

**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-SG-00362 to Allow the Generation, Accumulation, and Transport of Treated Wood Waste under Alternate Procedures by North Berkeley Design and Construction, Inc.

Project Location: 2026 Francisco Street, Berkeley, CA 94709; 1132 Channing Way, Berkeley, CA 94702; 548 Santa Barbara Road, Berkeley, CA 94707

County: Alameda

Project Applicant: Erol Yildiz, Environmental Project Manager, North Berkeley Design and Construction, 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 North Berkeley Design and Construction, Inc. to generate and accumulate treated wood waste on-site. The applicant may transport the treated wood waste generated on-site to an authorized handler or disposal facility. The treated wood waste is generated as a result of Fence, deck, stairway and retaining wall off cuts and waste.. 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-SG-00362, North Berkeley Design and Construction, 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, North Berkeley Design and Construction, 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.

North Berkeley Design and Construction, Inc. is a general contractor specializing in exterior site improvements, such as fences, decks retaining walls and landscaping.

Project Activities: Under the variance, the authorized small quantity generator may generate, accumulate, treated wood waste on-site. The generator may transport the treated wood waste generated on site to authorized handler and/or disposal facilities. Operations generally include loading and unloading operations and shipping treated wood waste along existing transportation routes. Accumulation and transport 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 19, 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: North Berkeley Design and Construction, Inc.

Exempt Status: Existing Facilities [CCR Title 14, Sec. 15301] Accessory Structures [CCR Title 14, Sec. 15311]

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 includes the construction or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities. The approval of this variance will ensure that the treated wood waste generated by the project will be contained from release during accumulation and storage before it can be transported to an authorized 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 Kahui Lim	Contact Title Project Manager	Phone Number (916) 255-3711
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Approver's Signature:

Date:

Robert Irving

April 26, 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: