

Eco-tip: How would you treat treated wood? Relaxed rules expire next month

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Eco-tip: How would you treat treated wood? Relaxed rules expire next month

The statute and regulations allowing treated wood waste to be handled with alternative management standards expire on Dec. 31.

David Goldstein, Special to Ventura County Star Published 11:00 a.m. PT Nov. 14, 2020

“Why can’t every manufactured product just be non-toxic?”

I am sometimes asked this question by people calling to find out about household hazardous waste collection events. Treated wood provides a good example of the complexities of the issue, and options for management of treated wood waste are about to become even more complicated.

Treated wood is highly visible in railroad ties and telephone poles, but wood treated with chemical preservatives to protect from insect attack and fungal decay is also common in other products widely demanded by consumers, including fence posts, sill plates, landscape timbers, pilings, guardrails and decking.

According to the website of the California Department of Toxic Substances Control, treated wood “contains hazardous chemicals that pose a risk to human health and the environment. Arsenic, chromium, copper, creosote and pentachlorophenol are among the chemicals used to preserve wood and are known to be toxic or carcinogenic.

Harmful exposure to these chemicals may result from touching, inhaling or ingesting.” Inhaling and ingesting particles of treated wood most commonly occur through exposure to sawdust or smoke.

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Last year, in compliance with California Senate Bill 162 (2015), the California Department of Toxic Substances Control issued a report, detailing findings regarding compliance with “alternative management standards” enacted to allow the safe handling, storage, transport and disposal of treated wood without requiring treated wood waste to be handled as hazardous waste.

As stated in the report, titled “Treated Wood Waste: Implementation of Senate Bill 162,” the department found, “a high noncompliance rate” with the alternative standards, endangering human health and the environment.

The most frequent violations occurred in the following areas at locations of significant generation: lack of personnel training...; inadequate accumulation area labeling; failure to submit generator notifications; providing incomplete or incorrect information in semiannual reports;” and improper storage.

The department’s “compliance summary” at the end of the report stated, “Approximately 60% of the inspections conducted resulted in citations of one or more violations.”

Following the report, regulators and legislators tried to come up with new ways to keep people safe from the dangers of treated wood waste, but nothing has yet been enacted. The potential consequences are alarming, as indicated by the red font in which news about the future of treated wood is conveyed on the web site of the department, which has all other website information and links in blue or black font.

The statute and regulations allowing treated wood waste to be handled with alternative management standards expire on Dec. 31, and starting the next day, the red font on the web site shouts, “All hazardous treated wood waste managed in California will have to be stored and manifested as hazardous waste and transported to Class I hazardous waste landfills.”

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Last Monday, the California Product Stewardship Council, a nonprofit group advocating for manufacturers and retailers to take responsibility for the costs of their products’ lifecycle impact, sent a warning by email to their donors and members of their listserv.

Doug Kobold, the council's executive director, warned, "At this point, I am hearing costs of \$500/ton for transportation and disposal (of treated wood) in a Class I landfill, so a remedy needs to be found quickly."

The Simi Valley Landfill and Recycling Center currently accepts treated wood from Ventura County customers for \$80 per ton, requiring those wanting to bring the wood to make arrangements with Waste Management, the landfill's operator, in advance.

The material is buried in a specially prepared area of the landfill with protections suitable for upgraded sections of a Class III landfill, but not at the level of a Class I landfill. The only other landfill in Ventura County, the Toland Road Landfill, currently does not accept treated wood, so it would also not provide a local option under projected restrictions.

Kobold's email continued, "Please be assured that CPSC is working with our usual friends in the industry to find a solution as soon as possible."

One potential response could be emergency regulations, but Kobold expressed doubt public agencies have authority for such regulations without new legislation. Another potential resolution is an urgency bill extending the current regulations for a specified period, but such a bill would require a two-thirds vote, according to Kobold.

A new bill may be needed, and stockpiling, rather than disposal, may become more prevalent in the interim. On the web: <https://bit.ly/36EkFBU>.

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