



Department of Toxic Substances Control



Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Arnold Schwarzenegger
Governor

VARIANCE

Health and Safety Code, Section 25143

Variance No. V07HQSCD029

Applicant Name:

San Diego Gas & Electric Company
8316 Century Park Court
San Diego, CA 92123

EPA ID # CAL000082790

Effective Date: 10/26/2007

Expiration Date: 12/26/2007

Pursuant to section 25143 of the California Health and Safety Code and in order to facilitate the cleanup of hazardous wastes caused by the widespread fire emergency in San Diego County and adjacent regions in October, 2007, the Department of Toxic Substances Control issues this Variance to San Diego Gas & Electric Company and other parties, listed in Section I, who have been recruited by SDG&E to assist in this emergency cleanup.

//original signed by//

Karl Palmer, Chief
Regulatory and Program Development Branch
Department of Toxic Substances Control

Date: October 26, 2007

San Diego Fire Variance
San Diego Gas & Electric
October 26, 2007
Page 2 of 7

SECTION I: BENEFICIARIES OF VARIANCE

This Variance is granted to the following parties:

San Diego Gas & Electric Company
8316 Century Park Court
San Diego CA 92123

Pacific Gas & Electric Company
One Market, Spear Tower
San Francisco, CA 94105

Salt River Project
1521 N. Project Drive
Tempe, AZ 85281-1298

Sierra Pacific
6100 Neil Road
Reno, NV 89511

Southern California Edison
2244 Walnut Grove Ave.
Rosemead, CA 91770
626-302-1212

Imperial Irrigation District
1284 Main Street
El Centro, CA 92243

Nevada Power
6226 West Sahara Avenue
Las Vegas, NV 89146

Arizona Public Service
400 N. 5th Street
Phoenix, AZ 85004

SoCal Gas
555 W. Fifth Street
Los Angeles, CA 90013-1011

San Diego Fire Variance
San Diego Gas & Electric
October 26, 2007
Page 3 of 7

NRC Environmental Services
3500 Estudillo Street
San Diego, CA 92110
619-952-3627

PATRIOT
1457 N. Cuyamaca Street
El Cajon, CA 92020
619-438-3316

JC ENV
2504 Transportation Ave, Suite C.
National City, CA 91950
619-250-0618

Advanced Cleanup Technologies, Inc.
3021 Moore Street
San Diego, CA 92110
619-702-6008

PACIFIC TRANS
1452 North Johnson Avenue
El Cajon, CA 92020
619-441-1818

This variance is not transferable to any other party.

SECTION II: AUTHORITY, FINDINGS AND DETERMINATION

A. Authority:

1. The hazardous wastes that are the subject of this variance are fully regulated under Health and Safety Code (H&SC) section 25100, division 20, et seq., and California Code of Regulations, Title 22, Division 4.5.
2. Section 25143 of the H&SC authorizes the Department of Toxic Substances Control (DTSC) to issue variances from the laws and regulations specified above.

B. DTSC finds the following:

1. The hazardous waste transportation activity is not regulated by the federal Resource Conservation and Recovery Act (RCRA).
2. In consideration of the magnitude and immediate needs of the current emergency, the activities to be performed under this Variance pose an insignificant risk to human health and the environment.
3. The hazardous waste transportation activities covered by this Variance are adequately regulated in that they will be performed either by registered hazardous waste transporters, or by companies whose employees are trained in the proper and safe handling of the types of hazardous wastes involved and are working closely with registered hazardous waste transporters in the performance of those activities.

C. DTSC determines:

1. That the Beneficiaries meet the requirements of H&SC section 25143 for a waiver from specific regulatory requirements.
2. Due to the current fire emergency and in order to protect human health, safety and the environment, DTSC deems this variance necessary to expedite the transportation of hazardous wastes to proper disposal facilities.

SECTION III: SPECIFIC WAIVER

DTSC hereby grants a variance, subject to the terms and conditions listed in Section VI, as follows:

A. The Beneficiaries are waived from the following statutory requirements for the following specific hazardous waste management activities:

1. The requirement of H&SC section 25160 for the use of a hazardous waste manifest for the transportation of hazardous waste from fire cleanup sites to the consolidation sites listed in Section V.
2. The requirement of H&SC section 25163 for the registration of hazardous waste transporters, for those parties listed in Section I who are not registered hazardous waste transporters.

3. The requirement of H&SC section 25169, for hazardous waste transporters, for financial assurance for environmental restoration, for those parties listed in Section I who do not meet that requirement.

