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California State Assembly

NATURAL RESOURCES



ISAAC G BRYAN
CHAIR

AGENDA

Thursday, August 27, 2026
Upon Call of the Chair -- State Capitol, Room 444

Chief Consultant
Lawrence Lingbloom

Principal Consultant
Elizabeth MacMillan

Senior Consultant
Paige Brokaw

Committee Secretary
Martha Gutierrez

PURSUANT TO ASSEMBLY RULE 77.2

BILLS HEARD IN SIGN-IN ORDER

- | | | | |
|----|---------|---------------|---|
| 1. | AB 40 | Bonta | California Environmental Quality Act: environmental impact reports: coal handling, storage, and export. |
| 2. | AB 2674 | Schiavo | State Air Resources Board: internet website: methane emissions data. |
| 3. | SB 328 | Grayson | California Environmental Quality Act: exempt surplus land.(Urgency) |
| 4. | SB 344 | Weber Pierson | California Environmental Quality Act: City of San Diego: mixed-use development project.(Urgency) |

CONSENT ITEM

- | | | | |
|----|---------|------------|---------------------------------|
| 5. | SCR 180 | Valladares | Hydrogen: decarbonization tool. |
|----|---------|------------|---------------------------------|

Date of Hearing: August 27, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 40 (Bonta) – As Amended August 21, 2026

SUBJECT: California Environmental Quality Act: environmental impact reports: coal handling, storage, and export

SUMMARY: Requires that new projects for the handling, storage, or export of more than 5 million tons per year of coal be reviewed in an environmental impact report (EIR) under the California Environmental Quality Act (CEQA) and that certain conditions, including changing the type of coal or increasing the quantity of coal handled, stored, or exported, triggers a subsequent EIR, among other provisions.

EXISTING LAW:

- 1) Requires lead agencies with the principal responsibility for carrying out or approving a proposed discretionary project to prepare a negative declaration, mitigated negative declaration, or an EIR for this action, unless the project is exempt from CEQA (CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines). (Public Resources Code (PRC) 21000 *et seq.*)
- 2) Requires a lead agency or responsible agency to prepare a subsequent or supplemental EIR only if specified events occur, such as when new information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available. (PRC 21166 (c))
- 3) Requires the Office of Land Use and Climate Innovation 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 negative declarations in a manner consistent with the statute. (PRC 21083)

THIS BILL:

- 1) Defines the following terms:
 - a) “Large-volume bulk coal facility” as a facility with a design capacity exceeding 5 million short tons per year of coal handling, storage, or export. Excludes a building, use, or infrastructure located at the same site, located within the same specific plan or redevelopment area, or covered by the same EIR as a large-volume bulk coal facility, if that building, use, or infrastructure does not handle, store, transport, or export coal, even if the building, use, or infrastructure was considered to be part of an overall project previously evaluated in an EIR that also addressed the large-volume bulk coal facility.
 - b) “Type of coal” refers to the classification of coal as lignite, subbituminous, bituminous, or anthracite.
- 2) Requires, before issuing the initial discretionary approval for a large-volume bulk coal facility, a lead agency to prepare or cause to be prepared an EIR.

- 3) Requires issuance of any permit by an air pollution control district or air quality management district that authorizes construction, or increases potential emissions, of a large-volume bulk coal facility to be considered a discretionary approval and not be exempt from CEQA.
- 4) Prohibits, independent of the conditions for a subsequent EIR and adopted guidelines, a lead agency, air pollution control district, or air quality management district from relying on an existing EIR to issue a discretionary approval for or to a large-volume bulk coal facility, and a subsequent EIR, or a new EIR required, if any of the following conditions are met:
 - a) There is a change in the type of coal handled, stored, or exported, or the EIR did not explicitly address the type of coal to be handled, stored, or exported;
 - b) There is a significant increase in the quantity of coal handled, stored, or exported, or the EIR did not explicitly disclose the quantity of coal to be handled, stored, or exported; or,
 - c) There is an increase in the design capacity of a project that did not previously meet the definition of a large-volume bulk coal facility so that the total amount of coal handled, stored, or exported exceeds 5 million short tons per year.
- 5) Provides that if a previously certified EIR for a large-volume bulk coal facility did not specifically analyze the environmental impacts of coal handling, storage, and transportation, that EIR does not retain informational value.
- 6) Prohibits a lead agency, air pollution control district, or air quality management district from relying on an EIR described above and requires those entities to treat a large-volume bulk coal facility analyzed in that EIR as a new project, independent of the project that was analyzed in that EIR.
- 7) Prohibits, in addition to the other requirements under CEQA and adopted guidelines, an EIR or subsequent EIR prepared pursuant to this bill from being certified, and prohibits the project from being approved, unless the EIR or subsequent EIR does both of the following:
 - a) Identifies the type or types of coal and potential volume of coal that may be handled, stored, or exported at a large-volume bulk coal facility, and evaluate the environmental impacts of, and mitigation for, the handling, storage, or export of the coal type or types and volume of coal; and,
 - b) Evaluates the large-volume bulk coal facility's potential to generate fugitive dust emissions of fine particulate matter (PM2.5) and coarse particulate matter (PM10) during construction and operations and require mitigation measures sufficient to prevent a significant increase in ambient concentrations of PM2.5 and PM10 beyond the facility's boundaries. Requires, where the local air pollution control district or air quality management district has adopted a numeric individual project threshold for increases in ambient concentrations of PM2.5 or PM10, those thresholds to be used to determine significance.
- 8) Provides that nothing in this bill shall be construed to do any of the following:
 - a) Require a new, subsequent, or supplemental EIR for a building, use, or infrastructure that is not a large-volume bulk coal facility;

