

PANORAMIC

**US ENVIRONMENT  
(STATE-BY-STATE)**

USA - California



LEXOLOGY

# US Environment (state-by-state)

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## LEGISLATION

### Main environmental regulations

#### What are the main statutes and regulations relating to the environment in your state?

California has a comprehensive framework of environmental statutes and regulations that address air quality, biological resources, cultural resources, exposure to chemicals, land use and planning, water quality, greenhouse gas emissions, hazardous materials, and more. This framework includes both civil and criminal provisions. Key statutes and regulations include:

The [California Environmental Quality Act](#) (CEQA)

Enacted under Public Resources Code § [21000](#) et seq., the basic purposes of CEQA are to: “(1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities[;] (2) Identify ways that environmental damage can be avoided or significantly reduced[;] (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible[; and] (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.” (Cal. Code Regs., tit. 14, § [15002](#).) The regulations, found in California Code of Regulations, title 14, § [15000](#) et seq., known as the “CEQA Guidelines,” provide instructions for implementing CEQA’s requirements.

- If the project is not exempt from CEQA, CEQA requires different levels of environmental review based on the project’s environmental impacts, specifically a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report.
- Pursuant to Public Resources Code § [21177](#), if the public had an opportunity to raise objections to the project’s environmental review, CEQA requires that objections to a project be raised during the administrative proceedings to preserve those issues for judicial review.
- Subject to Public Resources Code § [21177](#), under Public Resources Code § [21167-](#), a person or organization (the “petitioner”) may challenge CEQA violations by filing a petition within 30 days of a notice of determination or 35 days of a notice of exemption; if no notice is filed, the deadline extends to 180 days.
- Under Public Resources Code § [21167.4](#), the petitioner must seek a written request for a hearing within 90 days of filing a CEQA action; otherwise, the action will be dismissed with prejudice. In addition, under Public Resources Code § [21167.7-](#), anyone filing a CEQA action must serve the Attorney General with the petition, and no relief may be granted until service is made. Separately, the Attorney General has independent authority to enforce CEQA under Government Code § [12511](#).
- Under Public Resources Code §§ [21168](#) and [21168.5](#) and Code of Civil Procedure §§ [1085](#) and [1094.5](#), courts may require the agency to: “(1) void the project approval, in whole or in part; (2) suspend any project activities that preclude consideration and implementation of mitigation measures and alternatives necessary to comply with CEQA; or (3) take specific action necessary to bring the agency’s consideration of the project in compliance with CEQA.” (Cal. Code Regs., tit. 14, § [15234](#).)

- Under Public Resources Code § [21167.6](#) and Code of Civil Procedure § [1021.5](#), petitioners must pay for preparation of the administrative record, and courts may award attorneys' fees under the private attorney general doctrine.

CEQA contains no standalone criminal penalties. However, petitioners may allege other violations, such as under the [Porter-Cologne Water Quality Control Act](#), [Hazardous Waste Control Law](#), or [California Endangered Species Act](#), which statutes carry criminal liability provisions.

#### [Porter-Cologne Water Quality Control Act](#)

The Porter-Cologne Water Quality Control Act establishes a comprehensive program to protect water quality and the beneficial uses of waters of the State of California. It applies broadly to all State waters, including surface waters, wetlands, and groundwater. It further sets water quality standards for surface and groundwater. It imposes requirements on dischargers of both point and nonpoint sources of pollution.

- The State Water Resources Control Board (State Water Board) and nine Regional Water Quality Control Boards (Regional Water Boards), collectively "Water Boards" are the regulators.
- Unless exempt or waived, each Regional Water Board has the authority to issue a Waste Discharge Requirement (WDR) to the discharger of waste into a water of the State. The WDR sets forth the conditions for the discharge.
- Under the federal [Clean Water Act](#), a discharge of a pollutant from a point source to a water of the United States requires a National Pollutant Discharge Elimination System (NPDES) permit. The NPDES program has been delegated to California for implementation through the State Water Board and Regional Water Boards. A NPDES permit is sometimes also referred to as Waste Discharge Requirements (WDRs).
- The State Water Board adopts statewide water quality control plans and the Regional Boards adopt regionwide water quality control plans. Water quality control plans designate beneficial uses of water, establish water quality objectives, and provide a program to implement and meet those objectives.
- The Porter-Cologne Water Quality Control Act provides various enforcement mechanisms ranging from a Notice of Violation to civil administrative remedies, as well as referrals for criminal penalties.
- Under Water Code § [13267](#), the Water Boards may compel technical reports from parties suspected of violating any water quality control plan or WDR.
- Under Water Code § [13304](#), the Water Boards may issue cleanup and abatement orders to any person who has discharged or discharges waste or threatens to cause or permit any waste to be discharged into the waters of the State in violation of any WDR or other order or prohibition issued by one of the Regional Water Boards or State Water Board. A cleanup and abatement order may seek payment from responsible part(ies) for replacement water service, and for cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial action. The amount of the costs constitutes a lien on the affected property.

#### [Carpenter-Presley-Tanner Hazardous Substance Account Act](#) (HSAA)

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The HSAA is the California version of the [Comprehensive Environmental Response, Compensation, and Liability Act](#). It is also known as the State Superfund law.

