

QUESTION: If a State with Phase I interim authorization does not recognize a Federally listed waste as being hazardous in that State, is a generator of that waste required to notify under Section 3010 of RCRA?

ANSWER: Yes, the requirement to notify is based on whether someone generates or transports hazardous wastes or operates a TSD facility which handles hazardous waste as defined by Section 3001, regardless of whether that waste is regulated in a State with authorization under Part 271.

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