



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

MAY 14 2007

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: Hazardous Waste Manifest Provision for Rejected Shipments and Residues

FROM: Matt Hale, Director *Matt Hale*
Office of Solid Waste

TO: Regional Waste Division Directors
Regions I – X

On March 4, 2005, EPA promulgated a final rule which established new regulations for the Uniform Hazardous Waste Manifest system, including revising the manifest form used to track hazardous waste from a generator's site to the treatment, storage or disposal facility (70 Fed. Reg. 10776). The revisions announced in that rule standardized the content and appearance of the manifest form and continuation sheet (Forms 8700-22 and 22a), made the forms available from EPA-approved sources, and adopted new procedures for tracking specific types of waste shipments. We believe the new manifest form has worked extremely well since the September 5, 2006 effective date, although there is one issue that warrants clarification regarding a provision in the final rule.

Specifically, the regulated community and State waste management officials have asked for clarification regarding the manifest provisions at 40 CFR §§ 264.72(f)(1) and 265.72(f)(1), which address situations where a designated facility needs to return rejected wastes or residues to the generator. In these cases, the designated facility prepares a new manifest form to accompany the rejected waste back to the generator. At issue is what information should be entered in Item 5 of the manifest form ("Generator's Name and Mailing Address"). Our intention in the final rule was to require the designated facility to put its own information in Item 5 since it originates the shipment of rejected waste, and to provide the generator's information in Item 8 ("Designated Facility Name and Site Address"). This approach was explained in the preamble to the May 22, 2001, proposed rule (66 Fed. Reg. 28240). However, the final rule inadvertently requires the designated facility to enter the generator's name and mailing address in Item 5 of the manifest. We will correct this error in the Federal Register, but it will take time to do so. Meanwhile, you should consider manifests as compliant with our regulations if designated facilities enter their own information in Item 5 in cases of rejected shipments. We also encourage states that are adopting the revisions to the manifest program to incorporate these changes now rather than modify their rules later.

The approach described above will provide the most straightforward facility-to-generator tracking of waste shipments. It also more clearly provides for the important confirmation that the returned shipment back to the generator was successfully completed. Please note that this memo does not address full-load rejections at the facility that occur while the transporter is present – such rejections can be handled using the original manifest form rather than a new manifest form.

If you have further questions, please contact me, or your staff may contact Bryan Groce of my staff at (703) 308-8750.

cc: RCRA Enforcement Managers, Regions I – X