



# Focus on Treated Wood Exclusion

With increased attention being focused on the safety of treated wood, there is a need to clarify the dangerous waste exclusion for treated wood and to clarify the disposal and recycling options. The exclusion is divided into two parts in the *Dangerous Waste Regulations*. Arsenical-treated wood is discussed in WAC 173-303-071(3) (g) (i) and wood treated with other preservatives (typically pentachlorophenol and creosote) is covered in WAC 173-303-071(3) (g) (ii).

## **Arsenical-Treated Wood (WAC 173-303-071(3)(g))**

In simple terms, the conditions for the arsenical-treated wood exclusion are:

1. it designates only for the federal toxicity characteristic or for state criteria, and
2. the wood product has previously been used for its intended purpose as a treated wood (not to include treated wood wastes from manufacturers or sawmills that has never been used).

Once the treated wood meets these conditions, it is excluded from being a dangerous waste. It may go into a permitted solid waste landfill, or be reused for normal treated wood applications.

This exclusion applies to arsenical-treated wood that is designated as dangerous waste for toxicity characteristic D004 through D017 or state criteria (toxicity or persistence). The term "arsenical-treated wood" does not mean the exclusion only applies to treated wood that fails the toxicity characteristic leaching procedure (TCLP) solely for arsenic. The exclusion is intended to apply to treated wood that fails TCLP for any of the other fourteen toxicity characteristic (D004-D017) constituents. Typically, copper chromated arsenic (CCA) treated wood fits this description. Ammoniacal copper zinc arsenate (ACZA) preservative is another example, but it is used less frequently to treat wood.

What does "generated by persons who utilize the arsenical-treated wood for the material's intended end use" mean? EPA intended for the exclusion to apply to treated wood products that have been previously used as a treated wood and are now a waste. The exclusion does not apply to wastes from sawmills (such as cut ends) or wood preserving facilities, since the waste has not been previously used as treated wood.

Once the treated wood has been used by the consumer, it fulfills the conditions of the exclusion. According to WAC 173-303-071(3), it becomes “excluded from the requirements of chapter 173-303 WAC, except for sections -050, -145 and -960.” These sections cover spills and releases, clean up, and Ecology’s ability to take action if an activity would cause harm to human health or the environment.

### **Example**

CCA treated wood was used to construct municipal park playground equipment and the parks department now wants to remove the structure. What are the disposal options? It is known the wood is treated with CCA and may possibly designate for chrome (D007) and arsenic (D004), but it would not designate for D018-D043 based on information such as a Material Safety Data Sheet (MSDS). The parks department may offer the treated wood for reuse by others, dispose of the treated wood at a permitted municipal solid waste landfill (if local regulations allow) or at a treatment, storage and disposal (TSD) facility. If the wood is given to others for reuse, they would have the same disposal options once they were through using the wood.

### **Wood Treated With Other Preservatives (WAC 173-303-071(3) (g) (ii))**

In 1993, Ecology amended the *Dangerous Waste Regulations* to exclude wood treated with preservatives other than those covered by the arsenical-treated wood exclusion. This exclusion is available only for wood waste that designates for state toxicity or persistence. Typically this includes wood treated with pentachlorophenol and creosote. Wood treated with these chemicals does not often designate as a hazardous waste under the TCLP test, but it may designate under state dangerous waste criteria.

### **Disposal Options**

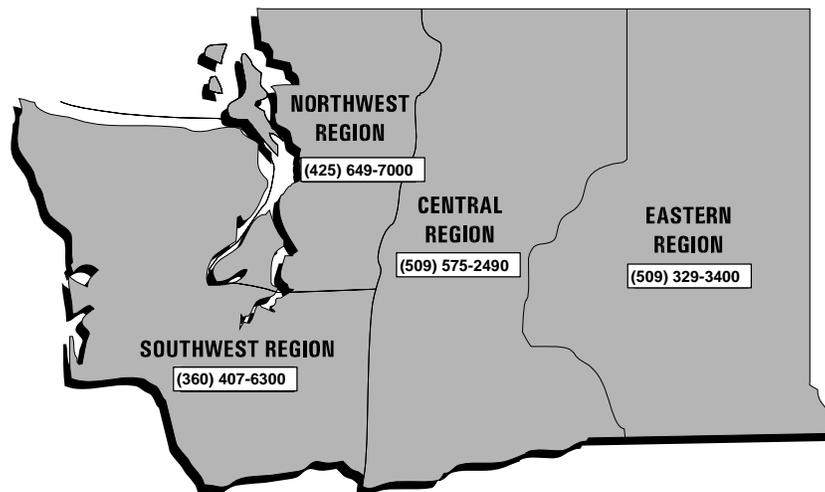
The exclusion allows disposal of state-only treated wood waste in a municipal solid waste landfill permitted under chapter 173-351 WAC. Treated wood waste must go to a lined landfill with a leachate collection system. This landfill option cannot be used for wood waste that designates because it is listed or fails the TCLP test, but it may be sent to a non-permitted facility that will treat or recycle it. It may also be sent to a permitted TSD facility. An additional part of the exclusion applies only to creosote treated wood. Creosote treated wood may be burned for energy recovery in a regulated commercial or industrial furnace or boiler.

With any of these disposal options, the treated wood waste does not have to be managed or reported as a dangerous waste, but it must be removed from the generator’s site within 180 days. Any residue or ash resulting from treating or burning creosote treated wood must be designated and managed appropriately.

Ecology encourages the reuse of this kind of treated wood as a preferred management alternative. If the wood is reused, it is not regulated as a dangerous waste provided that the reuse is consistent with the intended end use of the treated wood. Examples of reuse include: fence posts, retaining walls, landscaping, decks, and general construction.

### **For More Information**

Call your nearest regional office:



*If you have special formatting needs for this publication, call (voice) 360-407-6759 (voice) or 711 or 800-833-6388 (TTY).*