

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1123

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 12-24-84
DATE FOR REVIEW 1-2-85
DATE DUE 1-7-85

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 1-7-85 mjc Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 1-7-85 Revisor approved 12/26/84 disapproved _____

✓ Rule as Adopted

_____ Rule as Proposed

✓ Order Adopting 12.18.84 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 4.30.84 + comments

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency contains small biz statement

✓ Affidavit of Mailing Notice or rulemaking
11.2.84 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
11.5.84 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

_____ LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

_____ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness contains small biz statement

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

ST. PAUL 55155

ADDRESS REPLY TO:
ATTORNEY GENERAL'S OFFICE
POLLUTION CONTROL DIVISION
1935 WEST COUNTY ROAD B-2
ROSEVILLE, MN 55113
TELEPHONE: (612) 296-7342

December 20, 1984

RECEIVED
DEC 24 1984
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

J. Michael Miles
Assistant Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Re: In the Matter of the Proposed Amendment of Rules Governing the Use of Manifests for the Shipment of Hazardous Wastes, Minn. Rules pts. 7045.0020, 7045.0262, 7045.0302, 7045.0476, and 7045.0582

Dear Mr. Miles:

The Minnesota Pollution Control Agency adopted the above-referenced rule amendments at its December 18, 1984 meeting. The adopted rules are identical to the rules as proposed. Enclosed for your review pursuant to Minn. Stat. § 14.26 please find the following documents:

1. Rules as Adopted (original and 3 copies);
2. Order Adopting Rules (2 copies);
3. Certificate of Board's Resolution Adopting Rules;
4. Notice of Intent to Solicit Outside Opinion and Comments Received in Response Thereto;
5. Order for Notice of Intent to Amend Rules Without a Public Hearing;
6. Certificate of the Board's Authorizing Resolution;
7. Notice of Intent to Amend Rules Without a Public Hearing;
8. Affidavit of Mailing and attached Mailing List;
9. Mailing List Certificate;
10. Rules as proposed, 9 S.R. 985;

11. Findings of Fact and Conclusions;

12. Statement of Need and Reasonableness and attached Exhibits;

13. Comment Received in Response to Notice of Intent to Amend Rules Without a Public Hearing;

14. Certificate of Compliance with Rulemaking Procedures; and

15. Affidavit Regarding Notice of Submission to the Attorney General.

If you have any questions regarding this matter, please contact me at 296-7344.

Very truly yours,

Barbara Lindsey Sims

BARBARA LINDSEY SIMS
Special Assistant
Attorney General

BLS:jh
enclosure

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO Cynthia Jepsen
Chairperson, MN Pollution Control Agency

DATE: 1-7-85

ATTN: Barbara Lindsey Sims
Special Assistant Attorney General

FROM : Martha J. Casserly MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Amendment of Rules Governing the Use of Manifests for the Shipment of Hazardous Waste... and Generator Fee Rules.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

MJC:sz
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Pollution Control Agency

Adopted Rules Governing Manifests for Transportation of Hazardous Wastes

Rules as Adopted

7045.0020 DEFINITIONS.

Subpart 1. to 52. [Unchanged.]

Subp. 53. **Manifest.** "Manifest" means the shipping document originated and signed by the generator in accordance with part 7045.0261.

Subp. 54. **Manifest document number.** "Manifest document number" means the United States EPA 12-digit identification number assigned to the generator plus a unique five-digit number assigned to the manifest by the generator for recording and reporting purposes.

Subp. 55. to 108. [Unchanged.]

7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.

Subpart 1. **When required.** A generator who transports or offers for transportation hazardous waste for off-site treatment, storage, or disposal must prepare a manifest before transporting the waste off-site. Generators shall use manifests in accordance with the requirements of items A to C and shall complete the manifest in accordance with the instructions on the manifest.

A. For shipments from either in-state or out-of-state to a facility located in Minnesota, the generator shall use a Minnesota manifest (Minnesota Form PQ-00371-01) and, if necessary, continuation sheets as provided in subpart 10.

B. For shipments from Minnesota to a facility located in a state (consignment state) that neither supplies nor requires the use of a manifest which is specific for that state, the generator shall use a Minnesota manifest (Minnesota Form PQ-00371-01) and, if necessary, continuation sheets as provided in subpart 10.

C. For shipments from Minnesota to a facility located in a state (consignment state) that requires the use of a manifest which is specific for that state, the generator shall use that manifest.

Subp. 2. to 6. [Unchanged.]

Subp. 7. **Manifest information.** The Minnesota manifest (Minnesota Form PQ-00371-01) is based on the Uniform National Manifest (EPA Form 8700-22) that is required under United States Department of Transportation and United States Environmental Protection Agency regulations, as contained in Code of Federal Regulations, title 40, part 262, and Code of Federal Regulations, title 49, part 172. Manifest information requirements include those required by United States Department of Transportation and United States Environmental Protection Agency regulations and consist of the numbered items on the manifest set forth in the Appendix to Code of Federal Regulations, title 40, part 262. Additional state information requirements consist of the telephone number of the designated facility and the hazardous waste numbers specified in parts 7045.0100 to 7045.0141 for each hazardous waste specified on the manifest. Manifests must include the information specified in this subpart and in the instructions on the manifest.

Subp. 8. **Availability of manifests.** Minnesota manifests (Minnesota Form PQ-00371-01) are available from the agency or the documents section of the Minnesota Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155.

Subp. 9. **Number of copies.** The manifest must consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records, another copy to be returned to the generator by the facility, and the required copies to be returned to the director, pursuant to parts 7045.0265; 7045.0474, subpart 2, item D; and 7045.0580, subpart 2, item D, and any additional copies required by the generator's or designated facility's state, if other than Minnesota. Copies to be returned to the director shall be sent to: Minnesota

Pollution Control Agency, Solid and Hazardous Waste Division, 1935 West County Road B2, Roseville, Minnesota 55113, Attention: HWIMS.

Subp. 10. **Continuation sheets.** A generator using a Minnesota manifest (Minnesota Form PQ-00371-01) shall use a continuation sheet to the manifest if more than two transporters are to be used to transport the waste. A generator using a Minnesota manifest (Minnesota Form PQ-00371-01) shall use either a continuation sheet to the manifest or an additional manifest which is completed in its entirety, if more space is required for the United States Department of Transportation description and related information on the manifest. Any United States Environmental Protection Agency approved continuation sheet may be used if it is completed and copies are distributed in accordance with this part and United States Environmental Protection Agency regulations as contained in Code of Federal Regulations, title 40, part 262. A generator using a continuation sheet to a Minnesota manifest (Minnesota Form PQ-00371-01) shall enter the preprinted State Manifest Document Number of the manifest into the appropriate space on the continuation sheet, and shall attach the sheet to the manifest. Continuation sheets are not provided by the state. For shipments not requiring a Minnesota manifest (Minnesota Form PQ-00371-01), generators shall use continuation sheets in accordance with applicable consignment state requirements.

7045.0302 INTERNATIONAL SHIPMENTS; SPECIAL CONDITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Procedures.** When shipping hazardous waste outside the state of Minnesota to a foreign country the generator must:

A. [Unchanged.]

B. require that the foreign consignee confirm the delivery of the waste in the foreign country. A copy of the manifest signed by the foreign consignee may be used for this purpose;

C. meet the requirements under parts 7045.0261 and

7045.0265 for the manifest except that:

(1) in place of the name, address, and identification number of the designated facility, the name and address of the foreign consignee must be used; and

(2) the generator must identify the point of departure from the United States through which the waste must travel before entering a foreign country; and

D. use a Minnesota manifest (Minnesota Form PQ-00371-01).

Subp. 3. [Unchanged.]

Subp. 4. **Manifest.** When importing hazardous waste, a person must use a Minnesota manifest (Minnesota Form PQ-00371-01) and meet all requirements of parts 7045.0261 and 7045.0265 for the manifest except that:

A. and B. [Unchanged.]

7045.0476 MANIFEST DISCREPANCIES.

Subpart 1. [Unchanged.]

Subp. 2. **Definition of a discrepancy.** Manifest discrepancies are defined as significant or minor as follows:

A. Significant discrepancies include differences between the quantity or type of hazardous waste designated on the manifest or shipping paper and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are weight differences for bulk wastes greater than ten percent and any variation in piece count for batch waste, such as a difference of one drum in a truckload. Significant discrepancies in types of waste are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

B. Minor discrepancies are all other discrepancies existing language including, but not limited to, manifests other than the required Minnesota manifest (Minnesota Form PQ-00371-01), incomplete manifests or shipping papers, manifests or shipping papers which are inconsistent, and a container or portable tank containing

hazardous waste which is not properly labeled.

Subp. 3. [Unchanged.]

7045.0582 MANIFEST DISCREPANCIES.

Subpart 1. [Unchanged.]

