



**FORMAL NOTIFICATION OF A DECISION TO UNDERTAKE A PROJECT, AND NOTIFICATION OF
CONSULTATION OPPORTUNITY, PURSUANT TO PUBLIC RESOURCES CODE § 21080.3.1**

**SUBJECT: SMALL AND MEDIUM COMPOSTING FACILITIES AND OPERATIONS PROGRAMMATIC
ENVIRONMENTAL IMPACT REPORT**

July 20, 2026

Dear Tribal Leader,

The California Department of Resources Recycling and Recovery (CalRecycle) is responsible for developing and adopting a statewide Program Environmental Impact Report (PEIR) to provide a consistent approach for evaluating the construction and operation of small and medium composting facilities and operations throughout California, as required by the Organic Waste Reduction Bill (SB 1046, Laird, Chapter 452, Statutes of 2024). SB 1046 directs CalRecycle to prepare a PEIR to assist and facilitate the permitting process for small and medium compostable material handling facilities or operations.

CalRecycle recognizes the importance of meaningful tribal consultation and respectfully invites your participation. We request your views, guidance, and recommendations to support the development of the PEIR. Pursuant to Public Resources Code (PRC) § 21080.3.1(d), the information below provides a description of the proposed project, a map of the project area, and a point of contact for this consultation request. Under PRC § 21080.3.1(d), your tribe has 30 days from receipt of this letter to request consultation.

PROPOSED PROJECT: CalRecycle is proposing adoption of a statewide PEIR to assist in the process to approve, site, and develop small and medium compostable material handling facilities and operations throughout the State of California, as required by the Organic Waste Reduction Bill (SB 1046, Laird, Chapter 452, Statutes of 2024). SB 1046 requires CalRecycle to prepare a PEIR to provide a consistent approach and consider impacts associated with construction and operation of small and medium composting facilities and operations statewide.

The PEIR is intended to provide an opportunity that will allow for a more consistent approach to siting and permitting (consistent with Section 15168 of the State CEQA Guidelines). The PEIR may serve as the first-tier analysis for later, more detailed, site-specific environmental reviews as necessary. Lead agencies and responsible agencies such as local land use and planning agencies, local enforcement agencies, and CalRecycle may use the CEQA document in considering subsequent discretionary actions. The PEIR will provide a detailed project description, identify and analyze the potential environmental effects associated with the project, and include mitigation measures to reduce or avoid environmental effects to a level less than significant. Lead agencies are expected to initiate tribal consultation consistent with AB 52 at

the beginning of environmental review for individual projects tiered from this PEIR, ensuring tribes have the opportunity to review and comment on project-specific conditions.

BACKGROUND: With the passage and implementation of Senate Bill 1383 (2016), CalRecycle, in consultation with the California Air Resources (CARB), developed a series of goals (and associated regulations) to reduce disposal of organic waste (statewide) by 50 percent of 2014 levels by 2020 and 75 percent by 2025. In addition, a recovery goal of at least 20 percent by 2025 of edible food in the organic waste stream was established. CalRecycle prepared an EIR related to SB 1383 (certified in 2019) that evaluated the expansion and development of large composting facilities throughout the state in response to the established goals. The SB 1383 EIR evaluated the potential impacts of the development and expansion of larger (i.e., greater than 25,000 tons per year [tpy]) composting facilities, as well as other types of waste reduction facilities, throughout the state.

In 2024, CalRecycle prepared an evaluation of current practices and permitting related to the development of small (less than 10,000 tpy) and medium (less than 25,000 tpy) composting facilities that accept agricultural, food, and green material. As identified in that study, the entitlement and environmental review of small and medium composting facilities and operations has been historically approached in many different ways with some facilities non-discretionary (i.e., not a project under CEQA) while others would involve preparation of either a Notice of Exemption, Negative Declaration, or Mitigated Negative Declaration pursuant to CEQA requirements. This historic approach has led to challenges associated with permitting and development, following initial approval by the local jurisdiction. To ensure that the State continues to achieve and exceed SB 1383 targets, it is reasonably foreseeable that the development of additional small and medium composting facilities and operations is necessary, especially within more rural areas of the state.

