

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
Permitting Division
8800 Cal Center Drive
Sacramento, CA 95826

Project Title: Denial of the Hazardous Waste Facility Variance for the Clean Harbors Buttonwillow, LLC Facility

Project Location: 2500 Lokern Road, Buttonwillow, California 93206

County: Kern County

Project Applicant: Matthew C. Sauvageau, Vice President, Environmental Compliance of Clean Harbors Buttonwillow, LLC

Approval Action Under Consideration by DTSC: Variance Denial

Statutory Authority: California Health and Safety Code, Chapter 6.5

Project Description: The Department of Toxic Substances Control (DTSC) has denied (i.e., disapproved) the hazardous waste facility Variance Request for the Clean Harbors Buttonwillow, LLC Facility located at 2500 Lokern Road, Buttonwillow, California (Facility).

The Facility received three shipments of hazardous waste between May and October 2019, totaling 3,250 pounds, that was mischaracterized as Non-Resource Recovery Act (RCRA) hazardous waste. However, due to the presence of lead above RCRA threshold levels, those three shipments should have been classified as RCRA hazardous waste. The three shipments were consolidated at Clean Harbors San Jose and disposed of in the Clean Harbors Buttonwillow hazardous waste landfill, Waste Management Unit 35, cell 5. The waste is trackable within three 50-foot square grid sections at a five-foot depth interval. An estimated 47,226 cubic yards of various hazardous wastes would need to be excavated to recover and treat the 3,250 pounds of mischaracterized waste. The Facility requested that the waste be allowed to remain in place due to the added environmental and employee health risks presented by the potential exposure to the various other waste streams to be disturbed by the excavation. DTSC has denied this request, thus requiring the Facility to treat the hazardous wastes to meet the appropriate treatment standards for land disposal.

Background: The Facility owns and operates a commercial hazardous waste treatment, storage, and disposal facility, in Kern County, California, approximately 8 miles west of Buttonwillow and 36 miles west of Bakersfield. The Facility occupies approximately 320 acres and Clean Harbors owns approximately 640 acres of additional acreage immediately adjoining the Facility that is set aside as a buffer property and is not used for Facility operations. Currently, the Facility provides treatment and disposal services for a variety of hazardous and nonhazardous wastes.

Project Activities: N/A (Variance Disapproval)

Name of Public Agency Disapproving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: N/A (Variance Disapproval)

Exempt Status: Statutory Exemption: [Pub. Resources Code, § 21080(b)(5); Cal. Code Regs., tit. 14, § 15270]

Reasons Why Project is Exempt: The proposed project involved the variance request of the hazardous waste facility permit for the Facility. DTSC determined, after a screening of the project on the merits, to deny the variance. The California Environmental Quality Act (CEQA) does not apply to projects which a public agency rejects or disapproves.

The administrative record for this project is available to the public by appointment at the following location:

Department of Toxic Substances Control
Permitting Division
8800 Cal Center Drive
Sacramento, CA 95826

Contact Person	Contact Title	Phone Number
Randy Snapp	Senior Hazardous Substances Engineer	(916) 255-3644

Approver's Signature:

Date:

Mohammed Omer

July 15, 2022

Approver's Name	Approver's Title	Approver's Phone Number
Mohammed Omer	Supervising Hazardous Substances Engineer I	(916) 255-3883

TO BE COMPLETED BY OPR ONLY

Date Received for Filing and Posting at OPR: