

**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:** Emergency Permit for Treatment of Hazardous Waste, Lyrical Foods-Kite Hill, Hayward, California

**Project Location:** 3180 Corporate Place, Hayward, CA 94545

**County:** Alameda

**Project Applicant:** Nicholas Josyln, Manager Warehouse Operations, Lyrical Foods-Kite Hill

**Approval Action Under Consideration by DTSC:** Emergency Permit

**Statutory Authority:** California Health and Safety Code, Chapter 6.5

**Project Description:** The California Department of Toxic Substances Control (DTSC), pursuant to authority granted under California Code of Regulations, Title 22, Division 4.5, Chapter 20, Section 66270.61, has issued an Emergency Permit to Lyrical Foods-Kite Hill, (EPA ID# CAL000447087) to treat hazardous wastes through controlled reactions with chemical solutions. Specifically, 8 liters of Diethyl Ether must be stabilized prior to transport to an authorized hazardous waste treatment, storage, and disposal facility.

This chemical is currently being stored at Lyrical Foods-Kite Hill located at 3180 Corporate Place, Hayward, CA 94545. DTSC has determined as a safety precaution to prevent an accident or severe injury, an Emergency Permit should be issued to chemically stabilize the hazardous waste prior to storage and eventual transportation off-site by Clean Harbors Environmental Services (CHES).

**Background:** The chemical noted above may include peroxide former or peroxide forming monomer. The chemical produces peroxide compounds as it degrades (i.e., after the product's expiration date). The peroxide produced may be unstable at low concentrations, resulting in fire and/or explosion if improperly handled. Chemical stabilization is recommended prior to transport to a permitted treatment, storage, and disposal facility.

**Project Activities:** The treatment of the hazardous waste involves the addition of solutions to the containers in a controlled manner to reduce the reactive or ignitable characteristics of the chemical. Treatment will take place within a designated exclusion zone. Only technicians from CHES will be

allowed in the exclusion zone. Movement, preparation, and treatment of these items will be in accordance with established standards.

Within 10 business days of the expiration of this permit, Lyrical Foods-Kite Hill will submit a final report, signed in accordance with Title 22, California Code of Regulations section 66270.11(d). The report shall include certification that the treatment area has been cleared of all residual hazardous wastes generated from this emergency treatment and all generated waste has been properly managed. The Emergency Permit is effective beginning December 19, 2022 and expires on February 17, 2023.

**Name of Public Agency Approving Project:** Department of Toxic Substances Control

**Name of Person or Agency Carrying Out Project:** Clean Harbors Environmental Services

**Exempt Status:** Emergency Project [PRC, Sec. 21080(b)(4); 14 CCR, Sec.15269(b)(c)]

**Reasons Why Project is Exempt:** This action is necessary to prevent an emergency. Chemical stabilization of this chemical is necessary prior to transportation to an authorized hazardous waste treatment, storage, and disposal facility to prevent accidental fire and/or explosion during transport. The administrative record for this project is available to the public by appointment at the following location:

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

Contact Person	Contact Title	Phone Number
Matthew Mullinax	Hazardous Substances Engineer	(916) 255-6531

Approver's Signature:

*Matthew Mullinax*

Date:

December 9, 2022

Approver's Name	Approver's Title	Approver's Phone Number
Matthew Mullinax	Hazardous Substances Engineer	(916) 255-6531

TO BE COMPLETED BY OPR ONLY

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Date Received for Filing and Posting at OPR: