

**INTERNAL DRAFT – DO NOT CITE OR FORWARD**

March 25, 2021

Diane Burgis, District xxx  
Chairperson, Contra Costa County Board of Supervisors

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Re: Treated Wood Waste Management

Dear Chairperson Burgis:

I am writing on behalf of the Hazardous Materials Commission to encourage you to support the passage of legislation to address the management of Treated Wood Waste (TWW) in California. The Hazardous Materials Commission appreciates that Supervisors Andersen, then Chair of the Board of Supervisors, signed onto the December 1, 2020 letter that went to the California Secretary for Environmental Protection, Jared Blumefeld, expressing concern over the Governor's veto of SB 68 that would have repealed the sunset date for management and disposal of TWW. As a result of the Governor's veto, TWW has been required to be treated as a hazardous waste since January 1, 2021 rather than by the Alternative Management Standards that had been in place since 2004 that allowed TWW to be disposed of in composite-lined solid waste landfills. As the letter stated, this has created a situation that has made it very difficult and expensive to dispose of TWW legally, increasing the likelihood of illegal dumping.

The California Department of Toxic Substances has put in place a temporary variance system that allows qualified solid waste landfills to accept TWW, and businesses to generate and transport TWW to these landfills under less stringent management requirements. However, as of March 25<sup>th</sup>, only **xxx** landfill in Contra Costa County has applied for a variance, and no transporters or handlers in Contra Costa County have applied for a variance. Even more concerning is that, to the best of our knowledge, none of the Household Hazardous Waste facilities in Contra Costa County are accepting TWW from homeowners, and Keller Canyon Landfill, the one landfill in the County to apply for a variance, does not accept waste directly from homeowners. This means that currently, homeowners in Contra Costa County have no legal way to dispose of TWW within the County, and business generators have very limited and expensive options.

Three bills have been introduced in the current legislative session to address this problem, AB 332, AB 684 and SB 557. All three bills would re-establish alternative management standards that would allow TWW to go to composite-lined solid waste landfills with less stringent generation and transportation management requirements. The Hazardous Materials Commission recommends that the Board of Supervisors supports one or more of these bills, depending upon if, and how, they are amended.

AB 332 was introduced by the Assembly Committee on Environmental Safety and Toxic Materials and is scheduled for a hearing on April 7, 2021 in front of that committee. AB 684, introduced by Assemblyman Fong, has been assigned to the Assembly committee on Environmental Safety and Toxic Materials, but has not yet been scheduled for a hearing. SB 557, introduced by Senator Wieckowski, has a hearing scheduled for April 12, 2021 in the Senate Environmental Quality Committee.

Because of the continuing legislative process, and the possibility of amendments being introduced for one or more of these bills, it is not possible for the Commission, at the time of the writing of this letter, to be able to recommend you support one of these bills over the others. By the time the Commission meets again next month, critical decisions about these bills may have already been made. Therefore, the Commission recommends that the Board of Supervisors rely on the Hazardous Materials Program and the Department of Conservation and Development to develop support or opposition positions on these three bills in a timely manner. The Commission understands that the California Products Stewardship Council, in coalition with some of the same groups that wrote the December 1, 2020 letter that Supervisor Andersen signed on to, is developing a sign-on letter for AB 332, depending on how it is amended. We encourage the Board of Supervisors to consider signing on to this letter if it is appropriate. We also understand the California State Association of Counties is developing a coalition letter in support of one or more of these bills, depending on how they are amended. The Commission encourages the Board of Supervisors to take this letter into account when determining your position on which bill to support.

Regardless of which of these bills the Board of Supervisors support, it is important that this issue be fixed in the short-term, and that the Board of Supervisors support the bill or bills that are most likely to make that happen. It is equally important, however, that the legislature start supporting efforts to develop less-toxic alternatives to treated wood, so that it's disposal does not pose a threat to public health or the environment. We encourage the Board of Supervisors to also support adding amendments to any of these pieces of legislation that promotes the study of less-alternatives to treated wood waste.

Sincerely,

Fred Glueck, Chair, Hazardous Materials Commission