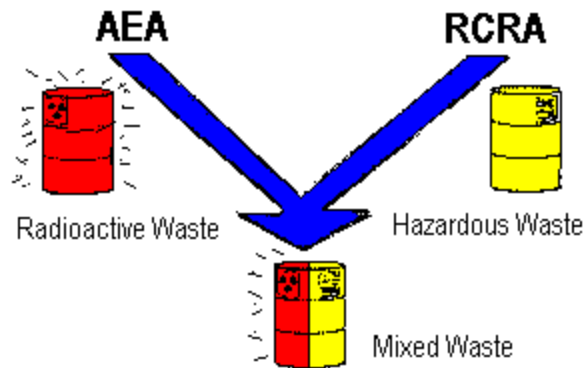


## Overview of EPA's Final Rule on Storage, Treatment, Transportation and Disposal of Mixed Waste

### What is Mixed Waste?

Mixed Waste, defined in Federal Facility Compliance Act, refers to a waste that contains both the Resource Conservation Recovery Act (RCRA) hazardous waste, regulated by EPA or authorized States, and radioactive waste subject to the Atomic Energy Act (AEA), regulated by the Nuclear Regulatory Commission (NRC), NRC Agreement States, or the Department of Energy (DOE).

- Mixed waste can be process waste, laboratory waste, environmental media, or debris.
- Mixed waste generators include hospitals, universities, research institutions, industry, pharmaceutical companies, nuclear power plants, and the federal government.



### Why Were Changes Made to the Mixed Waste Rule?

The regulated community raised several issues regarding the management of low level mixed waste (LLMW):

- Dual regulation under RCRA and Atomic Energy Act was duplicative and cumbersome
- Limited Mixed Waste treatment and disposal was causing some Mixed Waste to be kept in storage
- Other concerns such as decay-in-storage and safety issues

### RCRA Mixed Waste Rulemaking: Objectives

- Address mixed waste management issues under RCRA Subtitle C raised by the regulated community.
- Maintain overall protectiveness of Mixed Waste management.
- Provide relief from dual regulation where appropriate for the storage, treatment, transportation and disposal of LLMW.

**40 CFR 266 Subpart N Storage, Treatment, Transportation, and Disposal of Mixed Waste as incorporated by reference in Pennsylvania regulations at 25 Pa. Code §266a.20**

- Provides increased flexibility to generators and facilities that manage low-level mixed waste (LLMW) and technologically enhanced naturally occurring and/or accelerator-produced radioactive material (NARM) containing hazardous waste.
- Exempts LLMW from some RCRA storage and treatment regulations, and LLMW or eligible NARM from RCRA hazardous waste transportation and disposal regulations.
- Exempts these wastes from RCRA Subtitle C requirements, including permitting, provided they meet specific conditions.
- The exempt wastes must then be managed as radioactive waste in accordance with NRC or NRC Agreement State regulations.
- The storage and treatment exemption applies to LLMW which is generated under a single NRC or NRC Agreement State license and which meets the specified conditions.
- The transportation and disposal conditional exemption applies to LLMW or eligible NARM which meets the specified conditions, including treatment to Land Disposal Restriction treatment standards.
- The exemption allows disposal at a low-level radioactive waste disposal facility, if the facility has a disposal license from NRC or an NRC Agreement State. (Note that DOE disposal facilities are not eligible to accept the exempt waste since they are not subject to NRC regulation.)
- Additional flexibility is provided for manifesting LLMW or eligible NARM.

**Impact of Mixed Waste Rule in Pennsylvania**

- Effective November 27, 2000 Pennsylvania's hazardous waste program was authorized to implement the mixed waste program in lieu of EPA
- Pennsylvania hazardous waste regulations prospectively incorporate federal hazardous waste regulations
- The incorporated regulations at 40 CFR Part 266, Subpart N – Conditional Exemption for Low-Level Mixed Waste Storage and Disposal will become effective in Pennsylvania on November 13, 2001 (60 days after publication in the *Federal Register* on May 16, 2001)
- The federal provisions were incorporated with no exceptions, modifications, deletions or additions, therefore all conditional exemptions will be effective in Pennsylvania at the same time they become effective at the federal level (November 13, 2001)
- There is at least one facility that has been operating in violation of Pennsylvania hazardous waste regulations by storing Mixed Wastes in excess of one year due to a lack of treatment or disposal options. PADEP has used enforcement discretion at this facility and has not pursued penalties or sanctions against the company. This regulation change will moot that situation by providing regulatory relief.
- Generators of Mixed Waste in Pennsylvania will not have to rely on commercial treatment facilities to eliminate the hazardous constituents or meet the Land Disposal Restriction standards as they will be able to treat their own wastes at substantial savings.
- The regulation provides new options for generators of Mixed Waste to properly dispose of Mixed Waste and avoid added expenses of manifesting and using a Pennsylvania licensed hazardous waste transporter.