PB98-108285

United States
Environmental Protection
Agency

Solid Waste and
Emergency Response
(5305W)

EPA530-R-97-073
PB98-108 285
November 1997

# RCRA, Superfund & EPCRA Hotline Training Module

## Introduction to:

## Transporters
## (40 CFR Part 263)

## Updated July 1997

REPRODUCED BY: NTIS
U.S. Department of Commerce
National Technical Information Service
Springfield, Virginia 22161

DISCLAIMER

This document was developed by Booz·Allen & Hamilton Inc. under contract 68-W0-0039 to EPA. It is intended to be used as a training tool for Hotline specialists and does not represent a statement of EPA policy.

The information in this document is not by any means a complete representation of EPA's regulations or policies. This document is used only in the capacity of the Hotline training and is not used as a reference tool on Hotline calls. The Hotline revises and updates this document as regulatory program areas change.

The information in this document may not necessarily reflect the current position of the Agency. This document is not intended and cannot be relied upon to create any rights, substantive or procedural, enforceable by any party in litigation with the United States.

**RCRA, Superfund & EPCRA Hotline Phone Numbers:**

| | |
|---|---|
| National toll-free (outside of DC area) | (800) 424-9346 |
| Local number (within DC area) | (703) 412-9810 |
| National toll-free for the hearing impaired (TDD) | (800) 553-7672 |

The Hotline is open from 9 am to 6 pm Eastern Time,
Monday through Friday, except for federal holidays.

50272-101

| REPORT DOCUMENTATION PAGE | 1. REPORT NO. EPA530-R-97-073 | 2. | PB98-108285 |
|---|---|---|---|

4. Title and Subtitle
RCRA, SUPERFUND, AND EPCRA HOTLINE TRAINING MODULE: INTRODUCTION TO TRANSPORTERS (40 CFR PART 263)

5. Report Date
NOVEMBER 1997

6.

7. Author(s)

8. Performing Organization Rept. No

9. Performing Organization Name and Address

U.S. EPA
OFFICE OF SOLID WASTE
401 M STREET, SW
WASHINGTON, DC 20460

10. Project/Task/Work Unit No.

11. Contract(C) or Grant(G) No.
(C) 68-W0-0039
(G)

12. Sponsoring Organization Name and Address
BOOZ-ALLEN & HAMILTON
4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814

13. Type of Report & Period Covered
TRAINING - UPDATED 7/97

14.

15. Supplementary Notes

Reproduced from best available copy.

16. Abstract (Limit: 200 words)

ONE OF A SERIES OF MODULES DEVELOPED AS A TRAINING TOOL FOR HOTLINE SPECIALISTS. PROVIDES AN OVERVIEW OF THE REGULATORY REQUIREMENTS OF TRANSPORTERS OF HAZARDOUS WASTE. LISTS THE CONDITIONS AND REQUIREMENTS FOR A TRANSFER FACILITY. IDENTIFIES TRANSPORTER RECORDKEEPING AND MANIFESTING REQUIREMENTS. IDENTIFIES TRANSPORTER REQUIREMENTS WHEN EXPORTING HAZARDOUS WASTE. STATES THE CONDITIONS UNDER WHICH A TRANSPORTER IS SUBJECT TO THE GENERATOR REGULATIONS. CITES THE CFR SECTION COVERING THE TRANSPORTER RESPONSIBILITIES FOR HAZARDOUS WASTE DISCHARGES. THE INFORMATION IN THIS DOCUMENT IS NOT A COMPLETE REPRESENTATION OF EPA'S REGULATIONS OR POLICIES, BUT IS AN INTRODUCTION USED FOR HOTLINE TRAINING PURPOSES.

17. Document Analysis a. Descriptors

b. Identifiers/Open-Ended Terms

c. COSATI Field/Group

18. Availability Statement

RELEASE UNLIMITED

19. Security Class (This Report) UNCLASSIFIED

20. Security Class (This Page) UNCLASSIFIED

21. No. of Pages 13

22. Price 0.00

(See ANSI-Z39.18)

OPTIONAL FORM 272 (4-77)
(Formerly NTIS-35)

# TRANSPORTERS

## CONTENTS


1. Introduction ..... 1

2. Regulatory Summary ..... 3
   2.1 EPA Identification Number ..... 3
   2.2 Permits, Licenses, and Insurance ..... 3
   2.3 Transfer Facilities ..... 4
   2.4 Compliance with the Manifest ..... 4
   2.5 Modes of Transportation ..... 5
   2.6 Exporting Hazardous Waste ..... 7
   2.7 Transporter as a Generator ..... 7
   2.8 Hazardous Waste Discharges ..... 8

