

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

To: Office of Planning and Research-State Clearinghouse P.O. Box 3044, 1400 Tenth Street, Room 212 Sacramento, CA 95812-3044	From: Department of Toxic Substances Control P.O. Box 806 Sacramento, CA 95812-0806
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Project Title: Variance TWW-2021-HT-00087 to Allow the Transport and Accumulation of Treated Wood Waste under Alternate Procedures by ATT Recycle Inc.. dba Leo Recycle

Project Location: 215 Leo Ave., San Jose, Ca 95112

County: Santa Clara County

Project Applicant: Richard J. Mauck, Consultant, ATT Recycle Inc.. dba Leo Recycle

Approval Action Under Consideration by DTSC: Variance

Statutory/Regulatory Authority: California Health and Safety Code, Section 25143; CCR Title 22, Section 66260.210

Project Description: The Department of Toxic Substances Control (DTSC) has issued a variance to ATT Recycle Inc.. dba Leo Recycle (CAL000407199) to Operations related to treated wood waste will be consistent with previous treated wood waste activities conducted by the applicant. The variance allows treated wood waste to be managed under procedures different from, but equally protective to human health and the environment to, the provisions of California Health and Safety Code (HSC) Articles 6, 6.5 and 9 of Chapter 6.5 and California Code of Regulations (CCR), Title 22, Division 4.5, Chapters 12, 13, 14, 15, 16, 18, and/or 20. Under the terms and conditions of Variance TWW-2021-HT-00087, ATT Recycle Inc.. dba Leo Recycle will ensure the treated wood waste will be appropriately managed.

Background: Treated wood waste is a fully regulated California-only hazardous waste because it exhibits the hazardous waste characteristic of toxicity. From 2007 to December 31, 2020, treated wood waste was managed under alternative management standards, established in 22 CCR 67386. The legislation that authorized the alternative management standards for treated wood waste expired on December 31, 2020.

ATT Recycle Inc. dba Leo Recycle is a operator of a transfer station processing facility, and uses contracted transporters to take materials including TWW to proper recycling and disposal facility. The applicant previously conducted treated wood waste management activities under the now expired alternative management standards established at 22 CCR 67386.

Project Activities: Under the variance, the authorized handler may collect and accumulate treated wood waste from generators, transporters, or other handlers. Operations generally include loading and unloading operations. Accumulation of treated wood waste includes taking appropriate precautions to prevent unauthorized access to and prevent leaching to the environment of the treated wood waste. No transportation activities are authorized as a part of this variance. The variance will expire on September 1, 2021 with possibility of extension for an additional six months.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: ATT Recycle Inc.. dba Leo Recycle

Exempt Status: Existing Facilities [CCR Title 14, Sec. 15301]

Reasons Why Project is Exempt: All analysis conducted included the potential extension of the variance for an additional six months. DTSC has determined none of the exceptions to the categorical exemptions apply to this project, as described in Public Resources Code Section 21084(c), (d), and (e), and 14 CCR Section 15300.2. Operations under the variance will be substantially the same as those as previously conducted under the alternative management standards established at 22 CCR 67386. This variance is consistent with a former use.

The administrative record for this project is available to the public by appointment at the following location:

Department of Toxic Substances Control
Permitting Division
1001 I Street
Sacramento, CA 95814

Contact Person John Muegge	Contact Title Project Manager	Phone Number (916) 322-0471
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Approver's Signature:

Robert Irving

Date:

March 9, 2021

Approver's Name Robert Irving	Approver's Title Supervising Environmental Planner	Approver's Phone Number (916) 255-3988
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TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: