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SB-1342 California Environmental Quality Act: infrastructure projects: County of San Diego. (2023-2024)

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Date Published: 09/30/2024 09:00 PM

Senate Bill No. 1342

CHAPTER 794

An act to add Section 21189.81.1 to the Public Resources Code, relating to environmental quality.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1342, Atkins. California Environmental Quality Act: infrastructure projects: County of San Diego.

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.

Existing law authorizes the Governor to certify projects meeting certain requirements as infrastructure projects and provides those certified projects with certain streamlining benefits, including requiring the lead agency to prepare the record of proceedings concurrently with the environmental review process and requiring the resolution of an action or proceeding challenging the certification of an EIR for certified projects or the granting of any project approvals, to the extent feasible, within 270 days of the filing of the record of proceedings with the court, as specified. Existing law requires the lead agency, within 10 days of the certification of an infrastructure project, to provide a public notice of the certification, as provided. If a lead agency fails to approve a project certified as an infrastructure project before January 1, 2033, existing law specifies that the certification is no longer valid.

This bill would include the San Vicente Energy Storage Facility project proposed by the San Diego County Water Authority and a project for the repair, rehabilitation, or replacement of the South Bay Sewage Treatment Plant in the County of San Diego, operated by the International Boundary and Water Commission, as infrastructure projects, thereby providing the above-described streamlining benefits to those 2 projects. To the extent the bill would increase the duties of a lead agency regarding projects proposed by a third party, 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.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of San Diego.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21189.81.1 is added to the Public Resources Code, immediately following Section 21189.81, to read:

21189.81.1. (a) For purposes of subdivision (d) of Section 21189.81, an “energy infrastructure project” includes the San Vicente Energy Storage Facility project proposed by the San Diego County Water Authority for pumped energy storage located in the eastern portion of the County of San Diego.

(b) For purposes of subdivision (h) of Section 21189.81, a “water-related project” includes a project for the repair, rehabilitation, or replacement of the South Bay Sewage Treatment Plant in the County of San Diego, operated by the International Boundary and Water Commission.

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

SEC. 3. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances existing in the County of San Diego.