# **Western Wood Preservers Institute Review of the California Department of Toxic Substance Control Variances for Treated Wood Waste**

## Residential TWW Generation

Do It Yourself (DIY) Home projects- The Department of Toxic Substance Control (DTSC) website and Fact Sheet state:

[Website](https://dtsc.ca.gov/treated-wood-waste-variances/)

Residents that hire a contractor to work on their home (e.g. fence repair or deck replacement) do not require a TWW variance provided that the contractor transports the TWW for disposal. **Residents can transport up to 50 pounds of TWW to a household hazardous waste facility, but other forms of transport will require that you obtain a variance** or follow hazardous waste transportation rules. The contractor that transports TWW from a residential property will require a TWW variance or must follow hazardous waste transportation rules (e.g. register as a hazardous waste transporter and use a hazardous waste manifest).

[Fact Sheet - Hazardous Waste Rule](https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/12/2020-Treated-Wood-Waste-Factsheet-Update.pdf) (page 6)

For residents that generate TWW incidental to owning and maintaining their own place of residence: Pursuant to Health and Safety Code section 25218.4 and California Code of Regulations, title 22, section 66262.10(i), a resident that transports up to 50 lbs of TWW to a household hazardous waste collection facility is not required to obtain and EPA or California EPA ID Number or to use a hazardous waste manifest. Residents are advised to call their local household hazardous waste facility in advance to confirm that they will accept TWW, and learn about any quantity or size limits that may apply.”

**Question:** Does higher volume count as other form of transport?

If resident DIY generates more than 50lbs. do they have to self-transport multiple 50lb. trips?

**Note:** 50 pounds is roughly equivalent to two 4”x4” posts that are eight feet long.

Contractors have three options. First, is to apply as a generator, see Business TWW Generation below. However, the simpler two options are to apply for a transporter variance or apply for a handler and transporter variance.

[Transporter Variance](https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/02/Transporter-Only-Questions.pdf)

Simple variance with a total of 27 questions. Question 18 asks, “How many individual locations are you seeking a variance for?” There is a limit of 10 locations, however there is an option for no physical sites, “No physical location, I only transport and/or handle Treated Wood Waste without storage or accumulation.” The DTSC website notes that “The transporter must not have a fixed location where they accumulate or consolidate the waste.” Such that you must transport directly from job sites to the landfill. This lets you jump straight to question 22, asking for a general region of operations.

**Question:** Does this variance cover a contractor that utilizes a shop where TWW is generated for residential projects, such as precutting?

If not, can the scrap remain with the rest of the treated wood, taken to the jobsite, and be disposed to a landfill with the TWW generated at the project site?

**Note:** Some prefabrication, typically cutting, is conducted for fencing, decking and other contractors or wholesalers before delivery to a job site.

Transporter Variance state that you cannot accumulate or consolidate TWW at any location, as your main operating location and job sites are generator site and all shipments TWW must go directly to the landfill. If you cannot meet the above requirements because you have a site where TWW is stored from multiple project sites then you need to fill out the handler and transporter variance.

[Handler and Transporter Variance](https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/02/Handler-and-Transporter-Questions.pdf)

This variance has 68 questions, which includes all the questions from the transporter variance. The additional questions relate to the Alternative Management Standards, land use, and geography.

**Question:** Can contractors accumulating TWW from multiple projects or a shop use this variance?

**Note:** DTSC states that the handler and transporter variance is for transfer stations.

## Business TWW Generation

[Small Quantity Generator Variance](https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/02/Small-Quantity-Generator-Questions.pdf)

This variance has a total of 71 questions.

Question 23 asks, “What is the estimated cost of all TWW removal activities (including transportation and disposal fees) at the site to be conducted for the next 12 months?

**Question:** Why is there a question about cost instead of volume? Cost calculations can vary greatly, especially if the scope of the project changes.

Question 25 asks, “What are the main preservative(s) present in the TWW?” Your answer options are:

* Alkaline Copper Quaternary
* Copper Azole
* Creosote
* Unknown
* Other (short answer)

Questions 31-67 might be irrelevant for most the small quantity generators, such as an archaeological survey, leaking underground storage tanks, and earth/soil disturbances. Other questions relate to buildings, land use designation changes, and if project activities occur near a body of water, or nearby a scenic highway.

[Large Quantity Generator Variance](https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/02/Large-Quantity-Generator-Questions.pdf)

This variance has a total of 72 questions. All the question are identical to the small quantity generator. With the exception that question 23 asks, “What is your State or Federal EPA ID number?”

Question 24 asks, “What is the estimated cost of all TWW removal activities (including transportation and disposal fees) at the site to be conducted for the next 12 months?

**Question:** Why ask about cost but not volume? How to calculate that cost could be very different.

## Disposal Facility

Is your disposal facility a TWW Approved Landfill?

"TWW approved landfill” means either a class 1 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 § 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 chapter.

Note: if your answer to this question is no, you are not eligible to apply for a disposal facility variance.