# SENATE COMMITTEE ON APPROPRIATIONS
**Senator Sabrina Cervantes, Chair**
**2025 - 2026 Regular Session**

**AB 839 (Blanca Rubio) - California Environmental Quality Act: expedited judicial review: sustainable aviation fuel projects**

**Version:** May 26, 2026
**Urgency:** No
**Hearing Date:** August 3, 2026

**Policy Vote:** E.Q. 5 - 1, JUD. 13 - 0
**Mandate:** Yes
**Consultant:** Ashley Ames

**Bill Summary:** This bill would provide for expedited California Environmental Quality Act (CEQA) review for up to three sustainable aviation fuel (SAF) facilities that don't increase air pollution – providing for expedited (270 days, if feasible) judicial review for projects certified by the governor, approved by the lead agency on or before January 1, 2033, and meeting specified environmental and labor requirements.

**Fiscal Impact:**
- The Governor's Office of Land Use and Climate Innovation (LCI) estimates ongoing costs of $102,000 annually until 2032 (General Fund) to update LCI's judicial streamlining program guidance.

**Background:** Jet engines emit CO2, water vapor, NOx, particulate matter, carbon monoxide, and other pollutants, with 90% released above 3,000 feet and the remaining 10% during taxiing, takeoff, and landing. California consumed roughly 59 million barrels (about 2.5 billion gallons) of jet fuel in 2020 per the U.S. Energy Information Administration; international aviation accounts for about 2% of global GHG emissions and about 13% of U.S. transportation emissions, though only 1% of California's transportation-related emissions. Sustainable aviation fuel (SAF) is a biofuel with properties similar to conventional jet fuel that blends with it and runs on existing infrastructure, and depending on feedstock and production technology can cut life cycle GHG emissions — some pathways potentially net-negative — but remains much costlier than fossil jet fuel. CARB's 2022 Scoping Plan envisions 10% of aviation fuel demand met by electricity or hydrogen in 2045, with SAF supplying most or all of the remainder, though the pathways to reach that outcome are not defined. Under the Low Carbon Fuel Standard, which sets a declining carbon intensity benchmark for transportation fuels, CARB approved changes in 2018 allowing alternative aviation fuels to generate credits without incurring deficits as gasoline and diesel do; participation is voluntary, and SAF reportedly makes up less than 1% of the LCFS credit market.

California has three operating SAF refineries — in Paramount, Rodeo, and Martinez — all full or partial conversions of existing petroleum refineries, plus a proposed facility in Riverbank near Modesto at a former Army ammunition plant and Superfund site that has been locally approved and cleared CEQA. All are sited in communities with decades of industrial pollution that rank near the top of CalEnviroScreen metrics for air pollution and/or toxics. These facilities refine SAF from largely imported fats, oils, and greases, with commercial feedstocks including tallow, used cooking oil, distiller's corn oil, seed oils, and palm oil refining byproducts; approved LCFS pathways include refineries in Louisiana and Montana using fats shipped from Southeast Asia and South

America, though recently adopted LCFS amendments will bar palm-based oils going forward. No existing commercial refinery uses agricultural or forest waste, as producing SAF from cellulosic waste is more complex and expensive than refining fats, which is itself already significantly more expensive than conventional fossil jet fuel.

**Proposed Law:** This bill would:

1. Authorize the governor to certify up to three SAF projects for streamlining pursuant to SB 149, and meeting the same labor, mitigation, and net zero GHG standards as private energy and semiconductor projects under SB 149.

2. Define "sustainable aviation fuel project" as a project that:

    a. Is either:

        i. A new construction, conversion of an existing facility, or an expansion of an existing SAF facility;

        ii. Used to manufacture, process, store, distribute, or transport SAF or feedstock used for the production of SAF; or

        iii. A new construction, conversion, or expansion of an existing facility to manufacture electrochemical components used in the production of SAF;

    b. And that meets all of the following requirements:

        i. The project uses a "skilled and trained" workforce for all construction work and requires contractors and subcontractors to pay to all construction workers employed in the execution of the project at least the general prevailing rate of per diem wages;

        ii. If the project involves the conversion or replacement of an existing Title V source (i.e., major sources of air pollution, including refineries), the project will reduce emissions of air pollutants compared to the baseline environmental conditions in the vicinity of the project, as determined by the applicable air district; and

        iii. If the project does not involve the conversion or replacement of an existing Title V source, the project will not cause a significant effect on the environment attributable to any air pollutant, as determined by the applicable air district.

3. Define "sustainable aviation fuel" as hydrocarbon fuel that meets the American Society for Testing and Materials (ASTM) International standard D7566 for aviation turbine fuel containing synthesized hydrocarbons and can be used as alternative jet fuel, as defined in, and meeting the requirements of, the LCFS regulation.

**Related Legislation:**

AB 1322 (R. Rivas, 2021) would have required CARB, to develop an incentives-based plan to promote the use of SAF and other alternatives to jet fuel to reduce the impact of commercial aviation on climate change. AB 1322 was vetoed by Governor Newsom.

SB 149 (Caballero, Chapter 60, Statutes of 2023) established new expedited (270 days, if feasible) judicial review procedures for four categories of public and private "infrastructure" projects.

**Staff Comments:** The Judicial Council remains in opposition to judicial streamlining efforts for specified CEQA matters as, according to Judicial Council, these matters are often complicated legislation that take dedicated courtrooms and diverts judicial resources and creates access to justice issues for other civil litigants awaiting their day in court. However, as the bill does include a requirement for the applicant to pay the higher filling fees associated with Rule of Court 3.2440, the council does not have fiscal concerns with the bill.

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