- b) Affect the validity of a previously certified EIR or other determination made for a building, use, or infrastructure that is not a large-volume bulk coal facility; and,
 - c) Affect the ability of a lead agency, air pollution control district, or air quality management district to rely on or tier from, a previously certified EIR or other determination made pursuant to this division for a building, use, or infrastructure that is not a large-volume bulk coal facility.
- 9) Requires the provisions of this bill to apply retroactively to any discretionary approval for a large-volume bulk coal facility by a lead agency, air pollution control district, or air quality management district that is pending or made between June 4, 2026, and January 1, 2027.
- 10) Provides that the provisions of this bill are severable.
- 11) Provides that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Coal.** While California's native coal deposits are limited to lignite, the state tracks all four major ranks of coal when reviewing regional energy markets, industrial uses, or legacy imports:
- Lignite is the lowest rank of coal with the highest moisture content and lowest heat value, and has is low in carbon (25–35%). Because it is poor fuel for burning, California's lignite was historically used to extract wax for products like candles, shoe polish, and lipstick rather than generating electricity.
 - Subbituminous is a dull black coal with a lower heating value than bituminous. It has a carbon content around 40%.
 - Bituminous is a middle-to-high rank, dense, and commonly used in coal powered plants or steel production.
 - Anthracite is the highest rank and has the highest carbon content (86–97%).

There are no active commercial coal mines in California and the state eliminated all coal-fired electricity generation, yet coal is still transported through the state along freight railways and near freight facilities.

- 2) **Increased coal pollution in California.** On June 4, 2026, the Trump Administration announced \$700 million in federal funding to support coal-fired power plants and coal export infrastructure, including \$425 million for 13 coal plants nationwide and \$75 million for construction of the Oakland Bulk and Oversized Terminal (OBOT). The terminal has a documented design capacity of 9–10 million short tons of coal annually and is expected to begin operations in 2028.

The U.S. coal mining industry, especially companies with mines in western states, have long sought greater access to export markets due to declining domestic demand and closures of domestic coal plants.

This investment in Oakland would facilitate the transport of millions of tons of coal through communities across U.S., increasing exposure to coal dust, diesel emissions, and other environmental and public health risks.

A 2023 Air Resources Board-funded assessment found that passing coal trains significantly increase ambient PM_{2.5} concentrations. PM_{2.5} exposure is causally linked to a wide range of adverse health outcomes, including premature mortality, cardiovascular and respiratory diseases, adverse birth outcomes, and cognitive/developmental impairments.

- 3) **California Environmental Quality Act.** The CEQA process is intended to: (1) inform government decision-makers and the public about the potential environmental effects of proposed activities; (2) identify the ways that environmental damage can be avoided or significantly reduced; (3) prevent significant, avoidable environmental damage by requiring changes in projects, either by the adoption of alternatives or imposition of mitigation measures; and, (4) disclose to the public why a project was approved if that project has significant environmental impacts that cannot be mitigated to a less than significant level.

An EIR is the central document prepared when a proposed project is likely to have significant environmental impacts that cannot be avoided or mitigated to a less than significant amount. When an EIR has been prepared for a project, no further environmental review is needed, except in the following circumstances:

- a) Substantial changes are proposed in the project which will require major revisions of the EIR.
- b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR.
- c) New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

In these cases, the project would have to do a subsequent EIR. A subsequent EIR is given the same public review process as a project EIR, providing another opportunity for public engagement with the new information.

- 4) **Oakland terminal.** In 2002, the City of Oakland (City) prepared an EIR that evaluated the environmental impacts of the Oakland Army Base (OAB) Redevelopment Plan and Army Base Reuse Plan. On July 29, 2002, the City Planning Commission certified the 2002 EIR, and the Oakland Base Reuse Authority adopted the 2002 EIR and approved the Reuse Plan. The EIR does not discuss the possibility of developing a bulk goods terminal for coal.

In 2012, as the City and the Port of Oakland substantially refined a portion of the Redevelopment Plan, the City prepared an Initial Study/Addendum to the 2002 EIR for the 2012 OAB Project. The City expressly considered whether the changed project required a subsequent or supplemental EIR. It concluded that a new EIR was not needed and that an addendum was appropriate because the changes would not result in new significant

environmental effects. The 2012 Addendum discussed developing a bulk goods terminal but did not identify or analyze coal as a potential commodity.

In 2012 and 2013, the City entered into agreements with developers including OBOT to develop a bulk cargo shipping terminal at the former OAB. The proposed terminal was envisioned as a bulk-cargo facility where bulk goods would arrive by rail, be transferred to ships, and be exported. The initial environmental review did not identify coal as a commodity to be handled at the terminal because coal was not envisioned as part of the project.

In 2015, after news reports surfaced that the OBOT project would be built to export coal from Utah, Environmental organizations filed a CEQA lawsuit in Alameda County Superior Court arguing that Oakland had failed to perform the environmental review required before approving a coal-export operation. The groups voluntarily dismissed their lawsuit without prejudice after the City of Oakland represented that the City was exploring actions to address the possibility that the terminal would be used for coal.

There has never been a stand-alone CEQA EIR prepared specifically for the OBOT as the terminal was treated as part of the redevelopment of the former OAB and addressed in the 2002 EIR and 2012 Addendum for that project.

