

Treated Wood Waste

April 19, 2006

§ 67386.1 Scope

- (a) This article provides an alternative set of management standards in lieu of Health and Safety Code, Chapter 6.5 requirements and implementing regulations as hazardous wastes under chapters 11, 12, 13, 14, 15, 16, 18, and 20 through 22 of this division for a person managing treated wood waste (TWW). All other chapters of this division apply.
- (b) Nothing in this article is a limitation on the power of this or any other governmental agency to adopt or enforce additional requirements related to the management of TWW.

§ 67386.2 Applicability

- (a) The alternative management standards of this article apply only to hazardous waste that meets all of the following:
 - (1) wood waste that meets the hazardous waste criteria of chapter 11 of this division; and
 - (2) wood waste that is hazardous waste solely due to the presence of preservatives subject to regulations under Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); and
 - (3) wood waste that is not subject to management standards under the federal Resource Conservation and Recovery Act (RCRA).
- (b) The alternative management standards of this article do not apply to following hazardous waste:
 - (1) wood waste exempted from hazardous waste standards by Health and Safety Code section 25143.1.5; or
 - (2) wood waste that is hazardous due to the presence of coatings, paint, or other treatments that are not regulated under FIFRA; or
 - (3) wood waste that is burned, recycled, reclaimed, or reused, except as managed in accordance with the applicable requirements of chapter 6.5 of the Health and Safety Code; or
 - (4) wood waste that is designated to be reused, but not in compliance with current FIFRA regulations; or
 - (5) wood waste that is designated to be burned.

§ 67386.3 Prohibited Activities

(a) Hazardous waste managed in accordance with the alternative management standards of this article shall not be:

- (1) burned;
- (2) scavenged;
- (3) commingled with other wood waste prior to disposal;
- (4) stored in contact with the ground;
- (5) salvaged, reused, reclaimed, or recycled, with or without treatment, unless the reuse is consistent with the currently approved use of the preservative with which the wood has been treated;
- (6) treated except in compliance with section 67386.10; and
- (7) disposed to land except in compliance with section 67386.11.

(b) Any label or mark that identifies the wood waste as TWW shall not be intentionally removed, obliterated, defaced, or destroyed prior to disposal in a landfill.

§ 67386.4 Definitions

The definitions set forth in section 66260.10 of this division shall apply unless otherwise defined. The following definitions shall apply to the terms used in this article:

“Resizing” means the minimal cutting, breaking, or sawing to facilitate transport, but does not include planing, grinding, chipping, sanding, shredding, mulching, or other mechanical handling or any treatment.

“Treated wood” means wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 and following).

“Treated Wood Waste” means a hazardous waste that meets the applicability requirements of section 67386.2(a).

“TWW” means “Treated Wood Waste.”

“TWW handler” means a person who handles, collects, processes, accumulates, stores, transfers, transports, treats, or disposes of TWW.

“TWW facility” means either a solid waste facility, as defined in this section, that is in compliance with this article or a class 1 hazardous waste landfill. TWW Facility shall not include composting facilities, gasification facilities, or transformation facilities.

“TWW approved landfill” means either a class 1 hazardous waste landfill, or in a composite-lined portion of a solid waste landfill unit that meets all requirements applicable to disposal of municipal solid waste in California after October 9, 1993, and that is regulated by waste discharge requirements issued pursuant to Division 7 (commencing with Section 13000) of the Water Code for discharges of designated waste, as defined in Section 13173 of the Water Code, or treated wood waste and is in compliance with this section.

“Solid Waste Facility” means a permitted facility as defined in the Public Resources Code, section 40194 or a permitted solid waste landfill as defined in the Public Resources Code, section 40195.1

“Unit” means a pile, stack, container, bundle, or other discernable aggregation of TWW.

“Wood waste”

§ 67386.5 Labeling

(a) TWW generated, accumulated, stored, or transported within California shall be conspicuously labeled. The person controlling the TWW shall ensure that each unit and/or area designated for the accumulation of TWW is labeled. The area designated for accumulation of TWW shall be clearly identified and used solely for the accumulation of TWW.

(b) In order to clearly indicate the nature of the waste to the receiving party and/or any observer, the TWW shall be labeled or marked with the following:

“TREATED WOOD WASTE –Do not burn or scavenge.
TWW Handler Name and Address: _____
Accumulation Date: _____”

(b) The handler of TWW, managed in accordance with the alternative management standards of this article, shall ensure that labels are maintained in compliance with the requirements of subsections (a) and (b) during transport.

