

PPC 9541.1986(20)

STATE AUTHORIZATION TO REGULATE HAZARDOUS
COMPONENTS OF RADIOACTIVE MIXED WASTES

OCT 20 1986

MEMORANDUM

SUBJECT: State Authorization to Regulate Hazardous
Components of Radioactive Mixed Wastes

FROM: J. Winston Porter
Assistant Administrator

TO: Waste Management Division Directors
Regions I-X

On July 3, 1986, EPA published a notice in the Federal Register (51 FR 24504 copy attached) announcing that in order to obtain and maintain authorization to administer and enforce a RCRA Subtitle C hazardous waste program, States must apply for authorization to regulate the hazardous components of radioactive mixed waste, i.e., wastes that contain both RCRA waste and radioactive waste subject to the Atomic Energy Act (AEA). You will soon receive a State Programs Advisory (SPA with more information on format and procedures for State applications. However, in the meantime I urge you to encourage your States to apply for final authorization for radioactive mixed wastes as soon as possible. This is especially important for States with major Department of Energy facilities or major Nuclear Regulatory Commission licenses that manage radioactive mixed wastes.

States which received final authorization prior to the publication date of the notice must revise their programs by July 1, 1988 (or July 1, 1989 if a State statutory amendment is required) to demonstrate authority to regulate the hazardous components of radioactive mixed wastes (see the "Cluster Rule", 51 FR 33712 September 22, 1986). States initially applying for final authorization after July 3, 1987, must incorporate this provision in their application for final authorization. In addition, States applying for HSWA corrective action must concurrently seek authority for radioactive mixed wastes.

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Until a State with final authorization is authorized for radioactive mixed wastes, handlers of such wastes are not subject to RCRA regulation. However, radioactive mixed wastes are considered "solid waste" for purposes of HSWA corrective action at solid waste management units. Under §3004(u), EPA can jointly issue a permit with the State and impose corrective action requirements on hazardous waste management units and solid waste management units at facilities that contain units subject to RCRA.

Attachment

cc: Marcia Williams
Bruce Weddle
State Programs Branch

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