

Date of Hearing: July 1, 2025

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Damon Connolly, Chair

SB 594 (Padilla) – As Amended June 24, 2025

SENATE VOTE: 27-9

SUBJECT: Waste discharge permits: landfills

SUMMARY: Prohibits a state agency from issuing a waste discharge permit for a new Class III landfill unless the county board of supervisors for the county in which the proposed landfill resides holds a public hearing and provides a summary of the public hearing and public comments at the hearing to the relevant Regional Water Quality Control Board (Regional Water Board). Specifically, **this bill:**

- 1) Defines "CalEnviroScreen" as the California Communities Environmental Health Screening tool(?), also known as CalEnviroScreen, that is used to identify disadvantaged communities under existing law (Section 39711 of the Health and Safety Code (HSC)).
- 3) Defines "environmental justice community" as an area with a Pollution Burden score in the 90th percentile, as defined by CalEnviroScreen.
- 3) Defines "new Class III landfill" as a Class III landfill, as that term is used within existing law, that has not previously been issued a waste discharge permit or previously received waste on or before January 1, 2026.
- 4) Prohibits a state agency from issuing a waste discharge permit for a new Class III landfill unless all of the following conditions have been met:
 - a) The county board of supervisors for the county in which the proposed project resides has held a separate publicly noticed hearing to consider whether the proposed landfill is consistent with the goals, policies, and objectives of the environmental justice element adopted by the county;
 - b) Requires the county board of supervisors to include in the public hearing record for the proposed landfill a summary of its evaluation of whether the landfill is consistent with the county's environmental justice element, including but not limited to, any identified conflicts between the proposed project and the environmental justice element adopted by the county;
 - c) Requires the county board of supervisors to submit the summary of the public hearing on the proposed landfill and all public comments received at the public hearing to the relevant regional water board as part of the permit application; and,
 - d) Requires the local enforcement agency, if the county where the proposed landfill resides has not adopted an environmental justice element, to consider available environmental justice indicators, including CalEnviroScreen data and other relevant community health metrics, when evaluating potential disproportionate impacts on environmental justice communities.

EXISTING LAW:

- 1) Establishes the federal Clean Water Act (CWA) to regulate discharges of pollutants into the waters of the United States (U.S.) and to regulate quality standards for surface waters. (33 United States Code (USC) § 1251, et seq.)
- 2) Establishes the National Pollutant Discharge Elimination System (NPDES) permit program, requiring the State Water Resources Control Board (State Water Board) and the nine Regional Water Boards to prescribe waste discharge requirements which, among other things, regulate the discharge of pollutants in stormwater, including municipal stormwater systems. (33 USC § 1342)
- 3) Prohibits a Regional Water Board from issuing a waste discharge permit for a new landfill, or a lateral expansion of an existing landfill, that is used for the disposal of nonhazardous solid waste if the land has been primarily used at any time for the mining or excavation of gravel or sand. (Public Resources Code § 40060 (a))
- 4) Establishes the State Water Board and Regional Water Boards to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use for the benefit of present and future generations. (Water Code (WC) § 13100, et. seq.)
- 5) Requires each Regional Water Board to formulate and adopt water quality control plans for all areas within the region, with specified plan elements, including:
 - a) A requirement for water quality control plans to include water quality objectives, to ensure the reasonable protection of beneficial uses and the prevention of nuisance; and,
 - b) An authorization for water quality control plans to specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted. (WC § 13240, et seq.)
- 6) Prohibits, pursuant to the Porter-Cologne Water Quality Control Act, the discharge of waste or pollutants to surface and ground waters unless the discharger obtains a permit from the State Water Board or a Regional Water Board. (WC § 13260, et seq.)
- 7) Requires a Regional Water Board to prescribe requirements for any proposed discharge, existing discharge, or material change in an existing discharge, except discharges into a community sewer system, with relation to the conditions existing in the disposal area upon or receiving waters into which the discharge is made or proposed. Specifies that requirements shall implement any relevant water quality control plans that have been adopted, and take into consideration the beneficial uses to be protected, water quality objectives, other waste discharges, and the need to prevent nuisance. (WC § 13263.)

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: According to the author, "Environmentally hazardous projects such as landfills are too often disproportionately cited in areas already facing existing environmental burdens. Marginalized communities often bear the brunt of dirty industries without sufficient avenues to participate in the decision-making processes that will directly impact their health and well-being. SB 594 would give communities that already face excessive levels of pollution the opportunity to have their voices heard when a landfill is proposed in their backyard."

Federal Clean Water Act (CWA): The Federal Water Pollution Control Act of 1948 was the first major United States (U.S.) law to address water pollution. The law was amended in 1972 and became commonly known as the Clean Water Act (CWA). The federal CWA establishes the basic structure for regulating discharges of pollutants into the waters of the (U.S.) and regulating quality standards for surface waters. Under the CWA, the U.S. Environmental Protection Agency (US EPA) has implemented pollution control programs, including setting wastewater standards for industrial facilities, as well as setting water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters without a permit. Industrial, municipal, and other facilities must obtain a permit under the National Pollutant Discharge Elimination System in order to discharge into surface water.

National Pollutant Discharge Elimination System (NPDES): As authorized by the CWA, the NPDES Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the U.S. Point sources are discrete conveyances such as pipes or man-made ditches. Examples of pollutants include, but are not limited to, rock, sand, dirt, and agricultural, industrial, and municipal waste discharged into waters of the U.S. The NPDES Permit Program is a federal program that has been delegated to the State of California for implementation through the State Water Board and the Regional Water Boards.

The State Water Board oversees implementation of the NPDES Permit Program throughout the state and, as such, coordinates with and supports Regional Water Board efforts, and reviews Regional Water Board actions. While the State Water Board has issued some NPDES permits, the Regional Water Boards issue the vast majority of NPDES permits in the state and ensure compliance with their permits through compliance inspections, monitoring report reviews, and enforcement actions. In California, NPDES permits are also referred to as waste discharge requirements (WDRs) that regulate discharges to waters of the U.S.

State Water Board: Created by the State Legislature in 1967, the five-member Board allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine Regional Water Boards located in the major watersheds of the state.

Regional Water Boards: There are nine Regional Water Boards statewide. Regional boundaries are based on watersheds and state water quality requirements are based on the unique differences in climate, topography, geology, and hydrology for each watershed. Each Regional Water Board makes critical water quality decisions for its region, including setting standards, issuing waste discharge requirements, determining compliance with those requirements, and taking appropriate enforcement actions.

Cross-border pollution: Several waterbodies straddle the international border between the U.S. and Mexico. Among those, the Tijuana River and the New River are recognized polluted rivers

that affect both sides of the border and have required state resources to help mitigate the harm to environmental and public health. This cross-border pollution adds to the pollution burden faced by the communities living in Otay Mesa, which is the area of the proposed East Otay Mesa Landfill and Recycling Center (discussed in greater detail below).

Human health implications of transboundary pollution. The "Clean Water Report," released by the Surfrider Foundation in 2024, details findings from tests conducted on water samples collected from coastal sites across the U.S. According to the report, Imperial Beach in the San Diego region is one among ten beaches in the country that consistently has high bacteria levels, with 100% of samples collected from Imperial Beach in 2023 failing to meet state health standards for bacteria in recreational waters. The report also states:

"Every day, millions of gallons of contaminated water carrying stormwater runoff, raw sewage, harmful chemicals, and trash traverse the U.S./Mexico border through the Tijuana River Watershed and flow out into the Pacific Ocean in Imperial Beach. Additionally, the San Antonio de los Buenos Wastewater Treatment Plant just south of the border discharges approximately 35 million gallons of untreated sewage into the Pacific Ocean each day. Currents associated with the Southern California Bight carry this pollution up the coast during the summer, causing widespread illnesses on both sides of the border and forcing beach closures throughout South San Diego County... This public health and environmental justice emergency has been going on for decades and it's only getting worse, especially with climate change-related storm events further stressing the already inadequate and failing regional wastewater infrastructure."

In coverage of the Surfrider Foundation's report, a 2024 *Los Angeles Times* article entitled, "California beach is most polluted seen in new study. People are 'getting sick left and right,'" states the following:

"[Imperial Beach] has been closed for more than two years because of toxic water from the Tijuana River Watershed flowing into the ocean, said Mayor Paloma Aguirre of the city of Imperial Beach... 'People in my community are getting sick left and right... We cannot afford to continue to punt the responsibility across the border because we have a dire situation here on United States soil, on California soil, that is harming California constituents.'"

In addition to its direct impacts on coastal waters, transboundary water pollution has the potential to contaminate the air with bacteria, creating another route of human exposure to disease-causing pathogens and a potential driver for human illness. In a 2023 study published in the journal *Environmental Science and Technology*, researchers from the Scripps Institution of Oceanography selected 40 types of bacteria to use as "tracers" for coastal water pollution, to determine whether aerosolized sea spray can carry these bacteria. The researchers found that these tracer bacteria comprised 41% on average and up to 76% of the bacterial community in the air in the city of Imperial Beach.

The East Otay Mesa Recycling Collection Center and Landfill: On June 8, 2010, the voters of San Diego County approved county-wide initiative Proposition A, which amended the County General Plan, Zoning Ordinance, and other ordinances and policies of the County of San Diego to allow for the construction and operation of a recycling collection center and Class III solid waste landfill on the project site. Proposition A also amended the Siting Element of the County-

wide Integrated Waste Management Plan to list the project site as a recycling and disposal site and to conform the siting element text to provide for the proposed project.

The proposed recycling collection center and Class III solid waste landfill would occupy approximately 340 acres of the 450-acre site. The remaining 110 acres would remain undeveloped. The proposed project would be located in the unincorporated area of south San Diego County, approximately two miles east of the Siempre Viva Road exit from Interstate 905, one-quarter mile from Loop Road/Paseo De La Fuente and east of planned State Route 11. The proposed project site would be located approximately one and one-half miles from the City of San Diego, two and one-half miles from the City of Chula Vista, and one-quarter mile from the U.S./Mexico border.

The County of San Diego Solid Waste Local Enforcement Agency (LEA) is preparing an Environmental Impact Report (EIR) for a new recycling collection center and Class III solid waste landfill located in East Otay Mesa in southern San Diego County. The EIR is being prepared in accordance with all applicable requirements of the California Environmental Quality Act, including the California Code of Regulations Guidelines for Implementation of the California Environmental Quality Act (Title 14, Division 6, Chapter 6.3).

The California Environmental Quality Act (CEQA) requires government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce any environmental impacts to the extent feasible. In 2011, LEA published a Notice of Preparation with an accompanied Initial Study to inform the public about the project and the planned EIR. According to the LEA's website, the applicant is actively working on the environmental review process (the website was last updated on June 20, 2025).

CalEnviroScreen: In order to address the cumulative effects of both pollution burden and certain population characteristics, and to identify which communities might be in need of particular policy, investment, or programmatic interventions, the Office of Environmental Health Hazard Assessment (OEHHA) developed and now maintains and updates the CalEnviroScreen tool on behalf of the California Environmental Protection Agency (CalEPA). The tool applies a framework, developed by OEHHA in 2010, for assessing cumulative impacts. According to OEHHA, cumulative impacts refer to exposures and public health or environmental effects from all sources of pollution in a geographic area. Cumulative impacts also take into account groups of people that are especially sensitive to the effects of pollution and socioeconomic factors. The CalEnviroScreen tool's framework is based in large part on input from a statewide working group on environmental justice that pointed out the unmet need to assess cumulative burdens and vulnerabilities affecting California communities. The tool uses thirteen pollution burden indicator and eight population characteristics in order to calculate a score. According to CalEnviroScreen 4.0, Otay Mesa, the site of the proposed landfill, has a score in the 90-100% (which is the most burdened percentile). Therefore, citing a solid waste landfill in this area could increase the pollution burden this community already is faced with.

Existing prohibition of waste discharge permits for new landfills: Under existing law (Public Resources Code 40060 (a)), a Regional Water Board is prohibited from issuing a waste discharge permit for a new landfill, or a lateral expansion of an existing landfill, if the land has been primarily used at any time for the mining or excavation of gravel or sand. This law allows a Regional Water Board to grant a variance to this prohibition if the applicant of the proposed landfill demonstrates to the Regional Water Board that the new facility or expansion of the

existing facility during its operation and postclosure period will not pollute or threaten to pollute the waters of the state. Additionally this law prohibits a Regional Water Board from granting a variance from the prohibition to a new landfill or expansion of an existing landfill if the landfill is located within the boundaries of the Main San Gabriel Groundwater Basin.