- 5) **This bill.** AB 40 requires a full EIR before a lead agency can grant an initial discretionary approval for a new or expanded bulk coal handling, storage, or export facility with a design capacity exceeding 5 million short tons per year. It also requires updated environmental review when the type or quantity of coal changes and would prohibit an air district from granting discretionary approval without such review. Lastly, the bill requires every relevant EIR to evaluate the facility's potential to generate fugitive dust emissions and to include mitigation sufficient to prevent a significant increase in ambient concentrations beyond the facility's boundaries.

The bill applies retroactively to discretionary approval for a large-volume bulk coal facility that is pending or made between June 4, 2026, and January 1, 2027, to ensure it covers OBOT.

6) **According to the author:**

California's environmental review framework was not built for what is happening in West Oakland right now. The Trump administration has invoked a Cold War-era emergency law to direct \$75 million toward the construction of a bulk coal export terminal on one of the most environmentally overburdened communities in California, a community that was designated a first-year priority under AB 617's Community Air Protection Program precisely because of its documented cumulative pollution burden.

The environmental review that the terminal's operators rely upon is over a decade old. It did not account for the type of coal now planned, nor the volumes now projected, which have grown dramatically. And it predates peer-reviewed, CARB-funded science establishing that coal trains measurably increase dangerous levels of fine particulate matter in the communities they pass through. AB 40 closes that gap. It ensures that before any public agency issues a discretionary approval for a large-scale coal terminal in California, there is a full EIR that reflects the actual

coal, the actual volume, and the actual science, and that where significant air quality impacts are found, the developer must demonstrate enforceable mitigation before any approval can be issued.

REGISTERED SUPPORT / OPPOSITION:

Support

1000 Grandmothers for Future Generations
350 Bay Area Action
350 Humboldt
Alameda County Board of Supervisors,
District 5
Apen Action
Bay Area-system Change Not Climate
Change
Biofuelwatch
California Democratic Party
California Environmental Justice Alliance
California Environmental Voters
California Green New Deal Coalition
California Nurses for Environmental Health
& Justice
California Sportfishing Protection Alliance
Californians for Energy Choice
Ceja Action
Center for Biological Diversity
Center for Environmental Health
Center on Race, Poverty and the
Environment
Citizens' Climate Lobby
City of Alameda
City of Berkeley
City of Emeryville
Clean Water Action
Cleaneearth4kids.org
Climate Action California
Climate Future California
Climate Health Now Action Fund
Climate Reality Project Bay Area Chapter
Coalition for Clean Air
Common Vision
Communities for a Better Environment
Dayenu: a Jewish Call to Climate Action
Earthjustice
East Bay Democratic Socialists of America
East Bay Permanent Real Estate
Cooperative
Elders Climate Action Northern California

and Southern California Chapters
Environmental Protection Information
Center
Extinction Rebellion San Francisco Bay
Area
Facts Families Advocating for Chemical and
Toxics Safety
Families Advocating for Chemical and Tech
Safety
Food & Water Watch
Fossil Free California Votes
Friends Committee on Legislation of
California
Green Party of Alameda County
Greenaction for Health and Environmental
Justice
Healthy Martinez
Immaculate Heart Community
Environmental Commission
Labor Rise Climate Jobs Action Group
No Coal in Oakland
NRDC
Oil & Gas Action Network
Our City Sf
Pesticide Action and Agroecology Network
Physicians for Social Responsibility - Los
Angeles
Planning and Conservation League
Reimagine Richmond
Resource Renewal Institute
Richmond Shoreline Alliance
San Francisco Bay Physicians for Social
Responsibility
San Francisco Baykeeper
San Francisco Policy Action Team / Climate
Reality Bay Area
Santa Cruz Climate Action Network
Scientist Rebellion Turtle Island West
Sierra Club
Sierra Club California
Skyline Community Church UCC

Solidarityinfo service
Spur
St. Columba Catholic Church
Stop Oak Expansion Coalition
Sunflower Alliance
The Climate Center
Unite Here Local 2
United Native Americans

Wellstone Democratic Renewal Club
West Berkeley Alliance for Clean Air and
Safe Jobs
West Oakland Environmental Indicators
Project
West Oakland Neighbors
Youth Vs. Apocalypse

Opposition

Bay Area Council
California Chamber of Commerce
California Manufacturers and Technology Association
Commercial Real Estate Development Association
Naiop of California
Insight Terminal Solutions, LLC
Pacific Merchant Shipping Association
Western States Petroleum Association

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

Date of Hearing: August 27, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 2674 (Schiavo) – As Amended June 11, 2026

SUBJECT: State Air Resources Board: internet website: methane emissions data

SUMMARY: Requires the Air Resources Board (ARB) to post temperature and monitoring data regarding methane emissions from landfills on its website.

EXISTING LAW:

- 1) Grants local and regional authorities the primary responsibility for controlling stationary source air pollution and establishes 35 air pollution control districts in the state. (Health & Safety Code (HSC) 40000 *et seq.*)
- 2) Establishes requirements for handling and disposing of solid waste, as well as the permitting and operation of solid waste facilities. (Public Resources Code (PRC) 43000 *et seq.*)
- 3) Requires the Department of Resources Recycling and Recovery (CalRecycle) to adopt certification requirements for local enforcement agencies (LEAs) that cover the permitting, inspection, and enforcement of regulations at solid waste facilities, as well as inspection and enforcement of litter, odor, and nuisance requirements. (PRC 43200)
- 4) Requires municipal solid waste (MSW) landfills to install gas collection and control systems in compliance with various federal regulations on landfill emissions. (Section 60.36f of Title 40 of the Code of Federal Regulations)
- 5) Establishes, by regulation under the landfill methane rule (LMR), requirements for landfill operators to report data on temperature, gas composition, and other data necessary to determine the presence and severity of a subsurface elevated temperature event at a landfill.

