

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

JANUARY 11, 1988

Cory Sanioan, P.E.
Ontario Locomotive, Inc.
Warehouse and Maine Office
33 South Hyde Park Blvd.
Niagara Falls, N.Y. 14303

Dear Mr. Sanioan:

This is in response to your December 4, 1987, letter to Michael Petruska concerning the regulatory status of household waste and production and use of railcars used to handle such waste.

The EPA excludes household wastes from the definition of hazardous waste according to 40 CFR 261.4(b)(1). Therefore, household waste is not subject to regulation as a hazardous waste under the Resource Conservation and Recovery Act (RCRA), and a Federal permit is not required for its treatment, storage or disposal. Management of household waste may, however, be subject to individual state laws.

Also, the hazardous waste regulations do not specifically address the fabrication of railcars for waste transport. If your fabrication process generates solid waste, you as the generator would of course have to determine if the waste is hazardous (under 40 CFR Part 261), and if so, you would have to comply with all applicable requirements in 40 CFR Parts 260-268, 270, and the notification requirements of RCRA Section 3010.

If you have further questions in this area, please contact Michael Petruska at (202) 475-8551.

Sincerely,

Marcia E. Williams
Director
Office of Solid Waste

**ONTARIO LOCOMOTIVE &
INDUSTRIAL RAILWAY SUPPLIES (U.S.) INC**

Warehouse & Main Office
South Hyde Park Blvd., Niagara Falls, N.Y. 14303
Tel: (716) 282-1551
Telefax 716 282-5910

December 4, 1987

United States
Environmental Protection Agency
Mail WH - 562B
401 M Street, SW
Washington, D. C. 20460

Attention: Mike Petruska
Office of Solid Waste

Re: 40CFR 361.4 B-1
Solid Waste Sub Title B

Dear Mr. Petruska:

We are in the process of developing a design for fabrication of railcars to handle solid baled household waste.

The 40CFR document indicates that a permit is not required and we would request a written confirmation for our records.

Very truly yours,

ONTARIO LOCOMOTIVE, INC.

Cory Sanioan, P.E.

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