

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 22, 2013

Decision Subject: **ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE FORTUNA DUMP REMEDIATION PROJECT, FACILITY NO. 12-AA-0007, HUMBOLDT COUNTY (STATE CLEARINGHOUSE NO. 2013032064)**

Action By: July 26, 2013

Summary of Request:

The Department of Resources Recycling and Recovery (Department) has assumed the role as lead agency for the California Environmental Quality Act (CEQA) for the Fortuna Dump Remediation Project located in Humboldt County. The Humboldt County Division of Environmental Health [Local Enforcement Agency (LEA)] requested the Department's assistance for a Department-managed remediation of the Fortuna Dump. This request is for the consideration of adoption of the attached Initial Study (IS) and Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the project.

Recommendation:

Department staff recommend the adoption of the attached IS/MND and MMRP for the Department-managed remediation of the Fortuna Dump Project site (site).

Deputy Director Action:

The Department caused to be prepared an IS and MND evaluating the potential environmental effects of the proposed project in compliance with CEQA;

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

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

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The Department determines based on the IS that although the proposed project could have significant effects on the environment, the project was revised and mitigation measures adopted such that there is no substantial evidence that the project, as revised and mitigated, will have any significant effects on the environment. No comments were received on the IS/MND;

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

The Department adopts the MMRP as a condition of approval of the project;

Department staff will prepare and submit a Notice of Determination for the project to the State Clearinghouse for filing as required by the CEQA Guidelines; 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.



Mark De Bie
Deputy Director

7/25/13

Date

Background:

The Fortuna Dump Remediation Project is considered to be a project under CEQA. State law requires the preparation and certification/adoption of an environmental document whenever a project requires discretionary approval by a public agency.

The Department, acting as CEQA Lead Agency for this project, has caused to be prepared an IS/MND, which is included at Attachment 1. All potential environmental effects were deemed "Less than Significant or No Impact" or "Less Than Significant with Mitigation." "Less Than Significant with Mitigation" means that the incorporation of mitigation measures reduces an environmental effect from a potentially significant impact to a less than significant impact. The proposed mitigation measures and a brief explanation of how they reduce the effects to a less than significant level are provided in the attached text of the IS/MND. A MMRP is attached and is made a condition for approval of this project.

The IS/MND were circulated for review through the State Clearinghouse and a public notice was placed in the project site area local paper (*The Times-Standard*) with copies at the Humboldt County Library at the Fortuna Branch Library located at 753 14th Street in Fortuna and the Humboldt County Main Library located at 1313 3rd Street in Eureka. The comment period ran from March 26, 2013 through April 24, 2013 and no comments were received.

The attached IS/MND demonstrates that although the proposed project may have a significant effect on the environment the project has been revised and mitigation measures adopted so that any potentially effects of the proposed project have reduced below the level of significance.

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Once the MND has been adopted by the Department, a Notice of Determination will be filed with the Office of Planning and Research. A MMRP has also been prepared for adoption by the Department and is Attachment 2 of this Request for Approval.

Attachments:

1. Final IS/MND
2. Mitigation Monitoring and Reporting Plan

