



NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT AND PUBLIC SCOPING MEETING

DATE: June 12, 2024

TO: California State Clearinghouse; Governor's Office of Planning and Research; California Responsible and Trustee Agencies; Other Interested Public Agencies; and Interested Parties and Organizations

SUBJECT: Notice of Preparation of a Program Environmental Impact Report and Notice of Public Scoping Meetings

PROJECT: Senate Bill 54 Implementing Regulations

LEAD AGENCY: California Department of Resources Recycling and Recovery (CalRecycle)

REVIEW PERIOD: June 12, 2024 through August 26, 2024

The California Department of Resources Recycling and Recovery (CalRecycle), as the Lead Agency, is preparing a Program Environmental Impact Report (PEIR) pursuant to the California Environmental Quality Act (CEQA) for the Senate Bill (SB) 54 Implementing Regulations (Proposed Program), which is further described below. CalRecycle is requesting identification of the scope and content of environmental issues and information that you or your organization believe should be considered in the PEIR.

PROJECT LOCATION: As shown in Figure 1 below, the Proposed Program would occur throughout the entirety of the State of California.

THE PROPOSED PROGRAM: CalRecycle is proposing to implement regulations for the Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54, Allen, Chapter 75, Statutes of 2022). CalRecycle proposes to add to the California Code of Regulations, Title 14, Division 7, Chapter 11.1 (commencing with section 18980.1) and Chapter 11.5 (commencing with section 18981) regulations to implement, interpret, and make specific the requirements of SB 54 and establish various elements of CalRecycle's oversight and enforcement responsibilities under SB 54. The implementing regulations are the Proposed Program.

SB 54 requires California to fundamentally change its approach to managing the production and disposal of single-use packaging and plastic single-use food service ware (covered material). SB 54 applies waste hierarchy strategies to reduce the environmental and health impacts of covered material by focusing on waste reduction and moving to a circular economy. SB 54 facilitates shifting the burden of managing covered material from local governments to the producers. The Proposed Program would implement the statutory requirement for producers of covered materials to source reduce plastic covered material

by 25 percent by January 1, 2032; to ensure that all plastic covered material offered for sale, distributed in, or imported in or into the state achieves the recycling rate of 65 percent on and after January 1, 2032; and to ensure that all covered material offered for sale, distributed in, or imported into the state on or after January 1, 2032, is recyclable or eligible for being labeled “compostable.” SB 54 also requires producers to establish a Producer Responsibility Organization (PRO) for the purpose of developing and implementing an Extended Producer Responsibility program for covered material. SB 54 prohibits a producer from selling, offering for sale, importing, or distributing covered materials in the state unless the producer is approved to participate in the producer responsibility plan of a PRO or alternatively, complies individually outside of a PRO. SB 54 imposes requirements on producers, including registration, reporting, recordkeeping, and auditing requirements; remittance of surcharges; and budget and annual report preparation. SB 54 also requires that local jurisdictions and recycling service providers include all covered material deemed by CalRecycle as recyclable and compostable in their collection and recycling programs, except as specified.

It is reasonably foreseeable that meeting the SB 54 source reduction and recycling rates will require the development of infrastructure to optimize recycling and disposal waste streams, including collection, sorting, and processing facilities. Potential infrastructure development will be presented at a program level and may not include site-specific locations or implementation details (i.e., the location(s) of potential future infrastructure is not known at this time). The CEQA document may serve as the first-tier analysis for later, more detailed, site-specific environmental reviews as necessary. CalRecycle or other agencies may use the CEQA document in considering subsequent discretionary actions.

ISSUES TO BE ADDRESSED IN THE ENVIRONMENTAL IMPACT REPORT: As permitted by State CEQA Guidelines Section 15060(d), CalRecycle has not prepared an Initial Study/Environmental Checklist, as it has determined that a PEIR will be needed for the Proposed Program. Based on the program description and CalRecycle’s understanding of the environmental issues associated with the Proposed Program, it is anticipated that the implementation of the Proposed Program has the potential to result in environmental effects associated with some or all of the following environmental resource areas, which will be addressed in the PEIR:

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gases
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

Alternatives to be analyzed in the PEIR are to be defined and analyzed consistent with the requirements of CEQA Guidelines, Section 15126.6. The specific project alternatives to be evaluated in the PEIR may include, but are not limited to, the “No Program” alternative, as required by CEQA.

PUBLIC REVIEW AND COMMENTS: CalRecycle is soliciting comments from responsible and trustee agencies as well as interested parties as to the scope and content of the environmental information to be included in the PEIR. In accordance with CEQA, agencies are requested to review the Proposed Program provided in this NOP and to provide comments on environmental issues related to the statutory responsibilities of each responsible or trustee agency.

SUBMITTAL OF WRITTEN COMMENTS: In accordance with CEQA Section 15082, this NOP is being circulated for a 45-day comment period. CalRecycle requests that written or typed comments be provided at the earliest possible date, but no later than **August 26, 2024**. Comments may be submitted via the following:

Electronically to: <https://calrecycle.commentinput.com?id=x2S8WhCefZ>

Or Mail to: Department of Resources Recycling and Recovery (CalRecycle)
10th Floor - Fidan Aghayarova
P.O. Box 4025
Sacramento, CA 95812-4025

Please include the following information in your response:

- For all respondents, please provide name and contact information and identify the environmental information and issues that you believe should be addressed in the PEIR.
- For agency respondents, please provide the name of the responsible individual with contact information (mailing address, e-mail, and telephone number). List any potential permit(s) or approval(s) for the project under your agency's authority and any reasonably foreseeable projects, programs, or plans that may have an overlapping influence with the proposed project.
- Comments provided by email should include "**SB 54 Implementing Regulations CEQA**" in the subject line and the name and physical address of the commenter in the body of the email.