This bill: SB 594 prohibits a state agency from issuing a waste discharge permit to a new Class III landfill unless the county in which the landfill resides has held a public hearing on the proposed landfill, evaluated the proposed landfill for consistency with the county's environmental justice element, and provided the evaluation of the proposed landfill and public comments to the appropriate Regional Water Board. The bill seeks a public hearing for a proposed landfill, however this bill does not change the criteria the Regional Water Board will use in determining whether or not to issue a waste discharge permit.

Arguments in support: According to a coalition, including Breast Cancer Prevention Partners, Californians Against Waste, and Clean Water Action, in support of the bill,

"The undersigned organizations strongly support SB 594, which will prevent new Class III landfills from disproportionately impacting frontline communities by requiring a publicly noticed hearing and certification that such projects will not harm environmental justice communities, as defined, before issuing a waste discharge permit. This bill is a necessary safeguard against environmental and public health injustices that have persisted in California for too long.

The placement of landfills disproportionately affects frontline communities—often low-income and minority populations—who already face environmental injustices. Studies have shown that living near a landfill increases health risks, including respiratory issues, cancer, and congenital disabilities. In addition, landfills drive down property values, introduce noise and odor pollution, attract pests, and contaminate local water supplies, exacerbating hardships for vulnerable communities. These communities often lack the resources to oppose the siting of these facilities, making them frequent targets for landfill development. Alarming, of California's highest-emitting landfills—those that report estimated methane emissions higher than 500,000 tons of carbon dioxide equivalent—90% are located in communities with larger Black, Indigenous, or People of Color (BIPOC) populations than the national average, and 70% are in communities where more than half the residents are BIPOC.

Rather than expanding landfill capacity, California must continue investing in waste reduction strategies such as composting, anaerobic digestion, recycling, and reuse, which cut methane emissions and pollution while fostering sustainable economic opportunities. California has long been a leader in transitioning to a circular economy, adopting policies that reduce our reliance on landfills and promote more sustainable waste management practices. The most recent landfill in California, according to the U.S. EPA, was opened in 1998—demonstrating that building new landfills is neither a priority nor aligned with the state's sustainability goals.

Landfills are among the most polluting facilities we can build, posing serious and long-lasting environmental and public health risks. The Chiquita Canyon Landfill in Castaic, CA, is a stark example of these dangers, as an underground reaction has been ongoing for over two years and is expected to persist for at least another decade. This reaction continues to release harmful pollutants and generate millions of gallons of toxic leachate, threatening both

community health and the environment. Communities deserve a stronger voice in deciding what gets built in their neighborhoods, particularly when it comes to facilities with such severe and lasting consequences.

SB 594 strengthens public participation in landfill siting decisions by requiring more public input and increases oversight to ensure that environmental justice communities do not bear the brunt of future landfill projects. By increasing transparency and accountability, SB 594 is a critical step in preventing further harm and ensuring that landfill projects are subjected to rigorous scrutiny before approval."

Arguments in opposition: According to National Enterprises Inc.,

"As written, SB 594 would essentially prohibit these project types in any environmental justice community statewide without recourse to mitigate any impacts – a substantial departure from existing law. SB 594 would increase rates and cost of living for Californians. Communities across California will need private investments and long-term solutions to mitigate rate increases, transition from aging landfills, and help meet its zero waste goals. Recycling and landfill infrastructure can take decades and significant financial investment to bring to fruition – it is irresponsible to preempt projects that meet such a critical need.

For example, in San Diego County, SB 594 will leave the residents without a better and viable alternatives that will only exacerbate rates which are already increasing to meet recent state and local waste and recycling mandates. The County's Strategic Plan to reduce waste estimates that "average customer rates will increase 9.9% to 11.9% to fund the costs of the new programs: and that was in 2017 which we since know rates have increased. This is also a statewide trend summarized by the League of California Cities which found that more than 70 percent of their cities anticipate rate increases to meet state mandates. In San Diego County, with aging waste facilities and growing communities, rates can be expected to increase to meet the demands of residential and commercial waste while also incentivizing zero waste practices.

Current East Otay Mesa project review process and description update. In 2010, Proposition A received an 84.48% approval rate from County of San Diego voters, authorizing the construction and operation of a recycling collection center and solid waste landfill on the East Otay Mesa project site. Proposition A constituted an endorsement of a project aimed at safeguarding public health and processing waste in an environmentally responsible manner, thereby offering the most sustainable means of managing human waste.

Over the past year, the project description and environmental impact report (EIR) have been in development for the proposed East Otay Mesa Recycling and Landfill project. Through discussions on community concerns, the project design and description have been further updated to ensure the bottom of the landfill remains above the water table.

In addition, the project will soon receive appropriate public review and analysis as required under existing law. As state above, there is no proper justification for undermining the existing project review process and enforcement authorities. The system in place is working as it should."

Double-referral: Should this bill pass this Committee, it will be re-referred to the Assembly Natural Resources Committee.

Related legislation:

- 1) AJR 16 (Alvarez). Urges the U.S. Congress (Congress) and the President of the United States (President) to fully fund US EPA Comprehensive Infrastructure Solution for the Tijuana River due to the ongoing impacts on public health, the environment, and the local economy caused by transboundary flow pollution. Urges Congress and the President to take additional specified actions to address ongoing transboundary flow pollution. This measure is pending action in the Assembly Environmental Safety and Toxic Materials Committee.
- 2) SB 1208 (Padilla, 2024). Would have prohibited a Regional Water Board from issuing a waste discharge permit for a new landfill that is used for the disposal of nonhazardous solid waste, if the new landfill is to be located within the Tijuana River National Estuarine Research Reserve, or within an area that is tributary to the Tijuana River. This bill failed passage on the Assembly Floor.
- 3) AJR 12 (Alvarez). Urges the U.S Congress to support President Joseph R. Biden’s \$310 million supplemental funding request for the U.S. Section of the International Boundary and Water Commission (USIBWC), due to the ongoing impacts to public health, the environment, and the local economy caused by cross-border pollution in the Tijuana River Valley; urges President Joseph R. Biden to declare a national emergency due to those ongoing impacts; and urges the U.S. Congress to secure funding for the New River Project to address the impacts on public health, the environment, and the local economy of Imperial County. This measure is pending action on the Senate Floor.
- 4) AB 1597 (Alvarez). Authorizes, upon appropriation by the Legislature, funds to be made available to the North American Development Bank for loans, grants, and direct expenditures that address water quality problems of the California-Mexico cross-border rivers, including the New and Tijuana Rivers. Authorizes appropriation of funds to recipients that are authorized to work in Mexico, if recipients are, or consent to be, subject to the jurisdiction of the California courts for enforcement purposes, and if the project will provide water quality benefits to California. This bill is pending action in the Senate Environmental Quality Committee.
- 5) AB 2601 (Garcia, 2022). Would have prohibited a Regional Water Board from issuing a waste discharge permit for a new landfill, or a lateral expansion of an existing landfill, that is used for the disposal of nonhazardous solid waste if the land is located within three miles of the U.S. border with Mexico. Would have prohibited a Regional Water Board from granting a variance for a new landfill or lateral expansion of an existing landfill located within three miles of the U.S. border with Mexico. This bill was held on the suspense file in the Assembly Appropriations Committee and subsequently died on file.
- 6) SB 833 (Vargas, 2011). Would have prohibited the operation of a solid waste landfill in San Diego County that is located within 1,000 feet of the San Luis Rey River and within 1,000 feet of a Native American sacred site. This bill was vetoed by Governor Edmund G. Brown Jr.

REGISTERED SUPPORT / OPPOSITION:

Support

Azul
Breast Cancer Prevention Partners
California Coastal Protection Network
Californians Against Waste
Clean Water Action
CleanEarth4kids.org
Climate Action California
Climate Reality Project, Silicon Valley Chapter
Climate Reality Project, San Diego
Climate Reality Project, California Coalition
Climate Reality Project, Orange County
Coalition for Clean Air
Elders Climate Action NorCal
Elders Climate Action SoCal Chapter
Families Advocating for Chemical & Toxics Safety
Friends Committee on Legislation of California
Green Policy Initiative
Physicians for Social Responsibility, San Francisco Bay
Santa Cruz Climate Action Network
Sierra Club California
The Story of Stuff Project
Valley Improvement Projects
Zero Waste Ithaca

Opposition

California Council for Environmental & Economic Balance
California Waste Haulers Council
East Otay Mesa Recycling and Landfill Facility
Resource Recovery Coalition of California

Rural County Representatives of California
Solid Waste Association of North America, California Chapters
Waste Management

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