

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-00240 to Allow the Transport and Accumulation of Treated Wood Waste under Alternate Procedures by Tier Fencing Inc.

Project Location: 805 Elfers Rd, Patterson, CA 95363

County: Stanislaus

Project Applicant: Estefania Anaya, President, Tier Fencing Inc.

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 Tier Fencing Inc. to accumulate and transport treated wood waste to an authorized handler or disposal facility. The treated wood waste is generated as a result of Fence Repairs and Replacements. 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-00240, Tier Fencing Inc. 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, Tier Fencing Inc. would be required to register as a hazardous waste transporter with DTSC and manifest treated wood waste as a hazardous waste prior to disposal at a hazardous waste disposal facility.

Tier Fencing Inc. is a fencing company that 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-transporter may collect, accumulate, and transport treated wood waste from generators, transporters, and/or handlers to authorized handler and/or disposal facilities. Operations generally include loading and unloading operations and shipping treated wood waste along existing transportation routes. 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. The variance will expire on October 5, 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: Tier Fencing Inc.

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. This project consists of the accumulation and storage of the treated wood waste is consistent with the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structure, involving negligible or no expansion of existing or 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:

Robert Irving

Date:

April 9, 2021

Approver's Name Robert Irving	Approver's Title Supervising Environmental Planner	Approver's Phone Number (916) 255-3988
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