

## CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

<b>To:</b> Office of Planning and Research-State Clearinghouse P.O. Box 3044, 1400 Tenth Street, Room 212 Sacramento, CA 95812-3044	<b>From:</b> Department of Toxic Substances Control P.O. Box 806 Sacramento, CA 95812-0806
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**Project Title:** Variance TWW-2021-TR-00222 to Allow the Transport of Treated Wood Waste under Alternate Procedures by Cypress Coast Fence

**Project Location:** 421 Monroe Street; Monterey and Santa Cruz Counties

**County:** Monterey and Santa Cruz Counties

**Project Applicant:** Morgan West, Office Manager, Cypress Coast Fence

**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 Cypress Coast Fence to transport treated wood waste from authorized generators and/or handler facilities to handler or disposal facilities. The treated wood waste is generated as a result of Fence repair and replacement.. 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-TR-00222, Cypress Coast Fence 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, Cypress Coast Fence 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.

Cypress Coast Fence is a fencing contractor.

**Project Activities:** Under the variance, the authorized transporter may collect treated wood waste from generators and/or handlers and transport it to an authorized handler or disposal site. Operations generally include loading and unloading operations and shipping treated wood waste along existing transportation routes. No accumulation activities are authorized as a part of this variance. The variance will expire on October 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:** Cypress Coast Fence

**Exempt Status:** Actions by Regulatory Agencies for Protection of the Environment [CCR Title 14, Sec. 15308]

**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. The handling and transport of the TWW is consistent with the actions taken by regulatory agency, to assure the maintenance, restoration, enhancement or protection of the environment. The approval of this variance will ensure the treated wood waste generated will be contained from release during transport to an authorized accumulation site or disposal facility.

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:

April 12, 2021

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