- The Department of Toxic Substances Control (DTSC) is the regulator.
- Responsible parties include current owners and operators of a site that contributed to a release of hazardous substances; past owners or operators at the time the pollution occurred; arrangers for the disposal of hazardous substances at a site; and transporters of hazardous substances to a site.
- DTSC has the authority to issue enforcement orders to compel responsible parties to clean up a site.

#### [Safe Drinking Water and Toxic Enforcement Act \(Proposition 65\)](#)

- This Act requires California to publish a list of chemicals known to cause cancer, birth defects, or reproductive harm. The list must be updated at least once a year.
- This Act requires businesses to provide “clear and reasonable” warnings before knowingly and intentionally exposing individuals to a listed chemical, unless the anticipated exposure level is at or below “safe harbor levels,” which levels are provided for some chemicals.
- It also prohibits California businesses from knowingly discharging significant amounts of listed chemicals into drinking water sources.
- It is enforceable by the Attorney General, a district attorney or city attorney, or private parties, with civil penalties of up to [\\$2,500 per day](#). Before filing a lawsuit, private parties must provide at least 60 days’ notice of the alleged violation to the business, as well as to the Attorney General and the appropriate district attorney and city attorney.

#### [California Endangered Species Act \(CESA\)](#)

- After a formal listing process, plant and animal species may be designated threatened or endangered under CESA. Approximately 250 species are currently listed under CESA.
- The California Department of Fish and Wildlife (CDFW) is the regulator.
- CESA prohibits the “take” of any CESA-listed species, including a candidate species that is being considered for listing, unless authorized to do so. The term “take” is defined by Fish and Game Code § [86](#) as “hunt, pursue, catch, capture, or kill” or attempt to do such acts.
- CDFW may issue an Incidental Take Permit when “take” will be incidental to, and not the purpose of, carrying out an otherwise lawful activity, e.g., development of infrastructure projects. Incidental Take Permits contain requirements to reduce the impacts on species.

#### [California Zoning and Planning Law](#)

- California’s Planning and Zoning Law, Government Code § [65300](#), requires cities and counties to prepare and adopt “a comprehensive, long-term general plan for the physical development of the county or city.”
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The General Plan has seven mandatory elements listed in Government Code § [65302](#). These include land use, circulation, housing, conservation, open space, noise, and safety elements.

- Land use decisions, which must be consistent with the General Plan.

#### [California Coastal Act](#)

- The California Coastal Act guides how the land along the coast of California is developed or protected from development.
- The California Coastal Commission has jurisdiction over the “coastal zone,” which extends seawards to the State’s outer limit of jurisdiction (three miles) and generally extends inland 1,000 yards from the mean high tide line of the sea, but varies based on land uses.
- Pursuant to Public Resources Code § [30240](#), the Coastal Act includes special protection for Environmentally Sensitive Habitat Areas (ESHA). ESHAs “shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.” (Public Resources Code § [30240\(a\)](#).)

#### [Hazardous Waste Control Act](#)

- The Hazardous Waste Control Act sets standards for managing hazardous waste, including its handling, transportation, treatment, and disposal.
- It is the State equivalent of the federal [Resource Conservation and Recovery Act](#).
- The Department of Toxic Substances Control is the regulator.

#### Environmental Justice and Human Rights-Centered Environmental Principles

California law defines environmental justice in Government Code §[65040.12](#)(e)(1) to mean: “the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”

California developed [CalEnviroScreen](#), a mapping tool, to “identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution’s effects.” This tool is [used by regulators](#). DTSC, for example, uses CalEnviroScreen to “prioritize its enforcement, complaints, and groundwater investigations.”

**Law stated - 4 December 2025**

### **Soil pollution**

#### **What are the main characteristics of the rules applicable to soil pollution?**

California’s Site Cleanup Program is authorized under the Porter-Cologne Water Quality Control Act ([Wat. Code, div. 7](#)), granting the State Water Resources Control Board (SWRCB) and Regional Water Boards the authority to regulate and enforce remediation of soil (and groundwater) pollution at non-federal sites.

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Under Water Code § [13267](#), Regional Boards may require any person suspected of contaminating soil or water to supply technical or monitoring reports under penalty of perjury. This includes inspecting facilities under warrant if consent is denied.

- Under Water Code § [13304](#), Boards may issue cleanup and abatement orders mandating responsible parties to clean up contamination and abate its effects. Such orders are enforceable and may allow the Board to recover oversight costs.

The [Porter-Cologne Act](#)'s reach extends retroactively. That is, contamination from past discharges remains subject to cleanup if it continues to pollute the soil or waters of the State.

The California Land Reuse and Revitalization Act (CLRRA), codified at Health and Safety Code chapter 6.82 (§§ [25395.60-25395.109](#)), facilitates brownfield redevelopment by offering liability protections for qualified parties.

- Protected Parties: Bona fide purchasers, innocent landowners, contiguous property owners, prospective purchasers, and bona fide ground tenants may obtain immunity from statutory or common-law liability if they enter into a CLRRA agreement and perform site assessment and response plan obligations.
- To qualify, parties must enter into an agreement with the Department of Toxic Substances Control (DTSC) or Regional Water Board that includes site assessment and, if required, response action implementation.
- Originally effective from January 1, 2005, and subject to sunset, CLRRA is scheduled to expire on January 1, 2027, with continued benefits for parties already qualified. Legislative proposals (e.g. [Assem. Bill No. 961](#)) seek to extend the sunset to 2037.

The Environmental Responsibility Acceptance Act (ERAA), under Civil Code § [850](#) et seq., allows voluntary cleanup of contaminated, non-residential properties.

- A responsible party may submit a commitment statement to the local agency, undertaking cleanup to agreed standards. This statement limits liability arising from pre-commitment releases, e.g. personal injury, property loss, or contract damages.
- Effective January 1, 1998, the ERAA applies to both current and historical contamination, providing a mechanism to mitigate previous liability.

DTSC oversees cleanups where hazardous substances have contaminated soil, soil vapor, or groundwater and a county or Regional Water Board has not been designated as the lead oversight agency.

DTSC actively administers voluntary cleanups, brownfield programs, corrective actions, and site-specific enforcement under [Health and Safety Code chapter 6.5](#) and Cal. Code Regs., [tit. 22](#). When contaminated soil is excavated, it becomes regulated as hazardous waste, requiring proper handling, manifests, and disposal.

DTSC may apply current hazardous waste disposal standards to soil excavated for cleanup, regardless of when the contamination originally occurred.

**Law stated - 4 December 2025**

## | Regulation of waste

## | What types of waste are regulated and how?

California law regulates solid waste, hazardous waste, recycling, and waste management facilities through a variety of statutes and regulations, including the [California Integrated Waste Management Act of 1989](#) and the [Hazardous Waste Control Act](#).

Under Cal. Code Regs., tit. 22, § [66261.2](#), “waste” encompasses any discarded material of any form, whether liquid, semi-solid, solid, or gaseous, that is not excluded under specific exemptions. The regulation specifies that a material is considered “waste” if it is:

- Relinquished (disposed of, burned, incinerated, or accumulated, stored, or treated before being disposed of, burned, or incinerated);
- Recycled or accumulated, stored, or treated before recycling in a manner that constitutes disposal, burned for energy recovery, reclaimed, or accumulated speculatively;
- Inherently waste-like when it is recycled; or
- A threat to human health or the environment.

### Hazardous Waste

California’s hazardous waste classification process incorporates both federal and state laws and regulations. Federal hazardous waste regulations adopted by U.S. EPA pursuant to the [Resource Conservation and Recovery Act](#) (RCRA) are set forth in 40 Code of Federal Regulations [parts 260 to 279](#). California laws are set forth in the Hazardous Waste Control Law ([Health and Safety Code, division 20, chapter 6.5](#)). Under Health and Safety Code § [25117](#), hazardous waste is defined as waste that is defined as hazardous waste under the federal RCRA or meets the criteria in Cal. Code Regs., tit. 22, § [66261.3](#).

### Non-hazardous Solid Waste

Under State Water Resources Control Board regulations governing discharges to waters of the State, non-hazardous solid waste is defined in Cal. Code Regs., tit. 27, § [20220](#) to include putrescible and non-putrescible solid, semi-solid, and liquid wastes such as garbage, refuse, industrial debris, construction/demolition waste, abandoned vehicles and appliances, manure, and other discarded materials, provided they do not contain hazardous waste or concentrations harmful to state waters.

### Hazardous Waste Control Law

- The Hazardous Waste Control Law under Health and Safety Code division 20, [chapter 6.5](#), as implemented via [Cal. Code Regs., tit. 22, division 4.5](#), governs generation, transport, treatment, storage, and disposal of hazardous waste.
- From generation through treatment and disposal, hazardous waste is regulated under a system similar to RCRA’s cradle-to-grave model. Obligations include proper classification, manifesting, permitted handling, and tracking.
- Generators must determine whether their discarded material is hazardous according to Cal. Code Regs., tit. 22, § [66262.11](#), which specifies testing or knowledge-based criteria.
- Transporters require an annual Department of Toxic Substances Control (DTSC) registration and may only move waste if properly credentialed.

### Non-hazardous Solid Waste Facilities

- Facilities such as landfills, recycling centers, and transfer stations must obtain a Solid Waste Facility Permit from CalRecycle, under Public Resources Code § [44000.5](#) et seq.
- Siting and design standards are set forth in Cal. Code Regs., tit. 14, §[17200](#) et seq.
- Operators of non-hazardous solid waste facilities must comply with facility design standards and perform load checks to prevent the acceptance of hazardous or designated wastes under Cal. Code Regs., tit. 14, § 17200 et seq.

### Electronic Waste

- The disposal of electronic waste (e-waste) is regulated under the [Electronic Waste Recycling Act](#), which imposes standards for hazardous material content and recycling obligations.

### Obligations for Businesses and Individuals

- Hazardous waste generators must comply with California's Hazardous Waste Control Law, Health and Safety Code division 20, [chapter 6.5](#), and its implementing regulations in [Cal. Code Regs., tit. 22, division 4.5](#). For example, generators must assess whether waste is hazardous, use registered transporters, comply with manifesting rules, and retain certain records.
- Hazardous waste transporters must also comply with California's Hazardous Waste Control Law Health and Safety Code division 20, [chapter 6.5](#), as its implementing regulations in [Cal. Code Regs., tit. 22, division 4.5](#). Transporters must maintain DTSC registration, comply with manifesting rules, and only accept hazardous waste with proper generator credentials.
- Hazardous Waste Management Facilities that store, treat, or dispose of hazardous waste as described in the Hazardous Waste Control Law ([Health and Safety Code, division 20, chapter 6.5](#)) must obtain a permit or a grant of authorization from the Department of Toxic Substances Control.

