

SB 1136 (Portantino)

California Environmental Quality Act: expedited environmental review: climate change regulations

PROBLEM

Climate change is one of the major challenges of our time and California has historically led the way in policy, innovation, technologies, and projects to reduce greenhouse gas (GHG) emissions to meet the state's climate goals.

The current 2022 Scoping Plan Process at the California Air Resources Board (ARB) is evaluating pathways to meet the 2030 goal established in SB 32 (Pavley) of a 40% reduction below 1990 levels of GHG emissions as well as a 2045 carbon neutral goal.

The 2030 goal is now less than eight years away and planning to meet 2045 carbon neutrality goal will take a massive, coordinated effort to achieve.

The Scoping Plan scenarios are calling for broad deployment of GHG reduction and alternative technologies, a build out of electricity generation, storage capacity and transmission, and other infrastructure related projects to achieve the state's goals.

To implement the paths laid out in the Scoping Plan significant modifications and additions must be made to existing facilities and infrastructure to achieve the emission reductions called for to meet the state's goals.

California must act with urgency to ensure that carbon reduction projects that will help attain the state's GHG reduction goals are able to be built in a streamlined and coordinated fashion. Providing a focused EIR for these types of projects that are in furtherance of achieving the state's climate goals and also ensuring that they are done with a skilled and trained work-

force will provide the necessary certainty for these investments to be made.

SUMMARY

To ensure the state is on the path to meet its GHG reduction goals and minimize unnecessary duplication of work and expenses, SB 1136 will clarify and streamline the CEQA process for projects that are necessary to comply with state's climate goals.

SB 1136 would authorize the use of a focused environmental impact report (EIR) for a project that consists of the installation of pollution control equipment or new or modified equipment, or implementation of other facility process changes, or both that installation and that implementation, necessary or used to achieve compliance with a performance standard, treatment requirement, energy efficiency standard, or compliance mechanism included in a rule or regulation adopted pursuant to the California Global Warming Solutions Act of 2006.

The focused EIR is aimed solely on the project's potentially significant effects on the environment that were not discussed in the environmental analysis prepared by the agency that adopted the regulation. SB 1136 would eliminate unnecessary layers of environmental review for specific projects without compromising necessary environmental review

To be eligible to use a focused EIR on these projects, SB 1136 would require these projects to use a skilled and trained workforce, pay prevailing wages, or have entered into a project labor agreement that will apply to all contractors and subcontractors working on the project.

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SB 1136 will help facilitate the building of projects that help meet the state's climate goals by providing certainty in designing, financing, obtaining permits for these project while utilizing the states very qualified skilled and trained workforce.

EXISTING LAW

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of an EIR on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires specified public agencies, including air pollution control districts and air quality management districts, to perform, at the time of adoption of a rule or regulation requiring the installation of pollution control equipment or a performance standard or treatment requirement, an environmental analysis of the reasonably foreseeable methods of compliance.

CEQA requires lead agencies to perform the environmental review for projects consisting solely of compliance with a performance standard or treatment requirement imposed by those specified public agencies in a certain manner.