

## REQUEST FOR APPROVAL

**To:** Mark De Bie, Deputy Director  
Waste Permitting, Compliance and Mitigation Division

**From:** Wes Mindermann  
Supervising Waste Management Engineer  
Engineering Support Branch

**Reviewed By:** Harlee Branch, Legal Office

**Request Date:** July 11, 2013

**Decision Subject:** **CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 201212041) FOR THE WARING'S DUMP SOIL CAP PROJECT, FACILITY NO. 34-CR-5017, SACRAMENTO COUNTY**

**Action By:** July 12, 2013

---

### **Summary of Request:**

The Department of Resources Recycling and Recovery (Department) has assumed the role as lead agency under the California Environmental Quality Act (CEQA) for the Waring's Dump Soil Cap Project located in Sacramento County. The Sacramento County Department of Environmental Management [Local Enforcement Agency (LEA)] requested the Department's assistance for the Department-managed remediation of the Waring's Dump. This request is for the consideration and certification of the attached Environmental Impact Report (EIR), adoption of CEQA findings, and the adoption of a Mitigation Monitoring and Reporting Program (MMRP) for the remediation project.

### **Recommendation:**

Department staff have completed the evaluation and recommend the certification of the attached EIR and the adoption of the attached CEQA findings and MMRP for the Department-managed remediation of the Waring's Dump.

---

### **Deputy Director Action:**

On the basis of the information and analysis in this Request for Approval and the CEQA administrative record for the project, the Department hereby certifies the following:

The Department caused to be completed an environmental analysis and caused to be prepared an Initial Study and EIR evaluating the potential environmental effects of the proposed project in compliance with CEQA;

The final EIR reflects the Department's independent judgment and analysis;

**Request for Approval**

**July 11, 2013**

**Page 2**

The final EIR was presented to me as the Department's decision-making body pursuant to a written delegation of authority dated January 15, 2013, from the Department Director for approval of cleanup and remediation projects. I reviewed and considered the information contained in the final EIR prior to approving the project;

The Department revised the project and hereby adopts the mitigation measures described in the final EIR such that the project, as revised and mitigated, will have no significant effects on the environment;

The Department certifies the final EIR as a condition of approval of the project;

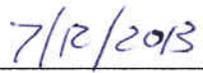
The Department adopts the CEQA findings and MMRP described in Attachment 2. The MMRP is adopted as a condition of approval of the project;

The Department rejects the Site Clean Closure Alternative described in the final EIR because it finds this alternative infeasible. In prioritizing projects for cleanup, the Department may consider, among other factors: (1) the actual or potential degree of risk to public health and safety and/or the environment posed by conditions at the site as determined by a comparison with state minimum standards (27 CCR, Chapter 3, Subchapter 4, commencing with section 20510 and Subchapter 5, commencing with section 21099); and (2) the ability of CalRecycle to perform a timely and efficient site cleanup which adequately addresses state minimum standards using available funds and maximizing such use of available funds (Public Resources Code Section 48021(a), 14 CCR 18903-04). Clean closure of the site cannot be conducted under the Solid Waste Disposal and Codisposal Site Cleanup Program because it would go beyond bringing the site into compliance with the state minimum standards and would thus require funding far in excess of what is necessary. CalRecycle is legally constrained in its ability to conduct a remediation that goes beyond bringing the site into compliance with state minimum standards.

Following project approval, Department staff will prepare and submit a Notice of Determination for the project to the Office of Planning and Research for filing; and

The documents and other materials that constitute the CEQA record are located at the Department's Legal Office, 1001 I Street, 24<sup>th</sup> Floor, Sacramento, California. The custodian of these documents is Dona Sturgess. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 CCR Section 15091(e).

  
\_\_\_\_\_  
Mark De Bic  
Deputy Director

  
\_\_\_\_\_  
Date