



OFFICE OF RESOURCE CONSERVATION AND RECOVERY

WASHINGTON, D.C. 20460

October 8, 2025

Jeffrey T. Miller
President & Executive Director
Treated Wood Council
1101 K Street, NW, Suite 700
Washington, DC 20005

Dear Mr. Miller:

I am writing in response to your June 25, 2025, letter to EPA in which you submitted four requests that would ease the RCRA hazardous waste compliance burden for your members. One of your requests was for the EPA to clarify that the September 24, 2003, memo, "Options for CCA Wood Treatment Plants Converting to Preservatives that Do Not Generate Hazardous Waste" (RCRA Online Number [14681](#)), also applies to wood treaters that convert to using non-hazardous wood treating chemicals from chemicals that are regulated as F032 (pentachlorophenol) and F034 (creosote) listed wastes when discarded.

The EPA's 2003 guidance was specifically directed toward wood treaters that convert from using chromated copper arsenate (CCA), which is regulated as F035 hazardous waste when discarded, to a preservative that is non-hazardous waste when discarded. The memo stated that these wood treaters have three compliance options: continued operation, phased closure, and clean closure.

In 2022, the EPA published the cancellation of the pentachlorophenol registration under the Federal Insecticide, Fungicide, and Rodenticide Act, to which the Treated Wood Council (TWC) submitted comments. The EPA's response to those comments confirmed that the 2003 memo remains in effect and the closure options it presents are available to wood treaters generating F032 listed waste, with the clarification that they would still need to comply with the documentation and cleaning and/or replacement requirements in Section 261.35, and it recommended that wood treaters contact their state or EPA Region to determine the appropriate compliance strategy (refer to docket [EPA-HQ-OPP-2014-0653](#), pages 36-40).

The purpose of this letter is to convey the EPA's interpretation, after examining the facts, that the 2003 memo and 2022 response to TWC's comments may apply to wood treaters using any wood treating chemicals that are listed hazardous waste when discarded, including F032 and F034, with the caveat that wood treaters that use or have previously used chlorophenolic preservatives are subject to additional documentation and cleaning and/or replacement requirements under Section 261.35.

Please be aware that this memo does not make any changes to any decontamination standards, and any waste that is generated using equipment that has not been appropriately decontaminated will continue to bear the waste code or codes of the listed waste that was previously used. The EPA's May 19, 1998, letter, "Provisional Elimination of the F032 Waste Code" (RCRA Online Number [14197](#)) also remains in effect and presents related information that may be useful to your members.

This letter also confirms that subpart W drip pads used by wood treaters are a type of accumulation unit to which the closure flexibilities in Section 262.17(a)(8) apply—drip pads are listed in the opening sentence. These flexibilities allow generators that close only a hazardous waste accumulation unit (as opposed to the entire facility) to place a notice of closure in the operating record and perform the clean closure requirements in Section 262.17(a)(8)(iii) at a later date when the facility closes as a whole. Please be aware that this flexibility is only available in states that have adopted this provision of the 2016 Hazardous Waste Generator Improvements Rule, and in states, territories, and tribal land where the RCRA hazardous waste program is implemented by the EPA Regional office.

Please contact Brian Knieser of my staff (knieser.brian@epa.gov) with any questions or concerns.

Sincerely,

Andrew Baca
Deputy Director