

ASSEMBLY BILL

No. 794

Introduced by Assembly Member Gorell

February 21, 2013

An act to add Section 21080.34 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 794, as introduced, Gorell. Environmental quality: California Environmental Quality Act: exemption: use of landfill and organic waste.

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 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 exempts specified projects from its requirements.

This bill would exempt from the requirements of CEQA a project that takes landfill materials or organic waste and converts them into renewable green energy if the lead agency finds that the project will result in a net reduction in greenhouse gas emissions or support sustainable agriculture. The bill would exempt from the requirements of CEQA a project that uses biological processes to convert organic

waste streams into nonchemical soil fertility products that support renewable and reusable cultivation and viability. Because a lead agency would be required to determine whether a project is exempt under those provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 21080.34 is added to the Public Resources
2 Code, to read:

3 21080.34. (a) This division does not apply to a project that
4 takes landfill materials or organic waste and converts them into
5 renewable green energy if the lead agency finds that the project
6 will result in the net reduction in greenhouse gas emissions
7 furthering the goals of the California Global Warming Solutions
8 Act of 2006 (Division 25.5 (commencing with Section 38500) of
9 the Health and Safety Code).

10 (b) This division does not apply to a project that uses natural
11 biological processes to convert organic waste streams into
12 nonchemical soil fertility products that support renewable and
13 reusable cultivation and viability.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 a local agency or school district has the authority to levy service
17 charges, fees, or assessments sufficient to pay for the program or
18 level of service mandated by this act, within the meaning of Section
19 17556 of the Government Code.