

RCRA/SUPERFUND HOTLINE MONTHLY REPORT

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1. Hazardous Waste Transport Between Contiguous Properties

A company owns three contiguous properties along a public right-of-way. The company operates a large quantity generator facility (LQG) on one of the properties, and a permitted treatment, storage, and disposal facility (TSDF) on another property (as shown by Figure 1: Site Map). An industrial park, owned by the same company, is situated between the LQG and TSDF. Is a manifest required if the LQG chooses to send hazardous waste to the TSDF?

The LQG would not have to manifest the shipment of hazardous waste destined for the TSDF. The manifesting requirements in 40 CFR Part 262, Subpart B and the pre-transport marking requirements in Section 262.32(b) do not apply to the transport of hazardous waste along the border of contiguous property, under the control of the same person, even if such contiguous property is divided by a public or private right-of-way (Section 262.20(f)). (The requirements for hazardous waste discharges, located in Part 263, Subpart C, continue to apply to this situation.) In this scenario, assuming that all three properties are under the control of the same person and are contiguous, a manifest need not accompany the waste being shipped from the LQG to the TSDF.

Figure 1: Site Map (not included in text file)