3. EPA/DOT Interface ..... 9

# 1. INTRODUCTION

Section 3003 of the Resource Conservation and Recovery Act (RCRA) requires EPA to promulgate standards for hazardous waste transporters that will protect human health and the environment. In response, EPA promulgated standards and adopted certain Department of Transportation (DOT) regulations governing the transportation of hazardous waste (49 CFR Parts 171-179). EPA worked with DOT to develop the RCRA transporter regulations, found in 40 CFR Part 263. These regulations establish management as well as transportation standards for hazardous waste transporters.

When you have completed this module you will be familiar with the regulatory requirements for transporters of hazardous waste. Specifically, you will be able to:

- List the conditions and requirements for a transfer facility
- Identify transporter recordkeeping and manifesting requirements
- Identify transporter requirements when exporting hazardous waste
- State the conditions under which a transporter is subject to generator regulations
- Cite the CFR section covering the transporter responsibilities for hazardous waste discharges.

Use this list of objectives to check your knowledge of this topic after you complete the training session.

The information in this document is not by any means a complete representation of EPA's regulations or policies,
but is an introduction to the topic used for Hotline training purposes.

The information in this document is not by any means a complete representation of EPA's regulations or policies,
but is an introduction to the topic used for Hotline training purposes.

# 2. REGULATORY SUMMARY

As part of RCRA's comprehensive hazardous waste management program, EPA promulgated regulations governing the safe transport of wastes from generator to treatment, storage, or disposal facility (TSDF), or to other appropriate destinations (40 CFR Part 263). Part 263 applies to carriers transporting hazardous waste within the United States when that waste is subject to the manifesting requirements of Part 262. Transportation, as defined in §260.10, means "the movement of hazardous waste by air, rail, highway, or water." EPA promulgated the transporter requirements to be consistent with appropriate DOT regulations. In general, transporters of hazardous waste must comply with the general requirements of Part 263, as well as the specific DOT requirements referenced throughout the transporter regulations.

Not all waste transportation is regulated the same way. Part 263 does not apply to the on-site movement or transportation of hazardous waste because a manifest is not required for on-site shipment. Transporters are required to comply with the regulations in Part 262 if they import hazardous waste into the United States from abroad or if they mix hazardous wastes of different DOT shipping descriptions in a single container (§263.10(c)). There are also specific requirements for transporters exporting hazardous waste outside the United States (§§263.20(c) and (g)).

## 2.1 EPA IDENTIFICATION NUMBER

A transporter is required to obtain an EPA identification (ID) number before transporting hazardous waste (§263.11). Transporters obtain EPA ID numbers by completing and submitting the Notification of Regulated Waste Activity Form (EPA Form 8700-12). EPA issues ID numbers for primary offices or places of business, not individual transporting terminals. For example, separate truck terminals owned by the same company operate under the same EPA ID number (45 FR 12752; February 26, 1980); in contrast to generator ID numbers, which are site-specific.

## 2.2 PERMITS, LICENSES, AND INSURANCE

Transporters do not need RCRA permits if they comply with Part 263. A RCRA permit is required, however, if the transporter stores hazardous waste longer than 10 days or treats, disposes, or otherwise actively manages hazardous waste at their facility. In addition, states often require special permits or licenses for transporters. Although EPA does not require transporters to have liability insurance, the Federal Motor Carrier Act, implemented by DOT, does require it (49 CFR Parts 171-179).

The information in this document is not by any means a complete representation of EPA's regulations or policies,
but is an introduction to the topic used for Hotline training purposes.

## 2.3 TRANSFER FACILITIES

A transfer facility, as defined in §260.10, is an area used to temporarily store wastes on route to a TSDF. Transfer facilities may be carrier terminals, loading docks, and other areas where waste is kept during the normal course of transportation (e.g., when drivers change shifts). Transporters may store manifested shipments of hazardous waste in containers at a transfer facility for 10 days or less without a storage permit under §263.12 (45 FR 86966; December 31, 1980).

