

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-ER-00398 to Allow the Emergency Management of Treated Wood Waste under Alternate Procedures by FORGEN DRC JV

Project Location: Fresno & Madera counties (Creek Fire), Los Angeles county (Bobcat Fire), Tulare county (SQF Complex Fire), Mono county (Mountain View Fire).

County: Mono, Tulare, Los Angeles, Fresno, Madera

Project Applicant: George Little, Program Manager, FORGEN DRC JV

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 FORGEN DRC JV (CAS201201010, CAS201026019, CAS201020054, CAS201123026) to generate, accumulate, and transport treated wood waste as part of a response to an emergency. Treated wood waste removal activities are expected to occur at sites affected by the declared emergency in support of a public agency response. Treated wood waste may be transported to authorized 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-ER-00398, FORGEN DRC JV 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.

FORGEN DRC JV is contracted with CALRECYCLE - in full compliance with CALOES, FEMA, and local county requirements to remove trees posing risks to debris removal crews or posing imminent threat to falling on the public right of way or public improved properties to encourage economic recovery and well-being of the local residents.

Project Activities: Under the variance, the applicant will generate, accumulate, and/or transport treated wood waste in response to a declared emergency (Governor's Proclamations of a State of Emergency dated (8.18.2020, 9.6.2020, 9.10.2020, 9.25.2020 and Executive Order N-81-20 (09-25-20)). Treated wood waste may only be accumulated at authorized locations. Treated wood waste may only be transported to authorized handler and/or disposal facilities. Operations generally include collecting treated wood waste from sites, loading and unloading operations and shipping treated wood waste along existing transportation routes. Accumulation and transport of treated wood waste includes taking appropriate precautions to: prevent unauthorized access to and prevent leaching to the environment of the treated wood waste. The variance will expire on October 24, 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: FORGEN DRC JV

Exempt Status: Emergency Project [PRC, Sec. 21080(b)(3); CCR Title 14, Sec. 15269(a)]

Reasons Why Project is Exempt: All analysis conducted included the potential extension of the variance for an additional six months. This project consists of actions undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

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:

Date:

Robert Irving

April 29, 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: