

9441.1985(26)

July 5, 1985

MEMORANDUM

SUBJECT: Dioxin-Containing Laboratory Wastes

FROM: John H. Skinner, Director
Office of Solid Waste

TO: Dennis A. Huebner, Chief
State Waste Programs Branch
Region I

This memo is in response to your memorandum dated May 28, 1985, regarding the regulatory status of laboratory wastes which contain dioxin. In particular, you question whether laboratory wastes which contain dioxin and which also are radioactive are subject to the Resource Conservation and Recovery Act (RCRA) rules or some other set of regulations.

First, you ask whether radioactive laboratory wastes are excluded from the definition of solid waste since they are under the Atomic Energy Act of 1954. C14 is a naturally-occurring radioisotope. EPA has authority, under RCRA, to regulate a material containing it. (See the February 21, 1984, memorandum from Lee Thomas to Ernesta Barnes, which you cited.) Such a material, therefore, is a solid waste, and is a hazardous waste if it meets one of the hazardous waste characteristics or is a RCRA-listed waste.

You further question whether the particular laboratory waste you describe is a hazardous waste listed in 40 CFR §261.31. Laboratory wastes, in general, are not regulated under Subtitle C of RCRA. Laboratory wastes such as chromatographic columns, discarded solutions, filter material, etc., are not currently listed. In the case of a laboratory which analyzes a RCRA hazardous waste, the unused portion of the waste being analyzed as well as any residue or sample from the analysis is a RCRA hazardous waste, and is subject to RCRA regulation. The particular laboratory wastes which you describe are, therefore, not regulated under RCRA. The January 14, 1985, dioxin regulations did not change this determination.

With respect to the laboratory wastes you described in your May 28, 1985 memorandum, one can calculate an average TCDD concentration of 2.5 ppb (1.5 mg/25 x 12 x 2 kg). Material of

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this degree of contamination should be safely disposed. These wastes are subject to NRC regulations for the disposal of radioactive wastes which should ensure that they are disposed in a satisfactory manner.

If you have any questions regarding the dioxin listings, please call Dr. Judith S. Bellin of my staff. She can be reached at 832-4789.

Attachment

cc: Judy Bellin