California Architectural Paint Stewardship Program Plan

Initial Study and Proposed Negative Declaration

Final

PREPARED UNDER THE DIRECTION OF:
Department of Resources Recycling and Recovery (CalRecycle)
1001 I St
Sacramento, CA 95814

July 19, 2012

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July 19, 2012

12010019.01

NEGATIVE DECLARATION

Project: California Architectural Paint Stewardship Program Plan
Project Proponent: PaintCare® Inc.
Lead Agency: California Department of Resources Recycling and Recovery (CalRecycle)

PROJECT DESCRIPTION

This Negative Declaration (ND), supported by the attached Initial Study (IS), evaluates the environmental effects of the proposed California Architectural Paint Stewardship Program Plan (Plan). The Plan, which will have statewide application, is submitted by PaintCare® Inc., a stewardship organization representing U.S. paint manufacturers. PaintCare® Inc. prepared the Plan in response to the enactment of the 2010 California Architectural Paint Stewardship Law (Huffman, AB 1343), as subsequently amended. The Plan proposes a recovery program to reduce the generation of postconsumer architectural paint (i.e., unused and left-over, consumer-purchased, architectural paints), promote the reuse of postconsumer architectural paint, and manage the end-of-life of postconsumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, reuse, and disposal.

The California Department of Resources Recycling and Recovery (CalRecycle) is responsible for approving or disapproving the Plan and is the lead agency for this project under the California Environmental Quality Act (CEQA). CalRecycle directed the preparation of this IS and ND. The IS and ND reflect CalRecycle's independent judgment and analysis.

FINDING

An IS, attached to this ND, has been prepared to assess the project's potential effects on the environment and the significance of those effects. Based on the information and analysis in the IS, CalRecycle has determined, and therefore finds, that the proposed project will not have any significant effects on the environment. This conclusion is supported by the following determinations:

1. The proposed project will have no impact related to aesthetics, agricultural and forestry resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use planning, mineral resources, population and housing, public services, recreation, utilities and service systems. Plan approval will not cause environmental impacts related to these topics because implementation of the Plan will involve only the use of existing structures and facilities.
2. The proposed project will have a less-than-significant impact on air quality, greenhouse gases, noise, and transportation and traffic. These effects are related primarily to minor changes in collection and transport of the postconsumer architectural paint that result from implementing the Plan. Plan approval will not cause significant environmental impacts related to these topics, because implementation of the Plan will involve minor changes to the existing collection and transport procedures for postconsumer architectural paint.

RECORD OF PROCEEDINGS

The record of CalRecycle's proceedings of the adoption of this Negative Declaration and its approval of the Plan regulations is available for review at:

Custodian of Records
California Integrated Waste Management Board
1001 I Street
P.O. Box 4025
Sacramento, CA 95812-4025

Questions or comments regarding this Negative Declaration and Initial Study may be addressed to:

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After comments are received from the public and reviewing agencies, CalRecycle may (1) adopt the ND and approve the proposed project; (2) undertake additional environmental studies; or (3) disapprove the project.

LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Name ***Date***

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ACRONYMS AND ABBREVIATIONS

AADT	average annual daily traffic
AB	Assembly Bill
ARB	California Air Resources Board
AST	Above Ground Tanks
Cal OSHA	California Occupational Health and Safety Administration
Cal/EPA	California Environmental Protection Agency
CalARP	California Accidental Release Prevention
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CHP	California Highway Patrol
CO	carbon monoxide
CO_2	carbon dioxide
Community Right- to-Know	Hazardous Material Release Response Plans & Spill Notification
CPUC	California Public Utilities Commission
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
FHMR	Federal Hazardous Materials Regulations
FMMP	Farmland Mapping and Monitoring Program
GHGs	greenhouse gases
HHW	household hazardous waste
HSC	California Health and Safety Code
IPCC	Intergovernmental Panel on Climate Change
IRS	Internal Revenue Service
IS	Initial Study

LOS	level of service
ND	Negative Declaration
NO_2	nitrogen dioxide
OES	Office of Emergency Services
PaintCare®	PaintCare® Inc.
PHHWCF	permanent household hazardous waste collection facilities
Plan	California Architectural Paint Stewardship Program Plan
PM_{10}	particulate matter less than 10 microns in diameter
$PM_{2.5}$	particulate matter less than 2.5 microns in diameter
PRC	California Public Resources Code
proposed project	California Architectural Paint Stewardship Program Plan
RCRA	Federal Resource Conservation and Recovery Act
RMP	Risk Management Plan
RWQCBs	Regional Water Quality Control Boards
SB	Senate Bill
SO_2	sulfur dioxide
SWRCB	California State Water Resources Control Board
TACs	toxic air contaminants
USBR	U.S. Bureau of Reclamation
UST	Underground Storage Tanks
V/C	volume-to-capacity ratio
VMT	vehicle miles traveled

1 INTRODUCTION

1.1 INTRODUCTION AND REGULATORY GUIDANCE

This Initial Study (IS) has been prepared under the direction of the California Department of Resources Recycling and Recovery (CalRecycle) to evaluate the potential environmental effects of adopting the California Architectural Paint Stewardship Program Plan (Plan or "proposed project").

This document has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.). An IS is prepared by a lead agency to determine if a project may have a significant effect on the environment (State CEQA Guidelines Section 15063[a]), and thus to determine the appropriate environmental document. In accordance with State CEQA Guidelines Section 15070, a "public agency shall prepare…a proposed negative declaration or mitigated negative declaration…when: (a) The IS shows that there is no substantial evidence that the project may have a significant impact on the environment, or (b) The IS identifies potentially significant effects but revisions to the project plans or proposal are agreed to by the applicant and such revisions would reduce potentially significant effects to a less-than-significant level." In this circumstance, the lead agency prepares a written statement describing its reasons for concluding that the proposed project would not have a significant effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR). By contrast, an EIR is required when the project may have a significant environmental impact that cannot clearly be reduced to a less-than-significant effect by adoption of mitigation measures or by revisions in the project design.

1.2 PURPOSE OF THE INITIAL STUDY

As described in the environmental checklist and supporting narrative (Chapter 3), the proposed project would not result in significant effects to the environment. No mitigation measures would be required as a result of this environmental analysis. This IS concludes that an ND is the appropriate document for compliance with CEQA.

Under CEQA, the lead agency is the public agency with primary responsibility over approval of the proposed project. CalRecycle is the lead agency for the proposed project and has directed the preparation of an analysis that complies with CEQA.

The purpose of this document is to present to decision-makers and the public the environmental consequences of implementing the proposed project. An IS is required in support of an ND and is attached to the ND. This disclosure document is being made available to the public for review and comment. The ND (with the attached IS) is available for a 30-day public review.

Comments should be addressed to:

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Sacramento, CA 95814
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After comments are received from the public and reviewing agencies, CalRecycle may (1) adopt the ND and approve the proposed project; (2) undertake additional environmental studies; or (3) disapprove the project.

1.3 SUMMARY OF FINDINGS

Chapter 3 of this document contains the analysis and discussion of potential environmental impacts of the proposed project. Based on the issues evaluated in that chapter, it is determined that the proposed project would have no environmental impact related to the following issue areas:

- Aesthetics
- Agriculture and Forest Resources
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Geology and Soils
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems

Environmental impacts of the proposed project would be less than significant for the following issue areas:

- Air Quality
- Greenhouse Gases
- Noise
- Traffic and Transportation

It was also determined that beneficial effects would occur under certain issue areas. A beneficial effect would involve an improvement in environmental conditions compared to the existing setting. The following issue areas may experience beneficial effects as a result of the proposed project:

- Hydrology and Water Quality
- Utilities and Service Systems

1.4 ENVIRONMENTAL PERMITS

Approval of the Plan by CalRecycle would be the only public agency action required. No other permits or approvals for this project would be required.

1.5 DOCUMENT ORGANIZATION

This IS/ND is organized as follows:

Negative Declaration. The Negative Declaration documents the environmental findings and the determination that the Plan would not result in any significant effects on the environment.

Chapter 1: Introduction. This chapter provides an introduction to the environmental review process. It describes the purpose and organization of this document.

Chapter 2: Project Description and Background. This chapter describes the purpose of and need for the proposed project, identifies project objectives, and provides a detailed description of the proposed project.

Chapter 3: Environmental Checklist. This chapter presents an analysis of a range of environmental issues identified in the CEQA Environmental Checklist and determines if each issue would result in no impact, a less-than-significant impact, a less-than-significant impact with mitigation incorporated, a potentially significant impact, or a beneficial impact. If any impacts were determined to be potentially significant, an EIR would be required. For this project, however, none of the impacts were determined to be potentially significant.

Chapter 4: References. This chapter lists the references used in preparation of this IS/ND.

Chapter 5: List of Preparers. This chapter identifies report preparers.

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2 PROJECT DESCRIPTION

2.1 INTRODUCTION

Latex-based and oil-based architectural paints contain ingredients that are classified as hazardous under California law. California Health and Safety Code 25217.1 specifies that no person shall dispose of, or attempt to dispose of, liquid latex paint or oil-based paint in the land or into the waters of the state unless authorized by applicable provisions of law. California municipalities currently handle disposal of unwanted, postconsumer architectural paint through locally-funded household hazardous waste (HHW) collection programs, and incur substantial cost to operate such programs, even with relatively low levels of participation by the public (i.e., 5-10 percent of residents). Postconsumer architectural paint composes approximately one-third to one-half of materials collected through municipal HHW collection programs.

Low participation in residential HHW collection programs indicates that there is a substantial quantity of unused and leftover architectural paint that has been improperly disposed or is in long-term storage in homes, which can also ultimately lead to improper disposal. Improper paint disposal can include dumping and placement in refuse bins from which they are later buried in municipal landfills not intended for those materials. The California Architectural Paint Stewardship Program intends to relieve municipalities of some of the financial burden associated with transportation and disposal costs for architectural paint managed through HHW collection programs, provide more convenient architectural paint collection options to residents and qualifying businesses in California through the use of existing retail establishments as collection sites, reduce architectural paint waste generation and improper disposal through public education and outreach, and increase recycling and proper disposal of architectural paint.

2.1 BACKGROUND

The 2010 California Paint Stewardship Law (Huffman, Assembly Bill [AB] 1343) was enacted in September 2010 by Governor Schwarzenegger and took effect as Public Resources Code (PRC), Section 48700-48706. Supporting amendments were then made to existing paint management legislation (California Health and Safety Code [HSC], Section 25217-25217.4) through AB 408 (Wieckowski, 2011) to facilitate collection and management of architectural paint. AB 1343 and AB 408 are included for reference in Appendix A.

The purpose of AB 1343 is to reduce the generation of and promote the reuse of postconsumer architectural paint, and to provide a system for the management of postconsumer architectural paint in an environmentally sound manner that includes collection, transportation, processing, recycling, and proper disposal.

The law requires that on or before April 1, 2012, a manufacturer or designated stewardship organization submit an architectural paint stewardship plan to California Department of Resources Recycling and Recovery (CalRecycle). The plan must demonstrate the following:

- Sufficient funding for the program, including a funding mechanism for securing and dispersing funds to cover administrative, operational, and capital costs;
- Application of an assessment fee on containers of architectural paint sold by manufacturers in California and a process to remit the fees to a stewardship organization, if applicable;
- Procedures for the assessment fee to be added to the cost of architectural paint sold to California retailers and distributors, and for each California retailer or distributor to add the assessment fee to their purchase price;
- Coordination of the program with existing household hazardous waste collection programs to the extent that such coordination is reasonably feasible and is mutually agreeable;

- Coordination to allow retailers to participate, on a voluntary basis, as architectural paint collection sites;
- Goals established by the manufacturer or stewardship organization to reduce the generation of postconsumer architectural paint, to promote the reuse of postconsumer architectural paint, and for the proper end-of-life management of postconsumer architectural paint, based on current household hazardous waste program information; and
- Consumer, contractor, and retailer education and outreach efforts to promote the source reduction and recycling of architectural paint.

A "stewardship organization" is defined by the law as a nonprofit organization created by the manufacturers to implement the architectural paint stewardship program. PaintCare®, Inc. ("PaintCare®"), an Internal Revenue Service (IRS) Code 501(c)(3) non-profit, was formed to serve as the architectural paint industry's stewardship organization. PaintCare® qualifies as a stewardship organization, as defined by the law.

Architectural paint is defined as latex or oil-based, interior and exterior architectural coatings sold in containers of five gallons or less for commercial or homeowner use and does not include aerosol spray paint or coatings for industrial use. Postconsumer architectural paints covered by PaintCare® architectural paint stewardship program (PaintCare® program) are referred to herein as "program products".

2.1.1 CURRENT PAINT SALES AND DISPOSAL TRENDS

Based on industry information, PaintCare® estimates that California accounts for 9 percent of annual nationwide sales of architectural paint. U.S. Census Bureau statistics estimate that 652 million gallons of architectural paint were sold in the U.S. in 2010. California's portion (9 percent) of that total represents 59 million gallons (PaintCare® 2012:19). PaintCare® evaluated data and studies conducted on postconsumer paint collection and disposal, and determined that approximately 10 percent of paint sold in California is "leftover" or "unused" paint (PaintCare® 2012:20-22), which would constitute an approximate estimate of 6 million gallons. The Plan estimates a baseline rate of 45 percent of unused paint is collected under the current paint collection infrastructure. Current collection volume is estimated at 2.64 million gallons (PaintCare® 2012:23). PaintCare®, however, also assumes in the Plan that 70 percent of unused post-consumer architectural paint is available for collection (PaintCare® 2012:22).

Even though it is illegal to dispose of hazardous waste in the trash, down the drain, or by abandonment, individual cities and counties throughout the state encounter such activities that involve program products. For example, according to data obtained by the California Department of Toxic Substances Control (DTSC) from San Diego County regarding latex and oil-based paint, there were between 21 and 34 documented annual incidents involving abandonment of program products between 2009 and 2011. There were approximately 260 and 500 gallons of program products abandoned each year. In 2012, there have been ten documented incidents involving over 1,200 gallons of program products total, including a single incident involving a large abandonment (Long, Pers. comm., 2012). San Diego County staff estimate that the reported incidents considerably under-represent the total quantity of abandoned program products. Program products are also routinely discovered in self-unloading areas of landfills (Long, Pers. comm., 2012).

2.1.2 CURRENT PAINT COLLECTION AND RECOVERY

Under current conditions, architectural paint is collected at permanent household hazardous waste collection facilities (PHHWCF); HHW collection events; waste transfer stations; landfill; public works yards; other non-HHW fixed sites; and some retail stores. These facilities are known as "Paint Collection Points." Some PHHWCF's offer "Paint Exchange" programs where good-quality paint is made available for the public to take and reuse. These programs return quality paint back to the local community instead of transporting and processing the paint at a different location.

Paint that is not fit for immediate reuse is transported in full truckloads to and managed by paint recycling and management facilities, either in- or out-of-state. Latex paint represents about 75-80 percent of program products that would be collected under the PaintCare® Program. Current latex paint recyclers used by California HHW programs are located in Azusa, Oroville, Rialto, Riverside, and Sacramento, California; and Nashville, Illinois. There are also several municipal latex paint recycling programs currently recycling paint in California. The largest of these programs are located in Mendocino, San Francisco, Santa Cruz, Sonoma, and Orange Counties.

The paint manufacturers industry estimates that 80 percent of postconsumer latex paint is of sufficient quality to reprocess and recycle back into paint, which is transferred back into domestic or international markets. Using these estimates for the current situation (that 75-80 percent of program products consist of latex paint and that 80 percent is of sufficient quality for recycling back to paint), approximately 1.6 million gallons of latex paint currently get reprocessed back into recycled paint (PaintCare® 2012:23). The remaining material not suitable for recycling can be used to create secondary, non-paint products (e.g., solidification into landscaping material or road base) where the properties of latex paint provide a beneficial ingredient.

Oil-based paint represents 20-25 percent of program products. Quality oil-based paint is also eligible for local Paint Exchange reuse programs. While it is possible to recycle oil-based paint back into paint, no processor offers this option at this time. Oil-based paint deemed unfit for reuse is shipped in full truckloads out-of-state to cement kilns or incinerators for use as a fuel product. Current fuel incinerators and fuel blenders accepting oil-based paint are located in Arkansas, Kansas, Missouri, Nebraska, Utah, and Texas.

2.2 PROJECT OBJECTIVES

The Plan submitted to CalRecycle by PaintCare® for approval proposes a recovery program to reduce the generation of postconsumer architectural paint, promote the reuse of postconsumer architectural paint, and manage the end-of-life of postconsumer architectural paint in an environmentally sound fashion, including collection, transportation, processing, and disposal (PaintCare® 2012). The proposed project intends to relieve municipalities of some of the financial burden associated with the transportation and disposal costs for architectural paint managed through HHW collection programs, provide more convenient architectural paint collection options to residents and qualifying businesses in California through the use of existing retail establishments as collection sites, reduce architectural paint waste generation and improper disposal through public education and outreach, and increase recycling and proper disposal of architectural paint. The proposed project intends to achieve environmental benefits through reducing the amount of program products that currently end up in the waste stream, which can cause environmental damage if improperly disposed.

2.3 PROJECT LOCATION

Implementation of the Plan would involve use of existing facilities for collection, processing, recycling and disposal. The scope of the Plan is statewide in California. Therefore, the locations for collection of architectural paint would be throughout the existing communities within the State of California. Paint recycling and disposal facilities would be located both within and outside of California at existing recycling and disposal facilities where identified previously. The economic market for recycled paint products is domestic and international.

2.4 PROJECT DESCRIPTION

The proposed project is the approval and implementation of the California Architectural Paint Stewardship Program Plan (Plan) by CalRecycle, in compliance with AB 1343. The Plan would be implemented by the stewardship organization, PaintCare®, on behalf of the architectural paint manufacturers who sell paint in California. The Plan submitted to CalRecycle by PaintCare® for approval proposes a recovery program to reduce the generation of postconsumer architectural paint, promote the reuse of postconsumer architectural paint, and

manage the end-of-life of postconsumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal (PaintCare® 2012).

With the proposed project in place, numerous retailers of architectural paint would become collection facilities, in addition to the existing facilities that collect architectural paint. PaintCare®'s performance goals include that 90 percent of California residents would have a collection site within 15 miles of their residence, and there would be one site for every 30,000 residents of a designated area (PaintCare® 2012:15-16). This would result in approximately 750 fixed collection sites total, which PaintCare® considers a baseline service goal. PaintCare® may recruit additional collection sites to further expand consumer service once the minimum baseline goal is satisfied. No new facilities would be constructed.

Under the Plan, PaintCare® estimates that postconsumer paint collection would increase from a baseline of 45 percent of unused paint to 69 percent by the end of the third year of program implementation. PaintCare® estimates that the volume of paint collected would increase from 2.64 million gallons under current conditions to approximately 4.08 million gallons under the third year of program implementation (PaintCare® 2012:23). The volume of new architectural paint sold in California would be unaffected by the project.

2.4.1 PROGRAM COLLECTION AND RECOVERY

Program products currently undergo three types of collection and transport. Program products would be collected at Paint Collection Points and transported to a Paint Consolidation Point to be sorted into latex and oil-based products. Excellent quality program products would be transported to a local HHW Paint Exchange facility, where available, for use in the community. From Paint Consolidation Points, recyclable latex program products would be transported to a paint recycler for reprocessing and then transported into domestic or international markets. Program products not suitable for recycling or reprocessing would be transported for beneficial use or disposal. Oil-based paint that could not be reused through Paint Exchange would be transported for fuel incineration. Through the use of existing retail establishments as program product collection points, it would be anticipated that the volume of paint directed through program collection and recovery would increase. The same Paint Consolidation Points, recyclers, and disposal facilities would be used under the proposed project as described under "Current Paint Collection and Recovery." Those facilities have indicated they have capacity to accommodate the estimated increase in volume without the need to construct any additional facilities (O'Donnell, Pers. comm. 2012a).

Program products are typically transported by truck in 12 to 53-foot trailers with other HHW on an on-call or as-needed basis when facilities reach their storage capacity (PaintCare® 2012:35). The size of the truck varies depending on the ability of the vehicle to access each location. The frequency of pick-up varies widely depending on the size of the facility and volumes collected. Material from large volume facilities are picked up in a dedicated load, while smaller volume facilities are picked up by a truck that collects HHW from multiple facilities in an area. This small volume pick-up is referred to as a "milk run". PaintCare® estimates that program products are normally one-third to one-half of HHW collected. With the addition of retail facilities, the proportion of paint per truck load would be expected to increase (O'Donnell, Pers. comm. 2012b).

Program products are collected and stored primarily in reusable cubic yard-size box containers. Each box can hold a combination of 5-gallon, 1-gallon, quart-size, and smaller paint cans with a total liquid content of about 53 gallons per box. Each cubic-yard box is approximately equal to 120 one-gallon cans. PaintCare® estimates that the volume of program products directed through the paint recovery infrastructure would increase by approximately 1.44 million gallons by the end of the third year of the program (PaintCare® 2012:23). Dividing 1.44 million gallons by 53 gallons of liquid content suggests that collection sites, primarily retailers, would collect an additional 25,000-30,000 cubic yard boxes of program products per year. The average truck-load was estimated to carry 48 cubic-yard boxes of program products (O'Donnell, Pers. comm. 2012). Thus, dividing

25,000-30,000 boxes per year by 48 boxes per truckload results in the addition of approximately 520-625 truckloads per year.

According to PaintCare® staff, the average retail site would have capacity to hold one to five containers of paint on-site before pick-up would be required. Transporters of program products would schedule and pick up multiple retail sites or a combination of HHW and retail sites on milk runs to maximize efficiency and minimize costs (Zarrehparvar, Pers. comm. 2012; O'Donnell, Pers. comm. 2012b).

Recycled paint would be transferred into domestic and international markets. It is anticipated that recycled paint shipped internationally would be back-hauled (i.e., would be picked up by a vessel delivering materials to the U.S. with a planned return to its point of origin, and would not result in an additional vessel trip) and the increase in program volume would not influence international shipping activity at all.

2.4.2 PROGRAM FINANCING

Section 48702(b)(3) of the law adds an architectural paint stewardship assessment cost to the price of all qualified paint sold to California retailers and distributors, and each retailer and distributor would add the assessment to the purchase price of all architectural paint sold in the state. This assessment is referred to as the "PaintCare® Recovery Fee." Revenue from this fee would be used to finance the paint stewardship program. The proposed assessment fees are summarized below in Table 1:

Table 1 Proposed PaintCare® Recovery Assessment Fee Rates

Container Size	Fee
½ pint or less	$0.00
Greater than ½ pint to 1 quart	$0.35
Greater than 1 quart to 1 gallon	$0.75
Greater than 1 gallon to 5 gallons	$1.60

Source: PaintCare® 2012:28

2.4.3 EDUCATION AND OUTREACH

A key to success of the program would be education and outreach efforts to promote recycling of architectural paint and discourage consumers from storing or placing unused program products in the waste stream. With expansion of retailers within the paint recycling infrastructure and introduction of the PaintCare® Recovery Fee, consumers would encounter the paint recycling program at many points of sale because the paint retailers will distribute public information materials and/or the retailer would also be a collection site. PaintCare® would develop written educational materials and messaging campaigns targeting the homeowner, commercial/trade painter, and retailer audiences to inform them about the Program. PaintCare® is also developing a site locator tool to assist consumers with finding the nearest available location to recycle leftover paint.

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3 ENVIRONMENTAL CHECKLIST

3.1 AESTHETICS

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
I. Aesthetics. Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐

3.1.1 ENVIRONMENTAL SETTING

Aesthetic resources are generally defined as both the natural and built features of the landscape that contribute to the public's experience and aesthetic or scenic appreciation of the environment. Depending on the extent to which a project's presence would alter the perceived visual character and quality of the environment, aesthetic impacts may occur.

3.1.2 DISCUSSION

***No Impact*.** The proposed project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery. The proposed project would use this existing infrastructure, and expand the infrastructure through the use of existing retail facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of postconsumer architectural paint without the need to develop expanded facilities. No new retail or recycling facilities would be constructed as a result of the proposed project, so no changes to the existing visual character of communities with collection or recycling facilities would occur. The proposed project would have **no impact** on aesthetics.

3.2 AGRICULTURE AND FOREST RESOURCES

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
II. Agriculture and Forest Resources.					
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.					
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	☐
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐

3.2.1 ENVIRONMENTAL SETTING

California is the nation's top agricultural producer, but has experienced significant farmland loss as a result of urbanization. Agricultural land conservation is a priority of many local governments in the state. Farmland is classified by the California Department of Conservation according to its ability to support crops or livestock. The most commonly used system for classifying agriculture in California is the Farmland Mapping and Monitoring Program (FMMP). In addition, The *California Land Conservation Act of 1965* (California Government Code 51200–51295), commonly known as the *Williamson Act*, provides incentives to property owners (property tax reductions) to keep their lands in active agricultural production.

California is also home to extensive forest land and is an important producer of timber. Timber production land must be balanced with forest conservation, which has caused forest and timber resources to be limited.

3.2.2 DISCUSSION

***No Impact*.** The proposed project would not authorize any specific land use or site-specific uses. The Plan would not result in conversion of land from agricultural or forest to other uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas that would not affect agricultural or forest resources. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of postconsumer architectural paint without the need to develop expanded facilities. No new retail or recycling facilities would be constructed as a result of the proposed project, so there would be no risk of affecting agricultural or forest resources. The proposed project would have **no impact** on agricultural or forest resources.

3.3 AIR QUALITY

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
III. Air Quality.					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations.					
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	☐

3.3.1 ENVIRONMENTAL SETTING

Air quality within California is regulated by such agencies as the U.S. Environmental Protection Agency (EPA), and California Air Resources Board (ARB) at the federal and state levels, respectively, and locally by air quality management districts and air pollution control districts. Air quality outside of California is regulated by respective state environmental quality agencies and the EPA.

Concentrations of several air pollutants—ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter less than 10 microns in diameter (PM_{10}), particulate matter less than 2.5 microns in diameter ($PM_{2.5}$), and lead—indicate the quality of ambient air and are therefore the premise of air quality regulations. Because these pollutants are the most prevalent air pollutants known to be harmful to human health, they are commonly referred to as “criteria air pollutants.” Their effects on human health have been studied in depth and their criteria for affecting health have been documented. Acceptable levels of exposure to criteria air pollutants have been determined and ambient standards have been established for them. Concentrations of these pollutants are monitored throughout the U.S. and monitoring data is used to designate areas according to their attainment status of ambient air quality standards. When an area is designated “nonattainment” for an ambient air quality standard, air quality planning efforts are initiated to demonstrate how the area intends to reduce emissions and achieve attainment.

Concentrations of toxic air contaminants (TACs) are also used to indicate the quality of ambient air. A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations.

Odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the presence of sensitive receptors. Although offensive odors rarely cause any physical harm, they still can be very unpleasant, leading to considerable distress and often generating citizen complaints to local governments and regulatory agencies.

Mobile-source emissions associated with trucks are accounted for in regional emission inventories and air quality plans. Under existing conditions, program products are transported by truck in 12 to 53-foot trailers with other HHW on an on-call or as-needed basis when facilities reach their storage capacity (PaintCare® 2012:35). Material from large volume facilities are picked up in a dedicated load, while smaller volume facilities are picked up by a truck that collects HHW from multiple facilities in an area.

3.3.2 DISCUSSION

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less-than-Significant Impact. The emission inventories used to develop regional air quality attainment plans are based primarily on projected population growth and vehicle miles traveled (VMT) for the region, which are based, in part, on the planned growth identified in regional and community plans. Therefore, projects that would result in increases in population or employment growth beyond that projected in regional or community plans could result in increases in VMT above that planned in the attainment plan, further resulting in mobile source emissions that could conflict with a region's air quality planning efforts. Increases in VMT beyond that projected in area plans generally would be considered to effect on the region's ability to attain or maintain state and federal ambient air quality standards.

Under existing conditions, postconsumer architectural paint is transported from Paint Collection Points, to Paint Reuse or Paint Consolidation Points, and then to a Paint Recycler or disposal location. Under the proposed project, architectural paint would be transported and managed in the same way, but through an increased number of retail Paint Collection Points. By using retail paint stores, in many communities, Paint Collection Points would be more accessible and convenient than existing HHW collection locations. As a result, the volume of architectural paint would be expected to increase as more residents participate in the paint stewardship program.

Architectural paint is currently and would continue to be shipped in full truck loads on an on-call basis from Paint Collection Points, to Consolidation Points, recycling or disposal facilities. As discussed in the project description, the volume of architectural paint collected in California is expected to increase from 2.64 million gallons per year under current conditions to approximately 4.08 million gallons by the end of year three of program implementation. As discussed in the project description, it was estimated that the increased volume of architectural paint would result in approximately 520-625 annual truck trips. The truck trips would occur throughout the State, and some of the trips would continue beyond state boundaries to transport program products to out-of-state paint recyclers and disposal locations. This amount of truck travel (i.e., an average of 1-2 truck trips per day across the entire State) would not result in substantial increase in statewide or regional VMT.

It is notable that by using retail paint stores, Paint Collection Points would be more accessible and convenient than existing HHW collection locations in many communities. As a result, the volume of architectural paint would be expected to increase as more residents participate in the paint stewardship program. Residents currently participating in HHW collection may experience shorter vehicle trips to their local Paint Collection Point, or may eliminate trips by combining program product drop-off with a standard trip to a retail collection

establishment. In other words, participants may be less likely to make a dedicated vehicle trip to an HHW collection facility, and would instead bring program products for drop-off to a retail facility by way of "pass-by trips" or "trip-chaining". Under this scenario, a slight reduction in mobile-source emissions of criteria air pollutants and precursors associated with shorter or fewer residential vehicle trips may occur. It is also possible that residents participating in HHW collection would continue to use existing collection facilities because of familiarity, and that participation occurring at retail collection points would be the primary source of increases in architectural paint collections. Under this scenario, mobile-source emissions of criteria air pollutants and precursors would remain relatively unchanged. It is not possible to quantify the net change in residential mobile-source emissions at this time, because sufficient data on program participant travel patterns is not available.

The project would not result in population growth or substantial increases in statewide VMT projections beyond those contained in the regional Air Quality Attainment Plans. The project would not interfere with ability of nonattainment areas to attain or maintain state and national ambient air quality standards. Thus, implementation of the proposed project would not conflict with or obstruct implementation of any air quality planning efforts. As a result, this impact would be **less than significant.**

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less-than-Significant Impact. Existing paint collection, consolidation, and recycling facilities have indicated that they have capacity to accommodate the increase in volume of postconsumer architectural paint that would occur under the proposed project. The proposed project would not involve any construction of facilities or additional infrastructure. The proposed project would not result in an increase in the volume of paint sold in California, but would increase the volume of architectural paint that gets recycled or reused.

As described under a), the proposed project would not result in a substantial increase in VMT and associated mobile-source emissions. The proposed project would not include the long-term operation of any new stationary criteria air pollutant- or TAC-emitting equipment. In addition, owners and operators of processing and recycling facilities, fuel incinerators, fuel blenders, and landfills must comply with all local ordinances, land use and zoning requirements, including those related to air quality. Furthermore, owners and operators of processing, recycling, and disposal facilities (including fuel blenders and incinerators) must obtain all required permits, licenses, or other authorizations and must comply with all orders, statutes, regulations, reports, or other requirements of regulatory or enforcement agencies, including but not limited to local health agencies, local land use authorities, air quality management districts or air pollution control districts, EPA, and the ARB. Disposal facilities have indicated that they have capacity to accommodate the increased volume of program products (O'Donnell, pers. comm., 2012a) and thus, emissions from these facilities would be within permitted limits.

Therefore, the project would not result in substantial short- or long-term emissions that could result in a violation of an ambient air quality standard. This impact would be **less than significant**.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less-than-Significant Impact. As discussed in the analysis under a) and b) above, project-generated emissions would not conflict with air quality planning efforts or violate or contribute substantially to an existing or projected air quality violation. As a result, project-generated emissions of criteria air pollutants and precursors would not be cumulatively considerable. This would be a **less-than-significant** impact.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less-than-Significant Impact. As discussed in a) and b) above, the proposed project would not result in a substantial increase in criteria air pollutant and precursor emissions and would therefore not result in excessive criteria air pollutant concentrations.

The proposed project would not result in any construction or operation of any new stationary equipment that produces TAC emissions. Thus the project not would result in substantial pollutant concentrations, and this impact would be **less than significant.**

e) Create objectionable odors affecting a substantial number of people?

Less-than-Significant Impact. The proposed project would not result in the siting of new odor sources or the location of sensitive receptors near an odor source. Thus, project implementation would not create objectionable odors affecting a substantial number of people. As a result this impact would be **less than significant.**

3.4 BIOLOGICAL RESOURCES

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
IV. Biological Resources. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☐

3.4.1 ENVIRONMENTAL SETTING

California is one of the most biologically diverse areas in the world. Its varied topography and climate have given rise to a remarkable diversity of habitats and a correspondingly diverse array of both plant and animal species. Biological resources in California are regulation and protected by a wide variety of federal, State, and local laws.

Existing paint collection, consolidation, and recycling facilities are located in existing urbanized, developed areas. Most important biological resources are commonly found in non-developed areas, farther away from urban land uses and activities.

3.4.2 DISCUSSION

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used

for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to develop expanded facilities. No new retail or recycling facilities would be constructed as a result of the proposed project, so there would be no risk of affecting aquatic features or natural habitats. There would be **no impact** on biological resources.

3.5 CULTURAL RESOURCES

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
V. Cultural Resources. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐

3.5.1 ENVIRONMENTAL SETTING

Cultural resources include archaeological sites of prehistoric or historic origin, built or architectural resources older than 50 years, traditional or ethnographic resources, and fossil deposits of paleontological importance. All areas within California have the potential for yielding as yet undiscovered archaeological and paleontological resources and undocumented human remains not interred in cemeteries or marked formal burials.

3.5.2 DISCUSSION

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to develop expanded facilities. No new retail or recycling facilities would be constructed as a result of the proposed project, so there would be no risk of affecting historic, archaeological, paleontological, or cultural resources. There would be **no impact** on cultural resources.

3.6 GEOLOGY AND SOILS

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
VI. Geology and Soils. Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	☐	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?	☐	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒	☐

3.6.1 ENVIRONMENTAL SETTING

California has a diverse, complex and seismically active geology that includes a vast array of landforms. Seismic activity in California is still ongoing, and can present a hazard to people and property. Risks are greater in fault zones. Soils are fundamental and largely non-renewable resources that are the basis for high-level sustained yields of agricultural commodities, forest products, and provide support to the wide variety of ecological communities throughout the State.

3.6.2 DISCUSSION

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to develop expanded facilities. No new retail or recycling facilities would be constructed as a result of the proposed project, so there would be no risk of affecting geologic resources. In addition, the project

would not involve the siting of new people or structures, so there would be no potential for risk associated with geologic hazards. There would be **no impact** on geologic resources or soils.

3.7 GREENHOUSE GAS EMISSIONS

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
VII. Greenhouse Gas Emissions. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	☐

3.7.1 ENVIRONMENTAL SETTING

Certain gases in the earth's atmosphere, classified as greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. GHGs are responsible for "trapping" solar radiation in the earth's atmosphere, a phenomenon known as the greenhouse effect. Prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for intensifying the greenhouse effect and have led to a trend of unnatural warming of the earth's climate, known as global climate change or global warming. It is extremely unlikely that global climate change of the past 50 years can be explained without the contribution from human activities (Intergovernmental Panel on Climate Change [IPCC] 2007:86). By adoption of Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, and Senate Bill (SB) 97, the state of California has acknowledged that the effects of GHG emissions cause adverse environmental impacts. AB 32 mandates that emissions of GHGs must be capped at 1990 levels by the year 2020 (Health and Safety Code section 38530).

Emissions of GHGs have the potential to adversely affect the environment because such emissions contribute, on a cumulative basis, to global climate change. Although the emissions of one single project will not cause global climate change, GHG emissions from multiple projects throughout the world could result in a cumulative impact with respect to global climate change.

Under existing conditions, program products are transported by truck in 12 to 53-foot trailers with other HHW on an on-call or as-needed basis when facilities reach their storage capacity (PaintCare® 2012:35). Material from large volume facilities are picked up in a dedicated load, while smaller volume facilities are picked up by a truck that collects HHW from multiple facilities in an area. As described in the project description, it was estimated that the proposed project would result in a net increase of approximately 520-625 annual truck trips associated with transport of program products. Emissions associated with in-state heavy duty diesel trucks were estimated using ARB's Mobile-Source Emission Factor Model (EMFAC 2011) and are summarized in Appendix B. CO_2 emissions from 1-2 additional daily truck trips (i.e., 520-625 annual truck trips) would result in approximately 23-46 metric tons of CO_2 per year. This increment of GHG emissions would be less than considerable, and would not have a significant impact on the environment.

It is notable that by using retail paint stores, Paint Collection Points would be more accessible and convenient than existing HHW collection locations in many communities. As a result, the volume of architectural paint

collected would be expected to increase as more residents participate in the architectural paint stewardship program. Residents currently participating in HHW collection may experience shorter vehicle trips to their local Paint Collection Point, or may eliminate trips by combining program product drop-off with a standard trip to a retail collection establishment. A slight reduction in mobile-source GHG emissions associated with shorter or fewer residential vehicle trips may occur. It is not possible to quantify the net change in residential mobile-source GHG emissions at this time, because sufficient data on program participant travel patterns is not available.

3.7.2 DISCUSSION

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less-than-Significant Impact. Because the proposed project would not result in construction of any additional facilities, no short-term construction-related emissions of GHGs would occur. GHG emissions generated by the proposed project would predominantly be in the form of CO_2 and would occur during project operation. Operational emissions would be associated with mobile-source exhaust from truck travel.

