

1. State Authorization and the Regulation of Mixed Waste

Mixed wastes are wastes which contain a hazardous waste component, regulated under RCRA, and a radioactive waste component, regulated under the Atomic Energy Act. In the July 3, 1986, Federal Register (51 FR 24504), EPA gave notice that authorized states should seek to modify their regulatory programs and become authorized to regulate the hazardous waste component of mixed waste under their RCRA Subtitle C programs. How is the hazardous waste component of mixed waste regulated in states that have not become authorized to regulate it?

If a state has received base RCRA authorization, but has not been specifically authorized to regulate mixed waste, the hazardous waste component of mixed waste is not regulated in that state under the federal RCRA program. If a state never received base RCRA authorization, the hazardous waste component of mixed waste is regulated in that state under the federal RCRA program, implemented by the appropriate EPA Region. In either case, the radioactive component of mixed waste may be regulated by the Department of Energy, the Nuclear Regulatory Commission(NRC), and/or NRC Agreement state authority.

Currently, of the 49 base-authorized states and territories, 39 states, the District of Columbia, and the territory of Guam are authorized to regulate the hazardous waste component of mixed waste as part of their RCRA Subtitle C program. The other eight RCRA base-authorized states (MA, MD, ME, NJ, PA, RI, VA, WV) are not currently authorized to regulate mixed waste. In these states, the hazardous waste component of mixed waste is not regulated under the federal RCRA program, although it may be regulated under state law. Three states (AK, HI, IA) and four territories do not have base authorization for RCRA; in these states and territories, the hazardous waste component of mixed waste is regulated by the EPA Region. A list of mixed waste-authorized states was published in the Federal Register on April 26, 1996 (61 FR 18588). For more information and an up-to-date list of mixed waste state authorizations, visit the Mixed Waste Team homepage (<http://www.epa.gov/radiation/mixed-waste>).

