

2063

**WOOD TREATED WITH COPPER-CHROMIUM-
ARSENICAL (CCA) PRESERVING AGENTS**

09/16/91

**DOE-2153-91
DOE-FSO/OEPA
2
LETTER**



Department of Energy
Fernald Environmental Management Project
P.O. Box 398705
Cincinnati, Ohio 45239-8705
(513) 738-6357

SEP 16 1991
DOE-2153-91

Mr. Paul Pardi
Group Leader, SHWMU
Ohio Environmental Protection Agency
40 South Main Street
Dayton, Ohio 45402

Dear Mr. Pardi:

WOOD TREATED WITH COPPER-CHROMIUM-ARSENICAL (CCA) PRESERVING AGENTS

This letter summarizes for your information the position taken by the Fernald Environmental Management Project (FEMP) with regard to characterization and disposal of wood treated with copper-chromium-arsenical (CCA) preserving agents. Mike Hayes (Ohio EPA, SW District Office) discussed this position with Neal Frink (Westinghouse Environmental Management Company of Ohio (WEMCO), Environmental Compliance) on May 6, 1991.

Background:

Many wood products are treated with preserving agents to limit the effects of weathering. In order to properly characterize and dispose of wood and wood products generated from construction projects at the FEMP, it must be determined whether these wastes contain listed hazardous waste or exhibit any of the hazardous waste characteristics.

Prior to the promulgation of the Toxicity Characteristic (TC) rule, treated wood and wood products were provided an exclusion under 40 CFR 261.4(b)(9) if they "fail(s) the test for the characteristic of EP Toxicity and is not a hazardous waste for any other reason...". Subsequent to promulgation of the TC, the language was narrowed to read "fails the Toxicity Characteristic solely for arsenic and is not a hazardous waste for any other reason..."

The common use of arsenicals containing chromium causes the concern that the revised exclusion might lead to regulation of treated wood failing TC for chromium where such regulation had not previously existed.

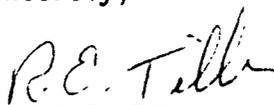
Interpretation:

Mr. Frink raised these issues in a conversation of May 3, 1991 with Steve Cochran of U.S. EPA. Mr. Cochran heads the Characteristics Section under the Waste Identification Branch of U.S. EPA's Office of Solid Waste. Mr. Cochran stated that the change in the language of the exclusion was in error and that

U.S. EPA did not intend to narrow the exclusion. The position of U.S. EPA is that wood or wood treated products that fail the TC for one or more of the 14 original EP constituents is still excluded under 261.4(b)(9), although arsenic is the primary concern. This will, however, leave treated wood subject to regulation upon failure of TC for one or more of the 25 additional TC organic constituents. This issue was recently raised by another party to the attention of U.S. EPA. Mr. Cochran will send the FEMP a copy of the letter being drafted that clarifies U.S. EPA's position on the exclusion.

If you have any questions, please contact David Rast at FTS 774-6322.

Sincerely,


Robert E. Tiller
Manager

FO:Rast

cc:

R. P. Whitfield, EM-40, FORS
K. A. Hayes, EM-422, GTN
J. Fiore, EM-42, GTN
P. J. Gross, SE-31, ORO
D. R. Schregardus, OEPA-Columbus
G. E. Mitchell, OEPA-Dayton
K. Davidson, OEPA-Columbus
R. Owen, ODH
J. Steven Rogers, DOJ
J. Van Kley, OAGO
E. D. Savage, WEMCO
M. Hayes, OEPA-Dayton
S. L. Bradley, WEMCO
W. H. Britton, WEMCO
S. W. Coyle, WEMCO
E. D. Savage, WEMCO
AR Coordinator, WEMCO
Central Files