As described in the project description, it was estimated that the proposed project would result in a net increase of approximately 520-625 annual truck trips associated with transport of program products. Emissions associated with in-state heavy duty diesel trucks were estimated using ARB's Mobile-Source Emission Factor Model (EMFAC 2011) and are summarized in Appendix B. CO_2 emissions from 1-2 additional daily truck trips (i.e., 520-625 annual truck trips) would result in approximately 23-46 metric tons of CO_2 per year. This increment of GHG emissions would be less than considerable, and would not have a significant impact on the environment.

It is notable that by using retail paint stores, Paint Collection Points would be more accessible and convenient than existing HHW collection locations in many communities. As a result, the volume of architectural paint collected would be expected to increase as more residents participate in the architectural paint stewardship program. Residents currently participating in HHW collection may experience shorter vehicle trips to their local Paint Collection Point, or may eliminate trips by combining program product drop-off with a standard trip to a retail collection establishment. A slight reduction in mobile-source GHG emissions associated with shorter or fewer residential vehicle trips may occur. It is not possible to quantify the net change in residential mobile-source GHG emissions at this time, because sufficient data on program participant travel patterns is not available.

The overall net increase in GHG emissions associated with the proposed project would have a **less-than-significant** impact on climate change.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less-than-Significant Impact. As discussed under item a) above, the total GHG emissions associated with this project would be less than significant. Because implementation of the proposed project would not result in a substantial net increase of long-term operation-related GHG emissions, the proposed project would not conflict with AB 32 or any other applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. As a result, this impact would be **less than significant.**

3.8 HAZARDS AND HAZARDOUS MATERIALS

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
VIII. Hazards and Hazardous Materials. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐

3.8.1 ENVIRONMENTAL SETTING

Hazardous materials are substances with physical and chemical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous materials are grouped into four categories based on their characteristics: toxic (causes human health effects), ignitable (has the ability to burn), corrosive (causes severe burns or damage to materials) and reactive (causes explosions or generates toxic gases). A hazardous waste is any hazardous material that is finished with its intended use and is discarded. This may include items such as spent fuels, industrial solvents and chemicals, process water, and other spent materials (i.e., some types of batteries and fuel cells).

Oil-based paint and, unless it is reused or recycled, latex paint are considered hazardous waste in California and must be disposed of in a Class I Hazardous Waste Landfill (CalRecycle 2012a). Latex and oil-based paint are classified as hazardous because they contain resins, solvents, pigments, and additives which are harmful to the

environment if improperly disposed (CalRecycle 2012b). California Public Resources Code Sections 48700-48706 and Health and Safety Code Sections 25217-25217.4 directly apply to the proposed project as they relate to handling of postconsumer architectural paint.

Table 2 below summarizes other applicable hazardous materials control laws that may apply to facilities and transporters of HHW and program products.

Table 2 Applicable Laws and Regulations for Hazards and Hazardous Materials	
Federal	
Federal Hazardous Materials Regulations (FHMR) Title 49, Code of Federal Regulations, Parts 100-180	The regulations establish criteria for the safe transport of hazardous materials. Compliance is mandatory for intrastate and interstate transportation.
Resource Conservation and Recovery Act (RCRA) 42 U.S.C. Section 6901 et seq. **Title 40, Code of Federal Regulations (CFR)**	The Resource Conservation and Recovery Act (RCRA) of 1976 gives U.S. EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled U.S. EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. HSWA - the Federal Hazardous and Solid Waste Amendments - are the 1984 amendments to RCRA that focused on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for U.S. EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program. Federal regulations adopted by U.S. EPA are found in Title 40, Code of Federal Regulations (40 CFR).
State and Local	
Various California Air Pollution Control Laws (i.e., Bluebook)	Includes all relevant Health and Safety Code sections of law, plus those air pollution- related statutes from other California codes, and the California Code of Regulations (CCR) Titles 13 & 17 sections that pertain to ARB's air management program.
Hazardous Materials Transportation **California Vehicle Code Sections 31301-31309**	Regulations pertaining to the safe transport of hazardous materials are in California Vehicle Code Sections 31301-31309. All motor carriers and drivers involved in transportation of hazardous materials must comply with the requirements contained in federal and state regulations, and must apply for and obtain a hazardous materials transportation license from the California Highway Patrol (CHP). A driver is required to obtain a hazardous materials endorsement issued by the driver's country or state of domicile to operate any commercial vehicle carrying hazardous materials. The driver is required to display placards or markings while hauling hazardous waste, unless the driver is exempt from the endorsement requirements. A driver who is a California resident is required to obtain an endorsement from CHP.
Hazardous Waste Control Law California Health & Safety Code, Division 20, Chapter 6.5 **CCR, Division 4.5, Title 22**	California requirements and statutory responsibilities in managing hazardous waste in California – this includes the generation, transportation, storage, treatment, recycling, and disposal of hazardous waste. The statute and regulation are implemented by Cal/EPA DTSC.

Table 2 Applicable Laws and Regulations for Hazards and Hazardous Materials	
CalARP Program **CCR, Title 19, Division 2, Chapter 4.5, Sections 2735-2785**	The purpose of the CalARP program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. This is accomplished by requiring businesses that handle more than a threshold quantity of a regulated substance listed in the regulations to develop a Risk Management Plan (RMP). An RMP is a detailed engineering analysis of the potential accident factors present at a business and the mitigation measures that can be implemented to reduce this accident potential.
Hazardous Material Business Plan & Area Plan Program **Health and Safety Code Sections 25500 – 25520** **CCR, Title 19, Division 2, Chapter 4, Article 3 & 4**	The business and area plans program, relating to the handling and release or threatened release of hazardous materials, was established in California to protect the public health and safety and the environment. Basic information on the location, type, quantity, and the health risks of hazardous materials handled, used, stored, or disposed of in the State, which could be accidently released into the environment, is not now available to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary in order to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment. CUPAs use information collected from the Business Plan and California Accidental Release Prevention (CalARP) programs to identify hazardous materials in their communities. This information provides the basis for the Area Plan and is used to determine the appropriate level of emergency planning necessary to respond to a release.
Unified Program Administration **Health and Safety Code, Chapter 6.11, Sections 25404-25404.8** **CCR, Title 27, Division 1, Subdivision 4, Chapter 1, Sections 15100-15620**	A CUPA is a Certified Unified Program Agency, which is authorized by the Secretary of Cal/EPA to carry out several of the hazardous waste/hazardous materials regulatory programs administered by the State in a coordinated and consistent manner. The 6 hazardous waste and materials program elements covered by the CUPA include: 1. Hazardous Waste Generators 2. Underground Tanks (UST) 3. Above Ground Tanks (AST) 4. Accidental Release Program (CalARP) 5. Hazardous Material Release Response Plans & Spill Notification (Community Right- to-Know) 6. Hazardous Materials Management Plans & Inventory Reporting The intent of the CUPA is to simplify the hazardous materials regulatory environment and provide a single point of contact for businesses to address inspection, permitting, billing, and enforcement issues.
Various Local Ordinances	Various ordinances and codes may be adopted at the local level to provide stricter requirements in the management of hazardous materials and waste activities within the jurisdiction.

3.8.2 DISCUSSION

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less-than-Significant Impact. Currently, architectural paint is widely collected at facilities with HHW handling permits (permit-by-rule). Retail locations that would collect architectural paint under the proposed project are already equipped to handle paint because they sell the program products that they would begin collecting under the program. In addition, the amendments made to existing paint legislation under AB 408 would permit the locations that collect latex paint to also accept oil-based paint (with certain exceptions) and permit the transport of paint from a collection location to a consolidation site without the use of a uniform hazardous waste manifest. As discussed in Appendix K of the PaintCare® Plan, all employees handling program products would receive training in paint identification, handling, inspection, and emergency response procedures. Each facility would be equipped with appropriate emergency response equipment, spill kit, protective equipment, and fire extinguisher in an accessible location adjacent to paint collection areas (PaintCare® 2012:K-13).

State agencies regulating hazardous materials are the California Environmental Protection Agency (Cal/EPA) and the Office of Emergency Services (OES). The California Highway Patrol (CHP) and California Department of Transportation (Caltrans) enforce regulations for hazardous materials transport. Within Cal/EPA, the DTSC has primary regulatory authority to enforce hazardous materials regulations. State hazardous waste regulations are contained primarily in Title 22 of the California Code of Regulations (CCR). The California Occupational Health and Safety Administration (Cal OSHA) has developed rules and regulations regarding worker safety around hazardous and toxic substances.

Because the current HHW collection facilities, existing retail outlets that start to accept postconsumer paint, and their contractors would implement and comply with all relevant local, State, and Federal regulations related to the handling, transport, and storage of hazardous materials, impacts related to creation of significant hazards to the public through routine transport, use, and disposal of hazardous materials would not occur.

In addition, the project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. Any additional processing and recycling from increased architectural paint volume would be accommodated within capacity of existing facilities where hazardous materials are currently handled. Therefore, this impact would be **less than significant.**

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

Less-than-Significant Impact. There is an existing infrastructure for recycling and processing of postconsumer architectural paint, which involves HHW collection facilities. Existing collection facilities have indicated that they have capacity to handle increased volumes of program products and existing retail sites will join the program as collection sites, providing additional collection capacity – no additional facilities would be constructed. HHW facilities and handlers would continue to comply with applicable federal, State, and local regulations, which are designed to prevent upset and accidents involving accidental release. Further, unlike a noxious gas or explosive chemical, architectural paint is a stable material and presents a low risk of accidental release into the environment. The proposed project presents a low risk of creating a hazard to the public associated with upset or accident conditions. This would be a **less-than-significant impact.**

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

***Less-than-Significant Impact*.** The proposed project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. Postconsumer architectural paint would continue to be handled in the same manner as under existing conditions and handlers would comply with applicable regulations related to transport of hazardous materials. This impact would be **less than significant**.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

***No Impact*.** No new facilities would be constructed under the proposed project, and therefore, the proposed project would not create a significant hazard to the public or to the environment as a result of existing hazardous material contamination. Therefore, **no impact** would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. The proposed project would not affect airport safety. Therefore, **no impact** would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

***No Impact*.** No new housing or facilities would be constructed such that the project would permanently impair implementation of or physically interfere with an emergency response plan or emergency evacuation plan. **No impact** would occur.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. There would be **no impact** associated with wildland fire risks.

3.9 HYDROLOGY AND WATER QUALITY

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
IX. Hydrology and Water Quality. Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or offsite erosion or siltation?	☐	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or offsite flooding?	☐	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐
j) Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐

3.9.1 ENVIRONMENTAL SETTING

Both groundwater and surface water are used extensively in California for agricultural, municipal, and industrial water supplies. The water quality of surface waters and groundwater varies throughout California. Potential surface sources of water quality impairments include point sources (direct discharges to water bodies) and dispersed non-point sources (e.g., stormwater runoff). Continuous point-source discharges such as domestic wastewater treatment plants can be a source of elevated levels of organic carbon, nutrients (i.e., nitrogen and

phosphorus), salinity, or trace metals and organic compounds relative to natural background water concentrations. Potential domestic wastewater discharges of pharmaceutical and other personal care products have been identified as potentially contributing adverse long-term toxic effects to aquatic organisms. Urban stormwater runoff from residential, commercial, and industrial land uses can mobilize and convey trash, oils, grease, trace metals (e.g., copper and zinc) to drainage systems and natural receiving water bodies. Stormwater runoff from residential and agricultural areas can also contain sediment, pesticides, herbicides, nutrients (e.g., fertilizers), and pathogens (e.g., bacteria and viruses from fecal wastes of pets and livestock). Groundwater quality may be adversely affected by all of the sources contributing to surface water impairment discussed above, particularly in alluvial aquifers that are recharged directly through by infiltration and percolation of surface water. Direct inputs of wastes to groundwater include sub-surface sources such as inadequately contained solid waste landfills, failing residential and commercial septic system leachfields, and leaking underground storage tanks that contain fuels, oils, or other industrial chemicals.

3.9.2 DISCUSSION

a) Violate any water quality standards or waste discharge requirements?

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or offsite erosion or siltation?

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or offsite flooding?

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to develop expanded facilities. No new retail or recycling facilities (including impervious surfaces) would be constructed as part of the proposed project. Program products would be handled within the capacity of existing facilities, which are connected to the existing water distribution system. There would be **no impact** associated with water quality, water supply, or drainage patterns.

f) Otherwise substantially degrade water quality?

***Beneficial*.** Based on HHW collection data reported to CalRecycle by municipalities, PaintCare® estimates that approximately 45 percent of unused, leftover postconsumer architectural paint is collected under existing programs. Likewise, approximately 55 percent of unused, leftover postconsumer architectural paint is not collected within the HHW collection infrastructure (PaintCare® 2012:23). PaintCare® expects that much of unwanted paint remains in storage, but also expects that some amount of unwanted paint is improperly disposed. Improper disposal of paint may include disposal in a municipal solid waste landfill, abandonment, or illegal dumping, which can contribute to water quality impacts. Under the third year of program implementation, PaintCare® estimates that the collection rate of unused, leftover architectural paint would increase to approximately 69 percent. Similarly, the portion of unwanted paint that remains in storage or is improperly disposed would decrease to 31 percent. It should also be noted that some portion of the 31 percent of unused, leftover paint may never become available for collection because consumers often keep paint for touch up or future painting projects. Decreasing the frequency of improper paint disposal would be anticipated to have a **beneficial impact** on water quality.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to develop expanded facilities. The proposed project would not include construction of any housing or structures. Therefore, no housing would be placed within a flood zone as a result of this project, and no impeded or redirected flows would occur. The project would not expose people or structures to risks involving flooding, seiche, tsunami, or mudflow. **No impacts** would occur.

3.10 LAND USE AND PLANNING

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
X. Land Use and Planning. Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐

3.10.1 ENVIRONMENTAL SETTING

Local governments possess the basic legal authority to control land use, which is part of the police powers to protect community health, safety, and welfare conferred to state governments under the U. S. Constitution and, in turn, delegated by the state to local governments.

Zoning is a land use tool used by governments to separate land uses that are considered to be incompatible due to the nature of activities that are often associated with the respective land uses. Existing permanent HHW collection facilities and recycling facilities would be sited in areas that would be zoned for industrial and/or commercial uses. Existing retail collection points would be zoned for commercial uses.

3.10.2 DISCUSSION

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. The proposed project would use this existing infrastructure, and expand the infrastructure through the use of existing retail paint stores for collection of the unused, leftover architectural paint. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to expand facilities. No new retail or recycling facilities would be constructed as a result of the proposed project and no changes in land use would occur. There would be **no land use impacts**.

3.11 MINERAL RESOURCES

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XI. Mineral Resources. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	☐
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒	☐

3.11.1 ENVIRONMENTAL SETTING

Mineral resources are all the physical materials that are extracted from the earth for use. Mineral reserves are known deposits of minerals that can be legally mined economically using existing technology.

Existing HHW facilities and retail paint stores are located in existing urban areas, where important mineral resources are not located.

3.11.2 DISCUSSION

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to develop expanded facilities. No new retail or recycling facilities would be constructed as a result of the proposed project, so there would be no risk of affecting mineral resources. There would be **no impacts** to mineral resources.

3.12 NOISE

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XII. Noise. Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?					
Short-Term Construction Source Noise	☐	☐	☐	☒	☐
Long-Term Operational Source Stationary Noise	☐	☐	☒	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐

3.12.1 ENVIRONMENTAL SETTING

Existing conditions are governed by the presence of noise-sensitive receptors, the location and type of noise sources, and overall ambient levels. Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where a quiet setting is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Additional land uses such as parks, schools, historic sites, cemeteries, and recreation areas are also generally considered sensitive to increases in exterior noise levels. Places of worship and transit lodging, and other places where low interior noise levels are essential are also considered noise-sensitive. Those noted above are also considered vibration-sensitive land uses in addition to commercial and industrial buildings where vibration would interfere with operations within the building, including levels that may be well below those associated with human annoyance.

Existing HHW collection, recycling, and retail facilities would be sited within industrial and/or commercial areas. Local governments typically allow noise levels that are slightly higher in industrial and commercial areas than are allowed in areas where sensitive receptors are typically located (e.g., residential or educational land uses). Noise sources typically associated with industrial or commercial land uses that would include HHW collection

facilities includes transportation noise (i.e., truck traffic, back-up beepers), loading and unloading activities, heavy-duty equipment (e.g., fork-lift), and stationary equipment (e.g., fans, generators).

3.12.2 DISCUSSION

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less-than-Significant Impact. The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. Activities associated with HHW collection would continue within the existing infrastructure. There would be no construction-related noise or groundborne vibration impacts.

The proposed project would not result in the operation or construction of any new stationary noise sources. As described in the project description, it was estimated that an additional 520-625 truck trips per year (i.e., 1-2 truck trips per day) statewide would occur to handle the increase in volume of program products. This would result in an imperceptible change in mobile-source noise levels. Noise levels would essentially be unchanged with this small an increase in truck trips (i.e., 1- 2 truck trips per day) across the entire state.

The project would not result in siting of sensitive receptors, exposure of sensitive receptors to excessive noise levels, exposure of sensitive receptors to groundborne vibration, or a substantial increase in ambient noise levels. This impact would be **less than significant**.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project would not authorize any specific land use or site-specific uses, and would not involve the siting of sensitive receptors. There is an established infrastructure in California for paint recycling and recovery, and no new facilities would be constructed. The proposed project would use this existing infrastructure, and expand the infrastructure through the use of existing retail paint stores for collection of the unused, leftover architectural paint. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to expand facilities. No new retail or recycling facilities would be constructed as a result of the proposed project and no changes in land use would occur. The project would not result in exposure of receptors to excessive airport-related noise levels. **No impact** would occur.

3.13 POPULATION AND HOUSING

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XIII. Population and Housing. Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐
b) Displace substantial numbers of existing homes, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐

3.13.1 ENVIRONMENTAL SETTING

Population is projected by the California Department of Finance. Population and housing is addressed at the municipal land use planning level. Cities and counties allocate housing in their general plans to accommodate population projections.

3.13.2 DISCUSSION

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. Existing personnel at HHW facilities and retail paint stores would handle the collection process. The staff of existing Paint Recyclers would implement paint processing. It is possible that some amount of additional job formation may occur at retail paint stores, consolidation points, or recyclers in response to increased program volumes; however, any increase in jobs would be dispersed statewide in many communities, and potentially out-of-state, and would not be of sufficient quantity to result in the need for construction of new facilities, homes, or infrastructure that would result in potential environmental impacts. The project would not result in an increase in population density or necessitate infrastructure improvements. The project would not displace housing or people, and would not necessitate the construction of replacement housing. **No impact** would occur.

3.14 PUBLIC SERVICES

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XIV. Public Services. Would the project:					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
Fire protection?	☐	☐	☐	☒	☐
Police protection?	☐	☐	☐	☒	☐
Schools?	☐	☐	☐	☒	☐
Parks?	☐	☐	☐	☒	☐
Other public facilities?	☐	☐	☐	☒	☐

3.14.1 ENVIRONMENTAL SETTING

Public services include law enforcement, fire protection and emergency medical response, schools, and parks.