DOCUMENT AVAILABILITY: Proposed Program information materials, including this NOP, can be viewed on the CalRecycle website at: <https://calrecycle.ca.gov/packaging/packaging-epr/>. Future program documents, including the PEIR, will also be made available at this website.

NOTICE OF SCOPING MEETINGS: CalRecycle will conduct one scoping meeting for the purposes of soliciting written comments from interested parties, responsible agencies, agencies with jurisdiction by law, trustee agencies, and involved federal agencies, as to the appropriate scope and content of the PEIR. The meeting will be held on July 22, 2024. You may attend the meeting either in person or via webinar.

Meeting Location:

CalEPA Headquarters, Byron Sher Auditorium (2nd floor)
1001 I Street
Sacramento, CA 95814

To attend this meeting online, please use links provided below:

1001 I Street, Sacramento, CA 95814 ○ P.O. Box 4025, Sacramento, CA 95812
www.CalRecycle.ca.gov ○ (916) 322-4027

Zoom: <https://zoom.us/meeting/register/tJYvc-CprzkqGdHPjzmjMmomfhZ0ip8bRTyN#/registration>

Webcast: <https://video.calepa.ca.gov/#/>

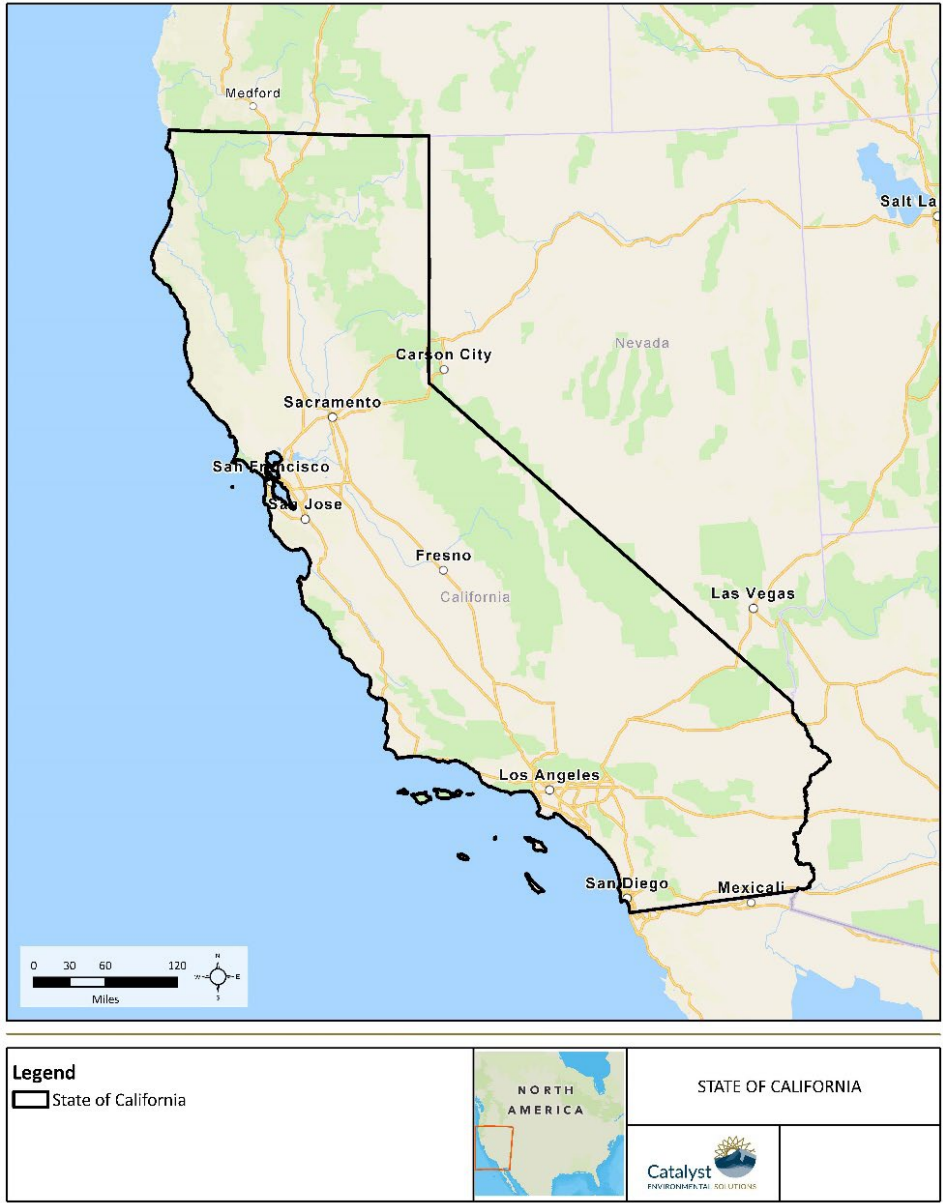


Figure 1. The State of California