

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-DF-00108 to Allow the Disposal of Treated Wood Waste under Alternate Procedures by Kirby Canyon Recycling & Disposal Facility

Project Location: 910 Coyote Creek Golf Drive, San Jose, CA 95037

County: Santa Clara

Project Applicant: Rebecca L. Azevedo, Technical Manager, Kirby Canyon Recycling & Disposal Facility

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 Kirby Canyon Recycling & Disposal Facility (CAD982351041) to receive and dispose of treated wood waste from generators, transporters, and/or handler facilities. 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-DF-00108, Kirby Canyon Recycling & Disposal Facility 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. Without the issuance of the variance, Kirby Canyon Recycling & Disposal Facility would be required to seek a permit as a hazardous waste disposal facility.

Kirby Canyon Recycling & Disposal Facility is a landfill. 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 Facility will accept treated wood waste from generators, and authorized handlers and/or transporters for disposal, however it will be managed as a California hazardous waste, under authority of HSC 25200 et seq. Operations generally include unloading and disposal of treated wood waste within Kirby Canyon Recycling and Disposal Facility Cell 2/5, Cell 3/4, Cell 6, and Cell 7. The floor of the base liner containment system is typically comprised of the following components from top to bottom:

- 1-foot of Clean Soil Operations Layer (3/8 minus)
- 8-oz/sy Non-Woven Geotextile Filter Layer
- A minimum one-foot thick LCRS gravel layer consisting of a rounded to subrounded, 3/8- inch pea gravel with a minimum permeability of 1 cm/s
- Primary 80-mil Single Sided Textured (SST) HDPE Geomembrane (black/black)
- Geocomposite Clay Liner (GCL), this was for cell 6 only, the other floors that have been constructed were two-foot thick compacted clay layer with a permeability of 1×10^{-7} cm/s or less.
- Secondary 40-mil Double Sided Textured (DST) HDPE Geomembrane (black/black)
- Geocomposite Drainage Layer
- Prepared Subgrade. Acceptance and disposal of TWW will be consistent with hazardous waste management and disposal standards specified in the variance. The variance will expire on September 6, 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: Kirby Canyon Recycling & Disposal Facility

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 Rostislav Boytsan	Contact Title Project Manager	Phone Number (916) 327-4041
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Approver's Signature:

Date:

Robert Irving

March 15, 2021

Approver's Name Robert Irving	Approver's Title Supervising Environmental Planner	Approver's Phone Number (916) 255-3988
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Date Received for Filing and Posting at OPR: