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ON-SITE INCINERATION OF A WASTE THAT IS BOTH A BY-PRODUCT
MATERIAL AND HAZARDOUS

SEP 6 1986

Ms. Suzann M. Unger
Radiation Safety Officer
Merrell Dow Research Institute
9550 N. Zionsville Road
P.O. Box 68470
Indianapolis, IN 46268 - 0420

Dear Ms. Unger:

This is in response to your letter of August 18 in which you proposed to incinerate on-site a waste that is both a by-product material and hazardous.

After reviewing the information presented in your letter, EPA has concluded that the waste stream in question would be considered a radioactive mixed waste (see enclosed Federal Register notice, which sets forth EPA's interpretation of this term and RCRA's jurisdiction over it). As the Federal Register notice discusses, in the past, EPA has not made authority to regulate the hazardous components of radioactive mixed waste a prerequisite to a State obtaining authorization to run the Federal RCRA program. The notice changes this, but requiring States to pick up this piece of RCRA if they wish to become, or remain, authorized. Since that currently authorized Indiana program does not include authorization for mixed wastes, these wastes are not now subject to the RCRA regulations in Indiana, and RCRA approval is not required for your proposed incineration.

However, you are still subject to whatever regulations the State of Indiana may have adopted pursuant to State law that are applicable to the hazardous components of radioactive mixed wastes. Therefore, I recommend that you work closely with the State of Indiana to discuss the appropriate management of these waste streams under Indiana law. You should contact:

Mr. David Lamm, Assistant Commissioner
for Solid and Hazardous Waste Management

RO 12731

Indiana Department of Environmental Management
105 S. Meridian Street
Indianapolis, IN 46225
(317) 243-5026

Once the State receives authorization under RCRA for radioactive mixed wastes, you will then also be subject to the RCRA regulations.

If you have any additional questions please feel free also to contact Jim Michael, State Programs Branch, Office of Solid Waste, at (202) 382-2231

Sincerely,

Marcia E. Williams
Director
Office of Solid Waste

Enclosure

cc: Jim Michael
David Lamm
David Stringham