



## Uniform Hazardous Waste Manifest Clarification - Hazardous Waste Manifest Provision for Rejected Shipments and Residues

### Who is affected by this initiative?

Generators of Hazardous Waste, Transporters of Hazardous Waste and Hazardous Waste Treatment, Storage and Disposal Facilities that utilize hazardous waste manifests.

### What has occurred?

On May 14, 2007 USEPA issued a Memorandum regarding Hazardous Waste Manifest Provision for Rejected Shipments and Residues. Clarification was made regarding the information that must be included in Item 5 (Generator's Name and Mailing Address) of the manifest when a new manifest is prepared to accompany rejected waste back to the generator. (40 CFR 264.72(f)(1) and 265.72(f)(1))

When a designated facility needs to return rejected wastes or residues to the generator and prepare a new manifest, the designated facility **should put its own name and address in Item 5 of the manifest** and not the generator's name and address (as the rule currently reads). Since the designated facility originates the shipment of rejected waste it would be able to verify that the shipment is received by the actual generator or file an exception report if verification is not received pursuant to 40 CFR 262.42. The designated facility is required to **provide the generator's information in Item 8** as the rule currently reads.

A new manifest must be prepared if rejected wastes or residues are to be sent to an alternate facility. The designated facility is required to put the generator's name and address in Item 5 (as the rule currently reads) provided there has been no change in the form of the waste (40 CFR 264.72(e) and 265.72(e)). The generator would be kept informed of the final disposition of its waste by receiving a copy of the signed manifest from the alternate designated facility pursuant to 40 CFR 264.71(a)(4) and 265.71(a)(4). If the designated facility has treated the waste or otherwise managed the waste in such a way to change its form, change its applicable DOT description, or generate a new waste, then the above procedure would not apply to the second shipment. The designated facility would put its own name and address in Item 5 of the manifest and not the generator's name and address.

Both approaches above regarding the completion of Item 5 on new manifests prepared for rejected waste were explained in the preamble to the May 22, 2001 proposed rule (66 Fed. Reg. 28240). However, the final rule at 40 CFR 264.72(f)(1) and 265.72(f)(1) inadvertently requires the designated facility to enter the generator's name and address in Item 5 of the manifest. USEPA advises that they will correct this error in the Federal Register. Meanwhile, manifests will be considered compliant with the regulations if designated facilities enter their own information in Item 5 in cases where shipments are rejected back to the generator.

# COMPLIANCE ADVISORY

<b>Summary of Information Required in Item 5 of New Manifest for Rejected Waste</b>		
<b>If you are...</b>	<b>You must put...</b>	<b>Main Reference...</b>
Designated facility rejecting waste back to generator	Designated facility's name and address	USEPA May 14, 2007 memo
Designated facility rejecting waste to alternate facility	Generator's name and address	40 CFR 264.72(e)(1) & 265.72(e)(1)

## **Whom should I contact with questions?**

Bureau of Solid & Hazardous Waste Regulation – Manifest Unit (609) 984-2162  
Hazardous Waste Compliance and Enforcement – Northern Field Office (973) 656-4470  
Hazardous Waste Compliance and Enforcement – Central Field Office (609) 584-4250  
Hazardous Waste Compliance and Enforcement – Southern Field Office (856) 614-3658

## **Where can I get more information?**

**Visit the following Web sites for additional information regarding this advisory:**

USEPA RCRA Online:

<http://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/d8449b73cd83d2d68525731000331cda>

Regulatory Citations:

40 CFR 264.72 (f)(1)

<http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=40&PART=264&SECTION=72&TYPE=TEXT>

40 CFR 265.72 (f)(1) <http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=40&PART=265&SECTION=72&TYPE=TEXT>

Statutory Citation(s):

42 USC 82 et seq. <http://www4.law.cornell.edu/uscode/42/ch82.html>

**Visit the following Web site for general information:**

Contact NJDEP: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

**To comment on this advisory:**

<http://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement numbers listed above.