



LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE

# **EPA/DTSC Action on Treated Wood Waste**

# Legislative History

- AB 1353 (Matthews, 2004)
  - Adopt regulations for Alternative Management Standards (AMS)
  - Regulations approved by OAL June 18, 2007
  - Effective July 1, 2007
  - Inoperative June 1, 2012 unless extended

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=200320040AB1353](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040AB1353)  
[https://dtsc.ca.gov/wp-content/uploads/sites/31/2017/05/TWW\\_FinalRegs.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2017/05/TWW_FinalRegs.pdf)
- SB 909 (La Malfa, 2011)
  - Extends AMS inoperative date to June 1, 2017.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120SB909](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB909)
- SB 162 (Galgiani, 2015)
  - Update the information required to be posted by wholesalers and retailers of treated wood and treated wood-like products.

**WARNING – Potential Danger**

  - Extends AMS inoperative date to December 31, 2020.
  - DTSC to prepare, post to website, and provide to Legislature a comprehensive report by January 1, 2018.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB162](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB162)

# Introduction and Veto of SB 68

- **Intention to remove the sunset date.**
- Require Wood Preserving Industry maintain an internet website and **prepare fact sheets** and other outreach materials on the appropriate handling, disposal, and other management of treated wood waste.
- **Authorize reuse** only if certain conditions apply, including, among other conditions, that the reuse occurs onsite at the facility at which the treated wood waste was generated.
- Require DTSC to **produce generator list** for generators of more than 10,000 lbs. in previous year.
- Require DTSC to post on its internet website specified information on the generation, management, and disposal of treated wood waste.
- Require DTSC **to perform regular inspections** of representative treated wood waste generator sites and treated wood waste disposal facilities.
- **Require DTSC to develop and submit to Legislature an inspection and compliance plan by March 1, 2022.**
- **Votes: Assembly – 75 Aye/0 Noe/4 NVR; Senate – 39 Aye/0 Noe/1 NVR**
- **Vetoed by Governor**

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB68](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB68)

# Alternative Management Standards

The Alternative Management Standards (AMS) has three tiers: one Residential, and two Commercial, with different requirements.

- **Residential Households** usually generate Treated Wood Waste (TWW) when a fence or deck is replaced, and must meet 4 requirements related to segregation, amounts and storage, transport, and identification to receiving facility personnel.

<https://dtsc.ca.gov/requirements-for-generators-of-treated-wood-waste-tww-fact-sheet>

- **Commercial Incidental** occurs when a business generates TWW not associated with its core operations and must meet the four residential requirements plus additional labeling requirements.

<https://dtsc.ca.gov/requirements-for-generators-of-treated-wood-waste-tww-fact-sheet>

- **Commercial Normal Course of Business** includes 13 requirements with considerably more specifications and requires prior arrangements with receiving facilities, records, DTSC notification, and employee training.

<https://dtsc.ca.gov/requirements-for-generators-of-treated-wood-waste-tww-fact-sheet>

# What Does the Sunset Mean?

## Treated Wood Waste is once again managed as Hazardous Waste

- Hazardous at point of generation.
- Load limits apply at HHWs.
  - 125 lbs./trip max for Residential. Generator (resident) must haul.
  - 220 lbs./month max for CESQG. Counts toward monthly total.
- Can only remain on generators site for 90 days.
- Other provisions:
  - Storage & Labeling requirements
  - Shipment on a hazardous waste manifest
  - Must be sent to a full hazardous waste facility ( for landfills or transfer stations).
  - TWW sent out of state to follow California requirements for generation and transport – manifest and hazardous waste transporter
  - Receiving facility must be permitted in that state to accept TWW (basically any solid waste landfill outside of California)

*Source: Treated Wood Waste – New Regulations 2021 by Sweetser & Associates, October 19, 2020*

# What Do We Do Now?

- Load Check Programs
  - Load checking programs are needed to classify TWW as hazardous waste.
  - Solid waste facilities will no longer be able to collect TWW intentionally for storage without becoming a full hazardous waste facility.
- Variances may be issued by DTSC on a case-by-case basis in early 2021
  - About 70 solid waste facilities permitted to accept TWW in 2007.
  - Potential for DTSC to have to issue 50-100 variances.
- Solid Waste Industry Group (SWIG) and others sent coalition letter to Secretary Blumenfeld.
- Based on 2018 CalRecycle Waste Characterization Study TWW in LA County is approximately 154,505 tons per year

# Potential Fixes

## What potential fixes are out there?

### Administrative Process within DTSC:

1. Issuance of variances pursuant to Health and Safety Code Section 25143.
2. Development of a standard template for issuance of TWW-related variances.



### Legislative Process:

1. Reintroduce SB 68 language with Governor's concerns addressed. **Simple Majority Vote**
  - Changes become effective January 1, 2022.
2. Introduce urgency legislation. **2/3 Majority Vote**
  - Changes become effective upon signing of legislation.
  - Code changes can be prescribed in legislation. No regulations process.



# Questions?

---

## Contact Information:

**Chris Sheppard**  
**Senior Civil Engineer**

[CSheppard@dpw.lacounty.gov](mailto:CSheppard@dpw.lacounty.gov)

**(626) 458-3592**