3.14.2 DISCUSSION

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

No Impact. The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. The project would not result in an increase in population density or necessitate provision of additional public services. In fact, HHW collection is currently the responsibility of municipalities, and they incur substantial cost associated with management of unused and leftover paint in the HHW stream. The proposed project would relieve cities and counties of some of the cost of management of program products and transfer the responsibility to PaintCare®. PaintCare® would administer the program with funding from the assessment fee financing mechanism. This would reduce costs to municipalities for this service, which could potentially make funding available in municipal budgets for other public services, which may result in fiscal benefits to local governments. Nonetheless, no new or expanded public service facilities or services would be required, so governmental facilities would not be affected. Therefore**, no impact** would occur.

3.15 RECREATION

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XV. Recreation. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐

3.15.1 ENVIRONMENTAL SETTING

Recreational resources and facilities are provided and managed at federal, state, and local levels. Recreational facilities and resources in California include, but are not limited to: national, state, regional, and local parks, national forests and grasslands, wildlife refuges, wilderness areas, lakes, campgrounds, museums, wild and scenic rivers, and back country byways, trials, and marine reserves and estuaries.

3.15.2 DISCUSSION

No Impact. The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. The project would not result in an increase in population or housing. Therefore, the project would not result in increased use of existing parks or other recreational facilities and **no impact** would occur.

3.16 TRANSPORTATION/TRAFFIC

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XVI. Transportation/Traffic. Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☐
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☐	☒	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐

3.16.1 ENVIRONMENTAL SETTING

Existing roadway systems in the State generally consist of highways, freeways, arterials, local streets, and intersections/ramps. The existing average annual daily traffic (AADT) volumes on the roadway segments that comprise these systems vary considerably (i.e., from hundreds to hundreds of thousands). The level of service (LOS), a scale used to determine the operating quality of a roadway segment or intersection based on volume-to-capacity ratio (V/C) or average delay, also vary from LOS A, the best and smoothest operating conditions, to LOS F, most congested operating conditions. Other roadway and traffic volume characteristics, such as roadway length, number of lanes and facility type (e.g., two-lane freeway), right-of-way width and pavement width, terrain classification (e.g., flat), percent of heavy-duty truck traffic, and accident rates (e.g., number of accidents per million vehicle miles traveled) also vary substantially depending on the location. In addition to the roadway systems, circulation networks provide additional transportation opportunities and include mass transit, airports, and non-motorized travel (e.g., pedestrian and bicycle paths).

As described in Section 2.3, program products are currently transported by truck on an on-call basis. As described in the project description, it was estimated that project implementation would result in the addition of approximately 520-625 annual truck trips in California, or 1-2 truck trips per day, distributed across the State. Recycled paint would be transferred back into domestic and international markets. It is anticipated that recycled

paint shipped internationally would be back-hauled (i.e., would be picked up by a vessel delivering materials to the U.S. with a planned return to its point of origin, and would not result in an additional vessel trip) and the increase in program volume would be too small to alter international shipping activity.

3.16.2 DISCUSSION

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less-than-Significant Impact. The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. There would be no construction-related traffic or impacts to the transportation system.

Implementation of the project would result in a permanent increase in truck traffic of 1-2 truck trips per day throughout California. Some portion of these truck trips would also leave the state to transport program products to out-of-state recyclers and disposal sites. Nonetheless, this increase in truck travel would be imperceptible on the state and national roadway network. Therefore, impacts associated with long-term increases in operational traffic attributable to the project would be **less than significant**.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The proposed project does not include any structures of significant height or include any activities that would impair or alter operations or air safety of public or private air transport facilities. Therefore, **no impact** to air traffic patterns would occur.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact.The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. The project would not change or alter existing roadways. Therefore, the project would not increase hazards due to a design feature or incompatible use. **No impact** would occur.

e) Result in inadequate emergency access?

No Impact. The project would not authorize any specific land uses or site-specific uses. All collection, processing, and recycling activity would occur in existing facilities with current emergency access provisions. No changes to existing infrastructure would occur, so emergency access would not be affected. Therefore, there would be **no impacts** related to inadequate emergency access.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact. The project would not authorize any specific land uses or site-specific uses. No changes to existing infrastructure would occur. Therefore, the project would not conflict with adopted policies, plans, or programs supporting alternative transportation and **no impact** would occur.

3.17 UTILITIES AND SERVICE SYSTEMS

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XVII. Utilities and Service Systems. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐	☒

3.17.1 ENVIRONMENTAL SETTING

WASTEWATER AND SEWER

The California State Water Resources Control Board (SWRCB) is the State agency responsible for the regulation of wastewater discharges to surface waters and groundwater via land discharge. The Regional Water Quality Control Boards (RWQCBs) are responsible for issuing permits or other discharge requirements to individual wastewater dischargers and for ensuring that they are meeting the requirements of the permit through monitoring and other controls.

Municipal wastewater collection, treatment, and disposal are the responsibilities of local government or special districts. Wastewater collection is accomplished by sanitary sewers, which sometimes have interconnections with storm sewer systems. If unused and leftover paint is improperly disposed by dumping in storm drains, paint can be transported to wastewater treatment plants, complicating proper sewage treatment.

WATER SUPPLY

The principal water supply facilities in California are operated by the U.S. Bureau of Reclamation (USBR) and the California Department of Water Resources (DWR). USBR is responsible for the management of the Central Valley Project DWR is a State agency that is responsible for managing and implementing the State Water Project.

Local water supplies in California originate from both surface and groundwater. While groundwater contamination from improper paint disposal has not been documented as a substantial problem, if paint is dumped into the ground or stormwater systems, it could reach groundwater and surface water.

SOLID WASTE DISPOSAL

Statewide, CalRecycle is responsible for the regulation of the disposal and other handling of solid waste in California. Under the supervision of CalRecycle, and pursuant to regulations adopted by CalRecycle, locally-designated public agencies serve as enforcement agencies in the approval and regulation of solid waste disposal facilities, transfer/processing stations, compost facilities and other solid waste handling activities. CalRecycle is the CEQA Lead Agency for the proposed project.

Improper disposal of unused, leftover architectural paint in refuse bins is known to occur, which results in paint reaching landfills. The volume of improperly disposed paint is not known.

ELECTRICITY AND NATURAL GAS

The California Public Utilities Commission (CPUC) regulates investor-owned electric and natural gas companies located within California. Locally, energy service is provided by a public or private utility.

3.17.2 DISCUSSION

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Beneficial. The proposed project would result in an increase of recycling and reprocessing of latex paint. It is anticipated that the volume of oil-based paint collected for fuel blending and incineration would also increase, and identified facilities that accept oil-based paint have indicated that they have capacity. Program products that improperly end up in drains and sewers would be expected to decrease with program implementation. As a result, wastewater treatment systems would benefit from the reduced volume of paint reaching treatment plants. This would be a **beneficial** effect.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

No Impact. The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. Program products would be handled within the capacity of existing facilities, which are connected to the existing water distribution system. Additional program products collected under the proposed project would not be anticipated to result in increased water consumption, and water entitlements in place for existing activities would be sufficient. There would be **no impact** associated with water facilities or standards, storm water drainage facilities, or water supplies.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Beneficial. The proposed project would result in an increase recycling and reprocessing of latex paint. It is anticipated that the volume oil-based paint collected for fuel blending and incineration will increase, and identified facilities that accept oil-based paint have indicated that they have capacity. Program products that improperly end up in landfills would be expected to decrease with program implementation. As a result, landfill and solid waste impacts would **beneficial**.

3.18 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XVIII. Mandatory Findings of Significance.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Authority: Public Resources Code Sections 21083, 21083.5.
Reference: Government Code Sections 65088.4.
Public Resources Code Sections 21080, 21083.5, 21095; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

3.18.1 DISCUSSION

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?

Less-than-Significant Impact. No significant impacts would occur as a result of the proposed project. Therefore, the project would not degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of an endangered, rare, or threatened species. This impact would be **less than significant**.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less-than-Significant Impact. Cumulative environmental effects are multiple individual effects that, when considered together, would be considerable or compound or increase other environmental impacts. Individual effects may result from a single project or a number of separate projects and may occur at the same place and point in time or at different locations and over extended periods of time.

The purpose of the proposed project is to relieve municipalities of the financial burden of operating HHW collection, provide more convenient collection options to residents and qualifying businesses in California through the use of existing retail sites, increase recycling of unwanted architectural paint, and reduce improper disposal of architectural paint.

The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. Activities associated with HHW collection would continue within the existing infrastructure. The proposed project would have no significant project-level impacts and would likewise have no cumulative impacts. Cumulative impacts would be **less than significant**.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Less-than-Significant Impact. The project would not authorize any specific land use or site-specific uses, and would not result in the siting of residents or construction of new facilities or structures. **No human safety impacts** would occur.

4 REFERENCES

CalRecycle. 2012a. *Recycled Latex Paint Fact Sheet*. Available: http://www.calrecycle.ca.gov/condemo/paint/. Accessed April 25, 2012.CalRecycle. 2012b. *Oil-Based Paints and Coatings-Hazards and Responsible Use Fact Sheet*. Available: www.calrecycle.ca.gov/publications/hhw/61200003.doc. Accessed April 30, 2012.

Intergovernmental Panel on Climate Change. 2007. *Technical Summary of the Fourth Assessment Report of the Intergovernmental Panel on Climate Change.*

PaintCare®. 2012 (April). *California Architectural Paint Stewardship Program Plan*.

PERSONAL COMMUNICATIONS

Long, Brad. San Diego County Department of Environmental Health. May 11, 2012. Email to Asha Arora, California Department of Toxic Substances Control, forwarded to Heather Phillips, Ascent Environmental, summarizing Hazardous Incident Response data for incidents involving latex and oil-based paint in San Diego County from 2009-2012.

O'Donnell, Michael. California Director, PaintCare®. May 7, 2012a. Email to Heather Phillips, Ascent Environmental, summarizing site visits to, and conversations with representatives of paint recyclers, processors, and disposal facilities. Representatives of the facilities indicated that they had on-site capacity to accommodate increased program volumes.

O'Donnell, Michael. California Director, PaintCare®. April 25, 2012b. Phone conversation with Heather Phillips, Ascent Environmental, regarding program products transportation activity.

Zarrehparvar, Marjaneh. Executive Director, PaintCare®. April 25, 2012. Phone conversation with Heather Phillips, Ascent Environmental, regarding program products transportation activity.

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5 REPORT PREPARATION

5.1 CALRECYCLE (LEAD AGENCY)

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Emily Wang ..... Integrated Waste Management Specialist
Michael Bledsoe ..... Senior Staff Counsel
Ty Moore ..... Staff Counsel

5.2 ASCENT ENVIRONMENTAL, INC. (CONSULTANT)

Curtis E. Alling, AICP ..... Principal-in-Charge
Honey Walters ..... Project Manager
Heather Phillips ..... Environmental Planner
Amber Giffin ..... Document Production Specialist

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Appendix A

Public Resources Code 48700-48706

Health and Safety Code 25217.0-25217.4

Appendix B

Greenhouse Gas Emissions Modeling

California Architectural Paint Stewardship Program Plan

Initial Study/Proposed Negative Declaration

Public Draft

PREPARED UNDER THE DIRECTION OF:
California Department of Resources Recycling
and Recovery (CalRecycle)
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Sacramento, CA 95814
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916.341.6449

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916.444.7301

June 5, 2012

12010019.01

NEGATIVE DECLARATION

Project: California Architectural Paint Stewardship Program Plan
Project Proponent: PaintCare® Inc.
Lead Agency: California Department of Resources Recycling and Recovery (CalRecycle)

PROJECT DESCRIPTION

This Negative Declaration (ND), supported by the attached Initial Study (IS), evaluates the environmental effects of the proposed California Architectural Paint Stewardship Program Plan (Plan). The Plan, which will have statewide application, is submitted by PaintCare® Inc., a stewardship organization representing U.S. paint manufacturers. PaintCare® Inc. prepared the Plan in response to the enactment of the 2010 California Architectural Paint Stewardship Law (Huffman, AB 1343), as subsequently amended. The Plan proposes a recovery program to reduce the generation of postconsumer architectural paint (i.e., unused and left-over, consumer-purchased, architectural paints), promote the reuse of postconsumer architectural paint, and manage the end-of-life of postconsumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, reuse, and disposal.

The California Department of Resources Recycling and Recovery (CalRecycle) is responsible for approving or disapproving the Plan and is the lead agency for this project under the California Environmental Quality Act (CEQA). CalRecycle directed the preparation of this IS and ND. The IS and ND reflect CalRecycle's independent judgment and analysis.

FINDING

An IS, attached to this ND, has been prepared to assess the project's potential effects on the environment and the significance of those effects. Based on the information and analysis in the IS, CalRecycle has determined, and therefore finds, that the proposed project will not have any significant effects on the environment. This conclusion is supported by the following determinations:

1. The proposed project will have no impact related to aesthetics, agricultural and forestry resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use planning, mineral resources, population and housing, public services, recreation, utilities and service systems. Plan approval will not cause environmental impacts related to these topics because implementation of the Plan will involve only the use of existing structures and facilities.
2. The proposed project will have a less-than-significant impact on air quality, greenhouse gases, noise, and transportation and traffic. These effects are related primarily to minor changes in collection and transport of the postconsumer architectural paint that result from implementing the Plan. Plan approval will not cause significant environmental impacts related to these topics, because implementation of the Plan will involve minor changes to the existing collection and transport procedures for postconsumer architectural paint.

RECORD OF PROCEEDINGS

The record of CalRecycle's proceedings of the adoption of this Negative Declaration and its approval of the Plan regulations is available for review at:

Custodian of Records
California Integrated Waste Management Board
1001 I Street
P.O. Box 4025
Sacramento, CA 95812-4025

Questions or comments regarding this Negative Declaration and Initial Study may be addressed to:

Cynthia Dunn
California Department of Resources Recycling and Recovery (CalRecycle)
1001 I St
Sacramento, CA 95814
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After comments are received from the public and reviewing agencies, CalRecycle may (1) adopt the ND and approve the proposed project; (2) undertake additional environmental studies; or (3) disapprove the project.

LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Name ***Date***

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ACRONYMS AND ABBREVIATIONS

AADT	average annual daily traffic
AB	Assembly Bill
ARB	California Air Resources Board
AST	Above Ground Tanks
Cal OSHA	California Occupational Health and Safety Administration
Cal/EPA	California Environmental Protection Agency
CalARP	California Accidental Release Prevention
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CHP	California Highway Patrol
CO	carbon monoxide
CO_2	carbon dioxide
Community Right- to-Know	Hazardous Material Release Response Plans & Spill Notification
CPUC	California Public Utilities Commission
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
FHMR	Federal Hazardous Materials Regulations
FMMP	Farmland Mapping and Monitoring Program
GHGs	greenhouse gases
HHW	household hazardous waste
HSC	California Health and Safety Code
IPCC	Intergovernmental Panel on Climate Change
IRS	Internal Revenue Service
IS	Initial Study

LOS	level of service
ND	Negative Declaration
NO_2	nitrogen dioxide
OES	Office of Emergency Services
PaintCare®	PaintCare® Inc.
PHHWCF	permanent household hazardous waste collection facilities
Plan	California Architectural Paint Stewardship Program Plan
PM_{10}	particulate matter less than 10 microns in diameter
$PM_{2.5}$	particulate matter less than 2.5 microns in diameter
PRC	California Public Resources Code
proposed project	California Architectural Paint Stewardship Program Plan
RCRA	Federal Resource Conservation and Recovery Act
RMP	Risk Management Plan
RWQCBs	Regional Water Quality Control Boards
SB	Senate Bill
SO_2	sulfur dioxide
SWRCB	California State Water Resources Control Board
TACs	toxic air contaminants
USBR	U.S. Bureau of Reclamation
UST	Underground Storage Tanks
V/C	volume-to-capacity ratio
VMT	vehicle miles traveled

1 INTRODUCTION

1.1 INTRODUCTION AND REGULATORY GUIDANCE

This Initial Study (IS) has been prepared under the direction of the California Department of Resources Recycling and Recovery (CalRecycle) to evaluate the potential environmental effects of adopting the California Architectural Paint Stewardship Program Plan (Plan or "proposed project").

This document has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.). An IS is prepared by a lead agency to determine if a project may have a significant effect on the environment (State CEQA Guidelines Section 15063[a]), and thus to determine the appropriate environmental document. In accordance with State CEQA Guidelines Section 15070, a "public agency shall prepare…a proposed negative declaration or mitigated negative declaration…when: (a) The IS shows that there is no substantial evidence that the project may have a significant impact on the environment, or (b) The IS identifies potentially significant effects but revisions to the project plans or proposal are agreed to by the applicant and such revisions would reduce potentially significant effects to a less-than-significant level." In this circumstance, the lead agency prepares a written statement describing its reasons for concluding that the proposed project would not have a significant effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR). By contrast, an EIR is required when the project may have a significant environmental impact that cannot clearly be reduced to a less-than-significant effect by adoption of mitigation measures or by revisions in the project design.

1.2 PURPOSE OF THE INITIAL STUDY

As described in the environmental checklist and supporting narrative (Chapter 3), the proposed project would not result in significant effects to the environment. No mitigation measures would be required as a result of this environmental analysis. This IS concludes that an ND is the appropriate document for compliance with CEQA.

Under CEQA, the lead agency is the public agency with primary responsibility over approval of the proposed project. CalRecycle is the lead agency for the proposed project and has directed the preparation of an analysis that complies with CEQA.

The purpose of this document is to present to decision-makers and the public the environmental consequences of implementing the proposed project. An IS is required in support of an ND and is attached to the ND. This disclosure document is being made available to the public for review and comment. The ND (with the attached IS) is available for a 30-day public review.

Comments should be addressed to:

Cynthia Dunn
California Department of Resources Recycling and Recovery (CalRecycle)
1001 I St
Sacramento, CA 95814
916.341.6449
cynthia.dunn@calrecycle.ca.gov

After comments are received from the public and reviewing agencies, CalRecycle may (1) adopt the ND and approve the proposed project; (2) undertake additional environmental studies; or (3) disapprove the project.

1.3 SUMMARY OF FINDINGS

Chapter 3 of this document contains the analysis and discussion of potential environmental impacts of the proposed project. Based on the issues evaluated in that chapter, it is determined that the proposed project would have no environmental impact related to the following issue areas:

- Aesthetics
- Agriculture and Forest Resources
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Geology and Soils
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems

Environmental impacts of the proposed project would be less than significant for the following issue areas:

- Air Quality
- Greenhouse Gases
- Noise
- Traffic and Transportation

It was also determined that beneficial effects would occur under certain issue areas. A beneficial effect would involve an improvement in environmental conditions compared to the existing setting. The following issue areas may experience beneficial effects as a result of the proposed project:

- Hydrology and Water Quality
- Utilities and Service Systems

1.4 ENVIRONMENTAL PERMITS

Approval of the Plan by CalRecycle would be the only public agency action required. No other permits or approvals for this project would be required.