Subp. 2. **Definition of discrepancy.** Manifest discrepancies are defined as significant or minor as follows:

A. [Unchanged.]

B. Minor discrepancies are all other discrepancies existing language including but not limited to manifests other than the required Minnesota manifest (Minnesota Form PQ-00371-01), incomplete manifests or shipping papers, manifests or shipping papers which are inconsistent, and a container or portable tank containing hazardous waste which is not properly labeled.

Subp. 3. [Unchanged.]

APPROVED AS TO FORM AND LEGALITY

January 7 19 85

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN - 7 1985

Joan Anderson Growe
Secretary of State

3:11 PM

Rules as Proposed

7045.0020 DEFINITIONS.

Subpart 1. to 52. [Unchanged.]

Subp. 53. **Manifest.** "Manifest" means the shipping document originated and signed by the generator ~~which contains the information required by~~ in accordance with part 7045.0261.

Subp. 54. **Manifest document number.** "Manifest document number" means the ~~serially increasing~~ United States EPA 12-digit identification number assigned to the generator plus a unique five-digit number assigned to the manifest by the generator for recording and reporting purposes.

Subp. 55. to 108. [Unchanged.]

7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.

Subpart 1. **When required.** A generator who transports or offers for transportation hazardous waste for off-site treatment, storage, or disposal must prepare a manifest before transporting the waste off-site. Generators shall use manifests in accordance with the requirements of items A to C and shall complete the manifest in accordance with the instructions on the manifest.

A. For shipments from either in-state or out-of-state to a facility located in Minnesota, the generator shall use a Minnesota manifest (Minnesota Form PQ-00371-01) and, if necessary, continuation sheets as provided in subpart 10.

B. For shipments from Minnesota to a facility located in a state (consignment state) that neither supplies nor requires the use of a manifest which is specific for that state, the generator shall use a Minnesota manifest (Minnesota Form PQ-00371-01) and, if necessary, continuation sheets as provided in subpart 10.

C. For shipments from Minnesota to a facility located in a state (consignment state) that requires the use of a manifest which is specific for that state, the generator shall use that manifest.

Subp. 2. to 6. [Unchanged.]

APPROVED BY THE REVISOR OF STATUTES

Subp. 7. Manifest information. ~~The hazardous waste manifest must include the following information:~~

~~A. the names, addresses, telephone numbers, and identification numbers of the generator, the designated hazardous waste facility, and an alternate facility, if any, to which the waste is being transported;~~

~~B. the name and identification number of each transporter;~~

~~C. a manifest document number, assigned by the generator in sequential order for each waste shipment;~~

~~D. the total quantity of each hazardous waste by units of weight or volume and the type and number of containers as loaded into or onto the transport vehicle;~~

~~E. the description of waste or wastes by the proper shipping name, required by regulations of the United States Department of Transportation in Code of Federal Regulations, title 49, sections 172.101, 172.202, and 172.203 (1983) if applicable; otherwise the description of the waste or wastes as listed on the Minnesota hazardous waste disclosure; and~~

~~F. signature and date blocks for the generator, the transporter, and the facility operator~~ The Minnesota manifest (Minnesota Form PQ-00371-01) is based on the Uniform National Manifest (EPA Form 8700-22) that is required under United States Department of Transportation and United States Environmental Protection Agency regulations, as contained in Code of Federal Regulations, title 40, part 262, and Code of Federal Regulations, title 49, part 172. Manifest information requirements include those required by United States Department of Transportation and United States Environmental Protection Agency regulations and consist of the numbered items on the manifest set forth in the Appendix to Code of Federal Regulations, title 40, part 262. Additional state information requirements consist of the telephone number of the designated facility and the hazardous waste numbers specified in parts 7045.0100 to 7045.0141 for each hazardous waste specified on the manifest. Manifests must include the information specified in

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

this subpart and in the instructions on the manifest.

Subp. 8. ~~Certification~~ Availability of manifests. ~~The following certification must appear on the manifest: "This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the United States Department of Transportation and the EPA."~~ Minnesota manifests (Minnesota Form PQ-00371-01) are available from the agency or the documents section of the Minnesota Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155.

Subp. 9. **Number of copies.** The manifest must consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records, another copy to be returned to the generator by the facility, and the required copies to be returned to the director, pursuant to parts 7045.0265; 7045.0474, subpart 2, item D; and 7045.0580, subpart 2, item D, and any additional copies required by the generator's or designated facility's state, if other than Minnesota. Copies to be returned to the director shall be sent to: Minnesota Pollution Control Agency, Solid and Hazardous Waste Division, 1935 West County Road B2, Roseville, Minnesota 55113, Attention: HWIMS.

