



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
JOHN F. KENNEDY FEDERAL BUILDING  
BOSTON, MASSACHUSETTS 02203-0001

December 13, 1995

Daniel Gillingham, Regulatory Compliance Manager  
Franklin Environmental Services, Inc.  
Transportation Programs  
185 Industrial Road  
P.O. Box 617  
Wrentham, MA 02093

Re: LDR Notification Requirements

Dear Mr. Gillingham:

This is in response to your letter dated October 26, 1995, requesting EPA's position on the proper language for Land Disposal Restriction forms where shipments of hazardous wastes destined for CWA/CWA equivalent/Class I facilities are initially transported to a non CWA/CWA equivalent/Class I transfer facility. You state that a "common problem" occurs when a generator manifests LDR waste off-site to a transfer facility that, in turn, ships the waste off-site to a CWA/CWA equivalent facility for ultimate disposal.

Based on the information contained in your letter, there does not appear to be any regulatory issue in this matter. It is clear to me that the first facility is not acting as a transfer facility and is signing the designated facility portion of the manifest as the TSDF. As such, the non-CWA language sent by the initial generator is appropriate and the generator of the initial manifest has met his obligations. Also, the transfer facility upon signing the manifest as the "Designated Facility" in Item 9, effectively terminates the shipment at that point. Any subsequent shipment involving this waste would require the TSDF to prepare and sign a new manifest as the generator and would also require the TSDF to identify the appropriate LDR language for the next receiving facility (CWA/CWA equivalent for your example).

If, as you suggest, the first facility was acting in the capacity of a transfer facility (i.e. less than ten days) and not a TSDF, the LDR notice would not be an issue because the facility would only be completing Item 7 of the hazardous waste manifest and signing as a continuing transporter. This type of transfer does not complete the shipment, would not terminate the manifest and would allow the LDR CWA/CWA equivalent language on the LDR Notice since the CWA/CWA equivalent facility would be the designated facility that completes the manifest and terminates the shipment.



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contains at least 75% recycled fiber

If you have any further questions regarding this matter, please contact me at (617) 565-3349.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth B. Rota". The signature is written in dark ink and is positioned above the typed name.

Kenneth B. Rota, Environmental Protection Specialist  
RCRA Enforcement Unit