



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF  
LAND AND EMERGENCY  
MANAGEMENT

Date: 11.19.2021

### **COVERSHEET: EXPLANATION OF CITATION AND/OR TERMINOLOGY CHANGES IN THIS POLICY DOCUMENT**

This policy document remains wholly in effect, but some or all of the regulatory citations within it have changed. These changes do not alter the existing regulatory interpretations.

As part of the [2016 Hazardous Waste Generator Improvements Rule](#), many of the regulations that apply to hazardous waste generators were moved to, or reorganized within, title 40 of the Code of Federal Regulations (CFR) part 262. To view a crosswalk between the old and new citations, please visit the [Hazardous Waste Generator Regulations Crosswalk webpage](#).

The Hazardous Waste Generator Improvements Rule also made changes to terms that may be included in this document. The most common term change was replacing “conditionally exempt small quantity generators” (CESQGs) with “very small quantity generators” (VSQGs). In addition, EPA defined the term “central accumulation area” (CAA) to mean a generator’s 90- or 180-day accumulation area for hazardous waste.

A handwritten signature in cursive script that reads "Jessica Young".

Jessica Young  
Chief of the Recycling and Generator Branch  
Office of Resource Conservation and Recovery

9453.1985(02)

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Dr. Alex Katona  
Occidental Chemical Corporation  
360 Rainbow Boulevard South  
Box 728  
Niagara Falls, New York 14302

Dear Dr. Katona:

Thank you for your letter of February 5, 1985, which was referred to me by Dr. Bellin. In your letter, you state that the Grand Island, NY Research and Development Laboratory Complex of Occidental Chemical Corporation performs analytical work on samples that contain TCDD. The laboratory, therefore, generates laboratory wastes consisting of used rubber gloves, contaminated disposable clothing, used disposable glassware, etc. that are contaminated with TCDD at the ppt level. You requested clarification of certain questions relating to RCRA permitting requirements.

Before we respond to your specific questions, however, we would like to clarify the scope of the listing. In particular, wastes resulting from laboratory operations such as contaminated clothing, glassware, etc., are not currently subject to the dioxin hazardous waste listing.\* Unused portions of the specific EPA hazardous wastes that are analyzed by a laboratory however, are EPA hazardous waste and are subject to the new regulation. With this in mind, the answers to your questions are as follows:

- Is the exclusion (40 CFR 262.34) from the RCRA permitting requirements available for generators who accumulate dioxin-containing hazardous waste on-site for less than 90 days?
  - Yes. Generators who store their wastes in either a tank or a container and are able to ship their waste off-site within 90 days can take advantage of the requirements in 40 CFR 262.34 (i.e., they do not need a RCRA permit)
- \* Although these wastes are not currently included in the January 14, 1985 dioxin listing, we would suggest that you manage them in a very careful manner (i.e., as if they were listed wastes).

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- If we determine that we cannot realistically take advantage of the less-than-90-day-accumulation-time exclusion for dioxin-containing waste, we will also be required to submit a Part A application for Interim Status storage of the other hazardous waste that we generate in the laboratory complex and which we have been shipping to date without need for an Interim Status permit?
- No. Any waste that you are able to ship off-site within 90 days that is stored in either a tank or a container can still take advantage of the requirements in 40 CFR 262.34, whether or not you need a permit for any other part of your operation.

I hope this answers your questions. If you need further application, you may wish to call Dr. Bellin at (202) 382-4787.

Sincerely,

Matthew A. Straus  
Chief  
Waste Identification Branch (WH-562B)