Law stated - 4 December 2025

## Regulation of air emissions

### What are the main features of the rules governing air emissions?

The California Air Resources Board (CARB) establishes statewide air quality standards and policies. It does not issue construction or operating permits directly. These are administered by [local air districts](#), of which there are 35 statewide for stationary sources such as industrial facilities. The local air districts promulgate and enforce rules for each of their respective air basins.

Types of Permits (issued by local air districts):

- Authority to Construct (ATC): Required prior to building, modifying, or relocating equipment that emits pollutants.

- Permit to Operate (PTO): Necessary before any permitted equipment may be used. Without it, operation is unlawful and may subject a source to enforcement action.
- For major sources, [Title V](#) permits are also required, enforceable by air districts, the United States Environmental Protection Agency, and subject to government and citizen enforcement actions.

#### Regulated Pollutants and Standards

- California regulates common air pollutants including PM2.5, PM10, ozone, NO2, CO, SO2, lead, hydrogen sulphide, sulphates, and visibility-reducing particulates. Related greenhouse gases (GHGs) are also regulated, and many sources will also be subject to toxicity standards.
- CARB establishes [California Ambient Air Quality Standards](#) to safeguard public health.

#### Emission and Related Permit Limits

- Local air districts impose specific emission limits on permitted facilities, typically following [Best Available Control Technology](#) (BACT) standards as determined through CARB's permitting guidelines.
- Standards for maximum permissible pollutant concentrations are codified in Cal. Code Regs., tit. 17, § [70200](#), and apply across California.

#### Building Energy Efficiency ([Energy Code, tit. 24, pt. 6](#)):

- The California Energy Commission (CEC) sets mandatory energy efficiency requirements for newly constructed residential and commercial buildings through the triennial Building Energy Efficiency Standards.
- The 2022 Code took effect on January 1, 2023; the 2025 Code applies to permit applications submitted on or after January 1, 2026.
- Standards include both prescriptive packages and performance-based energy budgets tailored by climate zone, with compliance facilitated by publicly available modelling tools.

Voluntary Green Building Standards ([CALGreen, tit. 24, pt. 11](#)) provides optional performance standards for broader environmental goals beyond energy, covering areas such as water use, materials, and indoor air quality.

California does not currently mandate energy audits for buildings. The Energy Code requires modeling and compliance efforts but not formal audit reports.

**Law stated - 4 December 2025**

### Protection of fresh water and seawater

#### How are fresh water and seawater, and their associated land, protected?

Under Water Code § [102](#), all water within the state, both surface and groundwater, is the property of the people of the State of California. However, the right to use water may be acquired in accordance with the law.

There are several legally recognized types of water rights:

- Riparian Rights (inherent to land adjacent to a watercourse) allow use of water without a state permit, provided the use is reasonable and beneficial as required by the California Constitution [article X, § 2](#).
- Appropriative Rights, including pre-1914 and post-1914 appropriative rights, operate under the ‘first in time, first in right’ doctrine, and may be held by individuals or entities not owning land adjacent to the watercourse. Post-1914 appropriative rights require a permit or licence from the SWRCB.
- Correlative Rights apply to overlying groundwater users and allow use, subject to the same reasonable and beneficial use requirement (derived from case law and the constitutional doctrine in article X, § 2).
- Other water rights include pueblo rights, prescriptive rights, federal reserved rights, and Indian reserved rights; each governed by specific statutory or federal legal sources and judicial precedents.

#### Seawater, Tidelands, and Submerged Lands

Coastal waters, tidelands, and submerged lands are held by the State under the Public Trust Doctrine, codified and applied through statutes including:

- Civil Code [§670](#), which classifies tidelands and navigable waterways as public property.
- Public Resources Code [§§ 6301-6307](#), which define the State Lands Commission’s trust responsibilities over sovereign lands.
- Public Resources Code [§§ 30000-30900](#) (California Coastal Act), which empowers the California Coastal Commission to regulate coastal zone development consistent with public trust obligations.

The State is legally prohibited from disposing of these lands in ways that would substantially impair public trust uses, such as navigation, fishing, ecological preservation, and public access.

#### Fresh Water Extraction

- All post-1914 appropriative uses of surface water require permits or licences from the SWRCB, pursuant to Water Code [§ 1225](#) et seq.
- Riparian users do not need permits but remain subject to enforcement for unreasonable use under article X, § 2 of the California Constitution and Water Code [§ 275](#).
- Groundwater extractions for overlying use are generally exempt from SWRCB permitting but must comply with the Sustainable Groundwater Management Act (SGMA), codified in Water Code [§ 10720](#) et seq., which requires local Groundwater Sustainability Agencies (GSAs) to manage extraction rates.
- Impacts on connected surface water resources from groundwater pumping may also trigger compliance obligations under the CEQA (Public Resources Code, [§ 21000](#) et seq.) and the Public Trust Doctrine.

#### Coastal and Tideland Regulation

- All development and land use activities within California's designated coastal zone require a permit under the California Coastal Act.
- Use and disposition of tidelands and submerged lands are controlled by the State Lands Commission and must not impair public trust values.
- Regulatory authorities must integrate climate change, sea-level rise, and public access protections in land-use decisions under Public Resources Code § [30253](#) of the Coastal Act.

#### Use Limitations and Environmental Constraints

- All water use in California, whether based on riparian, appropriative, or groundwater rights, is constitutionally limited to 'reasonable and beneficial' use under California Constitution article X, § 2.
- The State Water Resources Control Board has broad enforcement authority to prevent wasteful, unreasonable, or environmentally harmful water use, including the power to revise or revoke existing water rights.
- Coastal development is subject to the Coastal Act's chapter 3 policies (Public Resources Code, §§ [30200-30270](#)), which mandate the protection of scenic and environmental resources, public access, and habitat integrity.

#### Discharge and Water Quality Regulation

Water discharges into both surface and marine waters are governed by the [Porter-Cologne Water Quality Control Act](#).

Discharges must comply with:

- WDRs, issued by the Regional Water Quality Control Boards, under Water Code §§ [13260-13274](#).
- NPDES permits, under authority delegated by the federal Clean Water Act and implemented via Water Code § [13370](#) et seq.

These discharge controls do not confer water rights but ensure environmental compliance and pollution control.

**Law stated - 4 December 2025**

### **Protection of natural spaces and landscapes**

#### **What are the main features of the rules protecting natural spaces and landscapes?**

The [California Endangered Species Act](#) (CESA), codified at Fish and Game Code § [2050](#) et seq., protects animal and plant species that are at risk of extinction. The regulatory definitions of endangered, threatened, and rare are further outlined in Cal. Code Regs., tit. 14, § [15380](#), which also provides guidance for identifying candidate species based on scientific evidence.

Once a species of animal or plant is listed as threatened or endangered by the California Fish and Game Commission, such species (or part of such species) cannot be “taken” without a permit. These prohibitions extend to preventing the import, export, purchase, and sale of listed species, and the CESA also extends to private landowners, who are subject to these prohibitions regardless of whether the unauthorized “take” of a listed species proceeds on private property. (Fish and Game Code, § [2080](#).)

The CESA does set forth a permitting process for “incidental takes.” Here, a “take” of a listed species may be authorized by obtaining an incidental take permit under § [2081](#) if the “take” is incidental to, and not the purpose of, an otherwise lawful activity. If the species in question is federally listed pursuant to the federal [Endangered Species Act](#) (ESA), and the incidental take of that species has been authorized under the federal ESA, a landowner may request a consistency determination from the California Department of Fish and Wildlife (CDFW) under Fish and Game Code §[2080.1](#).

Under Fish and Game Code § [12008.1](#), penalties for violating Fish and Game Code § 2080 range from \$25,000 to \$50,000 for each violation, one-year imprisonment, or both fine and imprisonment.

State-approved Lake and Streambed Alteration Agreements are required for projects that will impact, change, or divert beds, banks, or channels of rivers, streams, and lakes in California. Fish and Game Code § [1602](#) requires notification of CDFW before commencing an activity that will (1) substantially divert or obstruct the natural flow, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake (including those that are intermittently dry), or (2) deposit or dispose of debris, waste, or other material where it may pass into any river, stream, or lake. This requirement applies to water bodies that are intermittently dry, as well as those with year-round flow. Normally, the entity undertaking such activity will be required to enter into a Lake and Streambed Alteration Agreement (LSAA) with CDFW.

The Natural Community Conservation Planning (NCCP) Act, codified at Fish and Game Code § [2800](#) et seq., establishes a voluntary framework for regional, ecosystem-based conservation planning. NCCPs are intended to protect multiple species and their habitats while allowing compatible land use and development.

Participating public and private entities may engage in negotiated land-use plans that result in long-term habitat conservation, supported by take permits issued under Fish and Game Code § [2835](#).

The California Scenic Highway Program, administered by Caltrans, enables the designation and protection of highways and corridors with notable visual or natural character. Local governments may adopt ordinances or general plan policies to preserve the scenic quality of designated areas. While there is no single statute, the program is implemented under the authority of Streets and Highways Code §§ [260-284](#).

California protects its natural spaces and landscapes through several divisions of the Public Resources Code, each establishing mechanisms for designation, funding, and management of conservation areas, parklands, and region-specific environmental programs. The primary statutory frameworks are:

Division 5 – State Parks, Recreation Areas, Reserves, and Monuments (Public Resources Code, §§ [5001-5877](#)): It governs the Department of Parks and Recreation, outlining its

authority to designate, acquire, manage, and preserve public lands for recreational, cultural, ecological, and historical purposes. Key statutory elements include:

- Public Resources Code § [5001](#): Establishes the Department of Parks and Recreation.
- Public Resources Code §§ [5019.50-5019.80](#): Defines unit classifications such as State Parks, State Natural Reserves, State Recreation Areas, and State Historic Parks, each with specific management and land use criteria.
- Public Resources Code §§ [5024-5024.6](#): Mandates protection of archaeological, paleontological, and historical resources within state park units.
- Public Resources Code § [5080.03](#) et seq.: Regulates public-private partnership agreements within parklands (e.g., concessions).

