



Treated Wood Waste: AB 1353

Date: April 15, 2005

To: All Local Enforcement Agencies

This all LEA E-mail was sent on behalf of the LEA Support Services Branch of the California Integrated Waste Management Board (CIWMB) and Howard Levenson, Deputy Director of the Permitting and Enforcement Division.

The State Water Resources Control Board (SWRCB) and the Integrated Waste Management Board (IWMB) recently mailed a [joint letter](#) to certain solid waste landfill owners/operators*. The letter provides information and guidance on the implementation of Assembly Bill 1353 (Matthews, Ch. 597, Stats. 2004) related to the management and disposal of treated wood waste (TWW), as defined. Successful implementation of this important recent legislation depends on the existence of adequately permitted landfills where the operators of such landfills are willing to respond to market demand for adequate disposal.

California's Legislature passed AB 1353 in August of 2004, with large, bipartisan support. Governor Schwarzenegger signed the bill on September 20, 2004, and it became effective on January 1, 2005.

The new law, which replaced all existing hazardous waste variances for TWW granted by the Department of Toxic Substances Control, requires TWW to be disposed of in either:

1. A class I hazardous waste landfill, or
2. 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 (i.e., is Subtitle D compliant), and that is regulated by waste discharge requirements (WDRs) issued for discharges of designated waste or TWW.

The SWRCB and the IWMB are not certain that the number of solid waste landfills currently meeting the above criteria is sufficient to accommodate the disposal demand. There are approximately seventy landfills statewide with composite-lined units, but only a small percentage of those have WDRs that allow discharge of designated waste. To help meet the demand for TWW disposal, the joint letter supplies information needed should landfill owners/operators desire to begin the process of amending WDRs to specifically allow discharge of TWW.

Thank you,
Melissa Hoover-Hartwick
LEA Support Services

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Alan C. Lloyd, Ph.D.
*Secretary for
Environmental
Protection*



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April 13, 2005

To: Owners/Operators of Solid Waste Landfills with Composite-Lined Units

The State Water Resources Control Board (State Water Board) and the Integrated Waste Management Board are jointly authoring this letter to provide owners/operators of solid waste landfills with composite-lined units information and guidance on the implementation of Assembly Bill 1353 (Matthews, Ch. 597, Stats. 2004) related to the management and disposal of treated wood waste (TWW), as defined*. Successful implementation of this important recent legislation depends on the existence of adequately permitted landfills where the operators of such landfills are willing to respond to market demand for adequate disposal.

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The new law, which replaced all existing hazardous waste variances for TWW granted by the Department of Toxic Substances Control, requires TWW to be disposed of in either:

- 1) A class I hazardous waste landfill, or
- 2) 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 (i.e., is Subtitle D compliant), and that is regulated by waste discharge requirements (WDRs) issued for discharges of designated waste or TWW, as defined.

The law does not affect the existing law (Health and Safety Code, section 25143.1.5) for disposal of utility poles, which allows landfills to accept TWW generated by the utility industries if so authorized in WDRs.

The State Water Board and the IWMB are not certain that the number of solid waste landfills currently meeting the above criteria is sufficient to accommodate the disposal demand. There are approximately seventy landfills statewide with composite-lined units, but only a small percentage of those meet the requirements of the new TWW law. In other words, few landfills have WDRs that allow discharge of designated waste or TWW

To help meet the demand for TWW disposal in your region, we are ensuring that you have the information you need should you desire to amend WDRs for your landfill to specifically allow discharge of TWW. We will strive to help you through the WDR amendment process, but please be aware that due to statutory and regulatory requirements it typically takes four to six months. The process includes the following steps:

California Environmental Protection Agency

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- The landfill owner/operator submits a request to the Regional Water Quality Control Board (Regional Water Board) to amend the WDRs.
- After the request is submitted, the Regional Water Board has 30 days to review for completeness. If the request is complete, the Regional Water Board begins writing amended WDRs.
- Once accepted, the Regional Water Board prepares (usually two to five weeks) and circulates tentative WDRs for public review and comment (30 days).
- Regional Water Board staff addresses comments about three weeks before the final, proposed WDRs are circulated for the public meeting.
- The Regional Water Board considers and votes on the WDRs at a public meeting.

When the WDRs are considered is very dependent on when Regional Water Board meetings are scheduled. Most of the Regional Water Boards meet eight times per year, or about every six to seven weeks.

In addition, most solid waste facilities permits prohibit wastes that are not specifically identified in the landfill's Report of Disposal Site Information. If TWW is not specifically identified in a Report of Disposal Site Information, the owner/operator must file an amendment to the Report of Disposal Site Information with the Local Enforcement Agency. This action does not constitute a permit revision and may be completed concurrently with the WDR amendment process.


Please also be aware that AB 1353 requires that landfills accepting TWW: 1) manage the TWW so as to prevent scavenging; 2) ensure that any management of the TWW at the solid waste landfill prior to disposal, or in lieu of disposal, complies with applicable Health and Safety Code requirements; and 3) discontinue discharge of TWW to a composite-lined portion of a landfill unit, until corrective action results in cessation of the release, if monitoring of the landfill unit indicates a verified release.

Please address questions regarding this letter to the staff listed below:

State Water Resources Control Board: Joe Mello, jmello@waterboards.ca.gov, (916) 341-5622
Integrated Waste Management Board: Robert Holmes, rholmes@ciwmb.ca.gov, (916) 341-6376

In closing, we again urge you to take the steps needed to make your landfill part of the solution to the TWW disposal dilemma.

Respectfully,



James George Giannopoulos, P.E.
Groundwater Quality Branch Chief
Division of Water Quality
State Water Resources Control Board



Howard Levenson, Ph.D.
Deputy Director
Permitting & Enforcement Division
Integrated Waste Management Board

* For the purposes of AB 1353, treated wood means wood that has been treated with a chemical preservative to protect the wood from insects, microorganisms, fungi, and other environmental conditions that can lead to wood decay and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act. The bill applies only to TWW that is a hazardous waste, solely due to the presence of the preservative, and to which both of the following requirements apply:

- The TWW is not subject to regulation as a hazardous waste under the federal Resource Conservation and Recovery Act.
- Health and Safety Code, section 25143.1.5 (related to wood waste removed from electric, gas, or telephone service) does not apply.

The most common types of wood preservatives are chromated copper arsenate (CCA); creosote; pentachlorophenol; and other copper containing chemicals (e.g., ammoniacal copper quaternary, copper azole). Other common surface applied coatings such as paint, varnish, and oil stain are not considered wood preservatives.

cc: Regional Water Board Land Disposal Program Managers
Local Enforcement Agencies