

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.2
(ID # 14964)

MEETING DATE:
Tuesday, April 13, 2021

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Approve Letter of Support for AB332-Treated Wood Waste All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve letter in support of AB 332.


ACTION:Policy

 
Brian Nestande 4/7/2021 Jeff Van Wageningen, County Executive Officer 4/8/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt
Nays: None
Absent: None
Date: April 13, 2021
xc: EO

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost |
|-----------------------------|-----------------------------|--------------------------|-------------------------------|---------------------|
| COST | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| NET COUNTY COST | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| SOURCE OF FUNDS: N/A | | | Budget Adjustment: NO | |
| | | | For Fiscal Year: 21/22 | |

C.E.O. RECOMMENDATION: APPROVE

BACKGROUND:

Summary

The purpose of Riverside County's Legislative Coordination Policy Program is to support legislation which benefits the County and its residents, and to oppose/amend legislation which might adversely affect the County. The following specific procedures are instituted to facilitate active participation by Departments, allow the Executive Office to act as a centralized "clearinghouse" for legislative matters, and to ensure that all advocacy efforts are entirely consistent with Board-approved positions.

This Form 11 is to receive and file a letter in support of State Assembly Bill 332 (AB332) which is consistent with Riverside County's legislative platform. Please find attached support letter and bill text. Treated wood is commonly used as a building material in many construction, agricultural, and aquatic settings, as it has been specifically treated with preservatives to resist decay related to moisture, pests, and exposure to the environment. Because TWW contains hazardous chemicals, it must be carefully managed and disposed. Until January 1, 2021, TWW could be disposed of in either a Class I hazardous waste landfill or in a composite-lined portion of a solid waste landfill and did not have to be transported by a registered hazardous waste hauler.

AB 332 facilitates the safe and proper handling and disposal of TWW by codifying the Alternative Management Standards found in 22 CCR 67386.1 et seq. that sunset on January 1, 2021. Those standards significantly eased the burdens associated with proper transportation, management, and disposal of TWW. AB 332 is needed because it establishes a clear and reasonable path for the proper management and disposal of TWW while protecting the environment. The author of AB 332 indicates that management and disposal of TWW as a hazardous waste is unreasonable because of the extremely limited transportation and disposal opportunities, the massive cost increases that accompany such special treatment, and the volumes involved. Without the alternative management options for TWW that AB 332 establishes, we are particularly concerned that costs for management and disposal of TWW will remain at unsustainable levels and we will continue to experience the increase in illegal dumping and burning, which has led to even greater costs on state and local governments to clean up that waste.

AMENDED IN ASSEMBLY MARCH 26, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 332

Introduced by Committee on Environmental Safety and Toxic Materials (Assembly Members Quirk (Chair), Smith (Vice Chair), Arambula, Bauer-Kahan, Megan Dahle, Cristina Garcia, Holden, and Mathis)

January 27, 2021

~~An act to add and repeal Section 25150.75 of the Health and Safety Code, relating to hazardous waste, and declaring the urgency thereof, to take effect immediately. An act to amend and renumber Section 25150.8 of, and to add Article 11.2 (commencing with Section 25230) to Chapter 6.5 of Division 20 of, the Health and Safety Code, relating to hazardous waste, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 332, as amended, Committee on Environmental Safety and Toxic Materials. Hazardous waste: treated wood waste: management standards.

Existing law, as part of the hazardous waste control laws, requires the Department of Toxic Substances Control to regulate the management and handling of hazardous waste. Under existing law, certain wood waste that is exempt from regulation under the federal Resource Conservation and Recovery Act of 1976, as amended, is exempt from the hazardous waste control laws, if the wood waste is disposed of in a municipal landfill that meets certain requirements imposed pursuant to the Porter-Cologne Water Quality Control Act for the classification of disposal sites, and the landfill meets other specified requirements.



A violation of the state's hazardous waste control laws, including a regulation adopted pursuant to those laws, is a crime.