Division 5.8 – Wildlife, Coastal, and Park Land Conservation Act of 1988 (Public Resources Code, §§ [5900-5938](#)): This Act authorizes bond-funded conservation programs supporting the acquisition, restoration, and enhancement of wildlife habitats, coastal resources, and urban parks. Relevant provisions include:

- Public Resources Code § [5901](#): Legislative findings and intent to promote public access and protect ecological integrity.
- Public Resources Code § [5907](#): Specifies allocations for eligible conservation projects, including habitat restoration and recreational infrastructure.
- Public Resources Code §§ [5930-5938](#): Provides fiscal authorization for issuing general obligation bonds to support long-term conservation financing.

Divisions 22 to 24 – Regional Conservancies and Environmental Governance Bodies: These Divisions establish region-specific conservancies tasked with acquiring, managing, and protecting ecologically and culturally significant landscapes across the state.

- Division 22 – Urban Waterfront Area Restoration Financing Authority Act (Public Resources Code, §§ [32000-32208](#)): It authorizes the Urban Waterfront Area Restoration Financing Authority, which supports environmental and economic revitalization of degraded urban waterfronts.
- Division 23 – Regional Conservancies: It establishes multiple landscape-focused conservancies with tailored statutory mandates:
  - Santa Monica Mountains Conservancy Act (Public Resources Code, §§ [33000-33220](#))
  - Sierra Nevada Conservancy Act (Public Resources Code, §§ [33300-33356](#))
  - Coachella Valley Mountains Conservancy (Public Resources Code, §§ [33500-33806](#))
  - Salton Sea Conservancy Act (Public Resources Code, §§ [33810-33838](#))
  - Preservation of Future Transportation Options (Public Resources Code, §§ [33910-33917](#))
- Division 24 – Renewable Resources Investment Program (Public Resources Code, §§ [34000-34002](#)): It provides statutory authority to fund and coordinate efforts to conserve forests, watersheds, and other renewable natural resources.

## Environmental reporting

### Are there any notable environmental reporting requirements?

There are numerous notable environmental reporting requirements. Such requirements include those in various extended producer responsibility (EPR) laws such as the Plastic Pollution Prevention and Packaging Producer Responsibility Act ([Sen. Bill No. 54](#)), which applies to single-use packaging and plastic single-use food service ware and is codified at Public Resources Code [§§ 42040-42084](#), and the California Beverage Container Recycling and Litter Reduction Act, which applies to certain beverage containers and is codified at Public Resources Code [§§ 14500-14599](#). Key climate-related reporting requirements are discussed further below.

[Assem. Bill No. 32](#) – The Global Warming Solutions Act of 2006 is codified in Health and Safety Code [§§ 38500-38599.11](#). Pursuant to this statute, the CARB has adopted various reporting requirements, including:

The Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (MRR) at Cal. Code Regs., tit. 17, [§§ 95100-95163](#). The MRR requires specified entities, including electricity generators, industrial facilities, fuel suppliers, and electricity importers, to submit annual GHG emissions reports using the California Electronic GHG Reporting Tool (Cal e-GGRT). Reporting entities subject to verification must obtain third-party verification from accredited providers.

The Low Carbon Fuel Standard (LCFS) regulation at Cal. Code Regs., tit. 17, [§§ 95480-95503](#). The LCFS is intended to encourage use and production of low-carbon transportation fuels in California, and thereby reduce GHG emissions and petroleum dependence. Fuel reporting entities are required to submit quarterly fuel transaction reports and annual compliance reports using the LCFS Reporting Tool and Credit Bank & Transfer System (LRT-CBTS). Credits and deficits are issued in the fuel reporting entity's LRT-CBTS account by comparing carbon intensity scores for each fuel to a declining benchmark for each year, with higher carbon fuels above the benchmark creating deficits and lower carbon fuels below the benchmark creating credits. In order to meet its annual compliance obligation, a fuel reporting entity must submit an annual compliance report showing that it retired credits sufficient to meet its compliance obligation. Reporting includes requirements for verification by accredited providers.

[Sen. Bill No. 253](#) – The Climate Corporate Data Accountability Act, was amended by [Sen. Bill No. 219](#), and is codified in Health and Safety Code § [38532](#). This statute applies to public and private businesses that are organized under U.S. law, doing business in California, and have annual revenues over \$1 billion. When CARB adopts regulations to implement this statute, starting in 2026, businesses subject to Sen. Bill No. 253 will be required to annually disclose their Scope 1 and 2 GHG emissions for the prior fiscal year. Scope 1 emissions are direct emissions, such as what is emitted through a business's smokestack, and Scope 2 emissions are indirect emissions such as those from electricity and heating. Starting in 2027, businesses subject to Sen. Bill No. 253 will also be required to annually disclose their Scope 3 GHG emissions for the prior fiscal year. Scope 3 emissions are indirect upstream and downstream emissions, other than Scope 2 emissions, such as those from purchased

goods and services, business travel, employee commutes, and processing and use of sold products.

A reporting entity is required to obtain assurance for this reporting from an independent third-party assurance provider. For Scope 1 and 2 emissions, a limited assurance level is required starting in 2026, and a reasonable assurance level is required starting in 2030. For Scope 3 emissions, a limited assurance level is required starting in 2030.

An administrative penalty of up to \$500,000 in a reporting year may be imposed for non-compliance.

