REQUEST FOR APPROVAL

To: Scott Smithline
Director

From: Mark de Bie
Deputy Director
Waste Permitting Compliance & Mitigation Division

Request Date: August 18, 2015

Decision Subject: Adoption of the Negative Declaration (SCH# 2015062080) for the Compostable Materials, Transfer/Processing Regulations

Action By: August 31, 2015

Summary of Request:

As Lead Agency under CEQA for adoption of the Compostable Materials, Transfer/Processing Regulations, staff prepared an Initial Study that determined that this project will not have a significant effect on the environment. As a result, staff prepared a Negative Declaration and circulated the document for public comment consistent with CEQA. Four individuals or organizations submitted comments within the public comment period. Staff responded to all comments. Staff now requests adoption of the final Initial Study and Negative Declaration (IS/ND) in anticipation of CalRecycle's adoption of the regulations.

Recommendation:
Staff recommends adoption of the IS/ND and the filing of a Notice of Determination (NOD) with the State Clearinghouse as provided under CEQA.

Action:
On the basis of the information and analysis in this Request for Approval and attached IS/ND, the Department hereby certifies the following:

The Department prepared an IS/ND evaluating the potential environmental effects of the proposed project in compliance with CEQA;

The IS/ND reflects the Department's independent judgment and analysis;

The Department, as the lead agency, reviewed and considered the information contained in the IS/ND together with all comments received during the public review period;

The Department determines, based on the IS, that the project will not have a significant effect on the environment;

The Department adopts the IS/ND as a condition of approval of the project;

Upon my approval of the project and adoption of the IS/ND, Department staff shall prepare and submit an NOD for the project to the State Clearinghouse; and

The documents and other materials that constitute the CEQA record are located at the Department's Legal Office, 1001 I Street, 24th Floor, Sacramento, California. The custodian of these documents is Dona Sturgess.

Dated: August 26, 2015

Scott Smithline
Director

Attachments:
1. Negative Declaration and Initial Study Evaluating the Proposed Compostable Materials, Transfer/Processing Regulations
2. Response to Comments

Background Information:

The California Environmental Quality Act (CEQA) (Public Resources Code Sections 21 000, et. seq.), and State CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et seq.) require that, prior to approval of a proposed project to which CEQA applies, the Lead Agency determine whether the project may have any significant adverse environmental effects. The California Department of Resources Recycling and Recovery (CalRecycle) is the Lead Agency for the adoption of the proposed regulations, and the proposed regulations are subject to CEQA. If there are no significant adverse environmental effects from the project, CalRecycle shall adopt a Negative Declaration to support the approval of the proposed project.

Before CalRecycle adopts the regulations, CEQA requires CalRecycle to consider whether the implementation of the regulations may cause any significant direct or indirect adverse environmental effects. CalRecycle staff prepared an Initial Study for the proposed regulations which evaluate the potential environmental effects of the regulations. CalRecycle determined that the proposed regulations will not have any significant effect on the environment. CalRecycle staff made this determination on the basis of the whole record before it, including the draft Initial Study and comments received during the period provided for public review. A copy of the proposed Negative Declaration and final Initial Study evaluating the regulations is attached.

Noticing Requirements:
As required by CEQA, CalRecycle staff mailed a Notice of Intent to Adopt a Negative Declaration to the interested public, circulated the proposed Negative Declaration and Initial Study to state agencies through the State Clearinghouse, and published a Notice of Intent To Adopt a Negative Declaration in three newspapers of general circulation throughout the State of California.

Comments Received:
CalRecycle staff received two comment letters and two e-mails containing comments during the state agency and public review period. A summary of the comments in the letters and staff's responses are attached to this request. After thorough review and consideration, CalRecycle staff determined that there is no substantial evidence that the project will have a significant effect on the environment.

Custodian of the Record:
The custodian of the record of this proceeding is Dona Sturgess, CalRecycle Legal Office, 1001 I Street, P.O. Box 4025, Sacramento, CA 95812-4025 (dona.sturgess@calrecycle.ca.gov). The documents and materials constituting the record of this proceeding are located at CalRecycle, 1001 I Street, Sacramento, California.

Findings:

- CalRecycle staff prepared the draft Initial Study under the general direction of CalRecycle's Director.

- CalRecycle reviewed and considered all comments received during the public review process.

- CalRecycle staff prepared the Negative Declaration and final Initial Study; the documents reflect CalRecycle's independent judgement and analysis.