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Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

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1001 "I" Street  
P.O. Box 806  
Sacramento, California 95812-0806



Arnold Schwarzenegger  
Governor

April 17, 2006

To All Interested Parties:

The Department of Toxic Substances Control (DTSC) will conduct a public workshop to solicit input on the development of draft regulations for:

### **Management of Treated Wood Waste (TWW)**

**The workshop will be held at the following time and place:**

**Date:** April 26, 2006  
**Time:** 9:00 AM – 12:30 PM  
**Location:** Cal/EPA Building  
Byron Sher Auditorium, 2<sup>nd</sup> Floor  
1001 "I" Street  
Sacramento, California 95814

**Note: Visitors must check in with security upon entering the Cal/EPA building.**

DTSC representatives will summarize the proposed regulatory language, discuss regulatory issues related to this rulemaking, and offer alternatives. After introductions and a short presentation, DTSC will solicit comments and suggestions from workshop attendees.

The purpose of this workshop is to develop regulatory language regarding the alternative management standards for treated wood wastes. Information and comments received will be used to develop draft regulatory language that will be presented for comments during a public notice. DTSC will, therefore, not prepare written responses to comments submitted during or in response to this workshop.

### **Background**

Existing requirements for the management of non-RCRA hazardous treated wood waste are found in Health and Safety Code (HSC) section 25150.7(e). These requirements provide streamlined handling standards for treated wood waste. Subject to a sunset date of January 1, 2007, HSC section 25150.7 conditionally exempts generators, transporters, and other entities

managing treated wood waste from the requirements of the hazardous waste control law. The conditions for the exemption are:

- Manage treated wood waste so as to prevent scavenging.
- Do not dispose of treated wood waste outside of a hazardous waste or composite lined nonhazardous waste landfill as described in section 25150.7(d).
- Burn, recycle, reclaim, or reused treated wood waste only in compliance with the general hazardous waste laws.
- Do not store treated wood waste for more than 90 days.
- Protect stored treated wood wastes from run-on and run-off.
- Store treated wood waste on an impervious surface.
- Do not mix treated wood waste with other wood wastes.
- Comply with OSHA regulations for hazardous wastes.

Treated wood waste is generated by numerous entities throughout California including construction firms, homeowners, utilities, and farmers.

HSC section 25150.7(g) mandates DTSC to adopt, by January 1, 2007, management standards for non-RCRA TWW as an alternative to California hazardous waste law. Section 25150.7(g)(2) further instructs,

“The regulations adopted pursuant to this subdivision shall, at a minimum, ensure all of the following:

(A) Treated wood waste is properly stored, treated, transported, tracked, disposed of, and otherwise managed so as to prevent, to the extent practical, releases of hazardous constituents to the environment, prevent scavenging, and prevent harmful exposure of people, including workers and children, aquatic life, and animals to hazardous chemical constituents of the treated wood waste.

(B) Treated wood waste is not reused, with or without treatment, except for a purpose that is consistent with the approved use of the preservative with which the wood has been treated. For purposes of this subparagraph, "approved uses" means a use approved at the time the treated wood waste is reused.

(C) Treated wood waste is managed in accordance with all applicable laws.

(D) Any size reduction of treated wood waste is conducted in a manner that prevents the uncontrolled release of hazardous constituents to the environment, and that conforms to applicable worker health and safety requirements.

(E) All sawdust and other particles generated during size reduction are captured and managed as treated wood waste.

(F) All employees involved in the acceptance, storage, transport, and other management of treated wood waste are trained in the safe and legal management of treated wood waste, including, but not limited to, procedures for identifying and segregating treated wood waste.”

### **Additional Workshop Information**

To ensure that all identified issues are discussed and that all unanticipated issues are given an opportunity for discussion, DTSC proposes that the workshop discussions be scheduled in

accordance with the attached draft agenda.

\*\*\*Please note that while all effort will be made to adhere to the schedule, discussions will be conducted in an open forum format. Because many discussion issues are interrelated, topics may be introduced out of order. Attendees should be available for the duration of the workshop to insure their inclusion in topics of interest.

If you are unable to attend, the workshop may be monitored live via audio webcast. The broadcast link will be available on the Cal/EPA website at <http://www.calepa.ca.gov/broadcast/>. Questions and comments may be submitted in real time by sending an e-mail to [enieto@dtsc.ca.gov](mailto:enieto@dtsc.ca.gov). DTSC staff will monitor e-mails and, as time allows, read them aloud. All questions and comments submitted via e-mail will be considered in the development of Management of Treated Wood Waste regulations.

