

REGULATIONS GOVERNING HAZARDOUS WASTE TRANSPORTERS

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OVERVIEW

Hazardous waste transporters play an integral role in the cradle-to-grave hazardous waste management system by delivering hazardous waste from its point of generation to its ultimate destination. Since such transporters are moving regulated wastes on public roads and highways, rails, and waterways, they are regulated not only by RCRA, but by the Department of Transportation (DOT) standards as well. To avoid regulatory discrepancies and redundant regulations, the hazardous waste transporter regulations were developed jointly by EPA and DOT. Although the regulations are integrated, they are not located in the same part of the CFR. DOT's Hazardous Materials Transportation Act regulations are found in 49 CFR Parts 171-179, while the RCRA Subtitle C transporter requirements are located in 40 CFR Part 263. This chapter summarizes only the RCRA Subtitle C transporter regulations. Please consult the DOT regulations for a complete understanding of hazardous waste transporter requirements.

WHO ARE THE REGULATED TRANSPORTERS?

A hazardous waste **transporter** under Subtitle C is any person engaged in the off-site transportation of hazardous waste within the United States, if such transportation requires a manifest. Off-site transportation of hazardous waste includes shipments from a hazardous waste generator's facility property to another facility for treatment, storage, or disposal. Regulated off-site transportation includes shipments of hazardous waste by air, rail, highway, or water.

Transporter regulations only apply to the off-site transportation of hazardous waste. The transporter regulations do not apply to the on-site transportation of hazardous waste within a facility's property or boundary. Examples of such on-site transportation include generators and TSDFs transporting waste within their facilities, or on their own property. On site also refers to geographically contiguous properties, even if the properties are separated by a public road.

Consequently, a facility may ship wastes between two properties without becoming subject to the hazardous waste transporter regulations, provided that the properties are contiguous.



Transporter requirements do apply to shipments between noncontiguous properties that require travel on public roads.

REGULATORY REQUIREMENTS FOR TRANSPORTERS

A transporter of hazardous waste is subject to several regulations under RCRA and must:

- Obtain an EPA identification (ID) number
- Comply with the manifest system
- Properly handle hazardous waste discharges.

■ EPA Identification Number

One way that EPA keeps track of hazardous waste transporters is by requiring each transportation company to obtain an EPA ID number. Without this ID number, the transporter is forbidden from transporting hazardous waste. Unlike generator EPA ID numbers, which are site-specific, transporter numbers are assigned to the transportation company as a whole. This means that each individual truck does not receive a unique number, but rather, uses the number issued to the company's headquarters location.

■ The Manifest

With the exception of water and rail shipments and the transport of certain small quantity generators (SQG) recycling wastes, a transporter may not accept hazardous waste from a generator unless the waste is accompanied by a properly prepared manifest. Upon receiving the waste, the transporter must sign and date the manifest to acknowledge receipt and return a copy to the generator before leaving the generator's property. A copy of the manifest must accompany the shipment of the waste at all times. Once a transporter has accepted a waste, the transporter is required to deliver the entire quantity of waste to the next designated transporter or to the designated facility. Upon turning the waste over to another transporter or to the designated facility, the transporter is required to have the manifest signed and dated by the recipient. All

transporters are required to keep a signed copy of the manifest for three years from the date the initial transporter accepted the waste. If the waste cannot be delivered as the manifest directs, the transporter must contact the generator and receive further instructions on whether to return the waste or take it to another facility.

If a waste is rejected by the TSDF designated on the manifest to receive the waste, then the transporter must follow the tracking procedures for full load rejections or partial rejections, depending on the circumstances of the rejection. The transporter must also follow the applicable tracking procedures for regulated quantities of container residues.

These manifest requirements are slightly different for water and rail transporters. Water and rail transporters must comply with the directions on the manifest, obtain an EPA ID number, and must be listed on the manifest, but the manifest is not required to physically accompany the waste shipment at all times. Instead, both water and rail transporters can use another shipping document instead of the manifest, provided that it contains the same information as the manifest (excluding the EPA ID number, generator certification, and signatures). The initial water or rail transporter must sign and date the manifest or shipping document and ensure that it reaches the designated facility, and the final water or rail transporter must ensure that the owner and operator of the designated facility signs the manifest or shipping paper. Intermediate water and rail transporters are not required to sign the manifest or shipping paper.



Because one of the primary goals of RCRA is to foster resource recovery and recycling, the transporter regulations contain a special exemption

from the manifest requirements for transporters who handle certain recycled (or reclaimed) wastes generated by SQGs. This exemption is intended to facilitate the recycling of small quantities of hazardous wastes that are transported in a protective manner. To qualify for this exemption, the waste must be reclaimed under a contractual agreement between the SQG and a recycling facility. The agreement must specify the type of waste reclaimed and the frequency of shipments. In addition, the vehicle used to transport the waste must be owned and operated by the recycling facility. Both the generator and transporter are responsible for keeping a copy of the reclamation agreement on file for three years after the agreement ends.

On March 4, 2005, EPA established new requirements revising the Uniform Hazardous Waste Manifest regulations and the manifest and continuation sheet forms (70 FR 10776). The revisions announced in the March 2005 final rule standardize the content and appearance of the manifest form and continuation sheet (Forms 8700-22 and 22a) and make the forms available from a greater number of sources. The final rule also establishes new procedures for tracking certain types of hazardous waste shipments with the manifest. These types of shipments include non-empty hazardous waste containers and hazardous wastes that enter or leave the United States. In the case of rejected shipments or container residues, the new manifest provides new data fields in the existing “Discrepancy” block on the manifest (Item 18 on the new form) to record information for these shipments. The new manifest form also contains a new block (entitled “International Shipments”), which hazardous waste transporters and other hazardous waste handlers will use to record information for hazardous waste import and export shipments.

■ Handling Hazardous Waste Discharges

Even though the regulations are designed to ensure that hazardous waste shipments are conducted safely, the transportation of hazardous waste can still be dangerous as there is always the possibility that an accident may occur. To address this possibility, the regulations require transporters

to take immediate action to protect human health and the environment if a release occurs (e.g., notifying local authorities and diking the discharge area). When a serious accident or spill occurs, the transporter must notify the National Response Center (NRC) by phone. The Centers for Disease Control (CDC) must also be informed if the spill involves disease-causing agents.

The regulations also authorize certain federal, state, or local officials to handle transportation accidents. Specifically, if immediate removal of waste is necessary to protect human health or the environment, one of these officials may authorize a nonmanifested removal of the waste by a transporter without an EPA ID number.

TRANSFER FACILITIES

Transporters accepting hazardous waste from a generator or another transporter may need to hold waste temporarily during the normal course of transportation. A **transfer facility** is defined as any transportation-related facility, such as loading docks, parking areas, storage areas, and other similar areas where shipments are held during the normal course of transportation. A transporter may hold waste at a transfer facility for up to 10 days.

ADDITIONAL REGULATORY REQUIREMENTS

Even though transporters are regulated under Part 263 of the RCRA regulations and DOT provisions, there are certain situations when a transporter may be subject to additional RCRA regulatory requirements. For example, if a transporter stores waste at a transfer facility for more than 10 days, the transfer facility becomes a storage facility subject to all applicable requirements for treatment, storage, and disposal facilities (TSDFs) (including permitting).

In other situations, a transporter may be subject to RCRA hazardous waste generator requirements. For example, transporters may import hazardous waste into the United States, thus causing the waste to become subject to the RCRA regulations. Also, transporters may mix separate hazardous wastes

with different DOT shipping descriptions into a single container, thus physically producing a hazardous waste. In these instances, transporters are responsible for complying with the RCRA hazardous waste generator provisions (as discussed in Chapter III, Regulations Governing Hazardous Waste Generators).

SUMMARY

A regulated transporter is defined under Subtitle C as any person engaged in the off-site transportation of hazardous waste, if such transportation requires a manifest. The transporter regulations do not apply to the on-site transportation of hazardous waste within a facility's property boundary.

Transporters of hazardous waste must comply with both EPA and DOT regulations. The RCRA Subtitle C regulations require a transporter to:

- Obtain an EPA ID number
- Comply with the manifest system
- Properly handle hazardous waste discharges.

During the normal course of transportation, transporters may hold waste temporarily (for up to 10 days) at a transfer facility.

Transporters of hazardous waste may also be subject to Subtitle C generator or storage facility requirements (e.g., if the transporter stores waste at a transfer facility for more than 10 days or imports hazardous waste into the United States).