



Department of
Toxic Substances
Control



TREATED WOOD WASTE VARIANCES

PERMITTING DIVISION

HAZARDOUS WASTE MANAGEMENT PROGRAM



WELCOME AND AGENDA

Presentation is being recorded and will be posted to DTSC's website

- What Has Changed?
- What Does it Mean?
- What Is DTSC Doing About It?
- Variance Application and Process
- CEQA and How It Applies
- Q&A

Department of Toxic Substances Control

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DEPUTY DIRECTOR

HAZARDOUS WASTE MANAGEMENT PROGRAM



WHAT HAS CHANGED?

- Senate Bill 68 (Galgiani, 2020) was not signed into law
- Health and Safety Code, Section 25150.7 has sunset
- Alternative management standards for treated wood waste (TWW) in Chapter 34 of DTSC's regulations are no longer in effect
- TWW that is a hazardous waste must be managed as such
- No change to the TWW exemption for utilities (HSC 25143.1.5)

WHAT DOES IT MEAN?

- Municipal landfills are not accepting TWW for disposal
- There is only one hazardous waste landfill in California that is currently accepting TWW
 - Clean Harbors – Buttonwillow, located in the central valley
- Many TWW generators have been understandably frustrated
- Potential for increase in illegal disposal practices e.g. dumping

WHAT IS DTSC DOING ABOUT IT?

- Developed standardized variances for TWW management
- Variances will impose conditions similar to the alternative management standards for TWW that existed previously
- 2/16: start accepting variance applications
- 3/1: start issuing variances
- Variances are only a short-term solution (6 months)
- Proposed legislation: Assembly Bill 332

Department of Toxic Substances Control

Ryan Batty, P.E.

SUPERVISING HAZARDOUS SUBSTANCES ENGINEER

PERMITTING DIVISION

HAZARDOUS WASTE MANAGEMENT PROGRAM



WHAT IS A VARIANCE?

- Means a deviation from a provision of regulation or law
- DTSC'S independent variance authority extends only to non-RCRA (California) hazardous waste
 - Treated wood waste is an example of a non-RCRA waste
- Health and Safety Code Section 25143
- A variance can be used to waive requirements or replace them with alternative requirements

STEPS IN THE VARIANCE APPLICATION PROCESS

- **STEP 1 – Determine what type of variance you require (if any)**
- STEP 2 – Review the sample variance language
- STEP 3 – Prepare to complete the application
- STEP 4 – Complete the application
- STEP 5 – Make payment and return signed application
- STEP 6 – Variance application decision

STEP 1A – DETERMINE IF YOU REQUIRE A VARIANCE

- IS MY TWW A HAZARDOUS WASTE?
 - Variance can only apply to non-RCRA hazardous waste
- IS MY TWW EXEMPT FROM REGULATION AS A HAZARDOUS WASTE?
 - Utility exemption; HSC 25143.1.5
- WHERE AND HOW WAS THE TWW GENERATED?
 - Many generator requirements do not apply to hazardous waste produced incidental to owning and maintaining a place of residence

STEP 1A - CONTINUED

- If you hire a contractor to work on your residential property, and if the contractor transports the TWW off-site, you will not require a variance
- The contractor that transports the TWW for you will likely require a variance

STEP 1B – WHAT TYPE OF VARIANCE DO I NEED?

- SMALL QUANTITY GENERATOR, SELF-TRANSPORTER
- LARGE QUANTITY GENERATOR, SELF-TRANSPORTER
- TRANSPORTER
- HANDLER / TRANSPORTER
- DISPOSAL FACILITY
- EMERGENCY RESPONSE

STEP 1B - SMALL QUANTITY GENERATOR, SELF-TRANSPORTER VARIANCE

- MUST GENERATE LESS THAN 10,000 POUNDS OF TWW PER CALENDAR YEAR
- MAXIMUM OF TEN LOCATIONS PER APPLICATION
- COMMON APPLICATION:
 - This type of variance is expected to commonly apply to either a small business, or other episodic generators of TWW

STEP 1B - LARGE QUANTITY GENERATOR, SELF-TRANSPORTER

- MUST OBTAIN A STATE OR FEDERAL EPA ID NUMBER
 - If you already have an EPA ID number check that it is active
- NO LIMIT ON THE AMOUNT OF TWW MANAGED
- MAXIMUM OF TEN LOCATIONS PER APPLICATION
- COMMON APPLICATION:
 - This type of variance is expected to commonly apply to large businesses and entities including, for example, winery's, municipalities, state agencies etc.

STEP 1B – TRANSPORTER VARIANCE

- MUST TAKE THE TWW DIRECTLY FROM THE GENERATOR TO THE DISPOSAL FACILITY OR TO AN AUTHORIZED RECIPIENT SUCH AS A HANDLER
- MUST NOT HAVE A FIXED LOCATION USED FOR TWW MANAGEMENT
- COMMON APPLICATION:
 - This type of variance is expected to commonly apply to contractors (e.g. fencing contractors), and businesses engaged in waste hauling

STEP 1B - HANDLER /TRANSPORTER VARIANCE

- INTERMEDIARY THAT IS NEITHER THE GENERATOR NOR THE DISPOSAL FACILITY; CAN MANAGE TWW AT A FIXED LOCATION
- MUST BE AUTHORIZED TO OPERATE PURSUANT TO DIVISION 30 OF THE PUBLIC RESOURCES CODE
- MAXIMUM OF TEN LOCATIONS PER APPLICATION
- COMMON APPLICATION:
 - This type of variance is expected to commonly apply to transfer stations that were accepting TWW prior to January 1, 2021

STEP 1B – DISPOSAL FACILITY VARIANCE

- APPLICABLE TO LANDFILLS
- MUST BE CONSTRUCTED WITH A COMPOSITE LINER
- MUST BE AUTHORIZED TO RECEIVE TWW BY THE FACILITY WASTE DISCHARGE REQUIREMENTS
- MAXIMUM OF ONE LOCATION PER APPLICATION
- COMMON APPLICATION:
 - This type of variance is expected to commonly apply to landfills that were receiving TWW prior to January 1, 2021

STEP 1B – EMERGENCY RESPONSE

- TWW MUST BE GENERATED AS A RESULT OF A DECLARED EMERGENCY
- COMMON APPLICATION:
 - This type of variance is expected to apply to scenarios such as contractors performing wildfire debris removal
 - Variance requirement will apply to principal contractors, not sub-contractors (however, the sub-contractors must be identified in the application)

VARIANCE APPLICATION PROCESS STEP 2

- STEP 1 – Determine what type of variance you require (if any)
- **STEP 2 – Review the sample variance language**
- STEP 3 – Prepare to complete the application
- STEP 4 – Complete the application
- STEP 5 – Make payment and return signed application
- STEP 6 – Variance application decision

STEP 2A – REVIEW THE VARIANCE LANGUAGE AND REIMBURSEMENT PAYMENT SCHEDULE

- READ AND FAMILIARIZE YOURSELF WITH THE SAMPLE VARIANCE LANGUAGE ON THE WEBSITE
- CONFIRM THAT YOU ARE WILLING AND ABLE TO COMPLY WITH THE TERMS OF THE VARIANCE
- SAMPLE VARIANCE LANGUAGE IS ONLY AN EXAMPLE OF WHAT YOU MAY RECEIVE; DTSC MAY ADD OR REMOVE CONDITIONS

STEP 2B – REIMBURSEMENT SCHEDULE

- DTSC IS REQUIRED BY STATUTE TO RECOVER ITS COSTS FOR ISSUING VARIANCES
- REIMBURSEMENT PAYMENT AMOUNTS ARE DIFFERENT FOR EACH OF THE SIX VARIANCE TYPES BASED ON LEVEL OF REVIEW REQUIRED
- REVIEW REIMBURSEMENT PAYMENT SCHEDULE; CONTACT DTSC WITH ANY QUESTIONS

VARIANCE APPLICATION PROCESS STEP 3

- STEP 1 – Determine what type of variance you require (if any)
- STEP 2 – Review the sample variance language
- **STEP 3 – Prepare to complete the application**
- STEP 4 – Complete the application
- STEP 5 – Make payment and return signed application
- STEP 6 – Variance application decision

STEP 3 – PREPARE TO COMPLETE THE APPLICATION

- DOWNLOAD THE APPLICATION QUESTIONS FROM THE WEBSITE
- GATHER THE INFORMATION NECESSARY TO COMPLETE THE APPLICATION
 - The online application cannot be saved so it is important that you have all the information ready to enter
- ENSURE THAT YOU ARE DULY AUTHORIZED TO APPLY FOR A VARIANCE ON BEHALF OF YOUR ORGANIZATION

VARIANCE APPLICATION PROCESS STEP 4

- STEP 1 – Determine what type of variance you require (if any)
- STEP 2 – Review the sample variance language
- STEP 3 – Prepare to complete the application
- **STEP 4 – Complete the application**
- STEP 5 – Make payment and return signed application
- STEP 6 – Variance application decision

STEP 4 – COMPLETE THE ONLINE APPLICATION

- COMPLETE THE ELECTRONIC APPLICATION ON THE WEBSITE
- ANSWER ALL QUESTIONS TO THE BEST OF YOUR ABILITY
- SUBMIT THE APPLICATION
 - After submitting the application, look for an email from “TWW_Variances@dtsc.ca.gov”
 - If you don’t receive an email contact DTSC
- YOU ARE NOT DONE YET – MUST COMPLETE STEP FIVE

VARIANCE APPLICATION PROCESS STEP 5

- STEP 1 – Determine what type of variance you require (if any)
- STEP 2 – Review the sample variance language
- STEP 3 – Prepare to complete the application
- STEP 4 – Complete the application
- **STEP 5 – Make payment and return signed application**
- STEP 6 – Variance application decision

STEP 5 – MAKE REIMBURSEMENT PAYMENT AND RETURN A SIGNED COPY OF THE APPLICATION

- THE EMAIL YOU RECEIVE FROM DTSC WILL CONTAIN:
 - Unique variance application number
 - e.g. TWW-2021-XX-#####
 - Refer to this number any time you contact DTSC about your application
 - Application questions and responses
 - Calculated reimbursement payment amount
 - Reimbursement payment amount is a function of the type of variance and the number of locations covered by the variance

STEP 5A – REIMBURSEMENT PAYMENT

- HOW IS THE REIMBURSEMENT PAYMENT CALCULATED?
 - Reimbursement payment contains two parts
 - Common base cost: \$215
 - Processing cost per location: depends on variance type
 - Example, SQG/T variance covering two locations:
 - Reimbursement payment = $\$215 + 2 \times \$757 = \$1,729$

STEP 5A – REIMBURSEMENT PAYMENT CONTINUED

- NAVIGATE TO THE PAYMENTS PAGE ON DTSC'S WEBSITE
 - <https://dtsc.ca.gov/make-a-payment/>
- SELECT A PAYMENT METHOD
 - If you want to receive your variance sooner you should pay by credit card and use the “Other DTSC Payments” link
- REFERENCE NUMBER
 - Use the unique variance application number
- MAKE A COPY OF THE PAYMENT CONFIRMATION RECEIPT

Pay by Credit Card

You may use your Discover, MasterCard, Visa, or American Express Card. We do not charge a convenience fee.

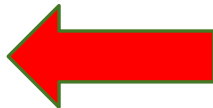
Have your project, facility, invoice number, EPA ID, or other reference as applicable, along with your payment amount, credit card number, Card Code Verification (CCV), and credit card expiration date on hand when you are ready to make your payment.

DTSC recommends you use the latest version of the following web browsers: Google Chrome, Internet Explorer, Mozilla Firefox, Opera, Safari. If you are experiencing issues while using a browser's latest version, try a different browser listed above. A payment confirmation email will be sent to the email provided if the payment transaction was successful.

If the credit card transaction is later reversed, you may be subject to late payment interest or suspension of your account. If you overpay, we will issue you a refund by check.

I would like to make a payment for:

- > [eVQ annual filing](#)
- > [eVQ reinstatement](#)
- > [Manifest Correction](#)
- > [Cost Recovery](#)
- > [State Certified Unified Program Agencies \(Imperial and Trinity Counties\)](#)
- > [Consent Orders and Stipulations](#)
- > [Photocopies and Reports](#)
- > [Other DTSC Payments](#)



Pay by Electronic Funds Transfer (EFT/ACH)

Contact Us Related Links

- [Report an Environmental Concern](#)
- [Need help finding something on our website? Contact our Web Coordinator](#)
- [Statewide Map of DTSC Offices](#)
- [How are we doing? Take Our Survey](#)
- [Evalúe nuestro servicio](#)



Language: English

Payment Method

* Indicates required field

Revenue-Other Payments

* Purpose of payment (reference):

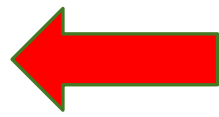
* Amount to pay:

Choose method of payment

Pay by credit card



Back **Next** **Exit**



Enter variance application number here

STEP 5B – SUBMITTING THE APPLICATION

- CHECK APPLICATION
 - Read over the application responses and confirm they are accurate; make any corrections by hand
- SIGN APPLICATION
 - Sign the bottom of the email
 - Scan the signed document
 - Use your phone to take a photograph if you don't have access to a scanner

STEP 5B – SUBMITTING THE APPLICATION CONTINUED

- SEND THE COMPLETED APPLICATION TO DTSC
 - Compose an email to DTSC at “TWW_Variances@dtsc.ca.gov”
 - Put your unique variance application number in the subject line
 - Attach the scanned version of the application with signature
 - Attach the payment confirmation receipt
 - Attach any other relevant information
- AFTER SUBMITTING THE APPLICATION, YOU WILL RECEIVE AN EMAIL CONFIRMING RECEIPT BY DTSC

VARIANCE APPLICATION PROCESS STEP 6

- STEP 1 – Determine what type of variance you require (if any)
- STEP 2 – Review the sample variance language
- STEP 3 – Prepare to complete the application
- STEP 4 – Complete the application
- STEP 5 – Make payment and return signed application
- **STEP 6 – Variance application decision**

STEP 6 – VARIANCE APPLICATION DECISION

- DTSC WILL REVIEW YOUR APPLICATION FOR COMPLETENESS
 - DTSC may contact you if we need additional information
- DTSC WILL CONFIRM RECEIPT OF YOUR PAYMENT
- DTSC WILL MAKE A DECISION TO GRANT OR DENY YOUR REQUEST FOR A VARIANCE
 - If your request for a variance is denied DTSC will contact you and provide an explanation

STEP 6 – RECEIPT OF A VARIANCE

- IF YOUR REQUEST FOR A VARIANCE IS APPROVED YOU WILL RECEIVE THE FOLLOWING BY EMAIL
 - Copy of the variance
 - Copy of the CEQA document
- WHEN YOU RECEIVE YOUR VARIANCE YOU SHOULD THOROUGHLY REVIEW IT AND CHECK IT FOR ACCURACY
- THE VARIANCE WILL BE EFFECTIVE ON THE DATE RECEIVED

OTHER CONSIDERATIONS

- IF YOU DON'T HAVE AN IMMEDIATE NEED FOR A VARIANCE CONSIDER WAITING A FEW WEEKS TO APPLY SO DTSC CAN HELP OTHERS FIRST
- CHECK DTSC'S WEBSITE FOR AN UP-TO-DATE LIST OF DISPOSAL FACILITIES THAT HAVE RECEIVED A VARIANCE
- DO NOT OVERLOOK THE TRAINING PROVISIONS OF THE VARIANCES
- VARIANCES ARE ENFORCEABLE DOCUMENTS

Department of Toxic Substances Control

Robert Irving

SUPERVISING ENVIRONMENTAL PLANNER

PERMITTING DIVISION, CEQA UNIT

HAZARDOUS WASTE MANAGEMENT PROGRAM



WHAT IS THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)?



