



RIGHT OF WAY MANUAL DIRECTIVE

RWMD NUMBER:

20-03

ISSUANCE DATE:

12/7/2020

EFFECTIVE DATE:

1/1/2021

APPROVED BY:

Eva-Marie Figlietti

EVA-MARIE FIGLIETTI

Office Chief, Real Property Services

SUBJECT:

Treated Wood Waste Disposal

PURPOSE:

Sunsetting of Existing Statute

REFERENCE:

Sections [25150.7](#) and [25150.8](#) of the Health and Safety Code; [2019-2020 Legislative Session, SB 68](#).

BACKGROUND:

Treated wood is a wood product treated with chemical preservatives to protect the wood from damage by insects and environmental conditions. The chemical preservatives used are considered hazardous materials. Treated wood is used in a variety of applications including, but not limited to, building decks, retaining walls, and fences, for fire-resistant applications, and marine pilings.

In 2004, treated wood waste was exempt from the full hazardous materials regulations by passage of AB 1353, which added Sections [25150.7](#) and [25150.8](#)

RIGHT OF WAY MANUAL DIRECTIVE (Cont.)

RWMD 20-03

to the Health and Safety Code. AB 1353 allowed treated waste wood to be disposed of in a California Class II composite-lined landfill approved by a Regional Water Quality Board rather than a California Class I landfill for hazardous waste, resulting in a significant cost saving.

AB 1353 initially had a sunset provision, yet the sunset provision in the Health and Safety Code was amended in 2011 and 2015. The 2015 amendment extended the sunset date to December 31, 2020.

In the [2019-2020 Legislative Session, SB 68](#) was written to extend the regulations indefinitely, yet the Governor vetoed the bill. As a result, effective January 1, 2021, treated wood waste must be disposed of in a California Class I landfill subject to the full hazardous waste regulations.

EXISTING POLICY OR PROCEDURE:

Treated wood waste was exempt from the full hazardous materials regulations and thus treated waste wood was able to be disposed of in a California Class II composite-lined landfill approved by a Regional Water Quality Board.

NEW POLICY OR PROCEDURE:

Effective January 1, 2021, treated wood waste must be disposed of in a California Class I landfill subject to the full hazardous waste regulations.

RESPONSIBILITIES:

Commencing January 1, 2021, Regions/Districts are to dispose of treated wood waste in a California Class I landfill subject to the full hazardous waste regulations.

LINKS/RESOURCES:

- Sections [25150.7](#) and [25150.8](#) of the Health and Safety Code
- [2019-2020 Legislative Session, SB 68](#)

DISTRIBUTION LIST:

- Clearance and Demolition Functional Council
- Right of Way Management Board
- Kim Christmann, Division of Environmental Analysis
- Subscribers to the Right of Way Manual update list