wastes or materials (40 CFR 264.177(b)). Appendix V of 40 CFR Part 264 contains examples of potentially incompatible wastes.

RCRA storage facilities must also maintain sufficient aisle space in waste storage areas "to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency, unless it can be demonstrated to the EPA Regional Administrator that aisle space is not needed for these purposes'' (40 CFR 264.35). In situations where high activity mixed wastes are monitored by remote means and/or stored using dense packing, a new facility has the flexibility to make such a demonstration to the Regional Administrator based (or authorized State) on the need to control the radiation hazard (40 CFR 264.35). Facilities with interim status have the same opportunity to justify why aisle space is not required (40 CFR 265.35). In either case, alternative systems or plans to contain spills, prevent fire and decontaminate equipment may be required by the Regional Administrator. The determination to waive or alter the aisle space requirement will be made on a case-by-case basis and be incorporated into the facility's RCRA permit.

IV. EPA RCRA Enforcement Policy for Mixed Waste in Storage

EPA has recognized that a shortage of adequate treatment and disposal capacity for mixed waste has existed for some time, and that the LDRs present a problem for generators that are unable to treat or dispose of this waste. Accordingly, on August 29, 1991 EPA announced, in the Federal Register (56 FR 42730) a policy of giving a reduced priority to civil enforcement of the storage prohibition in section 3004 (j) of RCRA at facilities which generate mixed waste. The policy was limited to civil enforcement and administrative actions resulting solely from the act of storing mixed waste in violation of RCRA section 3004 (j) and to those waste streams for which adequate treatment is not available. The policy was limited in duration and expired on December 31, 1993. On April

20, 1994, EPA announced a two year extension of this policy (59 FR 18813).

This policy applies to facilities which generate less than 1,000 cubic feet per year of land disposal restricted mixed waste and are operated in an environmentally responsible manner. EPA will consider a variety of factors in determining if a facility is conducting its operations in an environmentally responsible manner including:

• Whether the facility can demonstrate that its mixed waste storage areas are in compliance with all applicable RCRA storage facility standards found in 40 CFR 264.73/265.73 and inspection standards found in 40 CFR 264.15/265.15;

• Whether the facility has identified and kept records of its mixed wastes in accordance with 40 CFR 264.73(b)/265.73(b), including sources, waste codes, generation rates and volumes in storage;

• Whether the facility has developed a mixed waste minimization plan (see 58 FR 31114, May 28, 1993) and;

• Whether the facility is prepared to demonstrate the good faith efforts it has undertaken to ascertain the availability of treatment capacity for its wastes.

Licensees are encouraged to review this policy as presented in the **Federal Register** to determine if the flexibility contained in the policy may be appropriate for the operations at their facilities.

V. Conclusion

NRC and EPA recognize that until adequate treatment and disposal capacity is developed, mixed waste generators will face difficulties when storing their mixed waste. Compliance with both agencies' regulatory requirements will require that mixed waste generators become familiar with and take advantage of the flexibility in the existing regulations. Methods to ensure compliance with these regulations may include the use of remote monitoring equipment and shielding high exposure rate containers with low exposure rate containers. Generators that manage land disposal restricted waste and that are unable to find treatment and disposal capacity are likely to meet the conditions for the lower enforcement priority policy described above. If a generator locates adequate treatment and disposal capacity, this capacity should be used rather than engaging in unnecessary storage.

Generators should make every effort to determine if treatment or disposal capacity currently exists for their mixed waste. In order to provide mixed waste generators with information on commercial treatment and disposal capacity, the agencies published NUREG/CR-5938, the National Profile on Commercially Generated Low-Level Radioactive Mixed Waste in December 1992. This NUREG presents information on the volumes, characteristics, and treatability of commercially generated mixed waste and provides valuable information on facilities that currently offer treatment services for mixed waste. Finally, generators should minimize, to the maximum extent practicable, the amount of mixed waste being generated at their facilities. EPA's Risk Reduction Engineering Laboratory (RREL), in coordination with DOE, is currently conducting research in waste minimization techniques that should provide generators with general strategies to minimize their hazardous and mixed waste generation. Mixed waste generators should contact RREL at (513) 569-7391 to obtain information on these general waste minimization techniques. (For additional guidance, refer to 58 FR 31114, May 28, 1993, Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program, or NRC Information Notice 94-23, Guidance to Hazardous, Radioactive and Mixed Waste Generators on the Elements of a Waste Minimization Program, March 25, 1994).

NRC and EPA believe that through cooperation with the regulatory authorities, the use of innovative storage practices, minimizing mixed waste generation, and treating mixed waste to the maximum extent possible, mixed waste generators will be able to manage their mixed waste in a manner that protects the public and the environment until adequate disposal capacity is developed.

TABLE 1.—STATES WITH MIXED WASTE AUTHORITY AS OF JUNE 30, 1995

TABLE 2.—NRC AGREEMENT STATES, AS OF JUNE 30, 1995

Alabama Arizona Arkansas California Colorado Florida Georgia Kansas Kentucky Louisiana Maine Maryland Mississippi Nebraska New York. North Carolina. North Dakota. Oregon. Rhode Island. South Carolina. Tennessee.