

REQUEST FOR APPROVAL

To: Carol Mortensen
Director

From: Howard Levenson
Deputy Director, Materials Management and Local Assistance Division

Request Date: January 17, 2012

Decision Subject: Adoption of a Negative Declaration (SCH# 2011122052) for the Proposed California Carpet Stewardship Plan

Action By: January 17, 2012

Summary of Request: Staff requests adoption of a Negative Declaration in anticipation of CalRecycle’s approval of the proposed California Carpet Stewardship Plan (the Plan), dated December 1, 2011, submitted by the Carpet America Recovery Effort (CARE), pursuant to the carpet stewardship law ([Chapter 681, Statutes of 2010 \[Perez, AB 2398\]](#), Public Resources Code §§ 42970 - 42983).

Recommendation:
Staff recommends adoption of the Negative Declaration and Initial Study and the filing of a Notice of Determination with the State Clearinghouse as provided CEQA.

Action:
On the basis of the information and analysis in this Request for Approval, I hereby adopt the Negative Declaration (SCH #2011122052) for the proposed California Carpet Stewardship Plan. I also direct staff to submit a Notice of Determination for the approved project to the State Clearinghouse for filing as provided under CEQA.

Dated: _____

Carol Mortensen, Director

- Attachments:**
1. Negative Declaration and Initial Study Evaluating Approval of California Carpet Stewardship Plan, (SCH# 2011122052)
 2. California Carpet Stewardship Plan, dated Dec. 1, 2011.

Background Information:

The California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000, et seq.), and the 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 approval of the Plan, which approval is a project subject to CEQA. If there are no significant adverse environmental effects from the project, as in this case, CalRecycle shall adopt a Negative Declaration for the proposed project.

California Department of Resources Recycling and Recovery (CalRecycle) staff has reviewed the Plan as submitted by CARE and, as described in the accompanying Request for Approval of the Plan, finds it meets the requirements of the carpet stewardship law and recommends that you approve it. (A copy of the Plan is attached to the Request for Approval of the Plan.) Before CalRecycle approves the Plan, however, CEQA requires CalRecycle to consider whether the Plan may cause any significant direct or indirect adverse environmental effects. CalRecycle staff prepared a Negative Declaration and Initial Study for the proposed Plan which evaluates the potential environmental effects of the Plan and determined that the Plan 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 Initial Study and comments received during the period provided for public review of the proposed Negative Declaration. A copy of the Negative Declaration and Initial Study evaluating the Plan 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:

The public review period for the Negative Declaration was December 15, 2011 through January 16, 2012. As of the date of publication of this Request for Approval, CalRecycle staff has not received any comments on the Negative Declaration and Initial Study. The public review period is open though January 16, 2012, however, so staff will provide a verbal update on any comments received during the review period at the public meeting at which this project is discussed (presently scheduled for January 17, 2012) and will post any such comments at CalRecycle's public meeting website:

<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=597&aiid=571>.

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 Negative Declaration and Initial Study under the general direction of CalRecycle's Director.
- CalRecycle considered the Negative Declaration together with any comments received during the public review process.
- Based on the whole record before it, CalRecycle determined that there is no substantial evidence the project will have a significant effect on the environment.
- CalRecycle staff prepared the Negative Declaration and Initial Study; the document reflects CalRecycle's independent judgment and analysis.