

Frequently Asked Questions on Mixed Waste

What is mixed waste?

Mixed waste is waste that contains a hazardous waste component and a radioactive material component. A hazardous waste is either listed under 40 CFR Part 261, Subpart D, and/or exhibits a characteristic described in 40 CFR Part 261, Subpart C. Radioactive material must be classified as source, special nuclear, or byproduct material subject to the Atomic Energy Act of 1954 (AEA) (42 U.S.C. 201 et seq.).

How is mixed waste regulated?

Mixed waste is jointly regulated under both RCRA and the AEA. RCRA regulates the hazardous waste portion of the waste as any other hazardous waste, while the AEA regulates the RCRA-exempt radioactive portion (52 FR 15939; May 1, 1987).

Who regulates mixed waste?

Mixed waste is regulated by EPA, the Nuclear Regulatory Commission (NRC), and the Department of Energy (DOE). EPA regulates the hazardous waste portion, while the NRC or DOE regulate the radioactive portion. The NRC typically regulates mixed wastes from commercial and non-DOE federal facilities, while DOE regulates materials from DOE facilities.

Who generates mixed waste?

Mixed waste is typically generated by certain federal facilities, nuclear power plants, industrial sites, research laboratories, and medical institutions (Mixed Waste Incineration: (1) Background, EPA402-F-95-004).

Do the land disposal restrictions apply to mixed waste?

Mixed waste, regardless of its type of radioactive element, is hazardous waste and consequently subject to RCRA hazardous waste regulations, including the land disposal restrictions. Treatment standards for hazardous wastes are found in 268.40 of the RCRA regulations. In some cases special treatment standards are listed for mixed wastes, such as for radioactive lead solids (D008) and elemental mercury contaminated with radioactive materials (D009). When no special standards are listed, the normal treatment standards for the particular waste code apply (55 FR 22644; June 1, 1990).

How are any inconsistencies that may arise between RCRA and AEA regulation resolved?

Section 1006 of the RCRA statute provides that if application of both RCRA and AEA regulations creates a conflict, the AEA regulation would take precedence to the extent of the inconsistency between the regulations (OSWER Directive 9541.00-6; also 52 FR 15940; May 1, 1987).