SECTION IV. CEQA DETERMINATION

DTSC has prepared a Notice of Exemption for this project, pursuant to California Code of Regulations, Title 14, section 15061(b)(3). The Notice of Exemption will be filed with the Office of Planning and Research.

SECTION V. TERMS AND CONDITIONS

1. Hazardous wastes covered: This variance applies to the transportation of the following types of hazardous waste:
 - a. Treated wood waste: Fire-damaged wooden utilities poles and cross-arms, which have been pressure-treated with biocides including creosote, halogenated compounds such as pentachlorophenol, and arsenic, arsenic compounds, copper and copper compounds.
 - b. Polychlorinated biphenyl (PCB) waste: Affected electrical transformers, which contain or have contained, or may have contained PCBs; PCB-contaminated soil; and/or other PCB-contaminated materials or articles.
 - c. Mineral oil wastes: Affected electrical transformers, which contain or have contained mineral oil (dielectric); mineral oil-contaminated soil; and/or other mineral oil-contaminated materials or articles.
2. Containers: During transportation from fire cleanup sites to the consolidation sites listed below, the hazardous wastes shall be packaged in accordance with section 66263.16 of California Code of Regulations, Title 22.
3. Shipping papers: In lieu of the hazardous waste manifest, a shipping paper shall be used for all movements of hazardous waste from the fire cleanup sites to the consolidation sites listed below.
4. Consolidation sites: Fire cleanup waste shall be transported under the provisions of this Variance to the consolidation sites listed below:

Beach Cities Operating District
4848 Santa Fe Avenue
San Diego, CA 92109

Center City Operating District
701 33rd St.
San Diego, CA 92102

Eastern Operating District
904 West Main St.
El Cajon, CA 92020

Miramar Yard
6875 Consolidated Way
San Diego, CA 92121

Mountain Empire Operating District
30763 Old Highway 80
Pine Valley, CA 91962

North Coast Operating District
5016 Carlsbad
Carlsbad, CA 92008

North East Operating District
571 Enterprise
Escondido, CA 92029

Orange County Operating District
662 Camino De Los Mares
San Clemente, CA 92672

Ramona Yard
110 14th St.
Ramona, CA 92065

Kearny C&O
5488 Overland Ave.
San Diego, CA 92123-1205

All subsequent transportation of hazardous wastes from these sites shall be subject to the requirements of sections 25160, 25163 and 25169 of the H&SC.

5. All correspondence regarding this variance shall be directed to the following office:

Peggy Harris, Chief
Regulatory and Program Development Division
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

SECTION VI. DISCLAIMER

A. The granting of this variance confers no relief from compliance with any federal, state, or local requirements other than those specifically provided herein. The Beneficiaries are subject to all terms and conditions herein.

B. The issuance of this variance does not release the Beneficiaries from any liability associated with the handling of hazardous waste, except as specifically provided herein and subject to all terms and conditions of this variance.

VII. VARIANCE MODIFICATION OR REVOCATION

This variance is subject to review at the discretion of DTSC and may be modified or revoked by DTSC at any time pursuant to Health and Safety Code section 25143.

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
Hazardous Waste Management Program
Regulatory and Program Development Branch
1001 "I" Street, 11th Floor
Sacramento, CA 95814

Project Title: Emergency Response Variance for the Management of Fire-Related Hazardous Wastes by San Diego Gas and Electric (SDG&E)

Project Location: Miscellaneous locations throughout SDG&E's service area

County: San Diego County and south Orange County

Background: The huge wildfires that occurred and are still burning in Southern California in late October 2007 are leaving large numbers of damaged electrical transformers and wooden poles in parts of SDG&E's 4,100 square mile service area. Some of the older transformers are filled with dielectric fluid that includes polychlorinated biphenyls (PCBs); the PCBs improve the stability and electrical resistance of the dielectric fluid. The wooden poles that support the transmission wires and the transformers were pressure treated, before use, with biocide compounds containing pentachlorophenol, creosote, or arsenicals (copper chromium arsenate) as wood preservatives, to extend the useful life of the poles. Both the PCB-containing dielectric fluid and the treated wood, when they become wastes, are hazardous wastes, the management of which is regulated by the Department of Toxic Substances Control (DTSC). SDG&E has two existing Transporter Regulatory Exemption (TRE) variances from DTSC, pursuant to California Code of Regulations, title 22, sections 66263.44 and 66263.45, that authorize SDG&E to transport and consolidate its PCBs, under specified conditions. The existing variances are, however, applicable only to SDG&E itself.

Project Description: On October 23, 2007, DTSC received a request from SDG&E for a variance to authorize assistance that SDG&E needs with the post-fire cleanup of the waste PCBs and treated-wood poles. The variance would allow specified utility companies with which SDG&E has cooperative aid agreements, and private hazardous waste cleanup contractors and transporters with which SDG&E has contracts, to manage the waste PCBs, other substances that are contaminated with the PCBs (e.g., soil), and treated wood poles in the same manner as SDG&E does under its existing variances. SDG&E needs this assistance due to the massive scope of the fires, in order to restore power to its customers as quickly as possible, and to remove the wastes from the environment as expeditiously as possible. The removal, transport and consolidation of these wastes will take place at SDG&E's existing temporary storage bases, and at its facility on Consolidated Way, off Miramar Road, that has a standardized permit to store hazardous wastes. SDG&E estimates that there are about 450 treated wood utility poles and about 225 damaged transformers that contain PCBs, but these numbers are expected to increase significantly as the cleanup crews are able to safely enter the burned areas.

SDG&E, its mutual-aid partners, and the private contractors and transporters will be conducting the following activities under the subject variance:

- (1) Removing damaged transformers and any contaminated dirt resulting from the released dielectric fluid;
- (2) Transporting all PCB and PCB-contaminated wastes either to the closest temporary storage base, or directly to SDG&E's permitted storage facility, and consolidating like types of wastes;
- (3) Cutting the treated-wood utility poles into manageable sections and transporting them to the closest temporary storage base, or directly to SDG&E's permitted storage facility.

DTSC concurs that a variance allowing cleanup, transportation and consolidation is appropriate to facilitate an effective response to the damage created by the wildfires in SDG&E's service area. The variance is being issued to allow SDG&E, the participating utility companies and licensed contractors and transporters to operate under certain conditions other than those specified in Health and Safety Code section 25163.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: San Diego Gas & Electric, a subsidiary of Sempra Energy Corporation, acting as the supervising and coordinating entity for work being conducted by its mutual aid utility companies and licensed contractors and transporters that are assisting with the fire response emergency cleanups.

Exemption Status: (check one)

- Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
- Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec.15269(a)]
- Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec.15269(b)(c)]
- Categorical Exemption: [State type and section number]
- Statutory Exemptions: [State code section number]
- General Rule [CCR, Sec. 15061(b)(3)]

Exemption Title: Declared Emergency. San Diego County and Orange County were declared state disaster areas October 22, 2007, and federal disaster areas October 24, 2007.

Reasons Why Project is Exempt:

1. DTSC determined that, for public safety reasons and to minimize exposure to the PBSs and treated wood waste, it is necessary for SDG&E to use all resources at its disposal to quickly clean up the wastes created by the fires.
2. The project includes control measures to ensure that project impacts will be insignificant. These control measures include, in part, the following:
 - a. All parties active in the cleanup and transportation of SDG&E's fire-related wastes will maintain operational procedures currently observed by SDG&E in its daily operations, under its TRE variances. These conditions include segregation of the wastes by type, compliance with Department of Transportation requirements, the use of shipping papers in lieu of manifests, the use of certified containers and/or vehicles to transport the wastes, and recordkeeping.
 - b. SDG&E will be the generator of record for all the subject fire-response wastes.
 - c. The emergency variance will be effective for a period of 90 days, to allow time for the fire-impacted areas to cool enough for safe access for the cleanup personnel, and for the cleanup activities to be completed.
 - d. The collected and consolidated PCB and treated wood wastes will be manifested as hazardous wastes from SDG&E's permitted facility to an authorized commercial treatment, storage or disposal facility for final disposition.
 - e. If any spill or release of hazardous waste occurs during the cleanup, SDG&E must submit an accident report to DTSC within ten days of the incident. Each of the registered transporters assisting with this cleanup has a minimum of \$1,000,000 of public liability insurance coverage, in case an incident does occur. This insurance coverage includes bodily injury, property damage and environmental restoration.

Jan Smith	Senior Hazardous Substances Scientist	324-0705
Project Manager Name	Project Manager Title	Phone #

//original signed by//

Branch Chief Signature	Date	
Karl Palmer	Chief, Regulatory and Program Development	445-2625
Branch Chief Name	Branch Chief Title	Phone #

TO BE COMPLETED BY OPR ONLY

Date Received For Filing and Posting at OPR: