

## 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-LG-00326 to Allow the Generation, Accumulation, and Transport of Treated Wood Waste under Alternate Procedures by San Francisco Municipal Agency (SFMTA)

**Project Location:** 48th Avenue and Taraval Street, San Francisco, CA 94116

**County:** San Francisco

**Project Applicant:** Victor Yuen, Construction Manager, San Francisco Municipal Agency (SFMTA)

**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 San Francisco Municipal Agency (SFMTA) (CAD9820008732) to generate and accumulate treated wood waste on-site. The treated wood waste is generated as a result of the railway 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-LG-00326, San Francisco Municipal Agency (SFMTA) will ensure the treated wood waste will be appropriately managed.

The treated wood waste management activities include replacing the old tie-ballast railway with direct fixation fastening system over concrete slab. As such, the old wood ties would need to be disposed.

**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.

San Francisco Municipal Agency (SFMTA) is a San Francisco Municipal Agency (SFMTA) is a transit agency, who runs light rail vehicles on railway.

**Project Activities:** Under the variance, the authorized large quantity generator may generate and accumulate treated wood waste on-site. 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 October 27, 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:** San Francisco Municipal Agency (SFMTA)

**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 Kahui Lim	Contact Title Project Manager	Phone Number (916) 255-3711
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Approver's Signature:

Date:

*Robert Irving*

May 4, 2021

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