[Sen. Bill No. 261](#) – The Climate Related Financial Risk Disclosure Program, which was amended by [Sen. Bill No. 219](#), is codified at Health and Safety Code § [38533](#). This statute applies to public and private businesses that are organized under U.S. law, doing business in California, and have annual revenues over \$500 million. Businesses subject to Sen. Bill No. 261 are required to post a climate-related financial risk report on their website by January 1, 2026, and biennially thereafter. However, on December 1, 2025, CARB issued an enforcement advisory stating that it will not enforce Sen. Bill No. 261 against covered entities that do not post a report by January 1, 2026. If appropriate, CARB will provide an alternate reporting date after resolution of the appeal challenging SB 261 (*Chamber of Commerce v. Sanchez*, Case No. 25-5327 (9th Cir. 2025)).

The report is to disclose (1) the material risk of harm to immediate and long-term financial outcomes due to physical and transition risks and (2) the measures adopted to reduce and adapt to those risks.

Whether a risk is material is generally determined in the same way that an organization determines the materiality of information included in their financial filings, and risks must be disclosed consistent with the Final Report of Recommendations of the Task Force on Climate-related Financial Disclosures (June 2017), a successor thereto, or specified types of equivalent reporting requirements. Although a business may disclose its material risks “to the best of its ability,” doing so requires a “detailed explanation” for any gaps and a description of the steps it will take to prepare complete disclosures.

An administrative penalty of up to \$50,000 in a reporting year may be imposed for non-compliance.

[Assem. Bill No. 1305](#) – The Voluntary Carbon Market Disclosures Act is codified at Health and Safety Code [§§ 44475-44475.3](#). This statute requires that the following entities make specified disclosures on their websites that are to be updated at least annually:

1. A business entity that markets or sell voluntary carbon offsets (VCOs) in California;
2. An entity that operates in and purchases or uses VCOs sold in California, and make certain claims such as those related to achievement of net-zero emissions, carbon neutrality, or not adding to or making significant reductions in carbon dioxide or GHGs emissions; and
3. An entity that operates in California and “make[s] claims within the state” such as those related to achievement of net-zero emissions, carbon neutrality, or not adding to or making significant reductions in carbon dioxide or GHGs emissions.

Civil penalties of up to \$2,500 per day for each violation, up to a total of \$500,000, may be imposed if the required information is not available or inaccurate on the entity's website.

Law stated - 4 December 2025

## HAZARDOUS ACTIVITIES AND SUBSTANCES

### Regulation of hazardous products and substances

#### What are the main features of the rules governing hazardous products and substances?

Cal. Code Regs., tit. 8, § [5161](#) defines hazardous substance as a substance, material, or mixture which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, an irritant, or otherwise harmful, is likely to cause injury or illness. It includes a hazardous chemical as defined in § [5194\(c\)](#) and hazardous waste as defined in § [5192\(a\)\(3\)](#).

Hazardous waste is defined in Cal. Code Regs., tit. 8, § [5192](#) in reference to the definitions under federal law ([40 C.F.R. § 261.3](#)) and California law ([Health and Safety Code, division 20, chapter 6.5](#)). It includes wastes regulated under the [RCRA](#) and California's [Hazardous Waste Control Law](#).

Hazardous material is defined under Health and Safety Code § [25260\(d\)](#) as "a substance or waste that, because of its physical, chemical, or other characteristics, may pose a risk of endangering human health or safety or degrading the environment." It includes hazardous substances (Health and Safety Code, § [25281, 78075\(a\)](#)), hazardous waste (Health and Safety Code, § [25117](#)), and waste under [Water Code § 13050](#).

Cal. Code Regs., tit. 8, § [339](#) contains the official list of hazardous substances, maintained under Labor Code § [6380](#), for workplace hazard communication.

Cal. Code Regs., tit. 8, § [5194](#) implements mandatory hazard communication, aligned with federal OSHA standards (HazCom/GHS):

- It requires labelling of hazardous chemicals and maintenance of Safety Data Sheets (SDS).
- Employers must ensure labels are not removed or defaced, and SDS are accessible—especially in laboratory or sealed-container environments.

A hazardous product that becomes waste must follow the Hazardous Waste Control Law (Health and Safety Code, § [25100](#) et seq.) and implementing regulations in [Cal. Code Regs., tit. 22, division 4.5](#). Facilities treating, storing, or disposing of hazardous waste require permit from the Department of Toxic Substances Control (DTSC).

As discussed in more detail above (at Part 3), generators of hazardous waste must:

- Properly characterize waste,
- Use manifests,
- Track shipments,
- Register with DTSC (EPA ID), and
- Ensure final disposal at permitted Treatment, Storage, Disposal Facilities (TSDFs).

DTSC conducts inspections and takes enforcement action against non-compliance. Further, CalEPA also certifies local agencies called Certified Unified Program Agencies (CUPAs) and delegates authority to those CUPAs to implement and enforce state hazardous waste and hazardous materials regulatory management programs.

California statutes and regulations also govern the use of (1) above-ground storage tanks (see Aboveground Petroleum Storage Act (APSA) (Health and Safety Code, chapter 6.67, § [25270](#) et seq.), APSA Regulations (Cal. Code Regs., tit. 19, [chapter 11](#))), and (2) underground storage tanks ([Underground Storage of Hazardous Substances \(Health and Safety Code, chapter 6.7, § 25280 et seq.\)](#)), UST Regulations (Cal. Code Regs., tit. 23, [chapter 16](#))).

