



# SENATOR DAVE CORTESE

## SB 37 The Dominic Cortese “Cortese List” Act of 2021

### ISSUE

Cities such as San Francisco have recently granted certain California Environmental Quality Act (CEQA) exemptions to projects that are on the “Cortese List”, a list of hazardous-waste sites in the state originally created by Assemblymember Dominic Cortese in 1985. CEQA exemptions are usually reserved for projects that do not have any possibility of posing a significant impact on the environment or human health according to state law. However, the dangers of carrying out development projects on Cortese List sites can be severe. Without mitigation efforts designed to clean up or eliminate hazardous substances, these projects could pose severe health risks to construction workers and future occupants.

### BACKGROUND

CEQA is a state law that requires agencies to provide information to and notify the public regarding the potential environmental and health risks of certain development projects. Most projects require the completion of a thorough analysis that assesses the impacts of a project. However, certain projects, specifically those that do not have the possibility of posing a significant impact, are granted exemptions that allow them to carry out the project with no review process.

The “Cortese List”, named after Dominic Cortese, the former legislator that authored the law to enact the list, is an annually updated planning document used to inform the public about the location of hazardous materials release sites. The Department of Toxic Substance Control (DTSC) and the State Water Resources Control Board (SWRCB), along with other state and local agencies, are required to include certain contaminated sites on the Cortese List.

In 1991, Assemblymember Samuel Farr passed AB 869, a bill that prohibits a project from being exempt under CEQA if it is located on a Cortese List site. This law was passed in response to instances of construction projects

being carried out on Cortese List sites without thorough environmental analysis due to exemptions. Public Resources Code 21084 currently states that exemptions cannot be granted for projects on Cortese List sites under any condition. However, entities have purposefully bypassed environmental review requirements for Cortese List sites by granting “common sense” exemptions, claiming that these types of exemptions are not subject to Public Resources Code 21084. This loophole allows entities to carry out a development project without notifying the public of the potential health risk to the project’s construction workers or the surrounding community.

### THIS BILL

This bill clarifies the Public Resources Code to confirm that all types of exemptions, explicitly including “common sense” objections, cannot be granted to projects on Cortese List sites

### FOR MORE INFORMATION

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