Subp. 10. **Continuation sheets.** A generator using a Minnesota manifest (Minnesota Form PQ-00371-01) shall use a continuation sheet to the manifest if more than two transporters are to be used to transport the waste. A generator using a Minnesota manifest (Minnesota Form PQ-00371-01) shall use either a continuation sheet to the manifest or an additional manifest which is completed in its entirety, if more space is required for the United States Department of Transportation description and related information on the manifest. Any United States Environmental Protection Agency approved continuation sheet may be used if it is completed and copies are distributed in accordance with this part and United States Environmental

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Protection Agency regulations as contained in Code of Federal Regulations, title 40, part 262. A generator using a continuation sheet to a Minnesota manifest (Minnesota Form PQ-00371-01) shall enter the preprinted State Manifest Document Number of the manifest into the appropriate space on the continuation sheet, and shall attach the sheet to the manifest. Continuation sheets are not provided by the state. For shipments not requiring a Minnesota manifest (Minnesota Form PQ-00371-01), generators shall use continuation sheets in accordance with applicable consignment state requirements.

7045.0302 INTERNATIONAL SHIPMENTS; SPECIAL CONDITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Procedures.** When shipping hazardous waste outside the state of Minnesota to a foreign country the generator must:

A. [Unchanged.]

B. require that the foreign consignee confirm the delivery of the waste in the foreign country. A copy of the manifest signed by the foreign consignee may be used for this purpose; ~~and~~

C. meet the requirements under parts 7045.0261 and 7045.0265 for the manifest except that:

(1) in place of the name, address, and identification number of the designated facility, the name and address of the foreign consignee must be used; and

(2) the generator must identify the point of departure from the United States through which the waste must travel before entering a foreign country; and

D. use a Minnesota manifest (Minnesota Form PQ-00371-01).

Subp. 3. [Unchanged.]

Subp. 4. **Manifest.** When importing hazardous waste, a person must use a Minnesota manifest (Minnesota Form PQ-00371-01) and meet all requirements of parts 7045.0261 and 7045.0265 for the manifest except that:

A. and B. [Unchanged.]

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

7045.0476 MANIFEST DISCREPANCIES.

Subpart 1. [Unchanged.]

Subp. 2. **Definition of a discrepancy.** Manifest discrepancies are defined as significant or minor~~.~~ as follows:

A. Significant discrepancies include differences between the quantity or type of hazardous waste designated on the manifest or shipping paper and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are weight differences for bulk wastes greater than ten percent and any variation in piece count for batch waste, such as a difference of one drum in a truckload. Significant discrepancies in types of waste are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

B. Minor discrepancies are all other discrepancies including, but not limited to, manifests other than the required Minnesota manifest (Minnesota Form PQ-00371-01), incomplete manifests or shipping papers, manifests or shipping papers which are inconsistent, and a container or portable tank containing hazardous waste which is not properly labeled.

Subp. 3. [Unchanged.]

7045.0582 MANIFEST DISCREPANCIES.

Subpart 1. [Unchanged.]

Subp. 2. **Definition of discrepancy.** Manifest discrepancies are defined as significant or minor as follows:

A. [Unchanged.]

B. Minor discrepancies are all other discrepancies including but not limited to manifests other than the required Minnesota manifest (Minnesota Form PQ-00371-01), incomplete manifests or shipping papers, manifests or shipping papers which are inconsistent, and a container or portable tank containing hazardous waste which is not properly labeled.

Subp. 3. [Unchanged.]

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD625

Agency: Pollution Control Agency

Division: Solid and Hazardous Waste Division

Agency Contact: Karen Ryss 297-1793

Minnesota Rules: Parts 7045.0020; 7045.0261; 7045.0302 7045.0476; and 7045.0582

Title: Proposed Rules Governing Manifests for Transportation of Hazardous Wastes

Type of Rules: Permanent

Steven C. Cross
Revisor of Statutes

Maryanne V. Hruby
Assistant Revisor
Phone: 297-2948
Date: October 16, 1984

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment of Rules Governing the Use of Manifests for the Shipment of Hazardous Waste, Minn. Rules Parts 7045.0020, 7045.0261, 7045.0302, 7045.0476 and 7045.0582 and Generator Fee Rules

ORDER ADOPTING RULE AMENDMENTS

Notice of the Minnesota Pollution Control Agency's intent to adopt the above-entitled rules without a public hearing was published in the State Register on November 5, 1984, and was sent by United States mail to all persons on the list maintained by the Agency pursuant to Minn. Stat. § 14.14 on November 2, 1984. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, reviewing and considering the comments, and after determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to Minnesota Rules parts 7045.0020, subpts. 53 and 54; 7045.0261; 7045.0302; 7045.0476; and 7045.0582, governing the use of manifests for the shipment of hazardous waste are adopted pursuant to the authority vested in the Agency by Minn. Stat. § 116.07, subd. 4 (Supp. 1983).

