

Article 11.2 (commencing with Section 25230) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 11.2. Management of Treated Wood Waste

25230.

The Legislature finds and declares that this article is intended to address the unique circumstances associated with the generation and management of treated wood waste. The Legislature further declares that this article does not set a precedent applicable to the management, including disposal, of other hazardous wastes.

25230.1. Definitions

For purposes of this article, the following definitions apply:

(a) "Class I hazardous waste landfill" means a landfill that is also authorized as part of a permitted facility. "Landfill" and "permitted facility" have the same meanings as defined in Section 66260.10 of Title 22 of the California Code of Regulations.

(b) "Solid waste landfill" means a facility, as defined in Section 40195.1 of the Public Resources Code, that is authorized to operate pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code.

(c) "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 et seq.).

(d) "Treated wood waste" means wood waste that meets the requirements described in Section 25230.2.

(e) "Treated wood waste approved landfill" means a class I hazardous waste landfill, or 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 that is in compliance with this article.

(f) (1) "Treated wood waste facility" means any of the following:

(A) A solid waste landfill that is in compliance with this article.

(B) A transfer or processing station that is in compliance with this article. For purposes of this subparagraph, "transfer or processing station" is a facility, as defined in Section 40200 of the Public Resources Code, that is authorized to operate pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code.

(C) A gasification facility that is in compliance with this article. For purposes of this subparagraph, "gasification facility" is a facility that uses a gasification process, as defined in Section 40117 of the Public Resources Code, that is authorized to operate

pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code.

(D) A treated wood waste approved landfill that is in compliance with this article.

(E) A class I hazardous waste landfill.

(F) A small volume construction and demolition debris and inert debris (CDI) processing operation that is in compliance with this article. For purposes of this subparagraph, a "small volume construction and demolition debris and inert debris (CDI) processing operation" is a site that receives less than 25 tons of any combination of construction and demolition debris and Type A inert debris per operating day for the purposes of storage, handling, transfer, or processing that is authorized to operate pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code.

(G) A limited volume transfer operation that is in compliance with this article. For purposes of this clause, a "limited volume transfer operation" is an operation that receives less than 60 cubic yards, or 15 tons, of solid waste per operating day for the purpose of storing the waste prior to transferring the waste to another solid waste operation or facility and that does not conduct processing activities, but may conduct limited salvaging activities and volume reduction by the operator, and that is authorized to operate pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code.

(2) "Treated wood waste facility" does not include either of the following:

(A) A composting facility. For purposes of this subparagraph, "composting facility" is a facility that produces compost, as defined in Section 40116 of the Public Resources Code, that is authorized to operate pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code.

(B) A transformation facility. For purposes of this subparagraph, "transformation facility" is a facility that uses a transformation process, as defined in Section 40201 of the Public Resources Code, that is authorized to operate pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code.

(g) "Treated wood waste handler" means a person who generates, handles, collects, processes, accumulates, stores, transfers, transports, treats, recycles, or disposes of treated wood waste.

(h) "Unit" means a pile, stack, container, bundle, or other discernable aggregation of treated wood waste for purposes of this article.

(i) "Wood preserving industry" means business concerns, either individually or collectively through a trade association, other than retailers, that manufacture or sell treated wood products in the state.

(j) "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 Section 25124. "Wood waste" does not mean forest residues, green waste, or garden waste materials such as branches, bushes, and tree stumps.

25230.2. Applicability

(a) The alternative management standards of this article apply only to wood waste that is all of the following:

(1) 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 (7 U.S.C. Sec. 136 et seq.) for use as a wood preservative.

(2) Not subject to regulation as a hazardous waste under the federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. Sec. 6926).

(3) Section 25143.1.5 does not apply to the wood waste.

(b) The alternative management standards of this article do not apply to wood waste exempted from hazardous waste management standards pursuant to Section 25143.1.5.

(c) The following wood wastes are not eligible for the alternative managements standards of this article:

(1) Wood waste that is hazardous due to the presence of coatings, paint, or other treatments that are not registered in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.) for use as a wood preservative.

(2) Wood waste when designated to be burned.

25230.3. Scope

(a) Treated wood waste, as described in Section 25230.2, when managed as specified in this article, is exempt from the management requirements for hazardous waste pursuant to this chapter and the management standards in Chapter 12 (commencing with Section 66262.10) to Chapter 20 (commencing with Section 66270.1), inclusive, of Division 4.5 of Title 22 of the California Code of Regulations.

(b) A person managing treated wood waste who is subject to a requirement of this chapter, including a regulation adopted pursuant to this chapter, shall comply with either the alternative management standards specified in this article or with the requirements for the management of hazardous waste pursuant to this chapter.

(c) A person who is in compliance with the standards specified in this article is deemed to be in compliance with the requirements of this chapter for which the standard is identified as being an alternative, and the department and any other entity authorized to enforce this chapter shall consider that person to be in compliance with that requirement of this chapter.

(d) All variances granted by the department before enactment of the bill adding this article governing the management of treated wood waste are inoperative and have no further effect.

(e) Nothing in this article exempts treated wood waste from any other applicable requirements of state or federal law or regulation, or limits the authority of governmental agencies to adopt or enforce additional requirements related to the management of treated wood waste.

25230.4. Prohibited Activities

(a) Except as authorized by this article, treated wood waste managed in accordance with the alternative management standards of this article, shall not be any of the following:

- (1) Burned.
- (2) Scavenged.
- (3) Commingled with other waste prior to disposal, if previously segregated.
- (4) Stored in contact with the ground.
- (5) Recycled, with or without treatment, except as provided for in subdivision (c).
- (6) Treated except in compliance with Section 25230.10.
- (7) Disposed to land except in compliance with Section 25230.11.
- (8) Chipped for mulch.

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

(c) Treated wood waste may be recycled only by reuse if all of the following conditions apply:

- (1) Reuse is onsite at the facility at which the treated wood waste was generated.
- (2) At the time of reuse, reuse is consistent with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.) approved use of the preservative with which the treated wood waste has been treated.
- (3) Prior to reuse, the treated wood waste is handled in compliance with all applicable management standards of this article.

(d) Subject to subdivision (c), during reuse, the treated wood waste is not subject to the management standards in Sections 25230.5 through 25230.11.

25230.5. Labeling

(a) Treated wood waste generated, accumulated, stored, or transported within California shall be clearly marked and visible for inspection. The person managing the treated wood waste shall ensure that each unit or area designated for accumulation of treated wood waste is labeled. The area designated for accumulation of treated wood waste shall be clearly identified and used solely for the accumulation of treated wood waste.

(b) In order to clearly identify the nature of the waste to the receiving party or any observer, the treated wood waste shall be labeled or marked as follows:

“TREATED WOOD WASTE - Do not burn or scavenge.
Treated Wood Waste Handler Name and Address:
Name: _____

Address: _____
Accumulation Date: _____”.

(c) The treated wood waste handler shall ensure that labels are maintained in compliance with the requirements of subdivisions (a) and (b) during transport.

(d) Treated wood waste is exempt from the labeling requirements of this section under either of the following conditions:

(1) It is accumulated for a period not to exceed 30 days by a household at the site of generation in compliance with the requirements of Section 25230.6.

(2) It is generated by a household, while being self-transported to an approved treated wood waste facility if the treated wood waste is identified to the treated wood waste facility as treated wood waste.

25230.6. Accumulation

(a) (1) Treated wood waste shall be maintained in a manner that prevents unauthorized access and minimizes release to the environment.

(2) 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 treated wood waste.

(b) The treated wood waste shall be accumulated in a manner that is protected from run-on and runoff, 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 any one of the following:

(1) The treated wood waste may be accumulated when all the following requirements are met:

(A) The treated wood waste is elevated to prevent contact with the soil and to protect from reasonably foreseeable run-on.

(B) The treated wood waste is covered to protect from precipitation.

(C) The treated wood waste is accumulated no longer than 90 days from the date the treated wood waste is generated or received from another handler.

(2) The treated wood waste may be accumulated in containers no longer than one year from the date the treated wood waste is generated or received from another handler if the containers are all of the following:

(A) Designed, constructed, maintained, filled, its contents so limited, and closed, so that under conditions normally incidental to handling, there will be no identifiable release of treated wood waste materials or its constituents to the environment.

(B) Water-resistant if exposed to precipitation, run-on, or runoff under reasonably foreseeable conditions.

(C) Transported to a treated wood waste facility within 90 days of being filled to capacity.

(3) The treated wood waste shall be accumulated no longer than one year from the date the treated wood waste is generated or received from another handler in a structurally sound building with a water-resistant floor designed to prevent the movement of water into or out of the building.

(4) The treated wood waste may be accumulated no longer than 180 days from the date the treated wood waste is generated or received from another handler on a containment surface and all the following requirements are met:

(A) The treated wood waste does not contact soil.

(B) The treated wood waste is protected from reasonably foreseeable run-on.

(C) (i) Except as provided in clause (ii), the treated wood waste is covered to protect from precipitation.

(ii) The treated wood waste managed in accordance with this paragraph 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.

(5) The treated wood waste may be accumulated no longer than 90 days from the date the treated wood waste is generated or received from another handler in any other manner in which the treated wood waste handler can clearly demonstrate that the treated wood waste is protected from run-on and runoff, and placed on a surface sufficiently impervious to prevent, to the extent practical, contact with and leaching to soil or water.

(c) Except as provided in subdivision (d), treated wood waste shall not be accumulated for more than one year from the date of generation or the date received from another handler.

(d) A handler may accumulate treated wood waste for longer than one year from the date the treated wood waste is generated or received from another handler, if the accumulation is solely for the purpose of accumulation of quantities of treated wood waste necessary to facilitate disposal pursuant to Section 25230.11. However, the handler bears the burden of proving that the accumulation was solely for the purpose of accumulation of quantities of treated wood waste necessary to facilitate proper disposal.

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

(f) Treated wood waste generated incidental to the maintenance of a household and accumulated by the resident of the household at the site of generation is exempt from the accumulation requirements of this section if both of the following requirements are met:

(1) Treated wood waste is not physically altered except as provided in subdivisions (c) and (d) of Section 25230.10.

(2) Treated wood waste is accumulated no longer than 30 days.

(g) Treated wood waste generated incidental to the operation of a business accumulated at the site of generation for a period not to exceed 30 days is exempt from the accumulation requirements of this section if both of the following conditions are met:

(1) The treated wood waste is not physically altered except as provided in subdivisions (c) and (d) of Section 25230.10.

(2) The business accumulates no more than 1,000 pounds of treated wood waste.

25230.7. Offsite Shipments

(a) Except as provided in subdivision (c), a treated wood waste handler is prohibited from sending or taking treated wood waste to a place other than a treated wood waste facility, or a treated wood waste approved landfill.

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

(c) A treated wood waste handler who initially collects treated wood waste at a remote site may transport that treated wood waste to a consolidation site operated by the generator if all the following conditions are met:

(1) The treated wood waste is transported by the generator, employees of the generator, or by the generator's agent. For purposes of this paragraph, "agent" means a person hired by a generator for the removal, collection, or transportation of treated wood waste.

(2) A shipping document containing all of the following information accompanies the treated wood waste while in transport:

(A) The quantity, by weight or volume, of treated wood waste being transported.

(B) The location of the remote site where the treated wood waste was initially collected.

(C) The date that the generator first began to accumulate the treated wood waste at the remote site, the date that the shipment leaves the remote site, and the date that the shipment arrives at the consolidation site.

(D) The name, address, and telephone number of the generator, and, if different, the address and telephone number of the consolidation site to which the treated wood waste is being transported.

(E) The name of the individual or individuals who transport the treated wood waste from the remote site to the consolidation site.

(3) The treated wood waste handler shall retain the shipping document described in paragraph (2) of subdivision (c) for at least three years from the date the treated wood waste leaves the treated wood waste consolidation site.

(d) The treated wood waste shall be shipped or transported in a manner that prevents unauthorized access, protects the treated wood waste from precipitation, and prevents loss, dispersion, and leaching of treated wood waste constituents.

25230.8. Tracking Shipments

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

(1) The name and address of the treated wood waste facility to which the treated wood waste was sent.

(2) The weight of treated wood waste, the estimated weight of treated wood waste, or the weight of the treated wood waste as measured by the receiving treated wood waste facility. An estimated weight may be used when a scale is unavailable or weighing is impractical. Assumptions required for weight estimates shall be recorded in the shipment records.

(3) The date the shipment of treated wood waste left the handler.

(b) Receipt of Shipments. A treated wood waste handler shall keep a record of each shipment of treated wood waste 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 treated wood waste received shall include all of the following information:

(1) The originating treated wood waste generator's full business name, identification number, if they have one, along with project name and number, if applicable, and address.

(2) The weight of treated wood waste or the estimated weight of treated wood waste. An estimated weight may be used when a scale is unavailable or weighing is impractical. Assumptions required for weight estimates shall be recorded in the shipment records.

(3) The date of receipt of the shipment of treated wood waste.

(c) Reporting Receipt of Shipments. A treated wood waste facility or a treated wood waste approved landfill that receives treated wood waste shall submit to the department semiannual reports for the periods ending June 30 and December 31 of each year. Reports shall be required beginning December 31, 2021, and shall be submitted in an electronic format provided by the department within 30 days of the end of each reporting period. Each semiannual report shall include the following information:

(1) Reporting facility information that includes the facility name, location address, and contact.

