

PPC 9453.1984(01)

HAZARDOUS WASTE MARKING REQUIREMENT APPLIED TO STATE  
REGULATED WASTE

MAY 18 1984

Mr. Michael A. Verde  
Technical Sales Representative  
CECOS International  
7321 Kenmore Avenue  
Buffalo, New York 14207

Dear Mr. Verde:

Thomas Charlton of the Department of Transportation has forward a copy of yor letter of April 2, 1984, to me and has asked me to respond to your question regarding the applicability of EPA's hazardous waste marking requirement (§262.32) to State regulated wastes.

PCB's are not defined as hazardous wastes in 40 CFR Part 261 - Identification and Listing, therefore they are not subject to EPA's marking requirement under Section 262.32. On the other hand. States may have a regulatory program which is more stringent or broader in scope than the Federal program. Many State have expanded their universe of regulated wastes to cover additional wastes not defined as hazardous under the Federal program. In addition to regulating a broader range of wastes, some States also require that other regulations such as marking requirements apply to State regulated wastes. Thus, New York State may require that container of PCB's be marked according to EPA's requirements under §262.32 even though the wastes are not included in the Federal universe of hazardous waste under RCRA.

If you have questions regarding New York State's requirements for hazardous wastes. I would suggest that you write to Mr. Norman H. Nosenchuck, Director, Division of Solid Waste, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-001 or call him at 518-457-6603. If you have other questions on EPA's regulations, please write to me at the following address:

Permits and State Programs Division (WH-563)  
U.S. Environmental Protection Agency  
401 M. Street SW  
Washington, DC 20460

As an alternative source of help on questions of this type,  
you may wish to call the RCRA/Superfund Hotline on 800-424-9346.

Sincerely yours

Original Document signed

Bruce R. Weddle  
Acting Director  
Permits and State Programs Division  
(WH-563)

cc: Norman Nosenchuck  
Thomas Charlton

WH-563/CBarley/08 MAY 84/382-4697/CD's Disk #12 Doc #21  
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