§ 67386.6 Accumulation

(a) TWW material shall be maintained in a manner that prevents unauthorized access and minimizes release to the environment.

(1) Unauthorized access shall be prevented by means of visual control or a physical barrier when not under the direct control of the person responsible for the TWW.

(2) The TWW shall be accumulated in a manner that is protected from run-on and run-off, and placed on a surface sufficiently impervious to prevent, to the extent practical, contact with and leaching to soil or water, which may be accomplished by one of the following:

(A) Block and Tarp:

The TWW shall be accumulated such that;

- (i) TWW is elevated to prevent contact with the soil and protect from reasonably foreseeable run-on; and
- (ii) TWW is covered to protect from precipitation; and
- (iii) The TWW is accumulated no longer than 90 days; or

(B) Containerize:

The TWW shall be accumulated no longer than one year in containers that are;

- (i) designed, constructed, maintained, filled, its contents so limited, and closed, so that under conditions normally incident to handling, there will be no identifiable release of TWW materials or its constituents to the environment; and
- (ii) water-resistant if exposed to precipitation, run-on or run-off under reasonably foreseeable conditions and
- (iii) Full containers must be transported to an approved landfill within 90 days; or

(C) Storage Building:

The TWW shall be accumulated no longer than one year in a structurally sound building with a water-resistant floor and designed to prevent the movement of water into or out of the building; or

(D) Containment Pad:

The TWW shall be accumulated no longer than 180 days on a containment surface such that;

- (i) TWW does not contact soil;
- (ii) TWW is protected from reasonably foreseeable run-on; and
- (iii) TWW is covered to protect from precipitation.
- (iv) TWW managed in accordance with subsection (D) may be accumulated uncovered if the containment surface is designed and operated to contain all precipitation and the resulting water is managed in accordance with all applicable laws and regulations.

(E) Other:

The TWW shall be accumulated no longer than 90 days in any other manner in which the TWW handler can clearly demonstrate that the TWW is protected from run-on and run-off, and placed on a surface sufficiently impervious to prevent, to the extent practical, contact with and leaching to soil or water.

(b) Except as provided in subsection (c), in no case shall TWW be accumulated for more than one year from the date of generation.

(c) A handler may accumulate TWW for longer than one year from the date the TWW is generated or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of TWW as necessary to facilitate proper disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of TWW as necessary to facilitate proper disposal.

(d) A person who accumulates TWW shall be able to demonstrate the length of time that the TWW has been accumulated from the date it becomes a waste or is received.

(e) A person accumulating TWW for more than fourteen (14) days shall ensure, on a weekly basis, compliance with the labeling and accumulation requirements pursuant to §67386.5 and §67386.6(a). A written record of inspections shall be kept for a period of three years and available for review upon request by the Department, the USEPA, or the Certified Unified Program Agency.

(f) A business handling TWW shall provide training for employees. A record of the training shall be maintained for a period of three years and available for review. The training shall include:

- (1) All applicable requirements of the California Occupational Safety and Health Act of 1973 (Chapter 1 (commencing with § 6300) of Part 1 of Division 5 of the Labor Code), including all rules, regulations, and orders relating to hazardous waste;
 - (2) procedures for identifying and segregating TWW;
 - (3) safe handling practices;
 - (4) requirements of the alternative management standards; and
 - (5) proper disposal methods.
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§ 67386.7 TWW Off Site Shipments

(a) A TWW handler is prohibited from sending or taking TWW to a place other than a “TWW facility”, or an “TWW approved landfill.”

(b) Prior to sending a shipment of TWW to another TWW handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

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§ 67386.8 Tracking TWW Shipments

(a) Shipments off-site. A TWW handler shall keep a record of each shipment of TWW sent from the handler to TWW facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of TWW sent shall include the following information:

- (1) The name and address of the TWW facility to which the TWW was sent;
- (2) The weight of TWW sent;
- (3) The date the shipment of TWW left the handler.

(b) Receipt of shipments. A TWW handler shall keep a record of each shipment of TWW received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of TWW received shall include the following information:

- (1) The name and address of the originating TWW handler from whom the TWW was sent;
- (2) The weight of TWW received; and
- (3) The date of receipt of the shipment of TWW.

(c) Reporting of receipt of shipments. A “TWW facility” or a “TWW approved landfill” that receive TWW shall submit semi annual reports for the periods ending June 30 and December 31 of each year beginning June 30, 2007 to the department 30 days after the end of each reporting period. The semi annual report shall be submitted in an electronic format provided by the department.

