

**CERTIFICATE OF EXEMPTION  
FROM DEPARTMENT OF FISH & GAME FILING FEE  
FINDING OF DE MINIMIS IMPACT**

Project Title: ISSUANCE OF SERIES "A" STANDARDIZED HAZARDOUS WASTE FACILITY PERMIT FOR CLEAN HARBORS SAN JOSE, LLC, RAIL SPUR TRANSFER FACILITY

State Clearinghouse Number: \_\_\_\_\_

Contact Person: Cherryr Padilla Phone # (510) 540-3967

Project Location (*Include County*):

Clean Harbors San Jose, LLC, Rail spur Transfer Facility  
660 Lenfest Road  
San Jose, Santa Clara County, California 95133-1614

Project Description:

The project consists of issuance of Series "A" Standardized Hazardous Waste Facility Permit (Standardized Permit) for Clean Harbors San Jose, LLC, Rail Spur Transfer Facility (Lenfest Facility), San Jose, California. In accordance with California Health and Safety Code (H&SC), section 25201.6, the Department of Toxic Substances Control (DTSC) is proposing to issue a Standardized Permit to Clean Harbors Lenfest Facility for the operation of a non-Resource Conservation and Recovery Act (RCRA) hazardous waste rail transfer facility located at 660 Lenfest Road, San Jose, California. The Standardized Permit is based on the Standardized Permit Application (Permit Application) submitted by Clean Harbors in March 2005. The Permit Application identifies all possible waste codes or waste types, the estimated annual generation rate, and the number of storage units. A detailed description of Clean Harbors Lenfest Facility's waste characterization procedures and closure plan are provided in the Permit Application. The Standardized Permit identifies the storage and transfer areas and their associated capacities.

Findings of Exemption:

The Department of Toxic Substances Control (DTSC) prepared an Initial Study pursuant to the California Environmental Quality Act<sup>1</sup> and implementing Guidelines<sup>2</sup> that evaluated the proposed project for the potential for adverse environmental impact. Considering the record as a whole, there is no evidence before DTSC that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depend.

Findings supporting this declaration are contained in Section V. Finding of De Minimis Impact to Fish, Wildlife and Habitat of the Initial Study. This section, and any other portions of the Initial Study it references, is attached.

Certification:

DTSC certifies that the evidence contained in the record supporting the findings herein are true and accurate and declares that it has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in title 14, California Code of Regulations, section 753.5(c).

<sup>1</sup> Public Resources Code § 21000 et seq.

<sup>2</sup> Title 14, California Code of Regulations, Division 6, Chapter 3, §15000 et seq.

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DTSC Branch Chief Signature		Date
Mohinder Sandhu, P.E., Chief	Standardized Permitting & Corrective Action Branch	( 510 ) 540-3974
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DTSC Branch Chief Name	DTSC Branch Chief Title	Phone #