
**EPA Proposes
Modification of the Hazardous Waste Manifest System**

On May 22, 2001 EPA proposed a rule entitled, "Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System", 66 Federal Register 28240. Specifically, this rule proposes the following:

- To further standardize the content and appearance of the uniform hazardous waste manifest;
- To establish procedures for follow-on manifesting of waste rejected by treatment, storage, and disposal facilities (TSDFs) and for shipment of "non-empty" container residues;
- To allow manifests to be completed, sent, and stored electronically; and
- To establish a registration process for organizations printing the new manifest form.

Comments on this proposal were originally due to EPA by August 20, 2001. This was subsequently extended until October 4, 2001. DoD submitted multiple comments on this proposal.

Who Should Read This Rule?

This rule should be read by:

- Persons responsible for executing hazardous waste manifests including generators; transporters; and treatment, storage and disposal facility owners/operators.
- Persons overseeing contractor performance related to waste shipments and Defense Reutilization and Marketing Office Contracting Officer Representatives.
- Persons such as Information Management Staff who will implement electronic manifesting options.
- Persons maintaining databases relative to hazardous waste generation.
- Persons conducting RCRA manifest training.

Summary

Modification of the Manifest

The purpose of the hazardous waste manifest is to track waste; establish lines of accountability; provide hazard communication and emergency response information; and to provide a basis for recordkeeping and reporting. The existing manifest system uses a "uniform" hazardous waste manifest format composed of both mandatory and optional fields. The mandatory fields are uniformly completed nationally. The optional fields are required to be completed at the

discretion and direction of individual states. This has resulted in multiple state variations of the uniform hazardous waste manifest and has proved to be an administrative burden to shippers transporting waste among multiple states.

The new manifest would eliminate all of the currently optional fields with the exception of the waste code and handling code blocks. So there would no longer be blocks on the new manifest form for the state manifest document number, the state generator's ID number, the state transporter's ID number, the transporter's phone number, the state facility's ID number, or the facility's phone number.

A copy of the proposed format for the revised manifest form can be viewed at: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=01-11909-filed.pdf on page 28307. Note the following changes:

- Block A, Waste Codes. Completion of this block would still be at the discretion of the state, but there would be consistency within the context of the block among those states requiring its use. This block provides space for entering up to three Federal and three state waste codes. The Federal waste codes would be listed according to a pre-established hierarchy based on toxicity. Generally P and F-listed acute waste codes would be listed first, then U codes, then K codes, then non-acute F codes, and finally D codes. However, EPA proposes to allow states the discretion of requiring D001 (ignitable) and D003 (reactive) wastes codes to be entered first. To list more than six codes, space after the basic shipping description or the Special Handling/Additional Description block could be used.
- Block B, Biennial Report System Type Code. These are analogous to "handling codes" under the old manifest system and indicate the manner in which waste is managed by the TSDF. The term Biennial Report System Type Codes is used because the codes will cross reference to information needed for biennial reports. This is a state optional element, but when used will be consistent among all states.
- A new emergency response phone number block is used not only to prompt generators to supply the number as required by the Department of Transportation, but also to make it easier for emergency responders to locate this information quickly.
- The Additional Description block is combined with the "Special Handling" block.
- The certification statements have changed. This proposes to modify the shipper's certification to, "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, and marked and labelled/placarded, and are in all respects in proper condition from transport according to applicable international and national government regulations." It also proposes to modify the generator's waste minimization certification to, "I certify that the waste minimization statement identified in 40 CFR 262.27(a)(if I am a large quantity generator) or (b)(if I am a small quantity generator) or authorized equivalent state regulation is true with respect to this shipment."

- A new international shipment block indicates imports/exports of waste. It would also note the port of exit or entry, the date leaving the U.S., and the transporter's signature (for exports only). For imports, the transporter would be required to leave a copy of the manifest at US Customs as is currently required for exports.
- The discrepancy section includes areas to not only indicate discrepancies but also to address rejected waste and container residues. This is further discussed below.

Rejected Wastes and Residues

It is not always possible to empty tanker trucks and containers sufficiently to render them non-RCRA regulated. EPA proposes to improve tracking of these container residues as well as tracking of wastes rejected by TSDFs. The TSDF would be required to:

- Check the rejected load or residue box in the discrepancy block of the original manifest.
- Sign the facility certification on the original manifest that the waste was received except as noted in the discrepancy block, generate a new manifest to continue the shipment to the next destination.
- Note the original manifest number on the new manifest in the "Special Handling Block".
- Record the new manifest number on the original manifest in Block 20 regarding discrepancies.
- Sign and return the original manifest to the generator.
- If the TSDF rejects wastes or discovers regulated residues after the original manifest was signed, the TSDF would be required to send the generator and delivering transporter an amended copy of the original manifest revised to indicate information regarding the rejected waste or residue.

This proposal outlines conditions for re-manifesting rejected wastes and container residues. When there has been no change in the form of the waste, the TSDF would consult with the generator and would sign for and certify the new shipment, but the original generator would be still be listed as the generator on the new manifest. However the TSDF would be designated as the generator on the new manifest when the form of the waste or shipping name is changed or when the waste is being returned to the original generator.

Electronic Manifesting

EPA proposes to allow manifests to be prepared, signed, transmitted, and stored electronically. When the manifest is transmitted electronically, a hazardous materials shipping paper would still need to physically accompany the shipment in accordance with Department of Transportation regulations.

The manifest automation standards proposed include:

- The electronic data interchange (EDI) and Internet Form file standards for the electronic manifest.

- The standards for electronically signing the manifest with electronic signatures.
- The computer security standards for systems creating, processing, and storing electronic manifests.

Use of electronic manifesting will be voluntary and adoption of electronic manifesting authorities would be at the discretion of each state. Therefore, it is conceivable that not all parties involved in the manifest process will possess electronic manifesting capabilities. EPA proposes a number of options to facilitate use of electronic options. When the generator and receiving facility have electronic capabilities but the transporter does not, the transporter could manually sign a paper copy of the manifest, and the generator could electronically note that the transporter's manual signature is on file. When the transporter has electronic capabilities but the generator does not, the transporter could provide a portable device to obtain the generator's signature or the generator could authorize the transporter to electronically sign the manifest on their behalf.

Other Changes

- EPA proposes to modify the definition of "bulk container" to be consistent with Department of Transportation terminology. Containers greater than 119 gallons rather than 110 gallons would be considered bulk containers.
- EPA is proposing that whole numbers rather than fractions should be used for manifesting non-bulk shipments. Fractions would be used only for bulk shipments.
- EPA proposes changes to unmanifested waste report requirements. Use of typed, handwritten, or electronic notes would be allowed to report receipt of unmanifested waste.

Acquisition of Manifest Forms

EPA proposes to require those printing the new manifest to register with EPA. This is to ensure forms are printed according to specifications and that they contain unique preprinted numbers on each form.

Effective Date

Authorized states would be required to adopt the new uniform manifest form to obtain and maintain authorization. Except for the modification to the waste minimization statement, this rule would not be effective in authorized states until the states revise their programs. In areas where EPA has retained RCRA authority, this rule is proposed to become effective six months from promulgation of the final rule with a two-year delayed compliance date during which either the old or new manifest system could be utilized.