(2) For all treated wood waste shipments received, other than those reported under paragraphs (3) to (5), inclusive, the treated wood waste facility shall report the following information:

(A) The generator's identification number, or, if the generator does not have an identification number, the name, address, contact person's name, mailing address, and telephone number of the generator.

(B) The dates of shipments.

(C) The weight of treated wood waste per shipment.

(3) The weight summary of all treated wood waste quantities received that were generated by households.

(4) The weight summary of all treated wood waste quantities discovered and separated from solid waste as part of an onsite load checking program.

(5) For shipments received from another treated wood waste facility, the following information shall be reported by the receiving treated wood waste facility:

(A) The treated wood waste facility's identification number or the name, address, contact person's name, mailing address, and telephone number of the treated wood waste facility.

(B) The dates of shipments.

(C) The weight of treated wood waste per shipment.

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

(e) (1) A treated wood waste handler shall retain the records described in subdivision (a) for at least three years from the date the shipment left the handler.

(2) A treated wood waste facility shall retain the records described in subdivision (b) for at least three years from the date of receipt of a shipment.

(f) Households are exempt from the recordkeeping requirements of this section when the treated wood waste is generated incidental to that household.

25230.9. Notification

(a) In any calendar year that a treated wood waste handler generates more than 10,000 pounds of treated wood waste, the handler shall obtain or maintain an identification number within 30 days of exceeding the weight threshold.

(b) In any calendar year that a treated wood waste handler generates more than 10,000 pounds of treated wood waste, the handler shall send written notification to the department within 30 days of exceeding the 10,000-pound limit. The notification shall include all of the following:

(1) The handler's name and mailing address.

- (2) The generator's identification number.
- (3) The name and business telephone number of the person at the handler's site who should be contacted regarding treated wood waste management activities.
- (4) The address or physical location of the treated wood waste management activities.
- (5) The date the handler exceeded the 10,000-pound limit.
- (6) A statement indicating that the handler is generating more than 10,000 pounds of treated wood waste per calendar year.

25230.10. Treatment

(a) For purposes of this section, "resizing" means minimal cutting, breaking, or sawing, but does not include planing, grinding, drilling, chipping, sanding, shredding, mulching, or other mechanical handling or any other treatment.

(b) Except as provided in subdivisions (c) and (d), treatment, as defined in Health and Safety Code Section 25123.5, of treated wood waste managed in accordance with the alternative management standards of this article is prohibited.

(c) Resizing is exempt from the permitting requirements of this chapter when resized to facilitate transport or reuse and the following requirements are met:

(1) The treated wood waste is handled in a manner that prevents the uncontrolled release of hazardous constituents to the environment.

(2) If size reduction of the treated wood waste results in sawdust, particles, or other material smaller than one cubic inch, the material is captured and managed as treated wood waste.

(d) Sorting and segregating are both exempt from the hazardous waste permitting requirements of this chapter. The treated wood waste shall be handled in a manner that prevents the uncontrolled release of hazardous constituents to the environment.

(e) An employer resizing, sorting, or segregating treated wood waste shall comply with the employee training requirements of Section 25230.12 for all applicable employees.

25230.11. Disposal

(a) (1) Notwithstanding Sections 25189.5 and 25201, when disposed to land, 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 to prevent scavenging.
- (2) Ensure that any management of the treated wood waste at the solid waste landfill before disposal, or in lieu of disposal, complies with the applicable requirements of this article, including the prohibitions in Section 25230.3 for handling treated wood waste.
- (3) Handle treated wood waste in a manner consistent with all applicable requirements of the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code), including all rules, regulations, and orders relating to hazardous waste.
- (4)
 - (A) If monitoring at the composite-lined portion of a landfill unit at which treated wood waste has been disposed of indicates a verified release, treated wood waste shall not be discharged to that landfill unit until corrective action results in cessation of the release.
 - (B) The landfill unit shall notify the department that treated wood waste is no longer being discharged to that landfill unit and when corrective action results in cessation of the release.

25230.12. Training

(a) An employer managing treated wood waste shall provide training for all employees handling treated wood waste and all employees that may reasonably be expected to contact treated wood waste. The training shall include all of the following:

- (1) All applicable requirements of the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code), including all rules, regulations, and orders relating to hazardous waste.
- (2) Procedures for identifying and segregating treated wood waste.
- (3) Safe handling practices.
- (4) Requirements of the alternative management standards.
- (5) Proper disposal methods.

(b) A record of the training described in subdivision (a) shall be maintained for a period of three years and available for review by the department.