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

COMMENTS:

- 1) **Landfill monitoring.** MSW landfill monitoring requirements are set by federal regulations established by the United States Environmental Protection agency (USEPA), and the frequency of the monitoring is generally dependent on what is being monitored. In most cases, landfills are subject to:
 - Quarterly Monitoring:
 - Surface emissions monitoring ensures methane emissions are kept below a certain level and to assess how effectively the gas collection and control systems (GCCS) are working.
 - Components containing landfill gas under pressure must be monitored for leaks.
 - Groundwater elevations measured to determine groundwater gradient and direction.

- Chemical analysis of groundwater samples may also be required, especially if certain constituents are detected at elevated levels.
- Monthly Monitoring:
 - Wellheads at landfills using GCCS must conduct monthly monitoring of items such as temperature, oxygen, nitrogen, methane and pressure levels.
 - Landfill covers are inspected monthly to identify and repair issues such as exposed waste, leachate breakouts, and erosion gullies.
- Weekly Monitoring:
 - The overall integrity of a landfill site, including the cover material, drainage structures, potential erosion areas, and leachate piping and storage facilities.

Pursuant to federal regulations, landfill operators are required to operate GCCS for each area, cell, or group of cells. Landfill gas wellheads must generally maintain temperatures below 131°F. Operators may request a waiver to operate at higher temperatures if they can demonstrate that the elevated temperature will not result in fire initiation or significantly impair anaerobic decomposition by killing methanogenic organisms. (Chiquita Canyon Landfill, which is currently experiencing a serious subsurface elevated temperature event, had a waiver at the time the event began.)

Landfill design and operational practices influence subsurface fire risk, severity, and duration. The USEPA provides general guidance correlating internal landfill temperatures with operational status: 90–131°F normal operating range; 131–145°F potential presence of exothermic chemical reactions; above 145°F inhibition of methane generation; and, above 165°F cessation of biological activity and elevated fire risk.

While temperature is an important characteristic indicating the presence of a landfill fire, temperature alone is not a definitive indicator of an active or imminent subsurface fire. Additional diagnostic parameters include the carbon dioxide-to-methane ratio, hydrogen concentration, rate of landfill settlement, and excess leachate generation.

- 2) **Regulation of landfill emissions.** ARB implemented the LMR to monitor and reduce methane emissions from landfills in 2010. The LMR requires owners and operators of certain landfills to install and operate GCCS, monitor surface methane concentration and other performance parameters, repair emission exceedances and other performance issues, source test, keep records of these actions and data, and report specified information to ARB or the air districts. In November of last year, ARB updated the LMR to include specific processes for monitoring, reporting, and dealing with SETs at landfills. The regulation establishes a tiered response framework for elevated subsurface temperatures at landfill gas collection wells, triggered at two critical thresholds: 131°F (55°C) and 145°F (62.8°C). These requirements apply to interior wellheads and are designed to detect and prevent subsurface fires. The new provisions include a shorter timeline by which landfill operators must respond to a leak and new monitoring requirements for landfills with and without gas collection and control systems. The state will also begin requiring operators to respond to detected leaks via third-party technology verified by ARB — including the California Satellite Methane Project.

LMR allows air districts to voluntarily enter into memoranda of understanding with ARB to

implement and enforce the LMR and to assess fees to cover costs. Currently, 22 of the 35 local air districts are implementing and enforcing the LMR.

Additionally, federal, state, and local agencies all play a role in regulating landfills, including:

- Local air districts in California play a lead role in regulating stationary sources of air pollution, including issuing permits for landfill GCCS. Local air districts regulate enclosed flares and other landfill gas combustion devices used to destroy methane and co-pollutants, and respond to nuisance and odor complaints.
- CalRecycle regulates solid waste handling, processing, and disposal activities to protect public health and safety and the environment and certify local enforcement agencies.
- The State Water Resources Control Board and the regional water quality control boards regulate discharges to land that could impact surface water and groundwater quality, including regulatory and permitting requirements for landfills.
- The Department of Toxic Substances Control regulates the management of hazardous waste.
- USEPA regulates emissions of volatile organic compounds from landfills through requirements similar to those in the LMR.

3) Author's statement:

AB 2674 strengthens transparency and public accountability by requiring the California Air Resources Board to publicly post landfill temperature and monitoring data it receives from landfill operators. By providing communities, local governments, and regulators with accessible information, this measure will build public trust, support early awareness of potential landfill issues, and help ensure California's landfill methane reduction efforts protect both the environment and the people who live and work nearby.

- 4) Related legislation.** AB 28 (Shiavo) establishes a protocol for CalRecycle to require a corrective action plan in the event of a subsurface elevated temperature event at a landfill. Authorizes the Secretary of the California Environmental Protection Agency (CalEPA) to establish a multiagency coordination group to investigate and provide recommendations for addressing landfill fires. Authorizes CalRecycle to impose penalties of up to \$100,000 per day for specified violations. This bill is awaiting concurrence in Senate amendments on the Assembly Floor.

REGISTERED SUPPORT / OPPOSITION:

Support

California League of the United Latin American Citizens
Santa Clarita Sierra Club Group

Opposition

None on file

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

Date of Hearing: August 27, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SB 328 (Grayson) – As Amended August 26, 2026

SENATE VOTE: 38-0 (not relevant)

SUBJECT: California Environmental Quality Act: exempt surplus land

SUMMARY: Adds the portion of the former Concord Naval Weapons Station (CNWS) conveyed to the City of Concord as a new category of “exempt surplus land” under the Surplus Land Act (SLA). Limits administrative and judicial review under the California Environmental Quality Act (CEQA) for land use types that are consistent with specified prior CEQA review of redevelopment of the CNWS site.

This analysis focuses on the CEQA provisions (Section 2). For the SLA provisions (Section 1), see the Assembly Local Government Committee analysis.

EXISTING LAW:

- 1) Requires 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) Provides, when an EIR has been prepared for a project, no subsequent or supplemental EIR is required unless one or more of the following events occurs:
 - a) Substantial changes are proposed in the project which will require major revisions of the EIR.
 - b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR.
 - c) New information, which was not known and could not have been known at the time the EIR was certified, becomes available.(PRC 21166)
- 3) Requires lead agencies to rely on a “tiered” EIR when appropriate, i.e., when a prior EIR has been prepared, a later project may rely on a narrower or site-specific EIR which incorporates by reference the discussion in the prior EIR and concentrates on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed in the prior EIR. (PRC 21093)
- 4) When a prior EIR has been certified for a program, plan, policy, or ordinance, lead agencies are required to use a tiered EIR for a later project that is consistent with the program, plan, policy, or ordinance; consistent with applicable local land use plans and zoning, and; not subject to PRC 21166. In this case, the later project EIR is not required to examine effects that were (a) mitigated or avoided as a result of the prior EIR or (b) examined at a sufficient level of detail in the prior EIR to enable those effects to be mitigated or avoided by site-

specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project. (PRC 21094)

- 5) Authorizes judicial review of CEQA actions taken by public agencies, following the agency's decision to carry out or approve the project. Challenges alleging improper determination that a project may have a significant effect on the environment, or alleging an EIR does not comply with CEQA, must be filed in the superior court within 30 days of filing of the notice of approval. The courts are required to give CEQA actions preference over all other civil actions. (PRC 21167 *et seq.*)

THIS BILL:

- 1) Defines key terms, including:
 - a) "Addendum" means the Final Environmental Impact Report Addendum and Initial Study of Environmental Significance for the Concord Reuse Project Area Plan approved by the city in January 2012.
 - b) "Concord Community Reuse Project" means the Concord Community Reuse Project, approved by the city on February 23, 2010, that established the planning process for civilian use of the former CNWS.
 - c) "CRP area plan" means the area plan for the Concord Community Reuse Project reviewed in the addendum and adopted and incorporated into the city's 2030 general plan in 2012, that covers the inland portion of the former CNWS, the North Concord/Martinez Bay Area Rapid Transit Station, and the Diablo Creek Golf Course.
 - d) "CRP area plan diagram" means figure 3-3 of the CRP area plan.
 - e) "CRP area plan maximum planning area-wide total" means the total aggregate development in the plan area of approximately 12,272 housing units and 6,115,718 square feet of commercial floor space as set forth in the CRP area plan.
 - f) "CRP FEIR" means the Final Environmental Impact Report for the Concord Community Reuse Project Plan (SCH No. 2007052094) certified by the city in February 2010.
 - g) "Land use types" means the land uses listed in CRP area plan Table 3-4, District Standards, in the rows titled "Mix of Uses", without regard to the labels "Required Use" and "Mix of Appropriate Uses."
 - h) "Plan area" means the approximately 5,000-acre inland portion of the CNWS included within the boundaries of the CRP area plan.
- 2) Establishes a conclusive presumption that the 2010 CRP FEIR and 2012 addendum satisfy the requirements of CEQA for any project within the CNWS plan area that meets the following requirements:
 - a) The project has land use types that are consistent with CRP area plan land use types and locations for those land use types that are consistent with the CRP area plan diagram.

- b) The project does not cause the aggregate development in the plan area to exceed the CRP area plan maximum planning area-wide total.
- 3) Requires a project that contains land use types that are consistent with the CRP area plan land use types *in locations that are not consistent* with the CRP area plan diagram to be subject to CEQA review, provided that:
 - a) The conclusive presumption above applies to components of the project and environmental impacts that are unaffected by the changed location of land use types.
 - b) Review is limited to review of the location of land use types that are not consistent with the CRP area plan diagram.
 - c) If review is undertaken pursuant to PRC 21166, review is not required to include analysis of changed circumstances or new information.
- 4) Requires any lawsuit challenging the application of the CEQA review provisions above, including any potential appeals to the court of appeal or the California Supreme Court, to be resolved to the extent feasible within 270 calendar days of the filing of the certified record of proceedings with the court. Requires the project applicant to pay any additional costs incurred by the courts in hearing and deciding any case, as well as the lead agency's costs of preparing the record of proceedings concurrent with its review and consideration of the project.
- 5) Provides that these CEQA provisions are severable.
- 6) Is an urgency measure.

FISCAL EFFECT: Unknown

COMMENTS:

1) Author's statement:

SB 328 seeks to provide streamlining procedures under CEQA and the federal base closure and realignment disposition process for qualifying projects within the area of the Concord Reuse Project Area Plan, supporting implementation of a long-planned, transit-oriented reuse of a portion of the former CNWS with housing, job-creating facilities, open space, and environmental improvements. The measure also creates an exemption within the SLA for land to be conveyed by the City of Concord for this project.