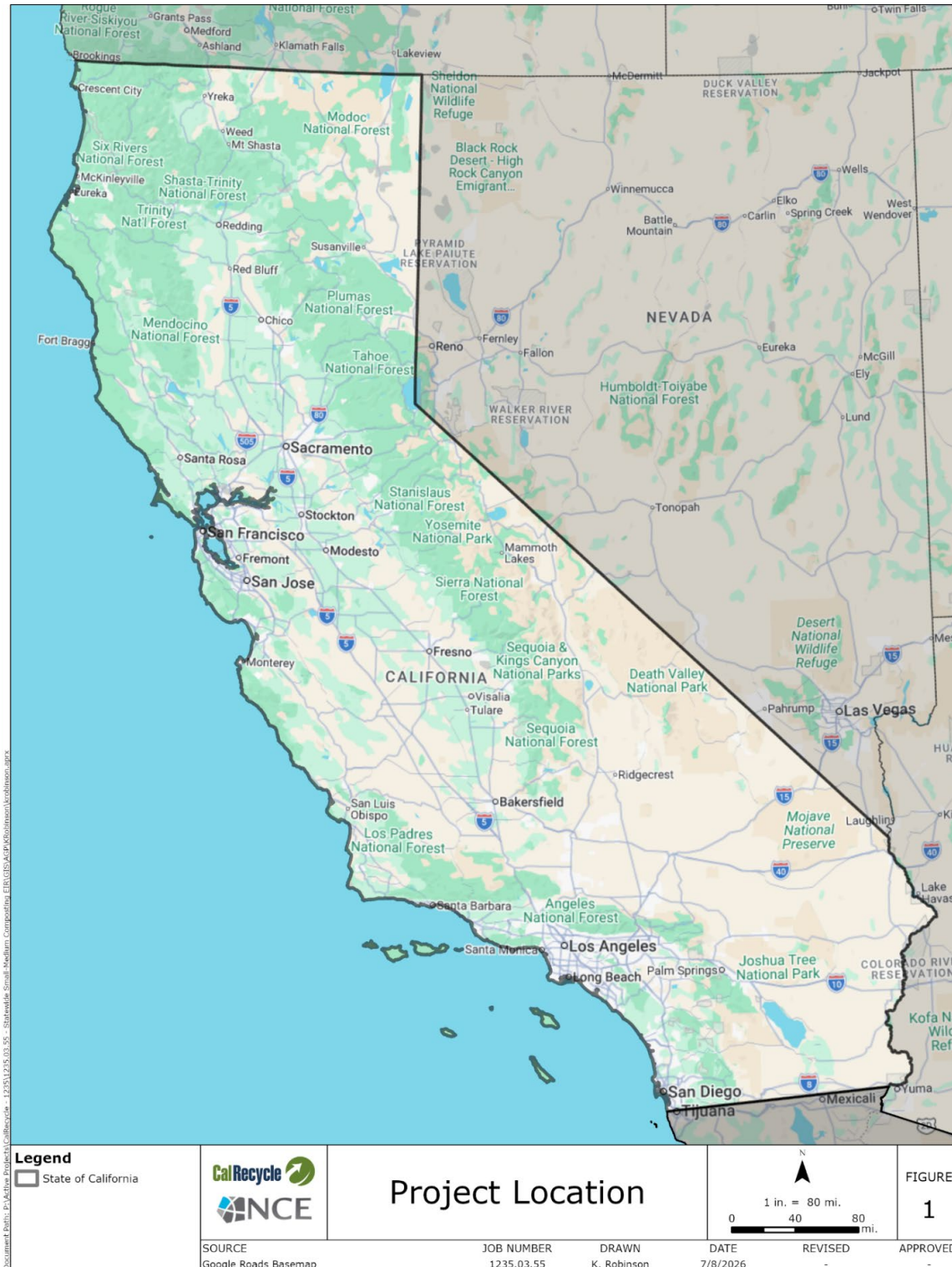
ISSUES TO BE ADDRESSED IN THE ENVIRONMENTAL IMPACT REPORT: As permitted by Section 15060(d) of the State CEQA Guidelines, CalRecycle has not prepared an Initial Study/Environmental Checklist, as preparation of a PEIR is mandated by SB 1046 (2024). Based on the PEIR description and CalRecycle's understanding of the environmental issues associated with future development of small and medium composting facilities, it is anticipated that the PEIR has the potential to result in environmental effects associated with some or all of the following environmental resource areas, which will be addressed in the PEIR:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gases
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise and Vibration
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

As the project would be intended to increase composting within the state and would not increase population or result in the removal of substantial housing opportunities within the state, evaluation of potential impacts associated with population and housing, as well as recreation, is not anticipated. Alternatives to be analyzed in the PEIR are to be defined and analyzed consistent with the requirements

of CEQA Guidelines, Section 15126.6. The specific project alternatives to be evaluated in the PEIR may include, but are not limited to, the “No PEIR” alternative, as required by CEQA.

PROJECT LOCATION: The proposed project location is the entirety of the State of California, as shown below.



Please contact Katrina Leni-Konig for additional information, questions, or concerns, by email at tribalaffairs@calrecycle.ca.gov or by mail at:

Department of Resources Recycling and Recovery (CalRecycle)
ATTN: Katrina Leni-Konig
13th Floor
P.O. Box 4025
Sacramento, CA 95812-4025

CalRecycle staff would like to consult with your Tribe to better understand Native American concerns related to the Proposed Project. We respectfully request that you respond within 30 days of receiving this letter to request consultation in writing with CalRecycle, pursuant to PRC § 21080.3.1(b). For your convenience, a Tribal Consultation Options Response Form is enclosed; you may complete and return this form to CalRecycle within 30 days of receipt of this correspondence either by email or by mail.

Your timely response will greatly assist us in incorporating your input into project planning. CalRecycle will begin the consultation process within 30 days of receiving your Tribe's written request for consultation.

Sincerely,

Signature on File

Katrina Leni-Konig
Deputy Director and Tribal Liaison
CalRecycle

Attachment A: Tribal Consultation Options Response Form

Attachment A: Tribal Consultation Options Response Form (Optional)

Tribe: _____

Project Name: Small and Medium Composting Facilities and Operations Programmatic Environmental Impact Report

Please check the appropriate response:

_____ Continue Coordination for this proposed project directly with the Department of Resources Recycling and Recovery (CalRecycle) and requests initiation of formal consultation pursuant to Public Resources Code Sections 21080.3.1 and 21080.3.2.

_____ No interest associated with this proposed project and further consultation is not required. Use the back of this form or additional sheets if you would like to make additional comments.

Tribal Leader (Please print)

Telephone

Tribal Leader (Signature)

Date

Mail:

Phone:

E-mail:

If you have chosen to proceed with consultation, please identify a Tribal Representative for the consultation.

Name of Formal Tribal Representative (Please print)

Telephone

Name of Formal Tribal Representative (Signature)

Date

Please mail this form to:

Department of Resources Recycling
and Recovery (CalRecycle)
ATTN: Katrina Leni-Konig
13th Floor
P.O. Box 4025
Sacramento, CA 95812-4025

or E-mail to:

tribalaffairs@calrecycle.ca.gov