

REQUEST FOR APPROVAL

To: Carol Mortensen
Director

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

Request Date: July 17, 2012

Decision Subject: Adoption of a Negative Declaration (SCH#2012062015) for the Proposed California Architectural Paint Stewardship Program Plan

Action By: July 17, 2012

Summary of Request: Staff requests adoption of a Negative Declaration in anticipation of CalRecycle's approval of the proposed California Architectural Paint Stewardship Program Plan (the Plan), dated June 4, 2012, submitted by PaintCare, Inc., pursuant to the architectural paint stewardship law (Chapter 5, Statutes of 2010 [Huffman, AB 1343], Public Resources Code §§ 48700 - 48706).

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 the California Environmental Quality Act (CEQA).

Action:

On the basis of the information and analysis in this Request for Approval, I hereby adopt the Negative Declaration (SCH # 2012062015) for the proposed California Architectural Paint Stewardship Program Plan. I also direct staff to submit a Notice of Determination for the approved project to the State Clearinghouse for filing as provided under CEQA.

Dated: 7/19/2012



Carol Mortensen, Director

Attachments:

1. Negative Declaration and Initial Study Evaluating Approval of California Architectural Paint Stewardship Program Plan, (SCH#2012062015) located here:
<http://www.calrecycle.ca.gov/EPR/PolicyLaw/ISNegDec.pdf>
2. California Architectural Paint Stewardship Program Plan, dated June 4, 2012 located here:
<http://www.calrecycle.ca.gov/EPR/PolicyLaw/Paint.htm#Paint>

Background Information:

The California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000, et seq.), and the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.) require that, prior to approval of a proposed project to which CEQA applies, the Lead Agency determines whether the project may have any significant adverse environmental effects. The California Department of Resources Recycling and Recovery (CalRecycle) is the Lead Agency for the approval of the Plan, which is a project and therefore 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 has reviewed the Plan as submitted by PaintCare and, as described in the accompanying Request for Approval for the Plan, finds it meets the requirements of the architectural paint stewardship law and recommends approval by the Department. (A link to the Plan is included as an attachment this Request for Approval.) Before CalRecycle approves the Plan, however, CEQA requires CalRecycle to consider whether the Plan may cause any significant direct or indirect adverse environmental effects. CalRecycle staff directed the preparation of an Initial Study and subsequent Negative Declaration for the proposed Plan which evaluates the potential environmental effects of the Plan and determined that the Plan will not have any significant effect on the environment. CalRecycle staff made this determination on the basis of the whole record before it, including the Initial Study and comments received during the period provided for public review of the proposed Negative Declaration. A copy of the Negative Declaration and Initial Study evaluating the Plan is attached.

Noticing Requirements:

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

Comments Received:

The public review period for the Negative Declaration is June 14, 2012 through July 14, 2012. As of the date of publication of this Request for Approval, CalRecycle staff has not received any comments on the Negative Declaration and Initial Study. Comments received subsequent to the publication of this Request for Approval but prior to the July 17, 2012 CalRecycle public meeting date will be presented via a verbal staff update. Comments that CalRecycle receives subsequent to the July 17, 2012 CalRecycle public meeting through the remainder of the public comment period will be considered prior to adoption.

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 directed the preparation of 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 to-date.
- Based on the whole record before it to-date, CalRecycle determined that there is no substantial evidence the project will have a significant effect on the environment.
- The Negative Declaration and Initial Study were prepared by PaintCare under the direction of CalRecycle and the document reflects CalRecycle's independent judgment and analysis.