In 2005, the United States Navy identified approximately 4,972 acres of the former Inland Area of the CNWS as surplus to the needs of the federal government, in accordance with the Defense Base Closure and Realignment Act of 1990. The City is the Local Reuse Authority (LRA) for the base closure process. The LRA has executed legally binding agreements approved by the U.S. Department of Housing and Urban Development to provide four sites totaling 16 acres for permanently supportive housing and 10 acres for local Food Bank expansion within the former CNWS.

The Navy intends to convey through an Economic Development Conveyance approximately 2,350 acres of the former CNWS to the City as the designated LRA for

disposition to developers for redevelopment for the purpose of short- and long-term job generation.

In 2010, after a multi-year process with substantial public input, the City certified an EIR and adopted the CNWS Reuse Plan. In 2012, the City adopted an Addendum to the EIR and approved the Area Plan, incorporating the Reuse Plan's policies and goals into the City's General Plan and establishing a land use plan that would transform former naval weapons storage facilities into a mixed-use, transit-oriented, and sustainable community. The Navy completed National Environmental Policy Act (NEPA) environmental review of the disposal and reuse based on the Area Plan and issued a Record of Decision in 2017.

The Area Plan provides for the development of more than 10,000 housing units and requires 25 percent of units to be affordable to lower income households. The Area Plan also provides for up to approximately 6.1 million square feet of commercial space, community facilities such as school sites, neighborhood parks, and sports facilities, as well as extensive open space.

The measure also contains commitments to provide affordable housing and the construction of 10,000 housing units. It will facilitate the development of this much needed housing and community in the East Bay.

SB 328 does not exempt qualifying CNWS projects from CEQA—it leverages CEQA review already completed for CNWS. Additionally, the measure has been drafted within the structure of the SLA in order to provide accountability for the commitments made to build housing as well as affordable housing.

- 2) **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.

Generally, 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. Prior to approving any project that has received environmental review, an agency must make certain findings. 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.

To enforce compliance with CEQA, actions taken by public agencies can be challenged in superior court once the agency approves the project. CEQA appeals are subject to unusually short statutes of limitations. Under current law, CEQA lawsuits generally must be filed within 30 to 35 days, depending on the type of decision. The courts are required to give CEQA actions preference over all other civil actions. The petitioner must request a hearing within 90 days of filing the petition and, generally, briefing must be completed within 90

days of the request for hearing. Courts are required to commence hearings on CEQA appeals within one year of filing, to the extent feasible.

- 3) **Concord Community Reuse Project.** The Concord Community Reuse Project has been subject to the following planning-level environmental review:
- a) An EIR for the Concord Community Reuse Project Plan certified in February 2010;
 - b) An addendum to the EIR for the Concord Community Reuse Project Plan approved in January 2012; and
 - c) A Concord Reuse Project Area Plan added to Concord's General Plan and approved in January 2012.
 - d) An EIS under NEPA for the Disposal and Reuse of the Former Naval Weapons Station Seal Beach, Detachment Concord, prepared by the U.S. Department of the Navy issued in August 2017;

This bill limits the usual triggers for additional CEQA review for future projects within the area plan that differ from what was analyzed in the prior EIRs, provided the land use types are consistent with the CRP area plan. While the bill only applies to land use types that are consistent with the CRP area plan, it offers limited CEQA review for projects in locations that differ from the prior plans.

Among the consequences of not conducting new or additional CEQA review for projects within the area plan, when it otherwise would be required, is that future development on the site will not require tribal consultation and mitigation or avoidance of impacts on tribal cultural resources. The prior EIRs the bill relies on predate the addition of tribal consultation requirements to CEQA in 2014.

- 4) **Double referral.** This bill was gutted and amended on the Assembly Floor August 21 and referred to the Local Government and Natural Resources Committees pursuant to Assembly Rule 77.2 The bill was heard and approved by the Local Government Committee on August 27 by a vote of 8-0.

REGISTERED SUPPORT / OPPOSITION:

Support

Bricklayers and Allied Craftworkers Local 3
 Bay Area Council
 Contra Costa Building and Construction Trades Council
 Housing Action Coalition
 International Brotherhood of Electrical Workers Local 302
 Smart, Sheet Metal Workers' Local Union No. 104
 State Building & Construction Trades Council of California
 YIMBY Action

Opposition (unless amended)

East Bay Housing Organizations

Kakoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria

Non-Profit Housing Association of Northern California

Public Advocates

Public Interest Law Project

San Diego Housing Federation

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

Date of Hearing: August 27, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SB 344 (Weber Pierson) – As Amended August 27, 2026

SENATE VOTE: 34-0 (not relevant)

SUBJECT: California Environmental Quality Act: City of San Diego: mixed-use development project

SUMMARY: Declares the City of San Diego's Midway Rising Specific Plan Subsequent Environmental Impact Report (SPSEIR), which is pending certification by the City, fully complies with the California Environmental Quality Act (CEQA).

EXISTING LAW:

- 1) Requires 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) Requires the lead agency, when finding that measures are needed to mitigate or avoid a project's significant effects on the environment, to adopt a reporting or monitoring program for the changes made to the project or conditions of project approval. Requires the agency to provide that mitigation measures are fully enforceable through permit conditions, agreements, or other measures. (PRC 21181.6)
- 3) Authorizes judicial review of CEQA actions taken by public agencies, following the agency's decision to carry out or approve the project. Challenges alleging improper determination that a project may have a significant effect on the environment, or alleging an EIR does not comply with CEQA, must be filed in the superior court within 30 days of filing of the notice of approval. The courts are required to give CEQA actions preference over all other civil actions. (PRC 21167 *et seq.*)

THIS BILL:

- 1) Deems the Midway Rising SPSEIR is sufficient, adequate, and complete for full compliance with CEQA, and shall be final and conclusive for purposes of reliance on that report. Authorizes any approval of the project reviewed in the SPSEIR to rely on that report for compliance with CEQA.
- 2) Requires all SPSEIR mitigation measures to be conditions of approval of the project, fully enforcement by the lead and responsible agencies, and monitored and enforced for the life of each mitigation obligation. Requires the project applicant to submit annual status reports to the lead agency.
- 3) Requires the bill to become operative upon its effective date, or on the date the City certifies the SPSEIR, whichever occurs later.

- 4) Makes related findings regarding the Midway Rising project.
- 5) Is an urgency measure.

FISCAL EFFECT: Unknown

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.

Generally, 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. Prior to approving any project that has received environmental review, an agency must make certain findings. 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.

To enforce compliance with CEQA, actions taken by public agencies can be challenged in superior court once the agency approves the project. CEQA appeals are subject to unusually short statutes of limitations. Under current law, CEQA lawsuits generally must be filed within 30 to 35 days, depending on the type of decision. The courts are required to give CEQA actions preference over all other civil actions. The petitioner must request a hearing within 90 days of filing the petition and, generally, briefing must be completed within 90 days of the request for hearing. Courts are required to commence hearings on CEQA appeals within one year of filing, to the extent feasible.

Midway Rising is a proposed development in the City of San Diego that covers 49 acres of City-owned land at the San Diego Sports Arena site in the Midway-Pacific Highway community (west of I-5 and south of I-8). The project is envisioned to include a 16,000-seat sports arena, 14 acres of parks and public space, a mixed-use entertainment, arts, and cultural district, and 4,250 housing units (2,000 of which will be affordable at 80% below area median income). The project is intended to replace an older stadium and associated parking lots.

This bill is intended to advance the Midway Rising project by shielding the City of San Diego from judicial review of its CEQA actions. The City's prior CEQA reviews in connection with the Midway Rising project have been subject to adverse court decisions, most recently by the Fourth District Court of Appeal in 2025.

The project is located within an area of San Diego that is subject to San Diego's Coastal Height Limit Overlay Zone, which was established by the voters in 1972 and generally limits

building heights to 30 feet west of I-5 to protect coastal views. In 2018, the City completed a program environmental impact report (PEIR) for the land use plans governing the area to enable development of the project. The project includes a 250-foot high-rise residential building, 105-foot mid-rise mixed-use buildings, and 165-foot arena.

The City submitted a ballot measure to voters in 2020 to raise the height limit for the project area, relying on the PEIR as the environmental analysis for the project. However, the Fourth District Court of Appeals invalidated that ballot measure because the PEIR did not consider potential environmental impacts of removing the height limit. While that appeal was pending, in 2022 the City prepared a supplemental environmental impact report (SEIR) and approved a second ballot measure to remove the height limit for the same area. In October 2025, the Fourth District invalidated the second ballot measure for similar reasons. The Court noted:

The 2022 draft SEIR recognized removal of the Coastal Zone height limit was a changed circumstance from the 2018 PEIR. Yet, for almost every category of potential environmental impacts the initial study addressed, it said the PEIR adequately examined potential impacts because the project “would be limited to the [Midway Rising] area footprint and land use, density, and zoning analyzed in the 2018 PEIR.”

The Court went on to identify a litany of impacts that could be related to building height that were not examined in the PEIR.

This building height issue is addressed by SB 958 (Weber Pierson), which passed this committee and the Assembly and is pending concurrence in the Senate. SB 958 provides that building height is not a significant impact on the environment under CEQA for specified non-industrial infill projects, including Midway Rising. However, on August 24, the City Council repealed the measure exempting the Midway Rising site from the 30-foot coastal height limit to comply with the 2025 court decision. Instead, the City intends to override the height limit for the entire project, including for the sports arena, pursuant to the state density bonus law.

Meanwhile, the City prepared a new EIR specifically for the Midway Rising project, which was approved by the city planning commission last September, prior to the October Court of Appeal decision. The project, including the EIR, is now scheduled for final approval by the City Council in November. This bill is not necessary for the City to certify the new EIR and approve the project. Rather, this bill is intended to shield the City, and the project, from litigation claiming that the new EIR does not comply with CEQA.

2) **Author’s statement:**

The Midway Rising project has the potential to transform an underutilized area into a destination where people can live, work, shop, dine and enjoy entertainment and community spaces. Midway Rising can bring quality and affordable housing, permanent jobs, new businesses, and new experiences, while generating economic activity and investment in the Midway District. At a time when San Diego is facing an affordable housing crisis, we need to think boldly about how we use the land and resources we have to meet the needs of a growing region.