- Enacted in 1970
- Statutes codified in Public Resources Code (PRC) Section 21000 et seq.
- Regulations within California Code of Regulations Title 14, Division 6, Chapter 3
- CEQA requires government agencies to consider the environmental consequences of their actions before committing to a course of action on a project.



WHY DOES CEQA APPLY TO TREATED WOOD WASTE VARIANCES?

A variance is a “Project” as defined in PRC 21065 and 14 CCR Section 15378 because:

- it is a discretionary action by DTSC that may result in a direct physical change in the environment or a reasonably foreseeable indirect physical change to the environment, and
- it is an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use.



WHY ARE THERE CEQA QUESTIONS IN THE VARIANCE APPLICATION?

- Per PRC Section 21160, “the public agency may require that person [the applicant] to submit data and information which may be necessary to enable the public agency to determine whether the proposed project may have a significant effect on the environment or to prepare an environmental impact report.”

ENVIRONMENTAL INFORMATION FORM

- Required to be submitted as part of permit applications
- 12 pages long
- More than 100 questions & checkboxes



State of California – California Environmental Protection Agency

Department of Toxic Substances Control

CALIFORNIA ENVIRONMENTAL QUALITY ACT ENVIRONMENTAL INFORMATION FORM

The following information is requested pursuant California Code of Regulations, Title 14, Section 15063(e) and Title 22, Section 66270.14(f). This information will be used by the Department of Toxic Substances Control (DTSC) to prepare an Initial Study or other appropriate environmental documentation pursuant the California Environmental Quality Act (CEQA).¹

Instructions:

Provide the information requested below and within each of the environmental resource categories (use additional sheets, if necessary). If the item is not applicable to the project, include a brief explanation as to why it would not be applicable. Include the name, title and page numbers for all reference documents used in support of the information provided. If an individual is used as a reference, please include name, title, employer, and date of the interview. Attach copies of all references.

Application Information:

Application Type: (Select One)

- | | |
|--|--|
| <input type="checkbox"/> Class 1* Permit Modification | <input type="checkbox"/> New Post-Closure Permit |
| <input type="checkbox"/> Class 2 Permit Modification | <input type="checkbox"/> Post-Closure Permit Renewal |
| <input type="checkbox"/> Class 3 Permit Modification | <input type="checkbox"/> Temporary Authorization |
| <input type="checkbox"/> Emergency Permit | <input type="checkbox"/> Variance |
| <input type="checkbox"/> New Hazardous Waste Facility Permit | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Hazardous Waste Facility Permit Renewal | |

Facility Information (Fill out information below)

EPA ID:

Project Name:

Site Address:

City:

State:

Zip:

County:

Assessor's Parcel Number (s):

Facility Size (sq. ft./acre):

Previous Permit Issue Date:

Contact Information (Fill out information below)

Preparer's Information:

Contact Name:

Phone:

Email:

Mailing Address:

City:

State:

Zip:

¹ Pub. Resources Code, div. 13, § 21000 et seq

CEQA QUESTIONS IN VARIANCE APPLICATION



- Questions are tailored to each variance type
- Includes a maximum of 37 questions
- Removes non-applicable questions based on answers
- It considers many environmental variables statewide
- Staff will review the information provided, but may contact you with additional questions

QUESTIONS & ANSWERS



- Use the **Q&A Button** at the bottom of your screen.
- Further questions can be sent to tww_help@dtsc.ca.gov.