United States
Environmental Protection
Agency

Office of
Public Awareness (A-107)
Washington DC 20460

February 1980
SW-830

EPA

Hazardous Waste Information

Transporters

Rules for Transporters of Hazardous Wastes

The Resource Conservation and Recovery Act of 1976 (RCRA) requires the U.S. Environmental Protection Agency (EPA) to institute a national program to control hazardous waste. The keystone of the program is cradle-to-grave control via manifests and reporting. Specific regulations for carrying out RCRA are set forth in the Code of Federal Regulations (40 CFR 260 and succeeding Parts). The program becomes effective 6 months following promulgation of Part 261, the regulation identifying hazardous waste. This regulation has been proposed and is planned for final promulgation in April 1980. A waste is identified as hazardous in Part 261 if it is included in a comprehensive list of waste sources and waste streams or if it is ignitable, corrosive, reactive, or toxic.

The control system starts when those engaged in generating, transporting, treating, storing, or disposing of hazardous waste notify EPA, as required by section 3010 of RCRA. After receiving notification, EPA assigns an identification number to the notifier. Anyone engaged in hazardous waste activities who does not notify EPA during the 90-day period following promulgation of Part 261 may not begin or continue operation until an identification number is assigned.

The regulation for transporters of hazardous waste (section 3003 of RCRA) was developed jointly by EPA and the U.S. Department of Transportation (DOT). The EPA regulation on transporters incorporates by reference pertinent parts of DOT's rules on labeling, marking, packaging, placarding, and other requirements for reporting hazardous waste discharges (spills) during transportation. DOT, in turn, is amending its regulations on transportation of hazardous materials to include EPA's requirements. EPA believes that these joint efforts will make it easier for transporters to comply with all requirements and will eliminate overlapping administrative and enforcement activities. In addition, the coordination will minimize additional costs for recordkeeping by transporters.

The regulation under section 3003 of RCRA requires a transporter of hazardous waste to:

- obtain an EPA identification number
- comply with the manifest system for tracking hazardous waste
- deliver the entire quantity of hazardous waste to the facility designated by the generator on the manifest.
- retain a copy of the manifest for 3 years
- comply with DOT regulations pertaining to reporting of spills or discharges
- clean up any hazardous waste discharged during transportation

Notification Requirement

Anyone who generates, transports, treats, stores, or disposes of hazardous waste is required to notify EPA within 90 days of promulgation of Part 261. Notification should be filed with the Regional Administrator of the EPA region in which the notifier is located.

EPA Identification System

A transporter who notifies EPA during the 90-day period following promulgation of Part 261 receives an identification number. New transporters (those not in the hazardous waste business during this 90-day period) may submit requests for an identification number to their EPA regional office. A generator of hazardous waste is prohibited from using the services of a transporter who does not have an identification number.

Operation of the Manifest System

The generator signs the certification on the original manifest and all copies, one for each person handling the waste. The transporter then signs and dates the manifest and returns one copy to the generator, who retains it until a copy is received from the designated permitted facility following delivery of the waste.

The transporter carries the manifest to the designated facility. When the shipment arrives, an agent for the facility signs and dates each copy and retains one. One copy is given to the transporter, who retains it for 3 years, and another copy is returned to the generator by the facility agent.

If more than one transporter is involved, the initial transporter must obtain the subsequent transporter's dated signature on the manifest. The remaining copies accompany the waste until it reaches the designated facility.

Rail Shipment and Bulk Shipment by Water

For rail shipment or bulk shipment by water, the manifest need not accompany the waste. However, a shipping paper, which contains all the information on the manifest except EPA identification numbers, generator certification, and signatures must accompany the waste. If transportation other than rail or water is used at any stage of the shipping process, then the manifest must accompany the waste at all times.

The waste may be transferred between two rail or bulk shipment water carriers without obtaining the subsequent carrier's signature. But the final rail or water transporter must obtain the dated signature of the agent for the designated facility on the shipping paper or the manifest.

All rail or water transporters are required to keep a copy of the shipping paper or the manifest for 3 years from the date of acceptance.

Hazardous Waste Discharge

A discharge is defined as the accidental or intentional spilling, leaking, pumping, emitting, emptying, or dumping of hazardous waste onto or into the land or water.

All transporters are responsible for cleaning up any discharge of hazardous waste that occurs during transportation.

When authorities on the scene declare an emergency, they can temporarily suspend the requirement that waste can be handled only by those holding EPA identification numbers and complying with the manifest system. This suspension ceases when the emergency no longer exists.

In certain cases, DOT requires that the transporter telephone the National Response Center (800-424-8802) to supply information on a discharge. In the District of Columbia, the number is 202-426-2675.

A written report of each discharge must be submitted to DOT, which will forward a copy to EPA.