

CALIFORNIA ENVIRONMENTAL QUALITY ACT

DRAFT NEGATIVE DECLARATION

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| PROJECT TITLE: Treated Wood Waste Alternative Management Standards DTSC Reference Number R-2005-04 and R-2006-07 | CALSTARS CODING: 22440 |
| PROJECT ADDRESS: Statewide | |
| STATE CLEARING HOUSE NO: | |

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| APPROVAL ACTION UNDER CONSIDERATION BY DTSC: | | | |
| <input type="checkbox"/> Initial Permit Issuance | <input type="checkbox"/> Permit Renewal | <input type="checkbox"/> Permit Modification | <input type="checkbox"/> Closure Plan |
| <input type="checkbox"/> Removal Action Workplan | <input type="checkbox"/> Remedial Action Plan | <input type="checkbox"/> Interim Removal | <input checked="" type="checkbox"/> Regulations |
| <input type="checkbox"/> Other (specify): | | | |

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| SUBJECT: <input checked="" type="checkbox"/> DRAFT <input type="checkbox"/> FINAL <input type="checkbox"/> MITIGATED |
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| STATUTORY AUTHORITY: |
| <input checked="" type="checkbox"/> California H&SC, Chap. 6.5 <input type="checkbox"/> California H&SC, Chap. 6.8 <input type="checkbox"/> Other (specify): |

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| DTSC PROGRAM/ ADDRESS: 1001 I Street, 11 th Floor | CONTACT: Ed Nieto | PHONE: (916) 322-7893 |
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PROJECT DESCRIPTION:

The proposed project involves two rulemaking processes:

- 1) Emergency regulations (R-206-07) which will extend the current statutory management standards of TWW for 120 days beyond the statutory sunset date of January 1, 2007.
- 2) Permanent regulations (R-2005-04) which, when completed, will establish comprehensive alternative management standards for TWW.

The proposed project is the adoption of new regulations that establish streamlined management standards for treated wood waste with which the regulated community may comply in place of the general hazardous waste control laws. They apply only to treated wood waste that is identified as a hazardous waste under State law but is not regulated as a hazardous waste under federal law; thus, these standards have no federal counterpart. These streamlined management standards generally mirror the temporary alternative management standards in Health and Safety Code section 25150.7. The standards:

- Add a new waste code for treated wood waste to the list of State waste codes.
- Exclude from the scope of these proposed regulations the following treated wood waste:
 - Treated wood waste that is addressed by Health and Safety Code section 25143.1.5.
 - Treated wood waste that is hazardous for reasons other than or in addition to the wood treatment chemicals (for instance, lead-based paint).
 - Treated wood waste that is burned, recycled, reused, or reclaimed unless those activities are in compliance with the general standards of the hazardous waste control law.

- Reused for a use that is not within the registered use for the treatment chemical under the Federal Insecticide, Fungicide, Rodenticide, Act and regulations.
- Intended to be burned.
- Prohibit specified activities such as burning, scavenging, mixing with other wastes prior to disposal, storage on the ground, and disposal to land outside of a qualified landfill, and removal, destruction, obliteration, or defacing of any identifying mark or label that identified the material as treated wood waste.
- Define terms necessary for applying these regulations.
- Establish labeling requirements and exemptions from labeling requirements.
- Establish requirements for storing treated wood waste including:
 - Access control.
 - Storage under tarps.
 - Storage in containers.
 - Storage in buildings.
 - Storage on a containment pad.
 - A performance standard for other types of storage.
 - Accumulation time limits.
 - Training requirements for employees handling treated wood waste.
 - Exemptions for household generated treated wood waste and short term accumulation at the site of generation.
- Establish requirements for off site shipments of treated wood waste including:
 - The consignee must agree to accept the shipment.
 - Authority to ship to an off site temporary accumulation area if the treated wood waste is transported by the generator, the generator's employees, or the generator's agent and the shipper uses a shipping paper containing specified information and the treated wood waste handler retains that document for three years.
 - A prohibition on transportation in a manner that fails to prevent unauthorized access; loss, dispersion, and leaching of TWW; protect the TWW from precipitation; and, under conditions normally incidental to transportation, prevent release of TWW to the environment.
- Establish standards for tracking treated wood waste from the generation or accumulation site, receipt of treated wood waste, and reporting of receipt of shipments. Additionally, the regulations direct DTSC to make the reports publicly available and require treated wood waste handlers to retain records. Households are exempted from recordkeeping requirements.
- Require large quantity (>10,000 lbs/year) generators of treated wood waste to obtain a hazardous waste identification number and to notify DTSC of exceeding that quantity limit.
- Establish authority and standards for specified treatment of treated wood waste including:
 - Allowing resizing for transportation under specified conditions.
 - Requiring protective handling of resized treated wood waste and sawdust.
 - Training of employees involved in resizing treated wood waste.
- Establish standards for disposing of treated wood waste. These standards conform to the statutory requirement that disposal in non-hazardous waste landfills continue under the same conditions under these regulations.

Emergency Rulemaking

The Legislature directed DTSC to develop regulations that provide specific alternative management standards for TWW before the January 1, 2007 sunset date for existing standards. In response to this directive, DTSC has developed proposed regulatory language and prepared associated documents in compliance with the Administrative Procedures Act (APA). However, DTSC has determined that the rulemaking process will not be completed prior to the inoperability date under HSC 25150.7(e) because the 45-day review period required under the APA will run past that date. This will result in the alternative management standards for TWW not being in effect until the rulemaking adopting permanent TWW regulations can be completed. As a result of this delay, DTSC proposes to adopt emergency regulations that extend the alternative management standards of HSC 25150.7(e) for one hundred twenty (120) days in order for the rulemaking process of the permanent regulations to be completed and for permanent alternative management standards to be adopted.

FINDINGS OF SIGNIFICANT EFFECT ON ENVIRONMENT:

DTSC has determined that this project, as proposed, will not have a significant effect on the environment as that term is defined in Public Resources Code Section 21068. A copy of the Initial Study that supports this finding is attached.

MITIGATION MEASURES:

No mitigation measures have been identified.

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| Branch Chief Signature | | Date |
| _____ | _____ | _____ |
| Branch Chief Name | Branch Chief Title | Phone # |