless services, including case management, resource navigation, security services, residential services, and counseling services.

EXISTING LAW:

- 1) Requires, pursuant to CEQA, lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA. (Public Resources Code (PRC) 21000, *et seq.*)
- 2) Exempts from CEQA actions taken by the Department of Housing and Community Development (HCD), the California Housing Finance Agency (CalHFA), or a local agency not acting as the lead agency to provide financial assistance or insurance for the development and construction of affordable housing if the project that is the subject of the application for financial assistance or insurance will be reviewed pursuant to CEQA by another public agency. (PRC 21080.10)

FISCAL EFFECT: Non-fiscal

COMMENTS:

- 1) **Background.** CEQA provides a process for evaluating the environmental effects of applicable projects undertaken or approved by public agencies. If a project is not exempt from CEQA, an initial study is prepared to determine whether the project may have a significant effect on the environment. If the initial study shows that the project would not have a significant effect on the environment, the lead agency must prepare a negative declaration. If the initial study shows that the project may have a significant effect, the lead agency must prepare an EIR.

CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines. The exemption this bill seeks to amend was enacted by SB 1925 (Sher), Chapter 1039, Statutes of 2002, a larger CEQA housing measure that sought to increase infill, affordable and farmworker housing while still ensuring environmental protections consistent with CEQA. More recently, CEQA exemptions for pre-development financing actions related to affordable housing have been added for other specific project types and agencies, such as SB 679 (Kamlager), Chapter 661, Statutes of 2022, for the Los Angeles County Affordable Housing Solutions Agency and AB 1319 (Wicks), Chapter 758, Statutes of 2023, for the Bay Area Housing Finance Authority.

It is unclear that a public agency's action to approve a contract for providing homeless services is subject to CEQA, or that any such actions have been challenged for non-compliance with CEQA. In an apparent abundance of caution, this bill confirms that such actions are not subject to CEQA.

2) **Author's statement:**

Between 2010 and 2023, the number of Californians who are unhoused increased by approximately 47 percent. Between 2022 and 2023 alone, the number of people who were unhoused in San Diego County increased by 10,264, a 14 percent increase. Over the past seven years, the Legislature has enacted unprecedented reforms to address the root cause of rising homelessness in the state: housing underproduction. Nevertheless, experts estimate it will take years for local governments and housing developers to fully implement these laws and even more time for California's communities to achieve their housing production targets. In this interim, barriers must be cleared to ensure local governments can provide humanitarian support to people who are unhoused. SB 1361 will provide a CEQA exemption to actions local governments take to execute contracts for homelessness services. This will close a potential opportunity for frivolous lawsuits intended to hinder local homelessness aid efforts across California.

3) **Double referral.** This bill has been double-referred to the Assembly Housing and Community Development Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

All Home
 California Apartment Association
 California Chamber of Commerce
 California State Association of Counties
 City and County of San Francisco
 City of San Diego
 City of Thousand Oaks
 Housing California
 LeadingAge California
 League of California Cities
 Mayor Darrell Steinberg, City of Sacramento
 PATH (People Assisting the Homeless)
 Rural County Representatives of California
 Steinberg Institute

Opposition

None on file

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /

Date of Hearing: June 10, 2024

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SB 1520 (Committee on Natural Resources and Water) – As Introduced March 6, 2024

SENATE VOTE: 36-0

SUBJECT: Public resources

SUMMARY: Omnibus bill that makes various consensus, or technical and clarifying changes to statute under the Senate Natural Resources & Water Committee’s jurisdiction.

EXISTING LAW:

- 1) Prohibits a fully protected fish from being taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of a permit or license to take a fully protected fish, and no permit or license previously issued shall have force or effect for that purpose. Authorizes the Department of Fish and Wildlife to authorize the taking of a fully protected fish for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species. (Fish and Game Code 5515)
- 2) Establishes a policy of the state to discourage conveyances of federal public lands in California from the federal government. Specifies that these conveyances are void ab initio unless the State Lands Commission (SLC) was provided with the right of first refusal or the right to arrange for the transfer of the federal public land to another entity. Requires SLC to issue a certificate of compliance if SLC was provided with the right of first refusal or the right to arrange for the transfer of the federal public land to another entity. (Public Resources Code (PRC) 8560)
- 3) Provides that a person shall not knowingly present for recording or filing with a county recorder a deed, instrument, or other document related to a conveyance subject to Section 8560 of the PRC unless it is accompanied by a certificate of compliance from the SLC. (Government Code (GC) 6223)

THIS BILL:

- 1) Renames the fully protected Colorado River squawfish to the Colorado pikeminnow.
- 2) Repeals Chapter 5 (commencing with Section 8560) of PRC related to conveyance of federal lands.
- 3) Repeals Chapter 3.4 (commencing with Section 6223) of the GC related to the recording of documents.

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill would have negligible state costs.

COMMENTS:

1) **Need for the bill.** From time to time, the Senate Natural Resources and Water Committee authors an omnibus bill of technical and non-controversial statutory changes affecting state agencies and law under the Committee's jurisdiction.

2) **California Department of Fish and Wildlife.** When identifying particular species, state law typically provides both the common and scientific names of a given species. Occasionally, the common name of a species changes over time.

This bill would update the common name of *Ptychocheilus lucius*, a fully protected fish, from Colorado squawfish to Colorado pikeminnow.



3) **State Lands Commission.** SB 50 (Allen), Chapter 535, Statutes of 2017 established a state policy to discourage conveyances that transfer ownership of federal public lands in California from the federal government. Generally, it provides that conveyances of federal public lands in California are void ab initio unless SLC was provided with the right of first refusal to the conveyance or the right to arrange for the transfer of the federal public land to another entity. In 2018, the U.S. District Court for the Eastern District of California declared SB 50 unconstitutional and permanently enjoined the SLC from enforcing it (*United States v. California*, No. 2:18-cv-721-WBS-DB, 2018 LEXIS 188306 (E.D. Cal. Nov. 1, 2018)). This bill would repeal SB 50 in its entirety to reflect the 2018 decision.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file

Opposition

None on file

Analysis Prepared by: Paige Brokaw / NAT. RES. /