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CONSENT

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Bill No: SB 1428  
Author: Committee on Natural Resources and Water  
Amended: 4/6/26  
Vote: 21

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SENATE NATURAL RES. & WATER COMMITTEE: 7-0, 4/14/26  
AYES: Becker, Seyarto, Allen, Cabaldon, Cortese, Grove, Stern

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**SUBJECT:** Gravity-Based Energy Storage Well Pilot Program: marine invasive species: Wildfire and Forest Resilience Task Force: public lands

**SOURCE:** Author

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**DIGEST:** This bill is the 2026 Senate Natural Resources and Water Committee omnibus bill; it changes certain cross references to the federal Vessel Incidental Discharge Act, corrects erroneous cross-references, and makes a technical change.

**ANALYSIS:**

Existing law:

- 1) Authorizes, until January 1, 2035, the State Oil and Gas Supervisor to authorize the conversion of not more than 250 wells for use as gravity-based energy storage wells to evaluate their use, including the establishment of appropriate operating conditions and physical parameters to safely store and generate energy (Public Resources Code (PRC) §3190.1).
- 2) Defines “task force” as the Wildfire and Forest Resilience Task Force established by the Governor to oversee implementation of Executive Order No. B-52-18 (PRC §4005).
- 3) Requires the State Lands Commission (Commission) to adopt regulations relating to ballast water, as provided (PRC §71205.3).

- a) Requires the Commission to adopt a regulation that requires an owner or operator of a vessel carrying, or capable of carrying, ballast water that operates on the water of the state to comply with specified federal laws.
  - b) Requires the Commission to consult with the United States Coast Guard (USCG) to attempt to identify an alternative, environmentally sound method of ballast water management when the ballast water treatment system stops operating during a voyage in accordance with specified federal laws relating to instances where a ballast water management system stops operating properly during a voyage or the vessel's ballast water management method is unexpectedly unavailable.
- 4) Lifts, until February 1, 2066, the use restrictions imposed by the granting statutes and the public trust doctrine with respect to after-acquired lands, property that is not original tidelands or submerged lands, title to which was not derived from the granting statutes, that were acquired with public trust funds derived from port operations as specified, in Jack London Square and authorizes the Port of Oakland to lease these lands for any purpose subject to specified conditions. The port is authorized to lease after-acquired lands for a nontrust use only if the port finds specified conditions are met, including, among other conditions, that the nontrust uses will not impair or harm existing public access or public trust uses and are intended to attract the statewide public to Jack London Square and the waterfront to promote increased use and enjoyment of the area. The port is required to make findings that these specified conditions are met for each proposed nontrust lease at a public meeting (Section 4, Chapter 578, Statutes of 2025).

This bill:

- 1) Corrects an erroneous cross reference for the State Oil and Gas Supervisor's authority to convert wells for use as gravity-based energy storage wells.
- 2) Makes a technical change to the definition of "task force" in a different code section to specifically refer to the Wildfire and Forest Resilience Task Force.
- 3) Requires the Commission to adopt a regulation that requires an owner or operator of a vessel carrying, or capable of carrying, ballast water that operates in the waters of the state to implement the ballast water discharge performance standards set forth in a different specified federal law and to comply with the implementation schedule set forth in specified federal regulations.

- a) Requires the Commission to consult with the US Coast Guard on an alternative, environmentally sound method of ballast water management when the ballast water treatment system stops operating during a voyage in accordance with additional federal law relating to standards of performance for marine sanitation devices.
- 4) Corrects an erroneous cross-reference relating to the Port of Oakland's requirement to make certain findings.

## **Background**

*Federal Vessel Incidental Discharge Act.* In 2018, the Vessel Incidental Discharge Act (VIDA) was signed into law. This law:

- Designates the U.S. Environmental Protection Agency (U.S. EPA) as the lead authority to establish national water quality standards for vessel discharges, including ballast water.
- Designates the USCG as the lead authority to implement and enforce the national standards set by the U.S. EPA.
- Will preempt state authority, once fully implemented, to adopt or implement state-specific management recommendations or standards for vessel discharges, including ballast water, that are stricter than the federal standards.

State law is not preempted until the U.S. EPA and the USCG adopt regulations to establish discharge standards and implement enforcement procedures, which is anticipated for later this year or early next year.

## **Comments**

*Omnibus bill.* This bill is this Committee's omnibus bill and contains various technical and clarifying changes within the committee's jurisdiction. The changes in the bill are as follows:

- Section 1: Corrects an erroneous cross reference in the State Oil and Gas Supervisor's authorization to convert wells for use as gravity-based energy storage wells, as specified.
- Section 2: Clarifies a reference to the Wildfire and Forest Resilience Task Force.

- Section 3: Updates the references to federal regulations to reflect certain revisions to US Environmental Protection Agency and US Coast Guard regulations implementing VIDA and provides that these updates go into effect when the federal regulations become effective, as provided.
- Section 4: Fixes a typo in a public trust land granting statute for Jack London Square in the City of Oakland (SB 304, Arreguín, Chapter 578, Statutes of 2025).

*Why the change in federal standards under VIDA?* According to the State Lands Commission’s letter in support, changing the federal references is necessary because “[e]xisting law authorizes the Commission to adopt federally consistent ballast water discharge standards and specifically points to federal standards and an implementation schedule contained in Title 33, section 151.025 and 151.030 of the Code of Federal Regulations (CFR). Those specific CFR sections will become defunct once regulations adopted by the U.S. Environmental Protection Agency and U.S. Coast Guard to implement VIDA become effective, likely in late 2026 or early 2027. The changes [proposed in this bill] will redirect the Commission’s authority away from the soon-to-be defunct CFT sections and toward the regulations adopted by the U.S. EPA and to-be adopted by the U.S. Coast Guard. The timing of the redirection will become effective once the U.S. EPA and U.S. Coast Guard VIDA regulations become effective. SB 1428 ensures that the Commission’s regulations align with the updated federal regulations.”

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:** (Verified 4/14/26)

None received

**OPPOSITION:** (Verified 4/14/26)

None received

**ARGUMENTS IN SUPPORT:** Writing in support, the State Lands Commission writes that “SB 1428 contains changes that are necessary to ensure that the California State Lands Commission has authority to revise existing regulations to align with federal regulations and comply with the federal Vessel Incidental Discharge Act (VIDA).”

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4/15/26 19:55:22

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