

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
---	--

Project Title: Variance TWW-2021-TR-00631 to Allow the Transport of Treated Wood Waste under Alternate Procedures by BRW Construction

Project Location: 1364 Tiffany Canyon Ct., San Jose CA 95120; 18940 Ojai Drive, Los Gatos CA 95030; 16 Chestnut Ave., Los Gatos, CA 95030

County: Santa Clara County

Project Applicant: Anthony S. Cerrito, Project Manager, BRW Construction

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 BRW Construction to transport treated wood waste from authorized generators and/or handler facilities to handler or disposal facilities. 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-00631, BRW Construction 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.

BRW Construction is a general 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 January 10, 2022 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: BRW Construction

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 Kahui Lim	Contact Title Project Manager	Phone Number (916) 255-3711
-----------------------------	----------------------------------	--------------------------------

Approver's Signature:

Robert Irving

Date:

July 16, 2021

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

TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: