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MAR 12 1985

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)

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