

Memorandum

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a California Way of Life.*

To: DEPUTY DISTRICT DIRECTORS, Construction
DEPUTY DIVISION CHIEF, Structure Construction
CONSTRUCTION MANAGERS
SENIOR CONSTRUCTION ENGINEERS
RESIDENT ENGINEERS

Date: September 8, 2021

File: Division of Construction
CPD 21-17



From: RAMON HOPKINS, Chief
Division of Construction

Subject: **UPDATE TO DISPOSAL OF TREATED WOOD WASTE**

This directive supersedes CPD 21-2, "Treated Wood Waste Management Update," and provides revised guidance to resident engineers on issuing change orders on projects that include treated wood waste removal.

Governor Gavin Newsom signed Assembly Bill 332 into law on August 31, 2021. Effective immediately, treated wood waste may be disposed of in a composite-lined portion of an approved California Class II or Class III landfill operating under a Regional Water Quality Control Board (RWQCB) permit. Under the new law, the storage and training requirements for handling treated wood waste have changed and the revised specification language is in the attached sample change orders.

For projects that are required by the special provisions to dispose of treated wood waste at a California Class I landfill operating under a Department of Toxic Substances Control (DTSC) permit or a Resource Conservation and Recovery Act Subtitle C hazardous waste facility, the state anticipates receiving credits from the contractor for disposing of treated wood waste at an approved California Class II or Class III landfill instead. Resident engineers should consider receiving credits from the contractor based on the reduction of transport cost, disposal fee, and storage cost. For these types of projects, refer to the attached sample change order and memorandum for scenario #1.

For projects that are originally required by the *Standard Specifications* to dispose of treated wood waste at an approved California Class II or Class III landfill, a change order may have been issued for treated wood waste to be disposed of at a California Class I landfill or a Resource Conservation and Recovery Act Subtitle C hazardous waste facility. Resident engineers on these projects should issue a supplemental change order for disposing of the remaining treated wood waste at an approved California Class II or Class III landfill. For these types of projects, refer to the attached sample supplemental change order and memorandum for scenario #2. If a change order for treated wood waste to be disposed of at a California Class I landfill or a

Resource Conservation and Recovery Act Subtitle C hazardous waste facility has not been issued, then no change is needed at this time. The treated wood waste may be disposed of at an approved California Class II or Class III landfill per the original contract specification.

At the resident engineer's discretion, projects with a substantial quantity of treated wood waste already disposed of at a California Class I landfill or a Resource Conservation and Recovery Act Subtitle C hazardous waste facility, may continue to have the remaining treated wood waste disposed of at such facilities. The facilities that are permitted to accept treated wood waste include Clean Harbors in Buttonwillow, California; US Ecology in Beatty, Nevada; US Ecology in Grandview, Idaho; and Chemical Waste Management of the Northwest in Arlington, Oregon. Additional documentation and requirements, such as hazardous waste manifests, may be required when disposing of treated wood waste at these facilities.

Attached to this directive are samples of change order memoranda and change orders. This directive serves as delegation of authority from the Division of Construction for change order approval, except when any of the following apply to the change order:

1. The language is altered.
2. The total absolute value exceeds \$200,000, except when delegated total absolute value exceeds \$500,000 for a district with a Change Order Quality Control Plan.
3. Contract time is extended by more than 20 days, except when time adjustments are delegated for a district with a Change Order Quality Control Plan.

There are some projects that have successfully obtained a treated wood waste variance from DTSC. Under the new law, all variances granted by DTSC are now inoperative and have no further effect.

If you have questions or comments regarding this directive, please contact Wing (Ricky) Choy, Division of Construction, at Wing.Choy@dot.ca.gov or (916) 764-7069.

Attachments:

1. Sample Form CEM-4903, "Change Order Memorandum," for scenario #1
2. Sample Form CEM-4900, "Change Order," for scenario #1
3. Sample Form CEM-4903, "Change Order Memorandum," for scenario #2
4. Sample Form CEM-4900, "Change Order," for scenario #2