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## ENVIRONMENTAL ASSESSMENT

### Activities subject to environmental assessment

#### Which types of activities are subject to environmental assessment?

[CEQA](#), enacted under Public Resources Code § [21000](#) et seq., mandates that public agencies evaluate environmental impacts of discretionary activities they carry out or approve.

[Cal. Code Regs., tit. 14, §§ 15000-15387](#) provides procedures for compliance with CEQA, including definitions, exemption categories, and environmental impact documentation.

Under Public Resources Code § [21065](#), a project is any discretionary action by a public agency (including state and local), or a private activity requiring public agency support, assistance, or discretionary approval, that may cause direct or reasonably foreseeable indirect physical changes in the environment.

CEQA applies not just to large industrial developments but also to non-industrial private and public projects such as housing, infrastructure, community plans, general plans, and programmatic planning efforts.

The environmental review process under CEQA does not function as a permit. It ensures impacts are assessed, mitigated, and disclosed.

Under Public Resources Code § [21080\(b\)](#), certain categories are excluded by statute, such as emergency repairs, ministerial permits, and some housing and infrastructure projects.

[Assem. Bill No. 130](#) eliminates CEQA review for certain urban infill housing projects (up to 20 acres, within incorporated/urban areas, two-thirds residential). To qualify, a housing project must meet certain requirements to show it will constitute infill development. [Sen. Bill No. 131](#) adds exemptions for:

- Advanced manufacturing in industrial zones
- Rural health clinics
- Childcare centers (in non-residential areas)
- Farmworker housing
- Food banks

- Wildfire risk mitigation projects

Sen. Bill No. 131 also seeks to encourage housing projects that narrowly miss qualifying for a CEQA exemption by limiting the scope of CEQA review for certain projects that fail to qualify for a CEQA exemption based on “a single condition.” Where Sen. Bill No. 131 applies, it limits environmental review to the environmental effects caused “solely” by that single condition.

Categorical Exemptions under Cal. Code Regs., tit. 14, §§ [15300-15333](#), apply to classes of projects like small construction projects, infill development, and facility repairs with no significant environmental effects.

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## REGULATORY AUTHORITIES

### Regulatory authorities

Which authorities are responsible for the environment in your state and what is the scope of each regulator’s authority?

[California Environmental Protection Agency](#) (CalEPA) is the central agency coordinating California’s environmental policy. CalEPA consists of the California Air Resources Board (CARB), the Department of Pesticide Regulation (DPR), the Department of Resources Recycling and Recovery (CalRecycle), the Department of Toxic Substances Control (DTSC), the Office of Environmental Health Hazard Assessment (OEHHA), and the State Water Resources Control Board (SWRCB).

- [California Air Resources Board](#) (CARB) – CARB regulates mobile-source emissions, air pollution standards, and GHG policies. It can issue regulations, set permitting requirements (especially for mobile sources), and can impose penalties. Its subsidiaries, local air quality management districts like [South Coast Air Quality Management District](#), regulate stationary sources—issuing permits and enforcing emission rules within specific air basins.
- [Department of Pesticide Regulation](#) (DPR) – DPR regulates the sale and use of pesticides to protect public health and the environment. It issues licenses, approves labels, enforces use standards.
- [Department of Resources Recycling and Recovery](#) (CalRecycle) – CalRecycle manages solid waste reduction, recycling programs, and landfill permitting. It issues permits for solid waste facilities and enforces waste diversion laws.
- [Department of Toxic Substances Control](#) (DTSC) – DTSC controls hazardous waste generation, handling, disposal, and site cleanup, as well as enforces the Green Chemistry Initiative. It issues permits, imposes use restrictions, bans products, and oversees site investigations and remediation.
- [Office of Environmental Health Hazard Assessment](#) (OEHHA) – OEHHA carries out scientific evaluation of environmental health risks. OEHHA implements Proposition 65 and compiles the list of chemicals that are subject to Proposition 65 requirements
- [State Water Resources Control Board](#) (SWRCB) – SWRCB regulates water quality, permits for discharges (e.g., NPDES), and groundwater and surface water usage. It issues waste discharge requirements, water rights permits, and enforcement

orders, pursuant to which it also oversees site investigations and remediation where groundwater and surface water are impacted.

[California Coastal Commission](#) manages coastal lands under the California [Coastal Act](#). It oversees land use within the coastal zone. The Commission issues coastal development permits, imposes fines for violations, and can veto or require modifications to projects.

The [California Natural Resources Agency](#) (CNRA) includes, among others, the Department of Forestry and Fire Protection (CalFire), Department of Conservation, Department of Parks and Recreation, Department of Fish and Wildlife, and Department of Water Resources.

In addition, the California Public Utilities Commission, which regulates privately owned utilities, and the California Energy Commission, which is the State's primary energy policy and planning agency, are involved in California's long-term energy planning. Both agencies jointly implement California's Renewable Portfolio Standard, which sets continuously escalating renewable energy procurement requirements.

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## KEY TRENDS AND DEVELOPMENTS

### Recent updates and trends

What are the most noteworthy recent trends and developments in environmental law in your state? What developments are expected in the coming year?

N/A

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