This bill would require a person managing treated wood waste to comply with the hazardous waste control laws or the management standards established in the bill, including standards for the reuse, storage, treatment, transportation, tracking, identification, and disposal of treated wood waste, as provided. The bill would limit those standards to treated wood waste that is hazardous only because of a preservative present in or on the wood, and that is not subject to the existing exemption for certain wood waste or to regulation as a hazardous waste under federal law. The bill would make inoperative all variances granted by the department before the enactment of the bill. Since a violation of the requirements of the bill would be a crime, the bill would impose a state-mandated local program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Former law, as part of the hazardous waste control laws, required treated wood waste to 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 specified requirements. Former law required the Department of Toxic Substances Control, on or before January 1, 2007, in consultation with specified state agencies and after consideration of any known health hazards associated with treated wood waste, to adopt, and authorized the department to subsequently revise as necessary, regulations establishing management standards for treated wood waste as an alternative to the requirements specified in the hazardous waste control laws and implementing regulations. These provisions were repealed as of January 1, 2021.~~

~~This bill would require a regulation that was adopted before January 1, 2008, pursuant to the above-specified provisions exempting a hazardous waste management activity from one or more of the requirements of the hazardous waste control laws to remain valid unless repealed. The bill would repeal this provision as of an unspecified date.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 11.2 (commencing with Section 25230) is
2 added to Chapter 6.5 of Division 20 of the Health and Safety Code,
3 to read:

4

5 Article 11.2. Management of Treated Wood Waste

6

7 25230. The Legislature finds and declares that this article is
8 intended to address the unique circumstances associated with the
9 generation and management of treated wood waste. The
10 Legislature further declares that this article does not set a
11 precedent applicable to the management, including disposal, of
12 other hazardous wastes.

13 25230.1. For purposes of this article, the following definitions
14 apply:

15 (a) "Class I hazardous waste landfill" means a landfill that is
16 also authorized as part of a permitted facility. "Landfill" and
17 "permitted facility" have the same meanings as defined in Section
18 66260.10 of Title 22 of the California Code of Regulations.

19 (b) "Solid waste landfill" means a facility, as defined in Section
20 40195.1 of the Public Resources Code, that is authorized to operate
21 pursuant to Division 30 (commencing with Section 40000) of the
22 Public Resources Code.

23 (c) "Treated wood" means wood that has been treated with a
24 chemical preservative for purposes of protecting the wood against
25 attacks from insects, microorganisms, fungi, and other
26 environmental conditions that can lead to decay of the wood, and
27 the chemical preservative is registered pursuant to the Federal

1 *Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et*
2 *seq.).*

3 (d) *“Treated wood waste” means wood waste that meets the*
4 *requirements described in Section 25230.2.*

5 (e) *“Treated wood waste approved landfill” means a class I*
6 *hazardous waste landfill, or a composite-lined portion of a solid*
7 *waste landfill unit that meets all requirements applicable to*
8 *disposal of municipal solid waste in California after October 9,*
9 *1993, and that is regulated by waste discharge requirements issued*
10 *pursuant to Division 7 (commencing with Section 13000) of the*
11 *Water Code for discharges of designated waste, as defined in*
12 *Section 13173 of the Water Code, or treated wood waste and that*
13 *is in compliance with this article.*

14 (f) (1) *“Treated wood waste facility” means any of the*
15 *following:*

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

17 (B) *A transfer or processing station that is in compliance with*
18 *this article. For purposes of this subparagraph, “transfer or*
19 *processing station” is a facility, as defined in Section 40200 of*
20 *the Public Resources Code, that is authorized to operate pursuant*
21 *to Division 30 (commencing with Section 40000) of the Public*
22 *Resources Code.*

23 (C) *A gasification facility that is in compliance with this article.*
24 *For purposes of this subparagraph, “gasification facility” is a*
25 *facility that uses a gasification process, as defined in Section 40117*
26 *of the Public Resources Code, that is authorized to operate*
27 *pursuant to Division 30 (commencing with Section 40000) of the*
28 *Public Resources Code.*

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

31 (E) *A class I hazardous waste landfill.*

32 (F) *A small volume construction and demolition debris and inert*
33 *debris (CDI) processing operation that is in compliance with this*
34 *article. For purposes of this subparagraph, a “small volume*
35 *construction and demolition debris and inert debris (CDI)*
36 *processing operation” is a site that receives less than 25 tons of*
37 *any combination of construction and demolition debris and Type*
38 *A inert debris per operating day for the purposes of storage,*
39 *handling, transfer, or processing that is authorized to operate*

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

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

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

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

20 (B) A transformation facility. For purposes of this
21 subparagraph, "transformation facility" is a facility that uses a
22 transformation process, as defined in Section 40201 of the Public
23 Resources Code, that is authorized to operate pursuant to Division
24 30 (commencing with Section 40000) of the Public Resources
25 Code.

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

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

33 (i) "Wood preserving industry" means business concerns, other
34 than retailers, that manufacture or sell treated wood products in
35 the state.

36 (j) "Wood waste" means all waste timber products and failed
37 timber products, including solid sawn lumber and engineered wood
38 products, offcuts, shavings, and sawdust that meet the definition
39 of "waste" pursuant to Section 25124. "Wood waste" does not

1 mean forest residues, green waste, or garden waste materials such
2 as branches, bushes, and tree stumps.

3 25230.2. (a) The alternative management standards of this
4 article apply only to wood waste that is all of the following:

5 (1) A hazardous waste solely due to the presence of a
6 preservative in or on the wood that is registered in accordance
7 with the Federal Insecticide, Fungicide and Rodenticide Act (7
8 U.S.C. Sec. 136 et seq.) for use as a wood preservative.

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

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

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

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

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

23 (2) Wood waste when designated to be burned.

24 25230.3. (a) Treated wood waste, as described in Section
25 25230.2, when managed as specified in this article, is exempt from
26 the management requirements for hazardous waste pursuant to
27 this chapter and the management standards in Chapter 12
28 (commencing with Section 66262.10) to Chapter 20 (commencing
29 with Section 66270.1), inclusive, of Division 4.5 of Title 22 of the
30 California Code of Regulations.

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

36 (c) A person who is in compliance with the standards specified
37 in this article is deemed to be in compliance with the requirements
38 of this chapter for which the standard is identified as being an
39 alternative, and the department and any other entity authorized

1 to enforce this chapter shall consider that person to be in
2 compliance with that requirement of this chapter.

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

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

11 (f) This article does not limit the authority or responsibility of
12 the department to adopt regulations under any other law.

13 25230.4. (a) Except as authorized by this article, treated wood
14 waste managed in accordance with the alternative management
15 standards of this article, shall not be any of the following:

16 (1) Burned.

17 (2) Scavenged.

18 (3) Commingled with other waste prior to disposal, if previously
19 segregated.

20 (4) Stored in contact with the ground.

21 (5) Recycled, with or without treatment, except as provided for
22 in subdivision (c).

23 (6) Treated except in compliance with Section 25230.10.

24 (7) Disposed to land except in compliance with Section
25 25230.11.

26 (8) Chipped for mulch.

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

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

32 (1) Reuse is onsite at the facility at which the treated wood waste
33 was generated.

34 (2) At the time of reuse, reuse is consistent with the Federal
35 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et
36 seq.) approved use of the preservative with which the treated wood
37 waste has been treated.

38 (3) Prior to reuse, the treated wood waste is handled in
39 compliance with all applicable management standards of this
40 article.

1 (d) Subject to subdivision (c), during reuse, the treated wood
2 waste is not subject to the management standards in Sections
3 25230.5 through 25230.11.

4 25230.5. (a) Treated wood waste generated, accumulated,
5 stored, or transported within California shall be clearly marked
6 and visible for inspection. The person managing the treated wood
7 waste shall ensure that each unit or area designated for
8 accumulation of treated wood waste is labeled. The area designated
9 for accumulation of treated wood waste shall be clearly identified
10 and used solely for the accumulation of treated wood waste.

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

14 "TREATED WOOD WASTE - Do not burn or scavenge.
15 Treated Wood Waste Handler Name and Address:

16 _____
17 _____

18 Accumulation Date: _____"
19 (c) The treated wood waste handler shall ensure that labels are
20 maintained in compliance with the requirements of subdivisions
21 (a) and (b) during transport.

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

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

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

31 25230.6. (a) (1) Treated wood waste shall be maintained in
32 a manner that prevents unauthorized access and minimizes release
33 to the environment.

34 (2) Unauthorized access shall be prevented by means of visual
35 control or a physical barrier when not under the direct control of
36 the person responsible for the treated wood waste.

37 (b) The treated wood waste shall be accumulated in a manner
38 that is protected from run-on and run-off, and placed on a surface
39 sufficiently impervious to prevent, to the extent practical, contact

1 with and leaching to soil or water, which may be accomplished
2 by any one of the following:

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

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

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

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

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

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

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

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

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

29 (4) The treated wood waste may be accumulated no longer than
30 180 days from the date the treated wood waste is generated or
31 received from another handler on a containment surface and all
32 the following requirements are met:

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

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

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

38 (ii) The treated wood waste managed in accordance with this
39 paragraph may be accumulated uncovered if the containment
40 surface is designed and operated to contain all precipitation and

1 *the resulting water is managed in accordance with all applicable*
2 *laws and regulations.*

3 *(5) The treated wood waste may be accumulated no longer than*
4 *90 days from the date the treated wood waste is generated or*
5 *received from another handler in any other manner in which the*
6 *treated wood waste handler can clearly demonstrate that the*
7 *treated wood waste is protected from run-on and run-off, and*
8 *placed on a surface sufficiently impervious to prevent, to the extent*
9 *practical, contact with and leaching to soil or water.*

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

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

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

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

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

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

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

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

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

3 25230.7. (a) *Except as provided in subdivision (c), a treated*
4 *wood waste handler is prohibited from sending or taking treated*
5 *wood waste to a place other than a treated wood waste facility,*
6 *or a treated wood waste approved landfill.*

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

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

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

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

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

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

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

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

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

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

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

5 25230.8. (a) A treated wood waste handler shall keep a record
6 of each shipment of treated wood waste sent from the handler to
7 treated wood waste facilities. The record may take the form of a
8 log, invoice, manifest, bill of lading, shipping document, or receipt
9 from a treated wood waste facility. The record for each shipment
10 of treated wood waste shall include all of the following
11 information:

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

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

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

21 (b) A treated wood waste handler shall keep a record of each
22 shipment of treated wood waste received at the facility. The record
23 may take the form of a log, invoice, manifest, bill of lading, or
24 other shipping document. The record for each shipment of treated
25 wood waste received shall include all of the following information:

26 (1) The originating treated wood waste generators full business
27 name, Environmental Protection Agency identification number, if
28 they have one, along with project name and number, if applicable,
29 and address.

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

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

36 (c) A treated wood waste facility or a treated wood waste
37 approved landfill that receives treated wood waste shall submit
38 to the department semi-annual reports for the periods ending June
39 30 and December 31 of each year. Reports shall be required
40 beginning December 31, 2021, and shall be submitted in an

1 *electronic format provided by the department within 30 days of*
2 *the end of each reporting period. Each semi-annual report shall*
3 *include the following information:*

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

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

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

13 *(B) The dates of shipments.*

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

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

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

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

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

26 *(B) The dates of shipments.*

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

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

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

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

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

7 25230.9. (a) In any calendar year that a treated wood waste
8 handler generates more than 10,000 pounds of treated wood waste,
9 the handler shall obtain or maintain an identification number
10 within 30 days of exceeding the weight threshold.

11 (b) In any calendar year that a treated wood waste handler
12 generates more than 10,000 pounds of treated wood waste, the
13 handler shall send written notification to the department within
14 30 days of exceeding the 10,000-pound limit. The notification shall
15 include all of the following:

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

17 (2) The generator's identification number.

18 (3) The name and business telephone number of the person at
19 the handler's site who should be contacted regarding treated wood
20 waste management activities.

21 (4) The address or physical location of the treated wood waste
22 management activities.

23 (5) The date the handler exceeded the 10,000-pound limit.

24 (6) A statement indicating that the handler is generating more
25 than 10,000 pounds of treated wood waste per calendar year.

26 25230.10. (a) For purposes of this section, "resizing" means
27 minimal cutting, breaking, or sawing, but does not include planing,
28 grinding, drilling, chipping, sanding, shredding, mulching, or
29 other mechanical handling or any other treatment.

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

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

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

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

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

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

11 25230.11. (a) (1) *Notwithstanding Sections 25189.5 and*
12 *25201, when disposed to land, treated wood waste shall be*
13 *disposed of in either a class I hazardous waste landfill or in a*
14 *composite-lined portion of a solid waste landfill unit that meets*
15 *all requirements applicable to disposal of municipal solid waste*
16 *in California after October 9, 1993, and that is regulated by waste*
17 *discharge requirements issued pursuant to Division 7 (commencing*
18 *with Section 13000) of the Water Code for discharges of designated*
19 *waste, as defined in Section 13173 of the Water Code, or treated*
20 *wood waste.*

21 (b) *A solid waste landfill that accepts treated wood waste shall*
22 *comply with all of the following requirements:*

23 (1) *Manage the treated wood waste to prevent scavenging.*

24 (2) *Ensure that any management of the treated wood waste at*
25 *the solid waste landfill before disposal, or in lieu of disposal,*
26 *complies with the applicable requirements of this article, including*
27 *the prohibitions in Section 25230.3 for handling treated wood*
28 *waste.*

29 (3) *Handle treated wood waste in a manner consistent with all*
30 *applicable requirements of the California Occupational Safety*
31 *and Health Act of 1973 (Part 1 (commencing with Section 6300)*
32 *of Division 5 of the Labor Code), including all rules, regulations,*
33 *and orders relating to hazardous waste.*

34 (4) (A) *If monitoring at the composite-lined portion of a landfill*
35 *unit at which treated wood waste has been disposed of indicates*
36 *a verified release, treated wood waste shall not be discharged to*
37 *that landfill unit until corrective action results in cessation of the*
38 *release.*

1 (B) The landfill unit shall notify the department that treated
2 wood waste is no longer being discharged to that landfill unit and
3 when corrective action results in cessation of the release.

4 25230.12. (a) An employer managing treated wood waste shall
5 provide training for all employees handling treated wood waste
6 and all employees that may reasonably be expected to contact
7 treated wood waste. The training shall include all of the following:

8 (1) All applicable requirements of the California Occupational
9 Safety and Health Act of 1973 (Part 1 (commencing with Section
10 6300) of Division 5 of the Labor Code), including all rules,
11 regulations, and orders relating to hazardous waste.

12 (2) Procedures for identifying and segregating treated wood
13 waste.

14 (3) Safe handling practices.

15 (4) Requirements of the alternative management standards.

16 (5) Proper disposal methods.

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

20 SEC. 2. Section 25150.8 of the Health and Safety Code is
21 amended and renumbered to read:

22 ~~25150.8.~~

23 25231. If treated wood waste is accepted by a solid waste
24 landfill that manages and disposes of the treated wood waste in
25 accordance with Section 25143.1.5 or ~~paragraphs (1) and (2) of~~
26 ~~subdivision (d) (b) of Section 25150.7, 25230.11, the treated wood~~
27 waste, upon acceptance by the solid waste landfill, shall thereafter
28 be deemed to be a solid waste, and not a hazardous waste, for
29 purposes of this chapter and Section 40191 of the Public Resources
30 Code.

31 SEC. 3. The Legislature finds and declares that Section 1 of
32 this act, which adds Section 25230.8 of the Public Resources Code,
33 imposes a limitation on the public's right of access to the meetings
34 of public bodies or the writings of public officials and agencies
35 within the meaning of Section 3 of Article I of the California
36 Constitution. Pursuant to that constitutional provision, the
37 Legislature makes the following findings to demonstrate the interest
38 protected by this limitation and the need for protecting that
39 interest:

1 *In order to ensure that the competitive market in the state for*
2 *the manufacture and sale of treated wood products is not*
3 *compromised, it is necessary that certain confidential proprietary*
4 *information collected for the purpose of administering a treated*
5 *wood waste program be confidential.*

6 *SEC. 4. No reimbursement is required by this act pursuant to*
7 *Section 6 of Article XIII B of the California Constitution because*
8 *the only costs that may be incurred by a local agency or school*
9 *district will be incurred because this act creates a new crime or*
10 *infraction, eliminates a crime or infraction, or changes the penalty*
11 *for a crime or infraction, within the meaning of Section 17556 of*
12 *the Government Code, or changes the definition of a crime within*
13 *the meaning of Section 6 of Article XIII B of the California*
14 *Constitution.*

15 *SEC. 5. This act is an urgency statute necessary for the*
16 *immediate preservation of the public peace, health, or safety within*
17 *the meaning of Article IV of the California Constitution and shall*
18 *go into immediate effect. The facts constituting the necessity are:*

19 *In order to protect public health and safety and the environment,*
20 *to ensure that consumers, businesses, and local governments have*
21 *clear and adequate pathways to manage treated wood waste, and*
22 *to prevent illegal disposal of treated wood waste, which adds*
23 *additional pressures on already strained state and local*
24 *governments to abate and manage treated wood waste, it is*
25 *necessary that this act take effect immediately.*

26 ~~SECTION 1. Section 25150.75 is added to the Health and~~
27 ~~Safety Code, to read:~~

28 ~~25150.75. (a) A regulation that was adopted before January~~
29 ~~1, 2008, pursuant to former Section 25150.7 exempting a hazardous~~
30 ~~waste management activity from one or more of the requirements~~
31 ~~of this chapter shall remain valid unless repealed.~~

32 ~~(b) This section shall remain in effect only until _____, and as~~
33 ~~of that date is repealed.~~

34 ~~SEC. 2. This act is an urgency statute necessary for the~~
35 ~~immediate preservation of the public peace, health, or safety within~~
36 ~~the meaning of Article IV of the California Constitution and shall~~
37 ~~go into immediate effect. The facts constituting the necessity are:~~

38 ~~In order to protect public health and safety and the environment,~~
39 ~~to ensure that consumers, businesses, and local governments have~~
40 ~~clear and adequate pathways to manage treated wood waste, and~~

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2 ~~additional pressures on already-strained state and local~~
3 ~~governments to abate and manage treated wood waste, it is~~
4 ~~necessary that this act take effect immediately.~~

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COUNTY OF RIVERSIDE

Board of Supervisors

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| District 2 | Karen Spiegel, Chair 951-955-1020 |
| District 3 | Chuck Washington 951-955-1030 |
| District 4 | V. Manuel Perez 951-955-1040 |
| District 5 | Jeff Hewitt, Vice Chair 951-955-1050 |

April 6, 2021

The Honorable Bill Quirk
Chair, Environmental Safety & Toxic Materials Committee
State Capitol, Room 2163
Sacramento, CA 95814

RE: Assembly Bill 332 – SUPPORT

Dear Assembly Member Quirk:

On behalf of the Riverside County Board of Supervisors, we are writing to express our support for Assembly Bill 332 concerning treated wood waste (TWW).

Treated wood is commonly used as a building material in many construction, agricultural, and aquatic settings, as it has been specifically treated with preservatives to resist decay related to moisture, pests, and exposure to the environment. Because TWW contains hazardous chemicals, it must be carefully managed and disposed. Until January 1, 2021, TWW could be disposed of in either a Class I hazardous waste landfill or in a composite-lined portion of a solid waste landfill and did not have to be transported by a registered hazardous waste hauler.

On September 29, 2020, Governor Newsom vetoed Senate Bill 68 (Galgiani), which sought to repeal the sunset date allowing the alternative management of TWW. This left residential and commercial customers with no practical disposal options because of the significantly greater costs and complexities of managing and transporting these materials as hazardous wastes to a Class I hazardous waste disposal facility. Over the last several months, the Department of Toxic Substances Control has worked diligently to develop a temporary, short-term fix by issuing variances to generators, transporters, handlers, and disposal facilities for the management and disposal of TWW. This variance system was not intended to be a permanent solution, but instead facilitates the proper management and disposal of TWW while the Legislature crafts a long-term approach.

AB 332 facilitates the safe and proper handling and disposal of TWW by codifying the Alternative Management Standards found in 22 CCR 67386.1 et seq. that sunset on January 1, 2021. Those standards significantly eased the burdens associated with proper transportation, management, and disposal of TWW. We support AB 332 because it establishes a clear and reasonable path for the proper management and disposal of TWW while protecting the environment. Management and disposal of TWW as a hazardous waste is unreasonable because of the extremely limited transportation and disposal opportunities, the massive cost increases that accompany such special treatment, and the volumes involved.



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Without the alternative management options for TWW that AB 332 establishes, we are particularly concerned that costs for management and disposal of TWW will remain at unsustainable levels and we will continue to experience the increase in illegal dumping and burning, which has led to even greater costs on state and local governments to clean up that waste. For the reasons stated above, we appreciate your attention to this urgent matter of statewide concern and support AB 332. Should you have any questions, please do not hesitate to contact Deputy County Executive Officer Brian Nestande at (951) 955-1110 or bnestande@rivco.org.

Thank you very much for your consideration.

Sincerely,



Karen Spiegel
Chair, Riverside County Board of Supervisors



Jeff Hewitt
Vice Chair, Riverside County Board of Supervisors

cc: Honorable Members, Assembly Environmental Safety & Toxic Materials Committee
Josh Tooker, Chief Consultant, Assembly Environmental Safety & Toxic Materials Committee
Gregory Melkonian, Consultant, Assembly Republican Caucus