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1. Manifest Requirements and the Off-Site Definition

Within an industrial park, a corporation leases four contiguous plots of property to wholly owned subsidiaries on one large piece of land. As all the companies use similar solvents, the corporation has built a central recycling facility which would accept transported spent solvents from each of the different production plants. While each of the four companies has a separate EPA ID Number, all facilities are connected via private roads on the corporation's property. If the solvent wastes are trucked from one company, over another's leased property in order to get to the central recycling facility, do the manifest regulations apply?

When wastes are moved within a corporate part without use of public roads, the waste is not considered to be transported off-site. Therefore, a manifest is not required. Section 262.20 of 40 CFR requires "a generator who transports, or offers for transportation, hazardous waste for off-site treatment . . . must prepare a Manifest" The definition of "off-site" is interpreted as that which is not on-site. Section 260.10 defines "on-site" to mean, "the same or geographically contiguous property which may be divided by public or private road . . . Non-contiguous properties owned by the same person but connected by a right of way which he controls and to which the public does not have access, is also considered on-site property." As long as the right of ways are controlled by the lessors, and the public access is restricted, the movement of hazardous waste does not constitute transportation "off-site"; a manifest, therefore, is not required.