REQUEST FOR APPROVAL

To:	Caroll Mortensen, Director
From:	Mark de Bie, Deputy Director Waste Permitting, Compliance and Mitigation Division
Request Date:	January 17, 2012
Decision Subject:	Adoption of a Negative Declaration (SCH# 2011112010) for the Revision to the Rigid Plastic Packaging Container (RPPC) Program Regulation
Action By:	January 17, 2012

Summary of Request:
Staff requests adoption of a Negative Declaration in anticipation of CalRecycle's adoption of Proposed Rigid Plastic Packaging Container Program regulations revisions.

Background Information:
The California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000, et. seq.), and State CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et seq.) require that, prior to approval of a proposed project to which CEQA applies, the Lead Agency determine whether the project may have any significant adverse environmental effects. The California Department of Resources Recycling and Recovery (CalRecylce) is the Lead Agency for the adoption of the proposed regulations, which adoption is a project subject to CEQA. If there are no significant adverse environmental effects from the project, as in this case, CalRecycle shall adopt a Negative Declaration for the proposed project.

CalRecycle staff recommends adoption of the proposed regulations, as described in the accompanying Request for Approval. Before CalRecycle adopts the regulations, however, CEQA requires CalRecycle to consider whether the regulations may cause any significant direct or indirect adverse environmental effects. CalRecycle staff prepared a Negative Declaration and an Initial Study for proposed regulations revising the Rigid Plastic Packaging Container Program regulations, which evaluates the potential environmental effects of the regulations and determined that the proposed regulations will not have any significant effect on the environment. CalRecycle staff made this determination on the basis of the whole record before it, including the Initial Study and comments received during the period provided for public review of the proposed Negative Declaration. A copy of the Negative Declaration and Initial Study evaluating the regulations is attached.

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

Comments Received:
CalRecycle staff received one comment letter (see attachment) during the state agency and public review period. The letter essentially agreed with staff's analysis and urged CalRecycle to adopt the Negative Declaration.

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

Findings:

- CalRecycle staff prepared the Negative Declaration and Initial Study under the general direction of CalRecycle's Director.

- CalRecycle considered the Negative Declaration together with any comments received during the public review process.

- Based on the whole record before it, CalRecycle determined that there is no substantial evidence the project will have a significant effect on the environment.
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- CalRecycle staff prepared the Negative Declaration and Initial Study; the document reflects CalRecycle's independent judgment and analysis.

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

Action:
On the basis of the information and analysis in this Request for Approval, I hereby adopt the Negative Declaration (SCH# 2011112010) for the Proposed Rigid Plastic Packaging Container Program regulations revisions. I also direct staff to submit a Notice of Determination for the approved project to the State Clearinghouse for filing as provided under CEQA.

Dated: 1/17/2012

Caroll Mortensen, Director

Attachments:

1. Negative Declaration and Initial Study Evaluating the Adoption of Revised Rigid Plastic Packaging Container Program Regulations
2. Summary and Response to Comments