

Introduced by Senator PavleyFebruary 22, 2013

An act to amend Section 21166 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 633, as introduced, Pavley. CEQA: environmental impact reports. The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify 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 prescribes certain requirements for the review of draft EIRs, as specified. CEQA prohibits a lead agency or responsible agency from requiring a subsequent or supplemental EIR when an EIR has been prepared for a project pursuant to its provisions, unless one or more of specified events occurs, including, among other things, that new information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

This bill would specifically require that the new information that becomes available was not known and could not have been known by the lead agency or any responsible agency at the time the EIR was certified as complete.

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 21166 of the Public Resources Code is
- 2 amended to read:
- 3 21166. When an environmental impact report has been prepared
- 4 for a project pursuant to this division, no subsequent or
- 5 supplemental environmental impact report shall be required by the
- 6 lead agency or by any responsible agency, unless one or more of
- 7 the following events occurs:
- 8 (a) Substantial changes are proposed in the project ~~which~~ *that*
- 9 will require major revisions of the environmental impact report.
- 10 (b) Substantial changes occur with respect to the circumstances
- 11 under which the project is being undertaken ~~which~~ *that* will require
- 12 major revisions in the environmental impact report.
- 13 (c) New information, which was not known and could not have
- 14 been known *by the lead agency or any responsible agency* at the
- 15 time the environmental impact report was certified as complete,
- 16 becomes available.