(1) Each semi annual report shall include the following information:

(A) Facility information

- (i) Facility name, location address, contact person’s name, and telephone number; and
- (ii) EPA identification number.

(B) For all TWW shipments received, other than those reported under subsections (C) and (D), the TWW facility shall report the following TWW handler information:

- (i) Handler name, address, contact person’s name, mailing address, and telephone number of each handler;
- (ii) The dates of shipments; and
- (iii) The weight of TWW per shipment.

(C) TWW household information:

- (i) Weight summary of all TWW quantities received that were generated by households.

(D) TWW load check information:

- (i) Weight summary of all TWW quantities discovered and separated from solid waste as part of an on-site load checking program.

(F) The department shall make all of the information in the quarterly reports submitted pursuant to this subdivision available to the public, through its usual means of disclosure, except the department shall not disclose the association between any specific TWW handlers and specific facilities. The list of TWW handlers served by a facility shall be deemed to be a trade secret and confidential business information for purposes of Health and Safety Code Section 25173 and Section 66260.2 of Title 22 of the California Code of Regulations.

(d) Record retention.

(1) A TWW handler shall retain the records described in subsection (a) of this section for at least three years from the date the shipment left the handler.

(2) A TWW facility shall retain the records described in subsection (b) of this section for at least three years from the date of receipt of a shipment.

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§ 67386.9 Notification

(a) In any calendar year that a TWW handler generates more than 5,000 kilograms of TWW, the TWW handler shall obtain or maintain an EPA Identification Number. The TWW handler shall also send written notification to the Department within 30 days of meeting or exceeding the 5,000 kilogram limit.

(b) This notification shall include:

- (1) The TWW handler's name and mailing address;
 - (2) The name and business telephone number of the person at the TWW handler's site who should be contacted regarding TWW management activities;
 - (3) The address or physical location of the TWW management activities;
 - (4) The year the TWW handler exceeded the 5,000 kilogram limit; and
 - (5) A statement indicating that the handler is generating more than 5,000 kilograms of TWW per calendar year.
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§ 67386.10 Treatment

(a) Resizing is exempt from the permitting requirements of this division. When resized to facilitate transport, the TWW shall be:

- (1) handled in a manner that prevents the uncontrolled release of hazardous constituents to the environment; and
- (2) If size reduction results in TWW material smaller than one cubic inch, the TWW shall be accumulated and transported in a container that meets the requirement of section 67386.6(a)(2)(B).

(b) Sorting and segregating are both exempt from the permitting requirements of this division. The TWW shall be:

- (1) handled in a manner that prevents the uncontrolled release of hazardous constituents to the environment.

(c) A business performing resizing of TWW shall provide training for employees. A record of the training shall be maintained for a period of three years and available for review. The training shall include:

- (1) All applicable requirements of the California Occupational Safety and Health Act of 1973 (Chapter 1 (commencing with § 6300) of Part 1 of Division 5 of the Labor Code), including all rules, regulations, and orders relating to hazardous waste;
 - (2) procedures for identifying and segregating TWW;
 - (3) safe handling practices;
 - (4) requirements of the alternative management standards; and
 - (5) proper disposal methods.
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§ 67386.11 Standards for disposal of TWW

(a) When disposed to land, TWW shall be disposed in either a Class I hazardous waste landfill, or in a composite-lined portion of a solid waste landfill unit that meets all requirements applicable to disposal of municipal solid waste in California after October 9, 1993, and that is regulated by waste discharge requirements issued pursuant to Division 7 (commencing with § 13000) of the Water Code for discharges of designated waste, as defined in § 13173 of the Water Code, or TWW.

(b) A solid waste landfill that accepts TWW shall comply with the following requirements:

- (1) Comply with the prohibitions in § 67386.3 for handling TWW;
- (2) Ensure that any management of the TWW at the solid waste landfill prior to disposal complies with the applicable requirements of this article;
- (3) Monitor the composite-lined portion of a landfill unit at which TWW has been disposed. When a release is verified, cease discharge of TWW to that landfill unit until corrective action results in cessation of the release. The landfill shall notify the department that TWW is no longer be discharged to that landfill unit and again when corrective action results in cessation of the release; and
- (4) Handle TWW in a manner consistent with all applicable requirements of the California Occupational Safety and Health Act of 1973 (Chapter 1 (commencing with § 6300) of Part 1 of Division 5 of the Labor Code), including all rules, regulations, and orders relating to hazardous waste.