1.5 DOCUMENT ORGANIZATION

This IS/ND is organized as follows:

Negative Declaration. The Negative Declaration documents the environmental findings and the determination that the Plan would not result in any significant effects on the environment.

Chapter 1: Introduction. This chapter provides an introduction to the environmental review process. It describes the purpose and organization of this document.

Chapter 2: Project Description and Background. This chapter describes the purpose of and need for the proposed project, identifies project objectives, and provides a detailed description of the proposed project.

Chapter 3: Environmental Checklist. This chapter presents an analysis of a range of environmental issues identified in the CEQA Environmental Checklist and determines if each issue would result in no impact, a less-than-significant impact, a less-than-significant impact with mitigation incorporated, a potentially significant impact, or a beneficial impact. If any impacts were determined to be potentially significant, an EIR would be required. For this project, however, none of the impacts were determined to be potentially significant.

Chapter 4: References. This chapter lists the references used in preparation of this IS/ND.

Chapter 5: List of Preparers. This chapter identifies report preparers.

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2 PROJECT DESCRIPTION

2.1 INTRODUCTION

Latex-based and oil-based architectural paints contain ingredients that are classified as hazardous under California law. California Health and Safety Code 25217.1 specifies that no person shall dispose of, or attempt to dispose of, liquid latex paint or oil-based paint in the land or into the waters of the state unless authorized by applicable provisions of law. California municipalities currently handle disposal of unwanted, postconsumer architectural paint through locally-funded household hazardous waste (HHW) collection programs, and incur substantial cost to operate such programs, even with relatively low levels of participation by the public (i.e., 5-10 percent of residents). Postconsumer architectural paint composes approximately one-third to one-half of materials collected through municipal HHW collection programs.

Low participation in residential HHW collection programs indicates that there is a substantial quantity of unused and leftover architectural paint that has been improperly disposed or is in long-term storage in homes, which can also ultimately lead to improper disposal. Improper paint disposal can include dumping and placement in refuse bins from which they are later buried in municipal landfills not intended for those materials. The California Architectural Paint Stewardship Program intends to relieve municipalities of some of the financial burden associated with transportation and disposal costs for architectural paint managed through HHW collection programs, provide more convenient architectural paint collection options to residents and qualifying businesses in California through the use of existing retail establishments as collection sites, reduce architectural paint waste generation and improper disposal through public education and outreach, and increase recycling and proper disposal of architectural paint.

2.1 BACKGROUND

The 2010 California Paint Stewardship Law (Huffman, Assembly Bill [AB] 1343) was enacted in September 2010 by Governor Schwarzenegger and took effect as Public Resources Code (PRC), Section 48700-48706. Supporting amendments were then made to existing paint management legislation (California Health and Safety Code [HSC], Section 25217-25217.4) through AB 408 (Wieckowski, 2011) to facilitate collection and management of architectural paint. AB 1343 and AB 408 are included for reference in Appendix A.

The purpose of AB 1343 is to reduce the generation of and promote the reuse of postconsumer architectural paint, and to provide a system for the management of postconsumer architectural paint in an environmentally sound manner that includes collection, transportation, processing, recycling, and proper disposal.

The law requires that on or before April 1, 2012, a manufacturer or designated stewardship organization submit an architectural paint stewardship plan to California Department of Resources Recycling and Recovery (CalRecycle). The plan must demonstrate the following:

- Sufficient funding for the program, including a funding mechanism for securing and dispersing funds to cover administrative, operational, and capital costs;
- Application of an assessment fee on containers of architectural paint sold by manufacturers in California and a process to remit the fees to a stewardship organization, if applicable;
- Procedures for the assessment fee to be added to the cost of architectural paint sold to California retailers and distributors, and for each California retailer or distributor to add the assessment fee to their purchase price;
- Coordination of the program with existing household hazardous waste collection programs to the extent that such coordination is reasonably feasible and is mutually agreeable;

- Coordination to allow retailers to participate, on a voluntary basis, as architectural paint collection sites;
- Goals established by the manufacturer or stewardship organization to reduce the generation of postconsumer architectural paint, to promote the reuse of postconsumer architectural paint, and for the proper end-of-life management of postconsumer architectural paint, based on current household hazardous waste program information; and
- Consumer, contractor, and retailer education and outreach efforts to promote the source reduction and recycling of architectural paint.

A "stewardship organization" is defined by the law as a nonprofit organization created by the manufacturers to implement the architectural paint stewardship program. PaintCare®, Inc. ("PaintCare®"), an Internal Revenue Service (IRS) Code 501(c)(3) non-profit, was formed to serve as the architectural paint industry's stewardship organization. PaintCare® qualifies as a stewardship organization, as defined by the law.

Architectural paint is defined as latex or oil-based, interior and exterior architectural coatings sold in containers of five gallons or less for commercial or homeowner use and does not include aerosol spray paint or coatings for industrial use. Postconsumer architectural paints covered by PaintCare® architectural paint stewardship program (PaintCare® program) are referred to herein as "program products".

2.1.1 CURRENT PAINT SALES AND DISPOSAL TRENDS

Based on industry information, PaintCare® estimates that California accounts for 9 percent of annual nationwide sales of architectural paint. U.S. Census Bureau statistics estimate that 652 million gallons of architectural paint were sold in the U.S. in 2010. California's portion (9 percent) of that total represents 59 million gallons (PaintCare® 2012:19). PaintCare® evaluated data and studies conducted on postconsumer paint collection and disposal, and determined that approximately 10 percent of paint sold in California is "leftover" or "unused" paint (PaintCare® 2012:20-22), which would constitute an approximate estimate of 6 million gallons. The Plan estimates a baseline rate of 45 percent of unused paint is collected under the current paint collection infrastructure. Current collection volume is estimated at 2.64 million gallons (PaintCare® 2012:23). PaintCare®, however, also assumes in the Plan that 70 percent of unused post-consumer architectural paint is available for collection (PaintCare® 2012:22).

Even though it is illegal to dispose of hazardous waste in the trash, down the drain, or by abandonment, individual cities and counties throughout the state encounter such activities that involve program products. For example, according to data obtained by the California Department of Toxic Substances Control (DTSC) from San Diego County regarding latex and oil-based paint, there were between 21 and 34 documented annual incidents involving abandonment of program products between 2009 and 2011. There were approximately 260 and 500 gallons of program products abandoned each year. In 2012, there have been ten documented incidents involving over 1,200 gallons of program products total, including a single incident involving a large abandonment (Long, Pers. comm., 2012). San Diego County staff estimate that the reported incidents considerably under-represent the total quantity of abandoned program products. Program products are also routinely discovered in self-unloading areas of landfills (Long, Pers. comm., 2012).

2.1.2 CURRENT PAINT COLLECTION AND RECOVERY

Under current conditions, architectural paint is collected at permanent household hazardous waste collection facilities (PHHWCF); HHW collection events; waste transfer stations; landfill; public works yards; other non-HHW fixed sites; and some retail stores. These facilities are known as "Paint Collection Points." Some PHHWCF's offer "Paint Exchange" programs where good-quality paint is made available for the public to take and reuse. These programs return quality paint back to the local community instead of transporting and processing the paint at a different location.

Paint that is not fit for immediate reuse is transported in full truckloads to and managed by paint recycling and management facilities, either in- or out-of-state. Latex paint represents about 75-80 percent of program products that would be collected under the PaintCare® Program. Current latex paint recyclers used by California HHW programs are located in Azusa, Oroville, Rialto, Riverside, and Sacramento, California; and Nashville, Illinois. There are also several municipal latex paint recycling programs currently recycling paint in California. The largest of these programs are located in Mendocino, San Francisco, Santa Cruz, Sonoma, and Orange Counties.

The paint manufacturers industry estimates that 80 percent of postconsumer latex paint is of sufficient quality to reprocess and recycle back into paint, which is transferred back into domestic or international markets. Using these estimates for the current situation (that 75-80 percent of program products consist of latex paint and that 80 percent is of sufficient quality for recycling back to paint), approximately 1.6 million gallons of latex paint currently get reprocessed back into recycled paint (PaintCare® 2012:23). The remaining material not suitable for recycling can be used to create secondary, non-paint products (e.g., solidification into landscaping material or road base) where the properties of latex paint provide a beneficial ingredient.

Oil-based paint represents 20-25 percent of program products. Quality oil-based paint is also eligible for local Paint Exchange reuse programs. While it is possible to recycle oil-based paint back into paint, no processor offers this option at this time. Oil-based paint deemed unfit for reuse is shipped in full truckloads out-of-state to cement kilns or incinerators for use as a fuel product. Current fuel incinerators and fuel blenders accepting oil-based paint are located in Arkansas, Kansas, Missouri, Nebraska, Utah, and Texas.

2.2 PROJECT OBJECTIVES

The Plan submitted to CalRecycle by PaintCare® for approval proposes a recovery program to reduce the generation of postconsumer architectural paint, promote the reuse of postconsumer architectural paint, and manage the end-of-life of postconsumer architectural paint in an environmentally sound fashion, including collection, transportation, processing, and disposal (PaintCare® 2012). The proposed project intends to relieve municipalities of some of the financial burden associated with the transportation and disposal costs for architectural paint managed through HHW collection programs, provide more convenient architectural paint collection options to residents and qualifying businesses in California through the use of existing retail establishments as collection sites, reduce architectural paint waste generation and improper disposal through public education and outreach, and increase recycling and proper disposal of architectural paint. The proposed project intends to achieve environmental benefits through reducing the amount of program products that currently end up in the waste stream, which can cause environmental damage if improperly disposed.

2.3 PROJECT LOCATION

Implementation of the Plan would involve use of existing facilities for collection, processing, recycling and disposal. The scope of the Plan is statewide in California. Therefore, the locations for collection of architectural paint would be throughout the existing communities within the State of California. Paint recycling and disposal facilities would be located both within and outside of California at existing recycling and disposal facilities where identified previously. The economic market for recycled paint products is domestic and international.

2.4 PROJECT DESCRIPTION

The proposed project is the approval and implementation of the California Architectural Paint Stewardship Program Plan (Plan) by CalRecycle, in compliance with AB 1343. The Plan would be implemented by the stewardship organization, PaintCare®, on behalf of the architectural paint manufacturers who sell paint in California. The Plan submitted to CalRecycle by PaintCare® for approval proposes a recovery program to reduce the generation of postconsumer architectural paint, promote the reuse of postconsumer architectural paint, and

manage the end-of-life of postconsumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal (PaintCare® 2012).

With the proposed project in place, numerous retailers of architectural paint would become collection facilities, in addition to the existing facilities that collect architectural paint. PaintCare®'s performance goals include that 90 percent of California residents would have a collection site within 15 miles of their residence, and there would be one site for every 30,000 residents of a designated area (PaintCare® 2012:15-16). This would result in approximately 750 fixed collection sites total, which PaintCare® considers a baseline service goal. PaintCare® may recruit additional collection sites to further expand consumer service once the minimum baseline goal is satisfied. No new facilities would be constructed.

Under the Plan, PaintCare® estimates that postconsumer paint collection would increase from a baseline of 45 percent of unused paint to 69 percent by the end of the third year of program implementation. PaintCare® estimates that the volume of paint collected would increase from 2.64 million gallons under current conditions to approximately 4.08 million gallons under the third year of program implementation (PaintCare® 2012:23). The volume of new architectural paint sold in California would be unaffected by the project.

2.4.1 PROGRAM COLLECTION AND RECOVERY

Program products currently undergo three types of collection and transport. Program products would be collected at Paint Collection Points and transported to a Paint Consolidation Point to be sorted into latex and oil-based products. Excellent quality program products would be transported to a local HHW Paint Exchange facility, where available, for use in the community. From Paint Consolidation Points, recyclable latex program products would be transported to a paint recycler for reprocessing and then transported into domestic or international markets. Program products not suitable for recycling or reprocessing would be transported for beneficial use or disposal. Oil-based paint that could not be reused through Paint Exchange would be transported for fuel incineration. Through the use of existing retail establishments as program product collection points, it would be anticipated that the volume of paint directed through program collection and recovery would increase. The same Paint Consolidation Points, recyclers, and disposal facilities would be used under the proposed project as described under "Current Paint Collection and Recovery." Those facilities have indicated they have capacity to accommodate the estimated increase in volume without the need to construct any additional facilities (O'Donnell, Pers. comm. 2012a).

Program products are typically transported by truck in 12 to 53-foot trailers with other HHW on an on-call or as-needed basis when facilities reach their storage capacity (PaintCare® 2012:35). The size of the truck varies depending on the ability of the vehicle to access each location. The frequency of pick-up varies widely depending on the size of the facility and volumes collected. Material from large volume facilities are picked up in a dedicated load, while smaller volume facilities are picked up by a truck that collects HHW from multiple facilities in an area. This small volume pick-up is referred to as a "milk run". PaintCare® estimates that program products are normally one-third to one-half of HHW collected. With the addition of retail facilities, the proportion of paint per truck load would be expected to increase (O'Donnell, Pers. comm. 2012b).

Program products are collected and stored primarily in reusable cubic yard-size box containers. Each box can hold a combination of 5-gallon, 1-gallon, quart-size, and smaller paint cans with a total liquid content of about 53 gallons per box. Each cubic-yard box is approximately equal to 120 one-gallon cans. PaintCare® estimates that the volume of program products directed through the paint recovery infrastructure would increase by approximately 1.44 million gallons by the end of the third year of the program (PaintCare® 2012:23). Dividing 1.44 million gallons by 53 gallons of liquid content suggests that collection sites, primarily retailers, would collect an additional 25,000-30,000 cubic yard boxes of program products per year. The average truck-load was estimated to carry 48 cubic-yard boxes of program products (O'Donnell, Pers. comm. 2012). Thus, dividing

25,000-30,000 boxes per year by 48 boxes per truckload results in the addition of approximately 520-625 truckloads per year.

According to PaintCare® staff, the average retail site would have capacity to hold one to five containers of paint on-site before pick-up would be required. Transporters of program products would schedule and pick up multiple retail sites or a combination of HHW and retail sites on milk runs to maximize efficiency and minimize costs (Zarrehparvar, Pers. comm. 2012; O'Donnell, Pers. comm. 2012b).

Recycled paint would be transferred into domestic and international markets. It is anticipated that recycled paint shipped internationally would be back-hauled (i.e., would be picked up by a vessel delivering materials to the U.S. with a planned return to its point of origin, and would not result in an additional vessel trip) and the increase in program volume would not influence international shipping activity at all.

2.4.2 PROGRAM FINANCING

Section 48702(b)(3) of the law adds an architectural paint stewardship assessment cost to the price of all qualified paint sold to California retailers and distributors, and each retailer and distributor would add the assessment to the purchase price of all architectural paint sold in the state. This assessment is referred to as the "PaintCare® Recovery Fee." Revenue from this fee would be used to finance the paint stewardship program. The proposed assessment fees are summarized below in Table 1:

Table 1 Proposed PaintCare® Recovery Assessment Fee Rates

Container Size	Fee
½ pint or less	$0.00
Greater than ½ pint to 1 quart	$0.35
Greater than 1 quart to 1 gallon	$0.75
Greater than 1 gallon to 5 gallons	$1.60

Source: PaintCare® 2012:28

2.4.3 EDUCATION AND OUTREACH

A key to success of the program would be education and outreach efforts to promote recycling of architectural paint and discourage consumers from storing or placing unused program products in the waste stream. With expansion of retailers within the paint recycling infrastructure and introduction of the PaintCare® Recovery Fee, consumers would encounter the paint recycling program at many points of sale because the paint retailers will distribute public information materials and/or the retailer would also be a collection site. PaintCare® would develop written educational materials and messaging campaigns targeting the homeowner, commercial/trade painter, and retailer audiences to inform them about the Program. PaintCare® is also developing a site locator tool to assist consumers with finding the nearest available location to recycle leftover paint.

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3 ENVIRONMENTAL CHECKLIST

3.1 AESTHETICS

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
I. Aesthetics. Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐

3.1.1 ENVIRONMENTAL SETTING

Aesthetic resources are generally defined as both the natural and built features of the landscape that contribute to the public's experience and aesthetic or scenic appreciation of the environment. Depending on the extent to which a project's presence would alter the perceived visual character and quality of the environment, aesthetic impacts may occur.

3.1.2 DISCUSSION

***No Impact*.** The proposed project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery. The proposed project would use this existing infrastructure, and expand the infrastructure through the use of existing retail facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of postconsumer architectural paint without the need to develop expanded facilities. No new retail or recycling facilities would be constructed as a result of the proposed project, so no changes to the existing visual character of communities with collection or recycling facilities would occur. The proposed project would have **no impact** on aesthetics.

3.2 AGRICULTURE AND FOREST RESOURCES

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
II. Agriculture and Forest Resources.					
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.					
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	☐
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐

3.2.1 ENVIRONMENTAL SETTING

California is the nation's top agricultural producer, but has experienced significant farmland loss as a result of urbanization. Agricultural land conservation is a priority of many local governments in the state. Farmland is classified by the California Department of Conservation according to its ability to support crops or livestock. The most commonly used system for classifying agriculture in California is the Farmland Mapping and Monitoring Program (FMMP). In addition, The *California Land Conservation Act of 1965* (California Government Code 51200–51295), commonly known as the *Williamson Act*, provides incentives to property owners (property tax reductions) to keep their lands in active agricultural production.

California is also home to extensive forest land and is an important producer of timber. Timber production land must be balanced with forest conservation, which has caused forest and timber resources to be limited.

3.2.2 DISCUSSION

***No Impact*.** The proposed project would not authorize any specific land use or site-specific uses. The Plan would not result in conversion of land from agricultural or forest to other uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas that would not affect agricultural or forest resources. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of postconsumer architectural paint without the need to develop expanded facilities. No new retail or recycling facilities would be constructed as a result of the proposed project, so there would be no risk of affecting agricultural or forest resources. The proposed project would have **no impact** on agricultural or forest resources.

3.3 AIR QUALITY

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
III. Air Quality.					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations.					
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	☐

3.3.1 ENVIRONMENTAL SETTING

Air quality within California is regulated by such agencies as the U.S. Environmental Protection Agency (EPA), and California Air Resources Board (ARB) at the federal and state levels, respectively, and locally by air quality management districts and air pollution control districts. Air quality outside of California is regulated by respective state environmental quality agencies and the EPA.

Concentrations of several air pollutants—ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter less than 10 microns in diameter (PM_{10}), particulate matter less than 2.5 microns in diameter ($PM_{2.5}$), and lead—indicate the quality of ambient air and are therefore the premise of air quality regulations. Because these pollutants are the most prevalent air pollutants known to be harmful to human health, they are commonly referred to as “criteria air pollutants.” Their effects on human health have been studied in depth and their criteria for affecting health have been documented. Acceptable levels of exposure to criteria air pollutants have been determined and ambient standards have been established for them. Concentrations of these pollutants are monitored throughout the U.S. and monitoring data is used to designate areas according to their attainment status of ambient air quality standards. When an area is designated “nonattainment” for an ambient air quality standard, air quality planning efforts are initiated to demonstrate how the area intends to reduce emissions and achieve attainment.

Concentrations of toxic air contaminants (TACs) are also used to indicate the quality of ambient air. A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations.

Odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the presence of sensitive receptors. Although offensive odors rarely cause any physical harm, they still can be very unpleasant, leading to considerable distress and often generating citizen complaints to local governments and regulatory agencies.

Mobile-source emissions associated with trucks are accounted for in regional emission inventories and air quality plans. Under existing conditions, program products are transported by truck in 12 to 53-foot trailers with other HHW on an on-call or as-needed basis when facilities reach their storage capacity (PaintCare® 2012:35). Material from large volume facilities are picked up in a dedicated load, while smaller volume facilities are picked up by a truck that collects HHW from multiple facilities in an area.

3.3.2 DISCUSSION

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less-than-Significant Impact. The emission inventories used to develop regional air quality attainment plans are based primarily on projected population growth and vehicle miles traveled (VMT) for the region, which are based, in part, on the planned growth identified in regional and community plans. Therefore, projects that would result in increases in population or employment growth beyond that projected in regional or community plans could result in increases in VMT above that planned in the attainment plan, further resulting in mobile source emissions that could conflict with a region's air quality planning efforts. Increases in VMT beyond that projected in area plans generally would be considered to effect on the region's ability to attain or maintain state and federal ambient air quality standards.

Under existing conditions, postconsumer architectural paint is transported from Paint Collection Points, to Paint Reuse or Paint Consolidation Points, and then to a Paint Recycler or disposal location. Under the proposed project, architectural paint would be transported and managed in the same way, but through an increased number of retail Paint Collection Points. By using retail paint stores, in many communities, Paint Collection Points would be more accessible and convenient than existing HHW collection locations. As a result, the volume of architectural paint would be expected to increase as more residents participate in the paint stewardship program.

Architectural paint is currently and would continue to be shipped in full truck loads on an on-call basis from Paint Collection Points, to Consolidation Points, recycling or disposal facilities. As discussed in the project description, the volume of architectural paint collected in California is expected to increase from 2.64 million gallons per year under current conditions to approximately 4.08 million gallons by the end of year three of program implementation. As discussed in the project description, it was estimated that the increased volume of architectural paint would result in approximately 520-625 annual truck trips. The truck trips would occur throughout the State, and some of the trips would continue beyond state boundaries to transport program products to out-of-state paint recyclers and disposal locations. This amount of truck travel (i.e., an average of 1-2 truck trips per day across the entire State) would not result in substantial increase in statewide or regional VMT.

It is notable that by using retail paint stores, Paint Collection Points would be more accessible and convenient than existing HHW collection locations in many communities. As a result, the volume of architectural paint would be expected to increase as more residents participate in the paint stewardship program. Residents currently participating in HHW collection may experience shorter vehicle trips to their local Paint Collection Point, or may eliminate trips by combining program product drop-off with a standard trip to a retail collection

establishment. In other words, participants may be less likely to make a dedicated vehicle trip to an HHW collection facility, and would instead bring program products for drop-off to a retail facility by way of "pass-by trips" or "trip-chaining". Under this scenario, a slight reduction in mobile-source emissions of criteria air pollutants and precursors associated with shorter or fewer residential vehicle trips may occur. It is also possible that residents participating in HHW collection would continue to use existing collection facilities because of familiarity, and that participation occurring at retail collection points would be the primary source of increases in architectural paint collections. Under this scenario, mobile-source emissions of criteria air pollutants and precursors would remain relatively unchanged. It is not possible to quantify the net change in residential mobile-source emissions at this time, because sufficient data on program participant travel patterns is not available.

The project would not result in population growth or substantial increases in statewide VMT projections beyond those contained in the regional Air Quality Attainment Plans. The project would not interfere with ability of nonattainment areas to attain or maintain state and national ambient air quality standards. Thus, implementation of the proposed project would not conflict with or obstruct implementation of any air quality planning efforts. As a result, this impact would be **less than significant.**

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less-than-Significant Impact. Existing paint collection, consolidation, and recycling facilities have indicated that they have capacity to accommodate the increase in volume of postconsumer architectural paint that would occur under the proposed project. The proposed project would not involve any construction of facilities or additional infrastructure. The proposed project would not result in an increase in the volume of paint sold in California, but would increase the volume of architectural paint that gets recycled or reused.

As described under a), the proposed project would not result in a substantial increase in VMT and associated mobile-source emissions. The proposed project would not include the long-term operation of any new stationary criteria air pollutant- or TAC-emitting equipment. In addition, owners and operators of processing and recycling facilities, fuel incinerators, fuel blenders, and landfills must comply with all local ordinances, land use and zoning requirements, including those related to air quality. Furthermore, owners and operators of processing, recycling, and disposal facilities (including fuel blenders and incinerators) must obtain all required permits, licenses, or other authorizations and must comply with all orders, statutes, regulations, reports, or other requirements of regulatory or enforcement agencies, including but not limited to local health agencies, local land use authorities, air quality management districts or air pollution control districts, EPA, and the ARB. Disposal facilities have indicated that they have capacity to accommodate the increased volume of program products (O'Donnell, pers. comm., 2012a) and thus, emissions from these facilities would be within permitted limits.

Therefore, the project would not result in substantial short- or long-term emissions that could result in a violation of an ambient air quality standard. This impact would be **less than significant**.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less-than-Significant Impact. As discussed in the analysis under a) and b) above, project-generated emissions would not conflict with air quality planning efforts or violate or contribute substantially to an existing or projected air quality violation. As a result, project-generated emissions of criteria air pollutants and precursors would not be cumulatively considerable. This would be a **less-than-significant** impact.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less-than-Significant Impact. As discussed in a) and b) above, the proposed project would not result in a substantial increase in criteria air pollutant and precursor emissions and would therefore not result in excessive criteria air pollutant concentrations.

The proposed project would not result in any construction or operation of any new stationary equipment that produces TAC emissions. Thus the project not would result in substantial pollutant concentrations, and this impact would be **less than significant.**

e) Create objectionable odors affecting a substantial number of people?

Less-than-Significant Impact. The proposed project would not result in the siting of new odor sources or the location of sensitive receptors near an odor source. Thus, project implementation would not create objectionable odors affecting a substantial number of people. As a result this impact would be **less than significant.**

3.4 BIOLOGICAL RESOURCES

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
IV. Biological Resources. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	☐	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☐

3.4.1 ENVIRONMENTAL SETTING

California is one of the most biologically diverse areas in the world. Its varied topography and climate have given rise to a remarkable diversity of habitats and a correspondingly diverse array of both plant and animal species. Biological resources in California are regulation and protected by a wide variety of federal, State, and local laws.

Existing paint collection, consolidation, and recycling facilities are located in existing urbanized, developed areas. Most important biological resources are commonly found in non-developed areas, farther away from urban land uses and activities.

3.4.2 DISCUSSION

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used

for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to develop expanded facilities. No new retail or recycling facilities would be constructed as a result of the proposed project, so there would be no risk of affecting aquatic features or natural habitats. There would be **no impact** on biological resources.

3.5 CULTURAL RESOURCES

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
V. Cultural Resources. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐

3.5.1 ENVIRONMENTAL SETTING

Cultural resources include archaeological sites of prehistoric or historic origin, built or architectural resources older than 50 years, traditional or ethnographic resources, and fossil deposits of paleontological importance. All areas within California have the potential for yielding as yet undiscovered archaeological and paleontological resources and undocumented human remains not interred in cemeteries or marked formal burials.

3.5.2 DISCUSSION

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to develop expanded facilities. No new retail or recycling facilities would be constructed as a result of the proposed project, so there would be no risk of affecting historic, archaeological, paleontological, or cultural resources. There would be **no impact** on cultural resources.

3.6 GEOLOGY AND SOILS

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
VI. Geology and Soils. Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	☐	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?	☐	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒	☐

3.6.1 ENVIRONMENTAL SETTING

California has a diverse, complex and seismically active geology that includes a vast array of landforms. Seismic activity in California is still ongoing, and can present a hazard to people and property. Risks are greater in fault zones. Soils are fundamental and largely non-renewable resources that are the basis for high-level sustained yields of agricultural commodities, forest products, and provide support to the wide variety of ecological communities throughout the State.

3.6.2 DISCUSSION

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to develop expanded facilities. No new retail or recycling facilities would be constructed as a result of the proposed project, so there would be no risk of affecting geologic resources. In addition, the project

would not involve the siting of new people or structures, so there would be no potential for risk associated with geologic hazards. There would be **no impact** on geologic resources or soils.

3.7 GREENHOUSE GAS EMISSIONS

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
VII. Greenhouse Gas Emissions. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	☐

3.7.1 ENVIRONMENTAL SETTING

Certain gases in the earth's atmosphere, classified as greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. GHGs are responsible for "trapping" solar radiation in the earth's atmosphere, a phenomenon known as the greenhouse effect. Prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for intensifying the greenhouse effect and have led to a trend of unnatural warming of the earth's climate, known as global climate change or global warming. It is extremely unlikely that global climate change of the past 50 years can be explained without the contribution from human activities (Intergovernmental Panel on Climate Change [IPCC] 2007:86). By adoption of Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, and Senate Bill (SB) 97, the state of California has acknowledged that the effects of GHG emissions cause adverse environmental impacts. AB 32 mandates that emissions of GHGs must be capped at 1990 levels by the year 2020 (Health and Safety Code section 38530).

Emissions of GHGs have the potential to adversely affect the environment because such emissions contribute, on a cumulative basis, to global climate change. Although the emissions of one single project will not cause global climate change, GHG emissions from multiple projects throughout the world could result in a cumulative impact with respect to global climate change.

Under existing conditions, program products are transported by truck in 12 to 53-foot trailers with other HHW on an on-call or as-needed basis when facilities reach their storage capacity (PaintCare® 2012:35). Material from large volume facilities are picked up in a dedicated load, while smaller volume facilities are picked up by a truck that collects HHW from multiple facilities in an area. As described in the project description, it was estimated that the proposed project would result in a net increase of approximately 520-625 annual truck trips associated with transport of program products. Emissions associated with in-state heavy duty diesel trucks were estimated using ARB's Mobile-Source Emission Factor Model (EMFAC 2011) and are summarized in Appendix B. CO_2 emissions from 1-2 additional daily truck trips (i.e., 520-625 annual truck trips) would result in approximately 23-46 metric tons of CO_2 per year. This increment of GHG emissions would be less than considerable, and would not have a significant impact on the environment.

It is notable that by using retail paint stores, Paint Collection Points would be more accessible and convenient than existing HHW collection locations in many communities. As a result, the volume of architectural paint

collected would be expected to increase as more residents participate in the architectural paint stewardship program. Residents currently participating in HHW collection may experience shorter vehicle trips to their local Paint Collection Point, or may eliminate trips by combining program product drop-off with a standard trip to a retail collection establishment. A slight reduction in mobile-source GHG emissions associated with shorter or fewer residential vehicle trips may occur. It is not possible to quantify the net change in residential mobile-source GHG emissions at this time, because sufficient data on program participant travel patterns is not available.

3.7.2 DISCUSSION

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less-than-Significant Impact. Because the proposed project would not result in construction of any additional facilities, no short-term construction-related emissions of GHGs would occur. GHG emissions generated by the proposed project would predominantly be in the form of CO_2 and would occur during project operation. Operational emissions would be associated with mobile-source exhaust from truck travel.

As described in the project description, it was estimated that the proposed project would result in a net increase of approximately 520-625 annual truck trips associated with transport of program products. Emissions associated with in-state heavy duty diesel trucks were estimated using ARB's Mobile-Source Emission Factor Model (EMFAC 2011) and are summarized in Appendix B. CO_2 emissions from 1-2 additional daily truck trips (i.e., 520-625 annual truck trips) would result in approximately 23-46 metric tons of CO_2 per year. This increment of GHG emissions would be less than considerable, and would not have a significant impact on the environment.

It is notable that by using retail paint stores, Paint Collection Points would be more accessible and convenient than existing HHW collection locations in many communities. As a result, the volume of architectural paint collected would be expected to increase as more residents participate in the architectural paint stewardship program. Residents currently participating in HHW collection may experience shorter vehicle trips to their local Paint Collection Point, or may eliminate trips by combining program product drop-off with a standard trip to a retail collection establishment. A slight reduction in mobile-source GHG emissions associated with shorter or fewer residential vehicle trips may occur. It is not possible to quantify the net change in residential mobile-source GHG emissions at this time, because sufficient data on program participant travel patterns is not available.

The overall net increase in GHG emissions associated with the proposed project would have a **less-than-significant** impact on climate change.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less-than-Significant Impact. As discussed under item a) above, the total GHG emissions associated with this project would be less than significant. Because implementation of the proposed project would not result in a substantial net increase of long-term operation-related GHG emissions, the proposed project would not conflict with AB 32 or any other applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. As a result, this impact would be **less than significant.**

3.8 HAZARDS AND HAZARDOUS MATERIALS

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
VIII. Hazards and Hazardous Materials. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐

3.8.1 ENVIRONMENTAL SETTING

Hazardous materials are substances with physical and chemical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous materials are grouped into four categories based on their characteristics: toxic (causes human health effects), ignitable (has the ability to burn), corrosive (causes severe burns or damage to materials) and reactive (causes explosions or generates toxic gases). A hazardous waste is any hazardous material that is finished with its intended use and is discarded. This may include items such as spent fuels, industrial solvents and chemicals, process water, and other spent materials (i.e., some types of batteries and fuel cells).

Oil-based paint and, unless it is reused or recycled, latex paint are considered hazardous waste in California and must be disposed of in a Class I Hazardous Waste Landfill (CalRecycle 2012a). Latex and oil-based paint are classified as hazardous because they contain resins, solvents, pigments, and additives which are harmful to the

environment if improperly disposed (CalRecycle 2012b). California Public Resources Code Sections 48700-48706 and Health and Safety Code Sections 25217-25217.4 directly apply to the proposed project as they relate to handling of postconsumer architectural paint.

Table 2 below summarizes other applicable hazardous materials control laws that may apply to facilities and transporters of HHW and program products.

Table 2 Applicable Laws and Regulations for Hazards and Hazardous Materials	
Federal	
Federal Hazardous Materials Regulations (FHMR) Title 49, Code of Federal Regulations, Parts 100-180	The regulations establish criteria for the safe transport of hazardous materials. Compliance is mandatory for intrastate and interstate transportation.
Resource Conservation and Recovery Act (RCRA) 42 U.S.C. Section 6901 et seq. **Title 40, Code of Federal Regulations (CFR)**	The Resource Conservation and Recovery Act (RCRA) of 1976 gives U.S. EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled U.S. EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. HSWA - the Federal Hazardous and Solid Waste Amendments - are the 1984 amendments to RCRA that focused on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for U.S. EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program. Federal regulations adopted by U.S. EPA are found in Title 40, Code of Federal Regulations (40 CFR).
State and Local	
Various California Air Pollution Control Laws (i.e., Bluebook)	Includes all relevant Health and Safety Code sections of law, plus those air pollution- related statutes from other California codes, and the California Code of Regulations (CCR) Titles 13 & 17 sections that pertain to ARB's air management program.
Hazardous Materials Transportation **California Vehicle Code Sections 31301-31309**	Regulations pertaining to the safe transport of hazardous materials are in California Vehicle Code Sections 31301-31309. All motor carriers and drivers involved in transportation of hazardous materials must comply with the requirements contained in federal and state regulations, and must apply for and obtain a hazardous materials transportation license from the California Highway Patrol (CHP). A driver is required to obtain a hazardous materials endorsement issued by the driver's country or state of domicile to operate any commercial vehicle carrying hazardous materials. The driver is required to display placards or markings while hauling hazardous waste, unless the driver is exempt from the endorsement requirements. A driver who is a California resident is required to obtain an endorsement from CHP.
Hazardous Waste Control Law California Health & Safety Code, Division 20, Chapter 6.5 **CCR, Division 4.5, Title 22**	California requirements and statutory responsibilities in managing hazardous waste in California – this includes the generation, transportation, storage, treatment, recycling, and disposal of hazardous waste. The statute and regulation are implemented by Cal/EPA DTSC.

Table 2 Applicable Laws and Regulations for Hazards and Hazardous Materials	
CalARP Program **CCR, Title 19, Division 2, Chapter 4.5, Sections 2735-2785**	The purpose of the CalARP program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. This is accomplished by requiring businesses that handle more than a threshold quantity of a regulated substance listed in the regulations to develop a Risk Management Plan (RMP). An RMP is a detailed engineering analysis of the potential accident factors present at a business and the mitigation measures that can be implemented to reduce this accident potential.
Hazardous Material Business Plan & Area Plan Program **Health and Safety Code Sections 25500 – 25520** **CCR, Title 19, Division 2, Chapter 4, Article 3 & 4**	The business and area plans program, relating to the handling and release or threatened release of hazardous materials, was established in California to protect the public health and safety and the environment. Basic information on the location, type, quantity, and the health risks of hazardous materials handled, used, stored, or disposed of in the State, which could be accidently released into the environment, is not now available to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary in order to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment. CUPAs use information collected from the Business Plan and California Accidental Release Prevention (CalARP) programs to identify hazardous materials in their communities. This information provides the basis for the Area Plan and is used to determine the appropriate level of emergency planning necessary to respond to a release.
Unified Program Administration **Health and Safety Code, Chapter 6.11, Sections 25404-25404.8** **CCR, Title 27, Division 1, Subdivision 4, Chapter 1, Sections 15100-15620**	A CUPA is a Certified Unified Program Agency, which is authorized by the Secretary of Cal/EPA to carry out several of the hazardous waste/hazardous materials regulatory programs administered by the State in a coordinated and consistent manner. The 6 hazardous waste and materials program elements covered by the CUPA include: 1. Hazardous Waste Generators 2. Underground Tanks (UST) 3. Above Ground Tanks (AST) 4. Accidental Release Program (CalARP) 5. Hazardous Material Release Response Plans & Spill Notification (Community Right- to-Know) 6. Hazardous Materials Management Plans & Inventory Reporting The intent of the CUPA is to simplify the hazardous materials regulatory environment and provide a single point of contact for businesses to address inspection, permitting, billing, and enforcement issues.
Various Local Ordinances	Various ordinances and codes may be adopted at the local level to provide stricter requirements in the management of hazardous materials and waste activities within the jurisdiction.

