

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Cynthia Hilton, Executive Director  
Association of Waste Hazardous Materials Transporters  
2200 Mill Road  
Alexandria, Virginia 22314

Dear Ms. Hilton:

Thank you for your letter of June 23, 1997 to Administrator Browner in which you point out an error that appeared in a recent EPA publication. The publication cited was the May, 1997 edition of "New Directions," which is a publication dedicated to reporting on the Environmental Protection Agency's (EPA's) Regulatory Reinvention Activities. On pp. 4-5 of the publication, there is an article which summarizes a number of reinvention efforts affecting EPA's hazardous waste requirements. One of the items discussed in the article is the new manifest exemption for shipments between sites on certain contiguous properties controlled by the same entity. This exemption was included in the February 12, 1997 Military Munitions Rule (62 FR 6622), and was intended to facilitate consolidation of wastes generated within the contiguous properties, under circumstances where the generator may need to move the wastes briefly across or along a public right-of-way to consolidate them. See 62 FR at 6645-46.

Unfortunately, the "New Directions" article interpreted the rule's new manifest exemption too broadly. As your letter indicates, the writer of the article suggests that this manifest exemption would relieve generators in these locations from "extensive tracking, packaging, labeling, marking, and placarding requirements." In fact, the rule does not extend to the DOT packaging, labeling, marking, or placarding requirements which are incorporated into EPA's regulations at 40 CFR §§ 262.30, 262.31, 262.32, and 262.33. This is clearly stated in the preamble (62 FR 6646). Thus, the DOT requirements for shipping papers, packaging, labeling, marking, and placarding remain applicable to hazardous waste shipments from these locations, except in those instances where DOT's hazardous materials coverage is dependent on the material being subject to the manifest. We believe that this exception is limited to hazardous waste shipments that consist solely of Class 9 hazardous materials in amounts less than their reportable quantities.

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Please accept our thanks for pointing out this error to us. We regret any confusion or inconvenience spawned by the article, and we will advise the Regulatory Reinvention Team of the error, so that they can take appropriate action. If you have any other questions, please contact Michele Anders, Chief of the Generator and Recycling Branch, on (703) 308-8850.

Sincerely,

Elizabeth A. Cotsworth, Acting Director  
Office of Solid Waste