



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Treated Wood Classification/Status

Office of Land Quality / Compliance and Response Branch

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Identification Number: WASTE-0006

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Other Policies Repealed or Amended: Repealed Waste Classification of Railroad Ties and Waste Status of CCA Treated Wood Policies and combining into Treated Wood Classification/Status.

Citations Affected: 40 CFR 261.4(b)(9), 329 IAC 10-2, 329 IAC 10-2-37, 329 IAC 10-2-174(6), 329 IAC 10-2-179(b)(2), 329 IAC 10

Brief Description of Subject Matter: Regulatory classification and disposal procedures of chromate copper arsenate (CCA) treated wood waste as well as creosote treated railroad ties and utility poles.

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WASTE STATUS OF CCA TREATED WOOD

The following information is provided as guidance for the proper disposal of chromated copper arsenate (CCA) treated wood waste.

The U.S. Environmental Protection Agency has determined CCA treated wood waste is exempt from the hazardous waste rules of RCRA, if it is generated by persons who utilize the wood for its intended end use and even if it fails the TCLP as a D004 thru D017 waste [40 CFR 261.4 (b) (9) as corrected in 57 FR 30657-30658, July 10, 1992]. Waste from building construction activities may also be regulated under the construction/demolition provisions of 329 IAC 10-2-37. Prior to disposal in a solid waste landfill or construction/demolition landfill, contact the landfill representative for further disposal requirements.

Even though CCA treated wood waste may be exempt from hazardous waste regulations, CCA treated wood waste from treated wood manufacturing activities is subject to regulation as a solid waste under 329 IAC 10-2-174(6).

WASTE CLASSIFICATION OF RAILROAD TIES AND UTILITY POLES

Occasionally questions have been received by this office relative to the proper disposal of discarded railroad ties and utility poles (wood products treated with creosote or pentachlorophenol.) This policy is not intended to be an exhaustive discussion of the topic, but is in accordance with Indiana environmental laws and rules.

Treated railroad ties and utility poles are often taken out of service and used for secondary purposes, such as landscape timbers. Indiana Rule 329 IAC 3-2-2 (and 40 CFR 261.2) exempts materials from the definition of a solid waste if they are “used or reused as effective substitutes for commercial products.” Therefore, it would be our interpretation that the use of these items for landscape timbers, posts, or other legitimate substitutes for commercial products would preclude them from consideration as solid or hazardous waste.

Treated railroad ties and utility poles that are destined for disposal (i.e., landfill, incineration, etc.) are considered solid waste. The first step in managing any material destined for disposal as a solid waste is to determine if it is a hazardous waste.

The hazardous waste determination may be accomplished by actual physical testing, using the Toxicity Characteristic Leaching Procedure (TCLP), or by using “generator knowledge”. There are four hazardous waste characteristics that are examined under RCRA: ignitability, corrosivity, reactivity, and toxicity. The only characteristic that may apply to treated wood is toxicity. Extensive TCLP testing of pentachlorophenol and creosote treated wood has conclusively demonstrated that these wood products are not a hazardous waste. According to 40 CFR 262.11(c)(2), such generator knowledge can be utilized in place of testing to determine that a waste is not a hazardous waste.

Therefore, treated railroad ties and utility poles that are being disposed but which are determined not to be hazardous are considered solid wastes and may be disposed at any permitted solid waste municipal landfill pursuant to Indiana Rule 329 IAC 10.

If you need additional information, or have any questions or concerns, please contact staff of the Office of Land Quality, Compliance & Response Branch at 317-234-6923 or 1-800-451-6027.