Transfer facilities are not required to operate under RCRA storage permits when the hazardous waste is held during the normal course of transportation and the waste is manifested, kept in containers meeting DOT packaging requirements, and stored less than 10 days. Although there is no specific time limit for a hazardous waste shipment to reach the designated facility, §262.42(a) requires large quantity generators to contact the transporter and the owner or operator of the designated facility within 35 days of the date the initial transporter accepted the waste if the generator does not receive a signed copy of the manifest from the designated facility. The large quantity generator must then submit an Exception Report to the EPA Regional Administrator stating that he or she has not received a copy of the manifest within 45 days of the date the waste was accepted by the initial transporter. Small quantity generators have reduced reporting requirements under §262.42(b). The requirements to contact the transporter and to report the discrepancy prevent waste from being held or re-routed unnecessarily during transport.

## 2.4 COMPLIANCE WITH THE MANIFEST

EPA created a tracking mechanism to ensure that hazardous waste sent to a TSDF actually reaches its destination. The manifest is the central element of this system.
The Uniform Hazardous Waste Manifest (EPA Form 8700-22) and its instructions are in the appendix to Part 262. The manifest is the control and transport document that accompanies the waste from its generation to its final destination.

Part 263, Subpart B, dictates transporter responsibilities for the manifest system as well as recordkeeping requirements with which a transporter must comply in transporting hazardous waste. Before hazardous waste can

The information in this document is not by any means a complete representation of EPA's regulations or policies,
but is an introduction to the topic used for Hotline training purposes.

be transported, the transporter must sign and date the manifest (§263.20(d)(1)). This enables the transporter to formally acknowledge the acceptance of hazardous waste from the generator and return a signed copy to the generator before leaving the generator's property (§263.20(d)(2)). The transporter must then deliver the hazardous waste shipment to the next transporter, the designated facility, or the alternate facility listed on the manifest or the place outside the United States designated by the generator (§263.21(a)). If the waste cannot be delivered to the designated receiver, the generator must be contacted for further instructions, and the manifest must be

The information in this document is not by any means a complete representation of EPA's regulations or policies,
but is an introduction to the topic used for Hotline training purposes.

revised accordingly (§263.21(b)). The manifesting responsibilities vary depending on the mode of transportation (i.e., highway, water, rail, or air).

## 2.5 MODES OF TRANSPORTATION

Transportation of hazardous waste from the generator to the designated facility can be accomplished by any means of transportation. The regulations establish guidelines for the proper handling and recordkeeping of hazardous waste transported by highway, water, rail, or air. The requirements for each method of transportation are discussed below.

### HIGHWAY SHIPMENTS

Under §263.20, highway transporters must complete the following manifest and recordkeeping requirements:

- Sign and date the manifest
- Leave a signed and dated copy of the manifest with the generator
- Ensure that the manifest accompanies the waste
- Obtain the dated signature of the next transporter or the owner/operator of the designated facility
- Keep a copy of the manifest for at least three years (all three-year record retention requirements are extended in case of an enforcement action).

### WATER (BULK) SHIPMENTS

Highway transportation is not the only method for shipping hazardous waste. In §263.20(e), EPA established regulations governing the shipment of hazardous waste by water. Water transporters must comply with the directions on the manifest, obtain an EPA ID number, and be listed on the manifest. When shipping hazardous waste by water, however, the manifest is not required to physically accompany the shipment. In addition, if the waste is delivered directly to the TSDF, the transporter must (§263.20(e)):

- Ensure that a shipping paper (e.g., waybill), containing the same information as the manifest, accompanies the waste (excluding the EPA ID number, generator certification, and signatures)

- Obtain the dated signature of the owner or operator of the designated facility on the shipping paper

The information in this document is not by any means a complete representation of EPA's regulations or policies,
but is an introduction to the topic used for Hotline training purposes.

- Obtain the dated signature of the water transporter on the manifest (if delivering the waste to the initial water transporter)

- Forward the manifest to the designated facility, and retain a copy of the shipping paper or manifest for three years.

## RAIL SHIPMENTS

Rail transport is another method by which hazardous waste is shipped to the designated facility (§263.20(f)). As with the other methods of transport, rail transporters must have an EPA ID number and ensure the designated facility is listed on the manifest. For rail shipments of hazardous waste, however, the transporter is not required to carry the manifest. Instead, a standard waybill or other shipping document containing all the manifest information except EPA ID number, generator certification, and signatures may accompany the waste (45 FR 12739; February 26, 1980).

### Initial Rail Duties (§263.20(f)(1))

Initial rail transporter's duties include:

- Signing and dating the manifest
- Returning a signed copy of the manifest to the non-rail transporter
- Retaining a copy of the manifest and rail shipping paper for three years
- Forwarding at least three copies to the next non-rail transporter or designated facility (if the shipment is delivered by rail), or the last rail transporter designated to handle the waste in the United States.

