

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

August 20, 1992

Ms. Ellen Hofmann-Haynie
Manager, Environmental Controls
Southdown, Inc.
1200 Smith St.
Suite 2400
Houston, Texas 77002

Dear Ms. Hofmann-Haynie:

Thank you for your letter of July 14, 1992 regarding the proper procedure under the Resource Conservation and Recovery Act (RCRA) for rejecting a manifested shipment of hazardous waste that has been accepted by the facility. You stated that your company conducted business in several authorized States, and you requested guidance at the Federal level to reconcile inconsistencies in the interpretations of EPA regulatory requirements.

At the present time, EPA Headquarters has not developed a comprehensive national policy for the handling of rejected waste loads. Accordingly, authorized States (or EPA Regions for facilities not located in authorized States) make final determinations about the federal manifest requirements for partial or complete rejection of hazardous waste shipments. In addition, States with authorized programs may impose more stringent requirements. For these reasons, you should contact each State in which your company conducts operations to ascertain their requirements.

However, we are aware that several interested parties may prefer national guidance (or revised federal regulations) on the handling of rejected waste loads. We are therefore considering working with interested parties (including, for example, the Association of State and Territorial Solid Waste Management Officials and the National Governors' Association) to address this and possibly other transportation-related subjects. We will keep your request in mind when we evaluate this question.

I hope this letter has addressed your concerns. If you have any further questions, please contact Marilyn Goode of my staff at (202) 260-8551.

Sincerely,

Sylvia K. Lowrance, Director
Office of Solid Waste

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