REQUEST FOR ACTION

To: Mark Leary
Acting Director
Department of Resources Recycling and Recovery

From: Mark de Bie
Branch Chief
Permitting and Assistance Branch

Request Date: June 21, 2011

Decision Subject: Request for Certification of the Anaerobic Digestion Final Program Environmental Impact Report (EIR) and Approve Anaerobic Digestion Initiative

Request Action By: June 23, 2011

Summary of Request: This is a request that the Acting Director certify the Anaerobic Digestion Final Program EIR, make required CEQA Findings, adopt the Mitigation Monitoring and Reporting Plan and approve the Anaerobic Digestion Initiative. Staff's detailed findings and recommendations are provided in the attached Staff Report.

The Draft Program EIR was circulated for comment on February 11, 2011 through April 4, 2011. Comments were also accepted at the CalRecycle Monthly Public Meeting on March 15, 2011 in Sacramento and on March 30, 2011 in Lakewood. CalRecycle received 19 comment letters/emails on the Draft Program EIR, and responses to comments have been incorporated into the Draft Program EIR to form the Final Program EIR (FPEIR). A Mitigation Monitoring and Reporting Plan has been developed and posted.

The Anaerobic Digestion Initiative consists of adoption of a policy and a series of discrete actions to implement the policy to advance anaerobic digestion technology as described in the FPEIR and the staff report.

Recommendation: Staff recommends the Acting Director certify the Anaerobic Digestion Final Program EIR and approve the Anaerobic Digestion Initiative. The proposed AD Initiative will have potentially significant impacts, as identified in the Final Program EIR (Table 1-1 Revised) but which can be mitigated to less than significant. Those impacts will occur only upon the construction and operation of specific anaerobic digestion facilities, if and when that occurs. Table 1-1 Revised specifies mitigation measures (that is, "changes or alterations" required in the project to avoid or substantially lessen each significant environmental effect) which will have the desired effect of avoiding or substantially lessening the potentially significant impacts identified in the Final Program EIR. Therefore, with respect to the Acting Director's certification of the Final Program EIR and adoption of this project, the Anaerobic Digestion Initiative, all of the changes or alterations (i.e., Final Program EIR Mitigation Measures) to specific projects which are constructed and operated in the future will be within the responsibility and jurisdiction of other public agencies and not CalRecycle. Staff has prepared, and recommends that the Acting Director adopt, the Mitigation Monitoring and Reporting Plan (MMRP) prepared in conjunction with the Final Program EIR. The mitigation measures specified in the MMRP are fully enforceable through permit conditions to be imposed by the Lead Agency and other Responsible Agencies, agreements with project proponents, and similar means.

Acting Director Findings:

- I adopt the findings as recommended by CalRecycle staff in the staff report attached to this Request for Action.
- I have reviewed the FPEIR and have considered the information in it.

Acting Director Action:
On the basis of the information above, the staff report attached to this Request for Action and on staff's recommendation, and the findings set out in the attached staff report and stated above, I hereby certify the Anaerobic Digestion Final Program EIR, adopt the Mitigation Monitoring and Reporting Plan, and approve the Anaerobic Digestion Initiative.

Dated: June 22, 2011

Mark Leary, Acting Director
Department of Resources Recycling and Recovery

Attachments: Staff Report; AD Initiative; AD Program EIR; Mitigation Monitoring and Reporting Plan