The City of San Diego must still review and certify the project's EIR, demonstrating that the project's developers have thoughtfully planned to address the issues in the area. Once that process is completed, this project will have taken the necessary steps to move forward. This mixed-use project will deliver thousands of much-needed affordable housing units, vibrant park spaces, childcare partnerships with the YMCA, and a signed Memorandum of Understanding (MOU) with a hospital to provide on-site healthcare services for both future residents and workers at Midway Rising. SB 344 will provide a path for Midway Rising to move forward once the City of San Diego certifies its EIR.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Conference of Carpenters
California State Council of Laborers
Circulate Planning & Policy
City of San Diego
Mayor Todd Gloria, City of San Diego
State Building & Construction Trades Council of California

Opposition

8 individuals

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

Date of Hearing: August 27, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SCR 180 (Valladares) – As Introduced May 20, 2026

SENATE VOTE: 39-0

SUBJECT: Hydrogen: decarbonization tool

SUMMARY: Recognizes hydrogen as a key decarbonization tool when produced, transported, and used in accordance with a carbon intensity standard that ensures verifiable lifecycle greenhouse gas (GHG) reductions and supports the continued development and refinement of carbon intensity frameworks to guide hydrogen policy, investment, and deployment.

EXISTING LAW:

- 1) Requires the Air Resources Board (ARB), pursuant to California Global Warming Solutions Act of 2006 [AB 32 (Núñez), Chapter 488, Statutes of 2006], to adopt a statewide GHG emissions limit equivalent to 40% below 1990 levels by 2030 and to 85% below 1990 levels by 2045. (Health & Safety Code 38500 *et seq.*)
- 2) Establishes the Low Carbon Fuel Standard (LCFS) regulations to reduce the full fuel-cycle, carbon intensity of the transportation fuel pool used in California, pursuant to AB 32. (Title 17 California Code of Regulations 95480)
- 3) Requires, pursuant the 100 Percent Clean Energy Act of 2017 [SB 100 (de León), Chapter 312, Statutes of 2018] increases in the Renewables Portfolio Standard (RPS) requirement from 50% by 2030 to 60%, and creates the policy of planning to meet all of the state's retail electricity supply with a mix of RPS-eligible and zero-carbon resources by December 31, 2045, for a total of 100% clean energy.
- 4) Requires the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC) to take specified steps to support the state's clean energy and pollution reduction goals, including authorizing the procurement of resources to provide grid reliability services that minimize reliance on system power and fossil fuel resources. (Public Utilities Code (PUC) 400)
- 5) Requires the CEC to adopt an integrated energy policy report (IEPR) every two years. This IEPR shall contain an overview of major energy trends and issues facing the state. (Public Resources Code 25302)

THIS RESOLUTION:

- 1) States that hydrogen produced and deployed based on a transparent, science-based carbon intensity standard can provide meaningful GHG reductions while supporting California's air quality, public health, and environmental justice objectives.

- 2) Resolves that the Legislature recognizes hydrogen as a key decarbonization tool when produced, transported, and used in accordance with a carbon intensity standard that ensures verifiable life-cycle GHG reductions.
- 3) Resolves that the Legislature supports the continued development and refinement of carbon intensity-based frameworks to guide hydrogen policy, investment, and deployment in California.
- 4) Resolves that the Legislature encourages state agencies to prioritize hydrogen deployment, including fast-tracking of the development of open access hydrogen infrastructure, in hard-to-electrify sectors, including transit, heavy-duty vehicle fleets, port and maritime operations, power generation, and industrial applications where hydrogen can deliver the greatest emissions reductions and air quality benefits.
- 5) Resolves that the Legislature urges coordination among state agencies, local governments, labor, environmental stakeholders, and the private sector to ensure hydrogen projects advance economic development, workforce opportunities, and environmental justice outcomes.

FISCAL EFFECT: Nonfiscal

COMMENTS:

- 1) **Hydrogen.** Hydrogen has held momentum across both public and private sectors as a clean energy source in California, driven by a growing focus on AB 32 implementation and advancing goals under the Renewable Portfolio Standard. Hydrogen can be used as source of electrical energy and transportation fuel. How it is produced and how it is transported has significant bearing on its carbon footprint. Over the past few decades, research has been conducted looking at the impacts of multiple segments of the hydrogen fuel life cycle, as well as studies on renewable hydrogen pathways. In 2022, the Legislature enacted SB 1075 (Skinner), Chapter 363, Statutes of 2022, to specifically direct ARB and the CEC to analyze options for using hydrogen as part of the state's decarbonization strategies.

ARB developed the LCFS to reduce lifecycle GHGs and overall carbon intensity in the transportation sector. ARB evaluates hydrogen through a well-to-wheel lifecycle analysis (LCA) to measure the total GHGs and criteria pollutant emissions associated with its production, distribution, and use in transportation.

The CEC evaluates hydrogen LCA to identify GHG reductions and guide clean fuel policies under frameworks like the IEPR. CEC has studied the potential role of hydrogen production from renewable electricity and end-use conversion technologies for electric sector applications in California's efforts to decarbonize the electric system.

- 2) **This resolution.** SCR 180 recognizes hydrogen as a key decarbonization tool when produced, transported, and used in accordance with a carbon intensity standard that ensures verifiable lifecycle GHG reductions; supports the continued development and refinement of carbon intensity frameworks to guide hydrogen policy, investment, and deployment; encourages state agencies to prioritize hydrogen deployment; and, urges coordination to

ensure hydrogen projects advance economic development, workforce opportunities, and environmental justice outcomes.

3) Author's statement:

This resolution acknowledges that hydrogen pathways should be evaluated through transparent lifecycle carbon intensity standards that measure actual environmental performance. SCR 180 does not mandate any specific technology or project. Instead, it affirms the Legislature's support for a technology-neutral framework that encourages innovation, investment, job creation, and emissions reductions while helping California maintain its leadership in clean energy and climate policy.

REGISTERED SUPPORT / OPPOSITION:

Support

California Hydrogen Business Council
United States Hydrogen Alliance

Opposition

None on file

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