

Focus on: Treated Wood Exclusion



Contact information

Central Regional Office:

509-575-2490

Eastern Regional Office:

509-329-3400

Northwest Regional Office:

206-594-0000

Southwest Regional Office:

360-407-6300

ADA Accessibility

To request an ADA accommodation, contact Ecology by phone at 360-407-6700 or email at hwtrpubs@ecy.wa.gov, or visit ecology.wa.gov/accessibility. For Relay Service or TTY call 711 or 877-833-6341.

With the treated wood exclusion, you may not need to manage your treated wood waste as a dangerous waste.

The Dangerous Waste Regulations divide the treated wood exclusion into two parts: arsenical-treated wood¹ and wood treated with other preservatives,² typically pentachlorophenol (PCP) and creosote.

This focus sheet explains both parts of the exclusion as well as the disposal and recycling options.

Arsenical-Treated Wood

What is arsenical-treated wood?

The term **arsenical-treated wood** describes a group of treated wood that contains certain toxic metal or chemical preservatives.

The term, and the exclusion, extends beyond treated wood that fails the toxicity characteristic leaching procedure (TCLP) **solely** for arsenic. It also applies to wood treated with preservatives containing fourteen metals or chemicals that are known to be toxic.

The grouping is based on whether the treated wood fails the toxicity characteristic leaching procedure (TCLP) test for any of the fourteen toxicity characteristic constituents D004–D017 listed in the Toxicity Characteristics List.³

Examples of other metal-based preservatives are copper chromated arsenic (CCA) or ammoniacal copper zinc arsenate.

¹ See the regulation about arsenical-treated wood in WAC 173-303-071(3)(g)(i): <https://app.leg.wa.gov/WAC/default.aspx?cite=173-303-071>.

² See the regulation about wood treated with other preservatives in WAC 173-303-071(3)(g)(ii): <https://app.leg.wa.gov/WAC/default.aspx?cite=173-303-071>.

³ See the Toxicity Characteristics List in WAC 173-303-090(8)(c): <https://app.leg.wa.gov/Wac/default.aspx?cite=173-303-090>.



Figure 1: Wood decks are often made from treated wood.



Figure 2: Dispose of treated wood properly.



Figure 3: Treated wood may be reused in normal treated wood applications, such as fences.

There are two conditions for the arsenical-treated wood exclusion. Both must be true for you to qualify for the exclusion.

- The treated wood designates under the federal toxicity characteristic waste codes D004–D017, or designates under state criteria (toxicity or persistence).
 - If the wood waste designates for any federal toxicity characteristic codes other than D004–D017, the exclusion does not apply.
- The wood product was previously used for its intended purpose as a treated wood.
 - This does not include production facility treated wood wastes that were never used as a treated wood product.

Disposal options for arsenical-treated wood

If the treated wood meets the conditions, it is excluded from being a dangerous waste.

- It may be disposed in a permitted solid waste landfill.
- It may also be disposed of at a treatment, storage, and disposal (TSD) facility.
- It may be reused for normal treated wood applications.

Storage and disposal is subject to [WAC 173-303-050](https://apps.leg.wa.gov/wac/default.aspx?cite=173-303-050),⁴ [-145](https://apps.leg.wa.gov/wac/default.aspx?cite=173-303-145),⁵ and [-960](https://apps.leg.wa.gov/wac/default.aspx?cite=173-303-960).⁶ These sections of the regulations cover spills and releases, clean up, and our authority to take action if an activity would cause harm to human health or the environment.

Arsenical-treated wood must be previously used

To qualify for the arsenical-treated wood exclusion, the wood product must be **previously used** for its intended purpose as a treated wood. The exclusion does not apply to waste from wood-preserving facilities or sawmill production (such as cut ends) because the waste was not previously used as treated wood.

Example of arsenical-treated wood disposal

The parks department wants to remove municipal park playground equipment constructed with CCA-treated wood.

What are the disposal options?

The parks department knows the wood:

- Is treated with CCA.
- May possibly designate for chrome (D007) and arsenic (D004).
- Does not designate for D018–D043 based on the safety data sheet.

⁴ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-303-050>

⁵ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-303-145>

⁶ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-303-960>



Figure 4: Play structure made from treated wood.



Figure 5: Railroad ties or other wood treated with preservatives may be eligible for this exclusion. Photo credit: David Brossard.



Figure 6: Treated wood that meets the conditions may be reused for retaining walls and other normal treated wood applications.

The parks department may:

- Dispose of the treated wood at a permitted municipal solid waste landfill (if local regulations allow) or at a TSD facility.
- Offer the treated wood for others to reuse. The new owner would also have the same disposal options once they were through using the wood.

Wood Treated With Other Preservatives

This exclusion applies to wood that has been treated with preservatives other than those covered by the arsenical-treated wood exclusion. Also, this treated wood exclusion is available only for wood that designates for state toxicity or persistence. Common examples of wood preservatives are creosote and pentachlorophenol (PCP).

Exclusion for Wood Treated With Other Preservatives

There are two criteria to exclude wood treated with other preservatives. Both must be true for you to qualify for the exclusion.

- The wood waste designates only for state-only toxicity or persistence.
- The wood waste does not designate as a listed waste under WAC 173-303-9903 and 173-303-9904, nor as a TCLP waste under WAC 173-303-090(8).

Disposal options for wood treated with other preservatives

Under this exclusion, you may dispose of wood waste treated with state-only dangerous preservatives to:

- A municipal solid waste landfill as allowed by [chapter 173-351 WAC](#).⁷ Treated wood waste must go to a lined landfill with a leachate collection system.
- A facility that legitimately treats or recycles the treated wood waste.
- An off-site permitted TSD facility or an on-site disposal facility with a dangerous waste permit.
- Another person who will reuse the treated wood for its intended purpose.

We encourage you to reuse this type of treated wood when possible. When reused for its intended purpose, this type of treated wood is not regulated as a dangerous waste. Reuse examples include fence posts, retaining walls, landscaping, decks, and general construction.

You do not need to manage or report the treated wood waste as a dangerous waste, but you must remove it from your site within 180 days.

⁷ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-351>



Figure 7: Wood treated with certain preservatives can better withstand moisture, but must be managed properly.



Figure 8: Treated wood is often used outdoors.

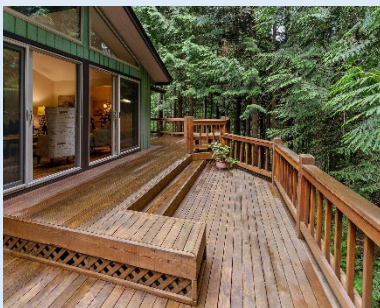


Figure 9: Treated wood can often be reused in decks.

Creosote-treated wood exclusion

An additional part of this exclusion⁸ allows creosote-treated wood to be burned for energy recovery in a regulated commercial or industrial furnace or boiler that meet air quality permit conditions.

For More Information

Contact a dangerous waste specialist near you if you have questions about the treated wood exclusion or any other dangerous waste management practices.

Department of Ecology Regional Offices



Southwest Region
360-407-6300

Northwest Region
206-594-0000

Central Region
509-575-2490

Eastern Region
509-329-3400

Central Regional Office, Union Gap: 509-575-2490

Counties: Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima

Eastern Regional Office, Spokane: 509-329-3400

Counties: Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman

Northwest Regional Office, Shoreline: 206-594-0000

Counties: Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom

Southwest Regional Office, Lacey: 360-407-6300

Counties: Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum

⁸ See the exclusion in WAC 173-303-071(3)(g)(ii)(C): <https://app.leg.wa.gov/WAC/default.aspx?cite=173-303-071>.