



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

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OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

FEB 9 1999

The Honorable Dianne Feinstein  
United States Senate  
Washington, DC 20510-6050

Dear Senator Feinstein:

Thank you for sharing with us the concern of your constituent, Erica Simmons, regarding the storage and disposal of mixed transuranic waste (MTRU). Mixed transuranic waste and other mixed wastes are regulated by the Resource Conservation and Recovery Act (RCRA) because they are hazardous wastes, and regulated by either the Department of Energy or the Nuclear Regulatory Commission (NRC) under the Atomic Energy Act (AEA) because they are radioactive.

Ms. Simmons letter states her concern that “[c]ommercial facilities sometimes store wastes that can not be treated properly or dispose of them illegally, creating ecological complications.” Our experience shows that, although a small percentage of facilities may not abide by the law, EPA and NRC regulations governing the management of mixed wastes, and implemented by EPA authorized States, and NRC Agreement States, are comprehensive. The regulations provide for safe storage, treatment, and disposal of mixed wastes. Both NRC and EPA and the States have aggressive enforcement programs that prosecute violators of the regulatory and licensing programs. Specific incidents should be reported to EPA, NRC, or the appropriate State agency.

Ms. Simmons also suggests that mixed waste is being illegally stored (that is stored for more than EPA’s regulatory time limit). There are cases where there is inadequate treatment and disposal capacity for mixed wastes. To deal with this situation, on November 6, 1998, EPA renewed its policy relating to mixed waste storage. The policy is called “Extension of the Policy on Enforcement of RCRA Section 3004(j) Storage Prohibition at Facilities Generating Mixed Radioactive/Hazardous Waste.” (63 FR 59989) A copy of this policy is attached. It can also be found at the following Internet address: <http://www.epa.gov/radiation/mixed-waste>.

Faxback 14502

The policy requires generators to use any treatment technology or disposal capacity that is available or face potential enforcement action by EPA or the State agency authorized for the RCRA program. It also requires that the mixed waste be safely stored in compliance with EPA regulations (for example, secondary containment, inspections, etc.). The State of California is authorized for RCRA mixed waste implementation. Therefore, generators or the public within California should contact the State Agency regarding mixed waste questions.

If your constituent has further questions regarding storage and disposal of mixed waste in California, she may wish to contact:

Charlene Williams  
Northern California Branch Chief  
Statewide Compliance Division  
Department of Toxic Substance Control  
700 Heinz Avenue,  
Berkeley, CA 94710.

We have also enclosed a brochure on the Waste Isolation Pilot Plant in New Mexico which is a potential disposal site for mixed transuranic waste. We hope Ms. Simmons finds this information helpful.

Sincerely,



Elizabeth A. Cotsworth, Acting Director  
Office of Solid Waste

Enclosures