



NOTICE OF COMPLETION AND AVAILABILITY OF A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT AND PUBLIC MEETING

Opportunity for Public Comment on Draft Program Environmental Impact Report for the Adoption of Senate Bill 54 Implementing Regulations (SCH #2024070487)

DATE: November 4, 2024

TO: California State Clearinghouse; Governor's Office of Land Use and Climate Innovation; California Responsible and Trustee Agencies; Other Interested Public Agencies; and Interested Parties and Organizations

REVIEW PERIOD: November 4, 2024 through December 19, 2024

NOTICE IS HEREBY GIVEN that the California Department of Resources Recycling and Recovery (CalRecycle), as the California Environmental Quality Act (CEQA) Lead Agency, has prepared a Draft Program Environmental Impact Report (PEIR) for the Senate Bill 54 Implementing Regulations (Proposed Program), which is further described below. The Draft PEIR has been prepared to analyze and disclose the potential environmental effects of the proposed Program, identify mitigation measures to reduce significant environmental effects, and identify feasible alternatives to avoid or minimize significant environmental effects. CalRecycle has prepared this Notice of Completion and Availability (NOA) to notify responsible and trustee agencies, interested parties, and the Governor's Office of Land Use and Climate Innovation of the availability of the Draft PEIR for public review, in accordance with CEQA Guidelines Section 15087.

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 (Senate Bill (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.

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 and ratepayers to the producers of the covered material. 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 incentivize technological innovation and increased use of reusable and refillable products as well as infrastructure to optimize recycling and disposal waste streams, including collection, sorting, and processing facilities. Potential infrastructure development is presented at a program level and does not include site-specific locations or project-level implementation details (e.g., the location(s) of potential future infrastructure is not known at this time).

SIGNIFICANT ENVIRONMENTAL IMPACTS: The Draft PEIR identified potentially significant impacts associated with the construction and operation of expanded and new collection, sortation, and processing facilities as a reasonably foreseeable means of compliance with the Implementing Regulations for Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Transportation, Tribal Cultural Resources, and Wildfire. No potentially significant and unavoidable impacts were identified for the reasonably foreseeable means of compliance with the source reduction requirements of the Implementing Regulations.

SUBMITTAL OF WRITTEN COMMENTS: In accordance with CEQA Section 15087, this NOA is being circulated for a 45-day comment period. CalRecycle requests that written comments be provided at the earliest possible date, but no later than **5:00 p.m. on December 19, 2024**. Comments may be submitted via the following:

Electronically to: CalRecycle encourages use of its electronic commenting system. To submit comments electronically, visit the e-commenting page at <https://calrecycle.commentinput.com?id=x2S8WhCefZ>

Or E-mail to: Packaging@CalRecycle.ca.gov

Or Mail to: Department of Resources Recycling and Recovery (CalRecycle)
13th Floor - Fidan Aghayarova
P.O. Box 4025
Sacramento, CA 95812-4025

Please include the following information in your written comments:

- For all respondents, please provide name and contact information.
- For agency commenters, please provide the name of the agency and responsible individual with contact information (mailing address, e-mail, and telephone number).
- Comments provided by email should include “SB 54 Implementing Regulations CEQA” in the subject line and the name, business or organization affiliation (if any), and physical address of the commenter in the body of the email.

DOCUMENT AVAILABILITY: The Draft PEIR, draft regulatory text, and this NOA can be viewed online at: <https://calrecycle.ca.gov/packaging/packaging-epr/>. It can also be reviewed in person, along with all documents cited in the Draft EIR, on any business day between 8:00 a.m. and 4:00 p.m. at CalRecycle's offices at 1001 I Street in Sacramento. Please contact Fidan Aghayarova by email at the address above if you would like to schedule review of the document in person.

PUBLIC MEETINGS: CalRecycle will conduct a public meeting to provide an overview of the Proposed Program and environmental analysis to receive comments on the Draft PEIR. You may attend in person, via Zoom, or webcast. Comments may be submitted orally for those attending in person or via zoom. CalRecycle cannot receive oral comments from those attending via webcast.

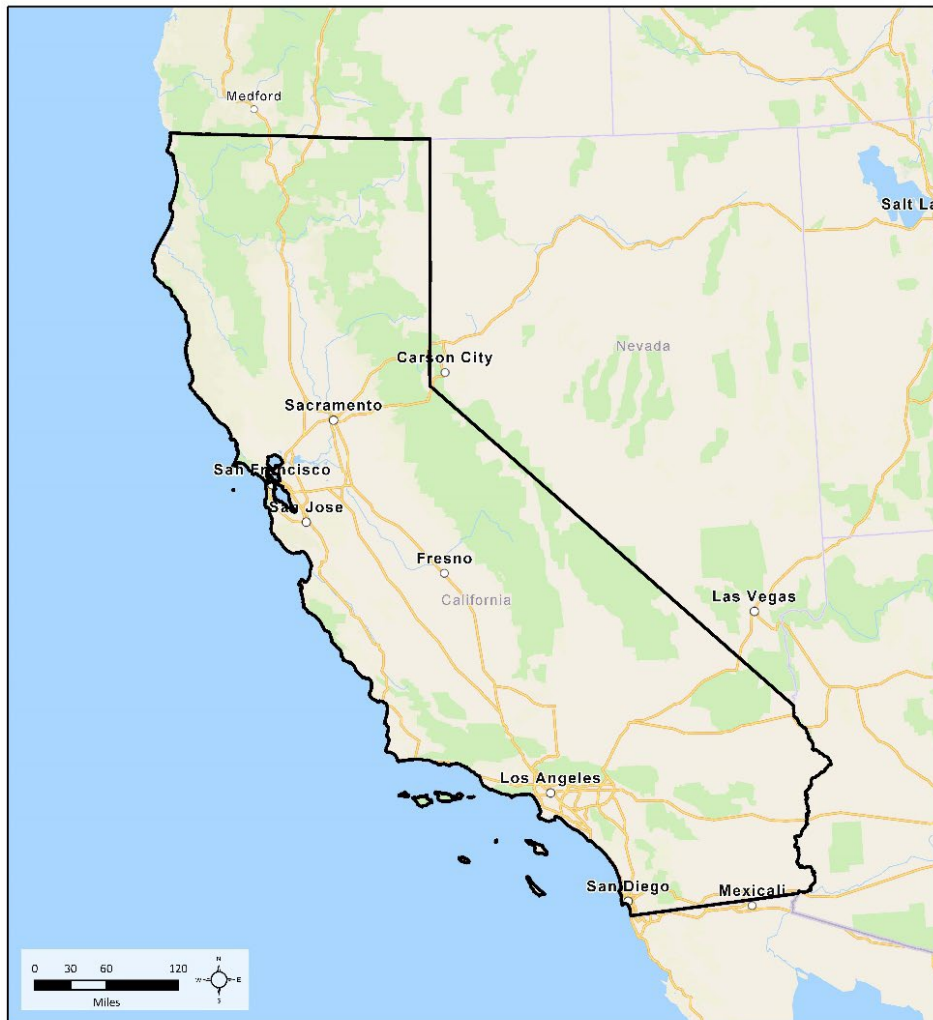
Date and Time: **November 19, 2024 at 1.00 p.m.**

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:

Zoom: <https://zoom.us/meeting/register/tJAod-2przspG9NkmBSa3uliqIKinpCGo24A>

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



<p>Legend</p> <p> State of California</p>	 <p>NORTH AMERICA</p>	<p>STATE OF CALIFORNIA</p>
 <p>Catalyst ENVIRONMENTAL SOLUTIONS</p>		

Figure 1. The State of California