3.8.2 DISCUSSION

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

***Less-than-Significant Impact*.** Currently, architectural paint is widely collected at facilities with HHW handling permits (permit-by-rule). Retail locations that would collect architectural paint under the proposed project are already equipped to handle paint because they sell the program products that they would begin collecting under the program. In addition, the amendments made to existing paint legislation under AB 408 would permit the locations that collect latex paint to also accept oil-based paint (with certain exceptions) and permit the transport of paint from a collection location to a consolidation site without the use of a uniform hazardous waste manifest. As discussed in Appendix K of the PaintCare® Plan, all employees handling program products would receive training in paint identification, handling, inspection, and emergency response procedures. Each facility would be equipped with appropriate emergency response equipment, spill kit, protective equipment, and fire extinguisher in an accessible location adjacent to paint collection areas (PaintCare® 2012:K-13).

State agencies regulating hazardous materials are the California Environmental Protection Agency (Cal/EPA) and the Office of Emergency Services (OES). The California Highway Patrol (CHP) and California Department of Transportation (Caltrans) enforce regulations for hazardous materials transport. Within Cal/EPA, the DTSC has primary regulatory authority to enforce hazardous materials regulations. State hazardous waste regulations are contained primarily in Title 22 of the California Code of Regulations (CCR). The California Occupational Health and Safety Administration (Cal OSHA) has developed rules and regulations regarding worker safety around hazardous and toxic substances.

Because the current HHW collection facilities, existing retail outlets that start to accept postconsumer paint, and their contractors would implement and comply with all relevant local, State, and Federal regulations related to the handling, transport, and storage of hazardous materials, impacts related to creation of significant hazards to the public through routine transport, use, and disposal of hazardous materials would not occur.

In addition, the project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. Any additional processing and recycling from increased architectural paint volume would be accommodated within capacity of existing facilities where hazardous materials are currently handled. Therefore, this impact would be **less than significant.**

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

***Less-than-Significant Impact*.** There is an existing infrastructure for recycling and processing of postconsumer architectural paint, which involves HHW collection facilities. Existing collection facilities have indicated that they have capacity to handle increased volumes of program products and existing retail sites will join the program as collection sites, providing additional collection capacity – no additional facilities would be constructed. HHW facilities and handlers would continue to comply with applicable federal, State, and local regulations, which are designed to prevent upset and accidents involving accidental release. Further, unlike a noxious gas or explosive chemical, architectural paint is a stable material and presents a low risk of accidental release into the environment. The proposed project presents a low risk of creating a hazard to the public associated with upset or accident conditions. This would be a **less-than-significant impact.**

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

***Less-than-Significant Impact*.** The proposed project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. Postconsumer architectural paint would continue to be handled in the same manner as under existing conditions and handlers would comply with applicable regulations related to transport of hazardous materials. This impact would be **less than significant**.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

***No Impact*.** No new facilities would be constructed under the proposed project, and therefore, the proposed project would not create a significant hazard to the public or to the environment as a result of existing hazardous material contamination. Therefore, **no impact** would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. The proposed project would not affect airport safety. Therefore, **no impact** would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

***No Impact*.** No new housing or facilities would be constructed such that the project would permanently impair implementation of or physically interfere with an emergency response plan or emergency evacuation plan. **No impact** would occur.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. There would be **no impact** associated with wildland fire risks.

3.9 HYDROLOGY AND WATER QUALITY

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
IX. Hydrology and Water Quality. Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or offsite erosion or siltation?	☐	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or offsite flooding?	☐	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐
j) Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐

3.9.1 ENVIRONMENTAL SETTING

Both groundwater and surface water are used extensively in California for agricultural, municipal, and industrial water supplies. The water quality of surface waters and groundwater varies throughout California. Potential surface sources of water quality impairments include point sources (direct discharges to water bodies) and dispersed non-point sources (e.g., stormwater runoff). Continuous point-source discharges such as domestic wastewater treatment plants can be a source of elevated levels of organic carbon, nutrients (i.e., nitrogen and

phosphorus), salinity, or trace metals and organic compounds relative to natural background water concentrations. Potential domestic wastewater discharges of pharmaceutical and other personal care products have been identified as potentially contributing adverse long-term toxic effects to aquatic organisms. Urban stormwater runoff from residential, commercial, and industrial land uses can mobilize and convey trash, oils, grease, trace metals (e.g., copper and zinc) to drainage systems and natural receiving water bodies. Stormwater runoff from residential and agricultural areas can also contain sediment, pesticides, herbicides, nutrients (e.g., fertilizers), and pathogens (e.g., bacteria and viruses from fecal wastes of pets and livestock). Groundwater quality may be adversely affected by all of the sources contributing to surface water impairment discussed above, particularly in alluvial aquifers that are recharged directly through by infiltration and percolation of surface water. Direct inputs of wastes to groundwater include sub-surface sources such as inadequately contained solid waste landfills, failing residential and commercial septic system leachfields, and leaking underground storage tanks that contain fuels, oils, or other industrial chemicals.

3.9.2 DISCUSSION

a) Violate any water quality standards or waste discharge requirements?

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or offsite erosion or siltation?

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or offsite flooding?

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to develop expanded facilities. No new retail or recycling facilities (including impervious surfaces) would be constructed as part of the proposed project. Program products would be handled within the capacity of existing facilities, which are connected to the existing water distribution system. There would be **no impact** associated with water quality, water supply, or drainage patterns.

f) Otherwise substantially degrade water quality?

***Beneficial*.** Based on HHW collection data reported to CalRecycle by municipalities, PaintCare® estimates that approximately 45 percent of unused, leftover postconsumer architectural paint is collected under existing programs. Likewise, approximately 55 percent of unused, leftover postconsumer architectural paint is not collected within the HHW collection infrastructure (PaintCare® 2012:23). PaintCare® expects that much of unwanted paint remains in storage, but also expects that some amount of unwanted paint is improperly disposed. Improper disposal of paint may include disposal in a municipal solid waste landfill, abandonment, or illegal dumping, which can contribute to water quality impacts. Under the third year of program implementation, PaintCare® estimates that the collection rate of unused, leftover architectural paint would increase to approximately 69 percent. Similarly, the portion of unwanted paint that remains in storage or is improperly disposed would decrease to 31 percent. It should also be noted that some portion of the 31 percent of unused, leftover paint may never become available for collection because consumers often keep paint for touch up or future painting projects. Decreasing the frequency of improper paint disposal would be anticipated to have a **beneficial impact** on water quality.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to develop expanded facilities. The proposed project would not include construction of any housing or structures. Therefore, no housing would be placed within a flood zone as a result of this project, and no impeded or redirected flows would occur. The project would not expose people or structures to risks involving flooding, seiche, tsunami, or mudflow. **No impacts** would occur.

3.10 LAND USE AND PLANNING

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
X. Land Use and Planning. Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐

3.10.1 ENVIRONMENTAL SETTING

Local governments possess the basic legal authority to control land use, which is part of the police powers to protect community health, safety, and welfare conferred to state governments under the U. S. Constitution and, in turn, delegated by the state to local governments.

Zoning is a land use tool used by governments to separate land uses that are considered to be incompatible due to the nature of activities that are often associated with the respective land uses. Existing permanent HHW collection facilities and recycling facilities would be sited in areas that would be zoned for industrial and/or commercial uses. Existing retail collection points would be zoned for commercial uses.

3.10.2 DISCUSSION

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. The proposed project would use this existing infrastructure, and expand the infrastructure through the use of existing retail paint stores for collection of the unused, leftover architectural paint. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to expand facilities. No new retail or recycling facilities would be constructed as a result of the proposed project and no changes in land use would occur. There would be **no land use impacts**.

3.11 MINERAL RESOURCES

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XI. Mineral Resources. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	☐
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒	☐

3.11.1 ENVIRONMENTAL SETTING

Mineral resources are all the physical materials that are extracted from the earth for use. Mineral reserves are known deposits of minerals that can be legally mined economically using existing technology.

Existing HHW facilities and retail paint stores are located in existing urban areas, where important mineral resources are not located.

3.11.2 DISCUSSION

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling and recovery, which is located within existing urbanized areas. The proposed project would use this existing infrastructure, and increase the number of existing retail facilities used for architectural paint collection without the need for construction of new facilities. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to develop expanded facilities. No new retail or recycling facilities would be constructed as a result of the proposed project, so there would be no risk of affecting mineral resources. There would be **no impacts** to mineral resources.

3.12 NOISE

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XII. Noise. Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?					
Short-Term Construction Source Noise	☐	☐	☐	☒	☐
Long-Term Operational Source Stationary Noise	☐	☐	☒	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐

3.12.1 ENVIRONMENTAL SETTING

Existing conditions are governed by the presence of noise-sensitive receptors, the location and type of noise sources, and overall ambient levels. Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where a quiet setting is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Additional land uses such as parks, schools, historic sites, cemeteries, and recreation areas are also generally considered sensitive to increases in exterior noise levels. Places of worship and transit lodging, and other places where low interior noise levels are essential are also considered noise-sensitive. Those noted above are also considered vibration-sensitive land uses in addition to commercial and industrial buildings where vibration would interfere with operations within the building, including levels that may be well below those associated with human annoyance.

Existing HHW collection, recycling, and retail facilities would be sited within industrial and/or commercial areas. Local governments typically allow noise levels that are slightly higher in industrial and commercial areas than are allowed in areas where sensitive receptors are typically located (e.g., residential or educational land uses). Noise sources typically associated with industrial or commercial land uses that would include HHW collection

facilities includes transportation noise (i.e., truck traffic, back-up beepers), loading and unloading activities, heavy-duty equipment (e.g., fork-lift), and stationary equipment (e.g., fans, generators).

3.12.2 DISCUSSION

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less-than-Significant Impact. The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. Activities associated with HHW collection would continue within the existing infrastructure. There would be no construction-related noise or groundborne vibration impacts.

The proposed project would not result in the operation or construction of any new stationary noise sources. As described in the project description, it was estimated that an additional 520-625 truck trips per year (i.e., 1-2 truck trips per day) statewide would occur to handle the increase in volume of program products. This would result in an imperceptible change in mobile-source noise levels. Noise levels would essentially be unchanged with this small an increase in truck trips (i.e., 1- 2 truck trips per day) across the entire state.

The project would not result in siting of sensitive receptors, exposure of sensitive receptors to excessive noise levels, exposure of sensitive receptors to groundborne vibration, or a substantial increase in ambient noise levels. This impact would be **less than significant**.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project would not authorize any specific land use or site-specific uses, and would not involve the siting of sensitive receptors. There is an established infrastructure in California for paint recycling and recovery, and no new facilities would be constructed. The proposed project would use this existing infrastructure, and expand the infrastructure through the use of existing retail paint stores for collection of the unused, leftover architectural paint. Existing paint recovery and recycling facilities have indicated they have capacity to accommodate increased volume of program products without the need to expand facilities. No new retail or recycling facilities would be constructed as a result of the proposed project and no changes in land use would occur. The project would not result in exposure of receptors to excessive airport-related noise levels. **No impact** would occur.

3.13 POPULATION AND HOUSING

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XIII. Population and Housing. Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐
b) Displace substantial numbers of existing homes, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐

3.13.1 ENVIRONMENTAL SETTING

Population is projected by the California Department of Finance. Population and housing is addressed at the municipal land use planning level. Cities and counties allocate housing in their general plans to accommodate population projections.

3.13.2 DISCUSSION

***No Impact*.** The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. Existing personnel at HHW facilities and retail paint stores would handle the collection process. The staff of existing Paint Recyclers would implement paint processing. It is possible that some amount of additional job formation may occur at retail paint stores, consolidation points, or recyclers in response to increased program volumes; however, any increase in jobs would be dispersed statewide in many communities, and potentially out-of-state, and would not be of sufficient quantity to result in the need for construction of new facilities, homes, or infrastructure that would result in potential environmental impacts. The project would not result in an increase in population density or necessitate infrastructure improvements. The project would not displace housing or people, and would not necessitate the construction of replacement housing. **No impact** would occur.

3.14 PUBLIC SERVICES

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XIV. Public Services. Would the project:					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
Fire protection?	☐	☐	☐	☒	☐
Police protection?	☐	☐	☐	☒	☐
Schools?	☐	☐	☐	☒	☐
Parks?	☐	☐	☐	☒	☐
Other public facilities?	☐	☐	☐	☒	☐

3.14.1 ENVIRONMENTAL SETTING

Public services include law enforcement, fire protection and emergency medical response, schools, and parks.

3.14.2 DISCUSSION

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

No Impact. The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. The project would not result in an increase in population density or necessitate provision of additional public services. In fact, HHW collection is currently the responsibility of municipalities, and they incur substantial cost associated with management of unused and leftover paint in the HHW stream. The proposed project would relieve cities and counties of some of the cost of management of program products and transfer the responsibility to PaintCare®. PaintCare® would administer the program with funding from the assessment fee financing mechanism. This would reduce costs to municipalities for this service, which could potentially make funding available in municipal budgets for other public services, which may result in fiscal benefits to local governments. Nonetheless, no new or expanded public service facilities or services would be required, so governmental facilities would not be affected. Therefore**, no impact** would occur.

3.15 RECREATION

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XV. Recreation. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐

3.15.1 ENVIRONMENTAL SETTING

Recreational resources and facilities are provided and managed at federal, state, and local levels. Recreational facilities and resources in California include, but are not limited to: national, state, regional, and local parks, national forests and grasslands, wildlife refuges, wilderness areas, lakes, campgrounds, museums, wild and scenic rivers, and back country byways, trials, and marine reserves and estuaries.

3.15.2 DISCUSSION

No Impact. The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. The project would not result in an increase in population or housing. Therefore, the project would not result in increased use of existing parks or other recreational facilities and **no impact** would occur.

3.16 TRANSPORTATION/TRAFFIC

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XVI. Transportation/Traffic. Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☐
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☐	☒	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐

3.16.1 ENVIRONMENTAL SETTING

Existing roadway systems in the State generally consist of highways, freeways, arterials, local streets, and intersections/ramps. The existing average annual daily traffic (AADT) volumes on the roadway segments that comprise these systems vary considerably (i.e., from hundreds to hundreds of thousands). The level of service (LOS), a scale used to determine the operating quality of a roadway segment or intersection based on volume-to-capacity ratio (V/C) or average delay, also vary from LOS A, the best and smoothest operating conditions, to LOS F, most congested operating conditions. Other roadway and traffic volume characteristics, such as roadway length, number of lanes and facility type (e.g., two-lane freeway), right-of-way width and pavement width, terrain classification (e.g., flat), percent of heavy-duty truck traffic, and accident rates (e.g., number of accidents per million vehicle miles traveled) also vary substantially depending on the location. In addition to the roadway systems, circulation networks provide additional transportation opportunities and include mass transit, airports, and non-motorized travel (e.g., pedestrian and bicycle paths).

As described in Section 2.3, program products are currently transported by truck on an on-call basis. As described in the project description, it was estimated that project implementation would result in the addition of approximately 520-625 annual truck trips in California, or 1-2 truck trips per day, distributed across the State. Recycled paint would be transferred back into domestic and international markets. It is anticipated that recycled

paint shipped internationally would be back-hauled (i.e., would be picked up by a vessel delivering materials to the U.S. with a planned return to its point of origin, and would not result in an additional vessel trip) and the increase in program volume would be too small to alter international shipping activity.

3.16.2 DISCUSSION

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less-than-Significant Impact. The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. There would be no construction-related traffic or impacts to the transportation system.

Implementation of the project would result in a permanent increase in truck traffic of 1-2 truck trips per day throughout California. Some portion of these truck trips would also leave the state to transport program products to out-of-state recyclers and disposal sites. Nonetheless, this increase in truck travel would be imperceptible on the state and national roadway network. Therefore, impacts associated with long-term increases in operational traffic attributable to the project would be **less than significant**.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The proposed project does not include any structures of significant height or include any activities that would impair or alter operations or air safety of public or private air transport facilities. Therefore, **no impact** to air traffic patterns would occur.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact.The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. The project would not change or alter existing roadways. Therefore, the project would not increase hazards due to a design feature or incompatible use. **No impact** would occur.

e) Result in inadequate emergency access?

No Impact. The project would not authorize any specific land uses or site-specific uses. All collection, processing, and recycling activity would occur in existing facilities with current emergency access provisions. No changes to existing infrastructure would occur, so emergency access would not be affected. Therefore, there would be **no impacts** related to inadequate emergency access.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact. The project would not authorize any specific land uses or site-specific uses. No changes to existing infrastructure would occur. Therefore, the project would not conflict with adopted policies, plans, or programs supporting alternative transportation and **no impact** would occur.

3.17 UTILITIES AND SERVICE SYSTEMS

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact	Beneficial Impact
XVII. Utilities and Service Systems. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐	☒

3.17.1 ENVIRONMENTAL SETTING

WASTEWATER AND SEWER

The California State Water Resources Control Board (SWRCB) is the State agency responsible for the regulation of wastewater discharges to surface waters and groundwater via land discharge. The Regional Water Quality Control Boards (RWQCBs) are responsible for issuing permits or other discharge requirements to individual wastewater dischargers and for ensuring that they are meeting the requirements of the permit through monitoring and other controls.

Municipal wastewater collection, treatment, and disposal are the responsibilities of local government or special districts. Wastewater collection is accomplished by sanitary sewers, which sometimes have interconnections with storm sewer systems. If unused and leftover paint is improperly disposed by dumping in storm drains, paint can be transported to wastewater treatment plants, complicating proper sewage treatment.

WATER SUPPLY

The principal water supply facilities in California are operated by the U.S. Bureau of Reclamation (USBR) and the California Department of Water Resources (DWR). USBR is responsible for the management of the Central Valley Project DWR is a State agency that is responsible for managing and implementing the State Water Project.

Local water supplies in California originate from both surface and groundwater. While groundwater contamination from improper paint disposal has not been documented as a substantial problem, if paint is dumped into the ground or stormwater systems, it could reach groundwater and surface water.

SOLID WASTE DISPOSAL

Statewide, CalRecycle is responsible for the regulation of the disposal and other handling of solid waste in California. Under the supervision of CalRecycle, and pursuant to regulations adopted by CalRecycle, locally-designated public agencies serve as enforcement agencies in the approval and regulation of solid waste disposal facilities, transfer/processing stations, compost facilities and other solid waste handling activities. CalRecycle is the CEQA Lead Agency for the proposed project.

Improper disposal of unused, leftover architectural paint in refuse bins is known to occur, which results in paint reaching landfills. The volume of improperly disposed paint is not known.

ELECTRICITY AND NATURAL GAS

The California Public Utilities Commission (CPUC) regulates investor-owned electric and natural gas companies located within California. Locally, energy service is provided by a public or private utility.

3.17.2 DISCUSSION

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Beneficial. The proposed project would result in an increase of recycling and reprocessing of latex paint. It is anticipated that the volume of oil-based paint collected for fuel blending and incineration would also increase, and identified facilities that accept oil-based paint have indicated that they have capacity. Program products that improperly end up in drains and sewers would be expected to decrease with program implementation. As a result, wastewater treatment systems would benefit from the reduced volume of paint reaching treatment plants. This would be a **beneficial** effect.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

No Impact. The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. Program products would be handled within the capacity of existing facilities, which are connected to the existing water distribution system. Additional program products collected under the proposed project would not be anticipated to result in increased water consumption, and water entitlements in place for existing activities would be sufficient. There would be **no impact** associated with water facilities or standards, storm water drainage facilities, or water supplies.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Beneficial. The proposed project would result in an increase recycling and reprocessing of latex paint. It is anticipated that the volume oil-based paint collected for fuel blending and incineration will increase, and identified facilities that accept oil-based paint have indicated that they have capacity. Program products that improperly end up in landfills would be expected to decrease with program implementation. As a result, landfill and solid waste impacts would **beneficial**.

3.18 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issues	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XVIII. Mandatory Findings of Significance.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Authority: Public Resources Code Sections 21083, 21083.5.
Reference: Government Code Sections 65088.4.
Public Resources Code Sections 21080, 21083.5, 21095; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

3.18.1 DISCUSSION

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?

Less-than-Significant Impact. No significant impacts would occur as a result of the proposed project. Therefore, the project would not degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of an endangered, rare, or threatened species. This impact would be **less than significant**.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less-than-Significant Impact. Cumulative environmental effects are multiple individual effects that, when considered together, would be considerable or compound or increase other environmental impacts. Individual effects may result from a single project or a number of separate projects and may occur at the same place and point in time or at different locations and over extended periods of time.

The purpose of the proposed project is to relieve municipalities of the financial burden of operating HHW collection, provide more convenient collection options to residents and qualifying businesses in California through the use of existing retail sites, increase recycling of unwanted architectural paint, and reduce improper disposal of architectural paint.

The project would not authorize any specific land use or site-specific uses. There is an established infrastructure in California for paint recycling, and no new facilities would be constructed. Activities associated with HHW collection would continue within the existing infrastructure. The proposed project would have no significant project-level impacts and would likewise have no cumulative impacts. Cumulative impacts would be **less than significant**.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Less-than-Significant Impact. The project would not authorize any specific land use or site-specific uses, and would not result in the siting of residents or construction of new facilities or structures. **No human safety impacts** would occur.

4 REFERENCES

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PERSONAL COMMUNICATIONS

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O'Donnell, Michael. California Director, PaintCare®. May 7, 2012a. Email to Heather Phillips, Ascent Environmental, summarizing site visits to, and conversations with representatives of paint recyclers, processors, and disposal facilities. Representatives of the facilities indicated that they had on-site capacity to accommodate increased program volumes.

O'Donnell, Michael. California Director, PaintCare®. April 25, 2012b. Phone conversation with Heather Phillips, Ascent Environmental, regarding program products transportation activity.

Zarrehparvar, Marjaneh. Executive Director, PaintCare®. April 25, 2012. Phone conversation with Heather Phillips, Ascent Environmental, regarding program products transportation activity.

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5 REPORT PREPARATION

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Appendix A

Public Resources Code 48700-48706

Health and Safety Code 25217.0-25217.4

Public Resources Code Section 48700 – 48706

48700. The purpose of the architectural paint recovery program established pursuant to this chapter is to require paint manufacturers to develop and implement a program to collect, transport, and process postconsumer paint to reduce the costs and environmental impacts of the disposal of postconsumer paint in this state.

48701. For purposes of this chapter, the following terms have the following meanings:

(a) "Architectural paint" means interior and exterior architectural coatings, sold in containers of five gallons or less for commercial or homeowner use, but does not include aerosol spray paint or coatings purchased for industrial or original equipment manufacturer use.

(b) "Consumer" means a purchaser or owner of architectural paint, including a person, business, corporation, limited partnership, nonprofit organization, or governmental entity.

(c) "Department" means the Department of Resources Recycling and Recovery.

(d) "Distributor" means a person that has a contractual relationship with one or more manufacturers to market and sell architectural paint to retailers.

(e) "Manufacturer" means a manufacturer of architectural paint.

(f) "Postconsumer paint" means architectural paint not used by the purchaser.

(g) "Retailer" means a person that sells architectural paint in the state to a consumer. A sale includes, but is not limited to, transactions conducted through sales outlets, catalogs, or the Internet or any other similar electronic means.

(h) "Stewardship organization" means a nonprofit organization created by the manufacturers to implement the architectural paint stewardship program described in Section 48703.

48702. (a) A manufacturer of architectural paint sold in this state shall, individually or through a stewardship organization, submit an architectural paint stewardship plan to the department to develop and implement a recovery program to reduce the generation of postconsumer architectural paint, promote the reuse of postconsumer architectural paint, and manage the end-of-life of postconsumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal.

(b) (1) A manufacturer or retailer shall not sell or offer for sale in this state architectural paint to any person in this state unless the manufacturer is in compliance with this chapter.

(2) The sales prohibition in paragraph (1) shall be effective on the 120th day after the notice described in subdivision (c) is posted on the department's Internet Web site, and shall apply to any manufacturer that is not listed on the department's Internet Web site, and shall remain in effect until the manufacturer is listed on the department's Internet Web site or can demonstrate compliance as described in paragraph (2) of subdivision (c).

(c) (1) On July 1, 2012, or upon the date the first plan is approved, whichever date is earlier, the department shall post on its Internet Web site a list of manufacturers for which the department has approved a plan pursuant to subdivision (a) of Section 48704. The department shall update this posting no less than once every six months thereafter. On and after April 1, 2013, the department shall post a notice on its Internet Web site listing manufacturers that are in compliance with this chapter pursuant to subdivision (b) of Section 48705 and shall update this posting no less than once every six months.

(2) A manufacturer that is not listed on the department's Internet Web site pursuant to this section, but demonstrates to the satisfaction of the department that it is in compliance with this chapter before the next notice is required to be posted pursuant to this section, may request a certification letter from the department stating that the manufacturer is in compliance. The manufacturer who receives that letter shall be deemed to be in compliance with this chapter.

(d) A wholesaler or a retailer that distributes or sells architectural paint shall monitor the department's Internet Web site to determine if the sale of a manufacturer's architectural paint is in compliance with this chapter.

48703. (a) On or before April 1, 2012, a manufacturer or designated stewardship organization shall submit an architectural paint stewardship plan to the department.

(b) (1) The plan shall demonstrate sufficient funding for the architectural paint stewardship program as described in the plan, including a funding mechanism for securing and dispersing funds to cover administrative, operational, and capital costs, including the assessment of charges on architectural paint sold by manufacturers in this state.

(2) The funding mechanism shall provide for an architectural paint stewardship assessment for each container of architectural paint sold by manufacturers in this state and the assessment shall be remitted to the stewardship organization, if applicable.

(3) The architectural paint stewardship assessment shall be added to the cost of all architectural paint sold to California retailers and distributors, and each California retailer or distributor shall add the assessment to the purchase price of all architectural paint sold in the state.

(4) The architectural paint stewardship assessment shall be approved by the department as part of the plan, and shall be sufficient to recover, but not exceed, the cost of the architectural paint stewardship program. The plan shall require that any surplus funds be put back into the program to reduce the costs of the program, including the assessment amount.

(c) The plan shall address the coordination of the architectural paint stewardship program with existing local household hazardous waste collection programs as much as this is reasonably feasible and is mutually agreeable between those programs.

(d) The plan shall include goals established by the manufacturer or stewardship organization to reduce the generation of postconsumer paint, to promote the reuse of postconsumer paint, and for the proper end-of-life management of postconsumer paint, including recovery and recycling of postconsumer paint, as practical, based on current household hazardous waste program information. The goals may be revised by the manufacturer or stewardship organization based on the information collected for the annual report.

(e) The plan shall include consumer, contractor, and retailer education and outreach efforts to promote the source reduction and recycling of architectural paint. This information may include, but is not limited to, developing, and updating as necessary, educational and other outreach materials aimed at retailers of architectural paint. These materials shall be made available to the retailers. These materials may include, but are not limited to, one or more of the following:

(1) Signage that is prominently displayed and easily visible to the consumer.

(2) Written materials and templates of materials for reproduction by retailers to be provided to the consumer at the time of purchase or delivery, or both. Written materials shall include information on the prohibition of improper disposal of architectural paint.

(3) Advertising or other promotional materials, or both, that include references to architectural paint recycling opportunities.

(f) Any retailer may participate, on a voluntary basis, as a paint collection point pursuant to the paint stewardship program, if the retailer's paint collection location meets all of the conditions in Sections 25217.2 and 25217.2.1 of the Health and Safety Code.

48704. (a) The department shall review the plan within 90 days of receipt, and make a determination whether or not to approve the plan. The department shall approve the plan if it provides for the establishment of a paint stewardship program that meets the requirements of Section 48703.

(b) (1) The approved plan shall be a public record, except that financial, production, or sales data reported to the department by a manufacturer or the stewardship organization is not a public record under the California Public Records Act, as described in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code and shall not be open to public inspection.

(2) Notwithstanding paragraph (1), the department may release a summary form of financial, production, or sales data if it does not disclose financial, production, or sales data of a manufacturer or stewardship organization.

(c) On or before July 1, 2012, or three months after a plan is approved pursuant to subdivision (a), whichever date is later, the manufacturer or stewardship organization shall implement the architectural paint stewardship program described in the approved plan.

(d) The department shall enforce this chapter.

(e) (1) The stewardship organization shall pay the department an annual administrative fee pursuant to paragraph (2).

(2) The department shall impose fees in an amount that is sufficient to cover the department's full costs of administering and enforcing this chapter, including any program development costs or regulatory costs incurred by the department prior to the submittal of the stewardship plans. Fee revenues collected under this section shall only be used to administer and enforce this chapter.

(f) (1) A civil penalty may be administratively imposed by the department on any person who violates this chapter in an amount of up to one thousand dollars ($1,000) per violation per day.

(2) A person who intentionally, knowingly, or negligently violates this chapter may be assessed a civil penalty by the department of up to ten thousand dollars ($10,000) per violation per day.

48704.1. (a) The Architectural Paint Stewardship Account and the Architectural Paint Stewardship Penalty Subaccount are hereby established in the Integrated Waste Management Fund created pursuant to Section 40135.

(b) All fees collected by the department pursuant to this chapter shall be deposited in the Architectural Paint Stewardship Account and may be expended by the department, upon appropriation by the Legislature, to cover the department's costs to implement this chapter.

(c) All civil penalties collected pursuant to this chapter shall be deposited in the Architectural Paint Stewardship Penalty Subaccount and may be expended by the department, upon appropriation by the Legislature, to cover the department's costs to implement this chapter.

48705. (a) On or before September 1, 2013, and each year thereafter, a manufacturer of architectural paint sold in this state shall, individually or through a representative stewardship organization, submit a report to the department describing its architectural paint recovery efforts. At a minimum, the report shall include all of the following:

(1) The total volume of architectural paint sold in this state during the preceding fiscal year.

(2) The total volume of postconsumer architectural paint recovered in this state during the preceding fiscal year.

(3) A description of methods used to collect, transport, and process postconsumer architectural paint in this state.

(4) The total cost of implementing the architectural paint stewardship program.

(5) An evaluation of how the architectural paint stewardship program's funding mechanism operated.

(6) An independent financial audit funded from the paint stewardship assessment.

(7) Examples of educational materials that were provided to consumers the first year and any changes to those materials in subsequent years.

(b) The department shall review the annual report required pursuant to this section and within 90 days of receipt shall adopt a finding of compliance or noncompliance with this chapter.

48706. (a) Except as provided in subdivision (c), an action solely to increase the recycling of architectural paint by a producer, stewardship organization, or retailer that affects the types or quantities being recycled, or the cost and structure of any return program, is not a violation of the statutes specified in subdivision (b).

(b) The following statutes are not violated by an action specified in subdivision (a):

(1) The Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code).

(2) The Unfair Practices Act (Chapter 4 (commencing with Section 17000) of Part 2 of Division 7 of the Business and Professions Code).

(c) Subdivision (a) shall not apply to any agreement establishing or affecting the price of paint, except for the architectural paint stewardship assessment, or the output or production of paint, or any agreement restricting the geographic area or customers to which paint will be sold.

Health and Safety Code Section 25217 – 25217.4

25217. For the purposes of this article, the following definitions shall apply:

(a) "Conditionally exempt small quantity generator" or "CESQG" means a business concern that meets the criteria for a generator specified in Section 261.5 of Title 40 of the Code of Federal Regulations.

(b) "Consolidation location" means a location to which recyclable latex paint or oil-based paint initially collected at a collection location is transported.

(c) "Oil-based paint" means a paint that contains drying oil, oil varnish, or oil-modified resin as the basic vehicle ingredient.

(d) "Paint" includes both oil-based paint and recyclable latex paint that is collected in accordance with this article.

(e) "Recyclable latex paint" means any water-based latex paint, still in liquid form, that is transferred for the purposes of being recycled.

25217.1. No person shall dispose of, or attempt to dispose of, liquid latex paint or oil-based paint in the land or into the waters of the state unless authorized by applicable provisions of law.

25217.2. (a) Recyclable latex paint may be accepted at any location including, but not limited to, a permanent household hazardous waste collection facility in accordance with subdivision (b), if all of the following conditions are met:

(1) The location manages the recyclable latex paint in accordance with all applicable latex paint product management procedures specified by federal, state, or local law or regulation that include, at a minimum, that the recyclable latex paint is stored and handled in a manner that minimizes the chance of exposing the handler and the environment to potentially hazardous constituents that may be in, or have been incidentally added to, the recyclable latex paint.

(2) The recyclable latex paint is still in liquid form and is in its original packaging or is in a closed container that is clearly labeled.

(3) Any latex paint that is accepted as recyclable by the location and that is later discovered to be nonrecyclable shall be deemed to be a waste generated at the location where this discovery is made and this latex paint shall be managed as a waste in accordance with this chapter.

(4) The owner or operator of the location has a business plan that meets the requirements of Section 25504, if required by the administrating agency, including, but not limited to, emergency response plans and procedures, as described in subdivision (b) of Section 25504. The plans and procedures shall specifically address recyclable latex paint or meet the department's emergency response and contingency requirements which are applicable to generators of hazardous waste.

(5) If the recyclable latex paint is not excluded or exempted from regulation under Chapter I (commencing with Section 1.1) of Title 40 of the Code of Federal Regulations, the location meets all applicable federal requirements.

(6) The recyclable latex paint is stored for no longer than 180 days.

(b) (1) For purposes of this subdivision the following definitions shall apply:

(A) "CESQG" means a conditionally exempt small quantity generator, as specified in subdivision (a) of Section 25218.1.

(B) "Permanent household hazardous waste collection facility" has the same meaning as defined in subdivision (h) of Section 25218.1.

(2) A permanent household hazardous waste collection facility that is authorized to accept hazardous waste from a CESQG pursuant to Section 25218.3 may accept recyclable latex paint from any generator in accordance with this article if the permanent household hazardous waste collection facility does all of the following:

(A) Complies with subdivision (a).

(B) Sends the recyclable latex paint, for recycling, to a latex paint recycling facility operating pursuant to this article.

(C) Maintains a monthly log of the volume of latex paint collected from each generator and submits that information annually with the report submitted pursuant to Section 25218.9 for household hazardous waste collected from household hazardous waste generators.

(3) A permanent household hazardous waste collection facility that takes the actions specified in paragraph (2) is not subject to subdivision (b) of Section 25218.3.

(4) A permanent household waste collection facility may take the action specified in paragraph (2) notwithstanding any permit condition imposed upon the facility, a regulation adopted by the department to ensure a household hazardous waste collection facility does not accept hazardous waste from a commercial generator other than a CESQG, or the status of the generator. 25217.2.1. (a) A location that accepts recyclable latex paint pursuant to Section 25217.2 may also accept oil-based paint if all of the additional following conditions are met:

(1) The collection location is established under an architectural paint stewardship plan approved by the Department of Resources Recycling and Recovery pursuant to the architectural paint recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(2) The collection location receives oil-based paint only from either of the following:

(A) A person who generates oil-based paint incidental to owning or maintaining a place of residence.

(B) A conditionally exempt small quantity generator.

(3) The oil-based paint is still in liquid form and is in its original packaging or is in a closed container that is clearly labeled.

(4) The location manages the oil-based paint in accordance with the requirements in Section 25217.2.

(5) The collection location operates pursuant to a contract with a manufacturer or paint stewardship organization that has submitted an architectural paint stewardship plan that has been approved by the Department of Resources Recycling and Recovery and the collected paint is managed in accordance with that approved architectural paint stewardship plan.

(6) The oil-based paint is stored for no longer than 180 days.

(b) Oil-based paint initially collected at a collection location shall be deemed to be generated at the consolidation location for purposes of this chapter, if all of the following apply:

(1) The collection location is established under an architectural paint stewardship plan in accordance with the requirements of paragraph (1) of subdivision (a).

(2) The oil-based paint is subsequently transported to a consolidation location that is operating pursuant to a contract with a manufacturer or paint stewardship organization under an architectural paint stewardship plan that has been approved by the Department of Resources Recycling and Recovery pursuant to the architectural paint recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(3) The oil-based paint is non-RCRA hazardous waste, or is otherwise exempt from, or is not otherwise regulated pursuant to, the federal act.

25217.3. (a) Notwithstanding Sections 25160 and 25163, a person may transport paint collected in accordance with this article without the use of a manifest or obtaining registration as a hazardous waste hauler if the transporter complies with this article.

(b) A person transporting paint collected in accordance with this article shall use a bill of lading to document the transportation of the paint from collection locations, or any interim locations, to a consolidation site, whenever the transportation involves a change in ownership of the paint. A copy of the bill of lading shall be kept by the originating location, transporter, and destination of the paint for a period of at least three years and shall include all of the following information:

(1) The name, address, and telephone number of the originating location, the transporter, and the destination of the paint.

(2) The quantity of the paint being transported.

(3) The date on which the transporter accepts the paint from the originating location.

(4) The signatures of the transporter and a representative of the originating location.

25217.4. (a) A person may recycle recyclable latex paint at a facility which is not authorized by the department pursuant to the applicable hazardous waste facilities permit requirements of Article 9 (commencing with Section 25200) if the person complies with Section 25217.2.

(b) A person shall recycle, treat, store, or dispose of oil-based paint that has been collected pursuant to this article only at a facility that is authorized by the department pursuant to the applicable hazardous waste facilities permit requirements of Article 9 (commencing with Section 25200) to recycle, treat, store, or dispose of hazardous waste, or at an out-of-state facility that is authorized to recycle, treat, store, or dispose of oil-based paint in the state where the facility is located.

Appendix B

Greenhouse Gas Emissions Modeling

Group	Area	Scenario	Sub-Area	Calendar Year	Season	Title	Veh & Tech	EMFAC2007 Category	Vehicle Population	VMT	Trips	R-CO2 Emissions	I-CO2 Emissions	S-CO2 Emissions	Total CO2 Emissions
1	California	0	ALL	2013	Annual	California (ALL) 2013 Annual	T6 instate heavy - DSL	MHDT - DSL	47,229.53	2,521,868.04		3,239.18	36.24		3,275.42

Vehicle Population	CO2 Emissions (tons/day)	**CO2 Emissions per Truck**		
47,230	3,275	0.0694	(tons/day/truck)	
		22.959	(metric tons CO2/year/truck)	