

Emergency Regulations
Proposed Regulations: Alternative Management Standards
for Treated Wood Waste; R-2006-07
October 25, 2006

Adopt section 66261.9.5. of the California Code of Regulations, title 22, division 4.5, chapter 11, article 1 to read as follows:

§66261.9.5. Requirements for Treated Wood Waste

Treated wood waste, as defined in section 67386.2, when managed as specified in chapter 34 is exempt from regulation under this Division and Chapter 6.5 of Division 20 of the Health and Safety Code.

NOTE: Authority cited: Sections 25141, 25150, 25150.7, and 58012, Health and Safety Code. Reference: Section 25150.7, Health and Safety Code.

Adopt Chapter 34, division 4.5, title 22, of the California Code of Regulations to read as follows:

Chapter 34. Alternative Management Standards for Treated Wood Waste

§ 67386.1 Scope and Applicability

This chapter applies only to treated wood waste that is a hazardous waste, solely due to the presence of a preservative in the wood, and to which both of the following requirements apply:

(a) The treated wood waste is not subject to regulation as a hazardous waste under the federal act.

(b) Section 25143.1.5 of the Health and Safety Code does not apply to the treated wood waste.

NOTE: Authority cited: Sections 25141, 25150, 25150.7, and 58012, Health and Safety Code. Reference: Section 25150.7, Health and Safety Code.

§ 67386.2 Definitions

For purposes of this chapter, the following definitions shall apply:

"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 wood waste that meets all of the following:

- (1) is a hazardous waste pursuant to chapter 11 of this division; and
- (2) is a hazardous waste solely due to the presence of a preservative in or on the wood that is registered in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use as a wood preservative;
- and
- (3) is not subject to regulation as a hazardous waste under the federal Resource Conservation and Recovery Act (RCRA).

"Wood waste" means all waste timber products and failed timber products including solid sawn lumber and engineered wood products, offcuts, shavings and sawdust that meet the definition of "waste" pursuant to Health and Safety Code section 25124. "Wood Waste" does not mean forest residues, green waste, or garden waste materials such as branches, bushes and tree stumps.

NOTE: Authority cited: Sections 25150, 25150.7, and 58012, Health and Safety Code. Reference: Section 25150.7, Health and Safety Code.

§ 67386.3 Disposal Requirements

(a) Treated wood waste shall be disposed of 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 Section 13000) of the Water Code for discharges of designated waste, as defined in Section 13173 of the Water Code, or treated wood waste.

(b) A solid waste landfill that accepts treated wood waste shall comply with all of the following requirements:

(1) Manage the treated wood waste so as to prevent scavenging.

(2) Ensure that any management of the treated wood waste at the solid waste landfill prior to disposal complies with the applicable requirements in section 67386.4.

(3) If monitoring at the composite-lined portion of a landfill unit at which treated wood waste has been disposed of indicates a verified release, then treated wood waste shall no longer be discharged to that landfill unit until corrective action results in cessation of the release.

NOTE: Authority cited: Sections 25150, 25150.7, and 58012, Health and Safety Code. Reference: Section 25150.7, Health and Safety Code.

§ 67386.4 Handling Requirements

Treated wood waste shall be handled in accordance with all of the following requirements:

(a) The treated wood waste shall be managed so as to prevent scavenging.

(b) The treated wood waste shall not be disposed of, except as allowed pursuant to section 67386.3.

(c) The treated wood waste shall not be burned, recycled, reclaimed, or reused, except in accordance with the applicable requirements of chapter 6.5 of Division 20 of the California Health and Safety Code.

(d) The treated wood waste shall not be stored for more than 90 days and, when stored, is protected from run-on and run-off, and placed on a surface sufficiently impervious to prevent contact with and any leaching to soil or water.

(e) The treated wood waste shall not be mixed with other wood waste prior to disposal.

(f) The treated wood waste shall be handled in a manner consistent with all applicable requirements of the California Occupational Safety and Health Act of 1973 (Chapter 1 (commencing with Section 6300) of Part 1 of Division 5 of the Labor Code), including all rules, regulations, and orders relating to hazardous waste.

NOTE: Authority cited: Sections 25150, 25150.7, and 58012, Health and Safety Code. Reference: Section 25150.7, Health and Safety Code.