Additional information regarding TWW and this rulemaking, including comments from the prior workshop, is available on the DTSC website found at [http://www.dtsc.ca.gov/HazardousWaste/treated\\_wood\\_waste.cfm](http://www.dtsc.ca.gov/HazardousWaste/treated_wood_waste.cfm). Draft regulatory language will also be available on the DTSC website prior to the workshop. DTSC strongly recommends that interested parties subscribe to an email list (listserv) in order to receive notices and information by email. Subscription may be made at <http://www.calepa.ca.gov/Listservs/dtsc/>.

Travel information is available at <http://www.calepa.ca.gov/EPAbldg/Location.htm>. To request special accommodations for persons with disabilities, please contact William Beckman at (916) 324-8293 or [wbeckman@dtsc.ca.gov](mailto:wbeckman@dtsc.ca.gov).

**Notice to Hearing Impaired:** to obtain additional information, use the California State Relay Service at 1-888-877-5378 (TDD). Ask them to contact William Beckman at (916) 324-8293.

For more information on the proposal for Treated Wood Waste Management, please contact Mr. William Beckman at (916) 324-8293 or by email at [wbeckman@dtsc.ca.gov](mailto:wbeckman@dtsc.ca.gov). Written comments should be mailed by May 12, 2006 to:

Department of Toxic Substances Control  
Attn: William Beckman - Treated Wood Waste Workshop Comments  
P.O. Box 806  
Sacramento, California 95812-0806

## **Draft Agenda**

**9:00 Introductions**

**9:05 TWW Management Overview**

**9:10 TWW Management: Scope and Applicability,**

**Prohibited Activities,**

**Definitions,**

**Labeling, and**

**Accumulation**

**10:30 Break**

**10:45 Off-site Shipments,**

**Tracking,**

**Notification,**

**Treatment, and**

**Disposal**

**12:00 Parking Lot Issues**

**12:30 Workshop Concludes**

# Treated Wood Waste Workshop

Alternative Management  
Standards

April 26, 2006

# Rulemaking Schedule

- Public workshop April 26, 2006
- Comments due May 15, 2006
- Public Notice June 30, 2006\*
- OAL Submittal September 20, 2006\*
  
- Implementation date January 1, 2007

\* Tentative dates

# Applicability §67386.2

## Issues

- FIFRA approved
- Hazardous waste determination

## Changes

- No substantive changes – prior language has be reformatted for clarification

# Prohibited Activities §67386.3

## Issues

- Mixing/Mixed

## Changes

- Rephrased several lines

# Definitions §67386.4

## Issues

- Definitions and language are interdependent

## Changes

- Added TWW definition
- Added new definitions to conform with new language

# Labeling §67386.5

## Issues

- Designated areas

## Changes

- Simplified label
- Added designated area labeling option
- Replaced generator/transporter requirements with “handler” requirements

# Accumulation §67386.6

## Issues

- Performance vs. prescriptive
- Accumulation times

## Changes

- Highlighted statutory requirement
- Increased selected accumulation times
- Added “other” option

# Transportation

## Issues

- Tracking without manifests
- Universal Waste template

## Changes

- Deleted “Transportation” (manifest) section
- Added “Off Site,” “Tracking,” and “Notification”
- Universal Waste template with a reporting requirement for “TWW Facilities”

# Off Site Shipments §67386.7

## Key Points

- Follows UW template
- “TWW facilities” are authorized to receive TWW from “TWW handlers” for transfer to “approved landfills.”
- TWW handlers are required to coordinate acceptance with TWW facility

# Tracking §67386.8

## Key Points

- Follows UW template
- “TWW handlers,” “TWW facilities,” and “TWW landfills” are required to maintain records of TWW shipment/acceptance
- TWW facilities and TWW landfills are required to submit semi annual reports of TWW acceptance
- Report shall be in an electronic format

# Notification §67386.9

## Key Points

- Follows UW template
- “TWW handlers” that generate more than 5,000 kilograms of TWW in a calendar year must notify DTSC

# Treatment §67386.10

## Issues

- Because TWW is a hazardous waste, regulations need to address all appropriate activities that could be “treatment” of a hazardous waste

## Changes

- None

# Disposal §67386.11

## Issues

- Regulations must accurately incorporate the disposal requirements of statute

## Changes

- None

# Rulemaking Schedule

- Public workshop April 26, 2006
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# Conclusions

- HSC §25150.7 requires DTSC to develop alternative management standards by January 1, 2007
- Without TWW regulations, TWW must be managed as a hazardous waste
- Short timeline, **INPUT NEEDED**
- Comments due by May 15, 2006

# Contacts

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