

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, Nestle, Modesto, California

Project Location: 736 Garner Road Modesto, CA 95357

County: Stanislaus

Project Applicant: Katherine Small, Safety, Health, and Environmental Manager

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 the Nestle, (EPA ID# CAR000284844) to treat hazardous waste through a controlled reaction with a chemical solution. Specifically, sixty-four (64) 100- milliliter containers of Ethyl Ether, must be stabilized prior to transport to an authorized hazardous waste treatment, storage, and disposal facility.

These chemicals are currently being stored at Nestle located at 736 Garner Road. Modesto, CA 95357. 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 is peroxide forming material. The chemical produces peroxide compounds as it degrades (i.e., after the product's expiration date). The peroxide produced may be unstable at relatively low concentrations, resulting in fire and/or explosion if improperly managed. Static electricity or heating from sunlight may be enough to trigger a reaction, making

transport of non-stabilized chemicals hazardous. 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 solution 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 Clean Harbors Environmental Services will be allowed in the exclusion zone. Movement, preparation, and treatment of the containers will be in accordance with established standards.

Within 10 business days of the expiration of this permit, Nestle 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 waste generated from this emergency treatment and all generated waste has been properly managed.

The Emergency Permit is effective beginning July 17, 2023 and shall expire on September 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 the chemicals 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, California 95826

Contact Person

Contact Title

Phone Number

Hai-Yong Kang

Hazardous Substances Engineer

(916) 255-6522

Approver's Signature:

Date: 07/17/2023

Hai-Yong Kang

Approver's Name

Approver's Title

Approver's Phone Number

Hai-Yong Kang

Hazardous Substances Engineer

(916) 255-6522

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