

Introduced by Senator DuttonFebruary 18, 2011

An act to amend Section 21159.2 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 785, as introduced, Dutton. Environmental quality CEQA: compliance: environmentally mandated projects.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (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 further requires specified state agencies to perform, at the time of the 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. If a project consists solely of compliance with a performance standard or treatment requirement imposed by a specified state agency, CEQA requires the lead agency for the compliance project, to the greatest extent feasible, to utilize that environmental analysis in the preparation of a negative declaration, mitigated negative declaration,

or environmental impact report on the project or in otherwise fulfilling its responsibilities under CEQA.

This bill would make a technical, nonsubstantive change in those provisions relating to the requirements imposed on a lead agency for the compliance project.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21159.2 of the Public Resources Code
2 is amended to read:

3 21159.2. (a) If a project consists solely of compliance with a
4 performance standard or treatment requirement imposed by an
5 agency *that is* listed in Section 21159.4, the lead agency for the
6 compliance project shall, to the greatest extent feasible, utilize the
7 environmental analysis required pursuant to subdivision (a) of
8 Section 21159 in the preparation of a negative declaration,
9 mitigated negative declaration, or environmental impact report on
10 the compliance project or in otherwise fulfilling its responsibilities
11 under this division. The use of numerical averages or ranges in an
12 environmental analysis shall not relieve a lead agency of its
13 obligations under this division to identify and evaluate the
14 environmental effects of a compliance project.

15 (b) If the lead agency determines that an environmental impact
16 report on the compliance project is required, the lead agency shall
17 prepare an environmental impact report which addresses only the
18 project-specific issues related to the compliance project or other
19 issues that were not discussed in sufficient detail in the
20 environmental analysis to enable the lead agency to fulfill its
21 responsibilities under Section 21100 or 21151, as applicable. The
22 mitigation measures imposed by the lead agency for the project
23 shall relate only to the significant effects on the environment to
24 be mitigated. The discussion of alternatives shall be limited to a
25 discussion of alternative means of compliance, if any, with the
26 rule or regulation.

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