### Rail to TSDF (§263.20(f)(3))

For rail delivery to the designated facility, the rail transporter must obtain the dated signature of the owner or operator of the designated facility on the manifest or shipping paper, and retain one copy of the manifest or shipping paper for three years.

### Rail to Non-Rail (§263.20(f)(5))

For delivery by rail to a non-rail transporter, the rail transporter must obtain the dated signature of the non-rail transporter on the manifest. If the hazardous waste is leaving the United States, the transporter must receive an Acknowledgment of Consent from the generator, and ensure

The information in this document is not by any means a complete representation of EPA's regulations or policies,
but is an introduction to the topic used for Hotline training purposes.

that it accompanies the shipment at all times. The Acknowledgment of Consent is consent from the receiving country to accept the shipment. Note that this requirement is not specific to rail, but also applies to all other modes of transportation.

The information in this document is not by any means a complete representation of EPA's regulations or policies,
but is an introduction to the topic used for Hotline training purposes.

### Pipeline Shipments

Transportation of hazardous waste by pipeline does not meet the RCRA definition of transportation (§260.10) and therefore is not subject to Part 263 regulations. Piping as a mode of transport is not specifically addressed by RCRA, nor is it prohibited. However, hazardous waste piped off-site may be subject to other provisions of RCRA.

## 2.6 EXPORTING HAZARDOUS WASTE

There are additional requirements for transporters who export hazardous waste (263.20(g)). Before waste can be exported to a foreign country, the generator (or primary exporter) must obtain the country's approval for the shipment via an Acknowledgment of Consent that is processed by the State Department. The regulations governing exports of hazardous waste are found in Part 262, Subpart E. Transporters of hazardous waste that is exported also must:

- Ensure that the manifest and Acknowledgment of Consent accompany the waste; in the case of rail and water shipments, the Acknowledgment of Consent must go with the waste but the manifest does not need to be attached to the shipping paper
- Verify that the waste conforms to the Acknowledgment of Consent
- Ensure that the date the hazardous waste left the United States is indicated on the manifest
- Sign the manifest and retain a copy
- Return a signed copy of the manifest to the generator
- Give a copy of the manifest to the United States Customs Official when the waste leaves the country
- Retain the manifest for three years.

## 2.7 TRANSPORTER AS A GENERATOR

Under §262.60, anyone, including a transporter, who imports hazardous

waste from a foreign country must comply with the generator requirements, including initiating a manifest. If the transporter mixes wastes with different DOT shipping descriptions by placing them in a single container (e.g., drum, tank, truck), the transporter must initiate a new manifest and comply with the generator regulations (§263.10(c)(2)). The transporter should be named in the generator block and the old manifest(s) should still accompany the waste. Additionally, any other substantial shipping changes would require that a new manifest be prepared.

## 2.8 HAZARDOUS WASTE DISCHARGES

If a transporter discharges or spills hazardous waste, he or she is required to take immediate action to protect human health and the environment (§263.30). Immediate actions may include containing the spill, notifying local authorities, and notifying the National Response Center as required by DOT or Superfund regulations. DOT may require a written report (see §263.30 for specific reporting requirements). In addition, federal, state, or local authorities may require a transporter to take actions in response to a discharge or spill if the discharge is determined to present a long-term hazard to human health or the environment (§263.31).

# 3. EPA/DOT INTERFACE

As part of the RCRA cradle-to-grave waste management system, the transporter regulations ensure proper delivery of the hazardous waste to the designated TSDF. The Part 263 transporter requirements adopted portions of the DOT regulations for the safe transport of DOT classified hazardous materials. The DOT references in the RCRA regulations include requirements for labeling, marking, placarding, and containers, and also outline the DOT requirements for responding to spills or discharges. EPA incorporated these requirements by reference, to ensure consistency with the DOT regulations and to avoid duplicative and burdensome requirements (see note at §263.10(a)). In addition, DOT incorporated RCRA hazardous wastes as one of the types of materials that must be transported according to DOT specifications (49 CFR §171.3). The Joint Uniform Hazardous Waste Manifest, promulgated on March 20, 1984 (49 FR 10490), also serves as both the EPA tracking form (§262.20) and the shipping paper required under DOT (49 CFR §172.205). This system allows the in-transit management of hazardous waste to be regulated safely and efficiently while allowing both EPA and DOT to retain enforcement of their respective regulations.