Dated this 18th day of December, 1984.

Cynthia C Jepsen

CYNTHIA JEPSEN
Chairperson

Thomas Kalitowski

THOMAS J. KALITOWSKI
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendment of Rules Governing the Use of Manifests for the Shipment of Hazardous Waste, Minn. Rules Parts 7045.0020, 7045.0261, 7045.0302, 7045.0476 and 7045.0582

ORDER FOR NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

It is hereby ordered this 23rd day of October, 1984, that Notice of Intent to Amend Rules Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and be published in the State Register.

THOMAS J. KALITOWSKI
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendment of Rules Governing the Use of Manifests for the Shipment of Hazardous Waste, Minn. Rules Parts 7045.0020, 7045.0261, 7045.0302, 7045.0476 and 7045.0582

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Cynthia Jepsen, do hereby certify that I am a member and the Chairperson of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 23rd day of October, 1984, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified.

BE IT RESOLVED, that Thomas J. Kalitowski, the Executive Director of the Minnesota Pollution Control Agency is hereby granted the authority and directed to sign an Order of the Agency directing that Notice be given of the Agency's intent to adopt without a public hearing amendments to the Agency's rules governing the use of manifests for the shipment of hazardous waste, Minn. Rules Parts 7045.0020, 7045.0261, 7045.0302, 7045.0476 and 7045.0582, to sign the Notice thereof, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's certification as required in Minn. Stat. § 14.07, subd. 2 (1984).

BE IT FURTHER RESOLVED that in the event that a public hearing becomes necessary, the Executive Director is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but not limited to signing an Order and Notice for Hearing, as well as acting as the Agency's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of Dec, 1984.

Cynthia C Jepsen
CYNTHIA JEPSEN
Chairperson

Duane A Dahlberg
Attest by one other Agency member

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendment of Rules Governing the Use of Manifests for the Shipment of Hazardous Waste, Minn. Rules Parts 7045.0020, 7045.0261, 7045.0302, 7045.0476 and 7045.0582

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends, without a public hearing, to adopt amendments to the rules governing the use of manifests for the shipment of hazardous waste, Minn. Rules Parts 7045.0020, Subp. 53 and 54; 7045.0261; 7045.0302; 7045.0476; and 7045.0582. The Agency will follow the procedures set forth in Minn. Stat. §§ 14.22 - 14.28 (1983 Supp. as amended by 1984 Minn. Laws ch. 640).

The proposed amendments require persons who generate hazardous waste in Minnesota or who ship hazardous waste to a facility located in Minnesota to use the Minnesota manifest form. The Minnesota manifest is based on the Uniform Hazardous Waste Manifest required by the United States Department of Transportation and the United States Environmental Protection Agency and requires the information contained on that manifest plus additional Minnesota information requirements of the telephone number of the facility to which the waste is being shipped and the waste numbers for each hazardous waste specified on the manifest. The Minnesota manifest must be obtained from the Agency or the Documents Section of the Minnesota Department of Administration. One free copy of the proposed amendments may be obtained by contacting Karen Ryss at the address listed below.

Persons interested in these amendments have until 4:30 p.m. on December 5, 1984, to submit comments on the proposed amendments. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the Agency and the modifications do not result in a substantial change in the proposed amendments.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed amendments within the comment period, a public hearing will not be held. In the event that a public hearing is required, the Agency will proceed according to the provisions of Minn. Stat. § 14.14 - 14.20 (1983 Supp. as amended by 1984 Minn. Laws ch. 640). If a person desires to

request a public hearing, the Agency requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

Persons who wish to submit oral or written comments or a written request for a public hearing should submit such comments or request to:

Karen Ryss
Division of Solid and Hazardous Waste
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 297-1793

Authority for adoption of these rules is contained in Minn. Stat. § 116.07, subd. 4 (1983 Supp.). Additionally, the Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon by the Agency to support the proposed amendments. Copies of the Statement of Need and Reasonableness and of the proposed amendments are available for review in the Agency's office in Roseville and in each of the Agency's Regional Offices:

Brainerd Regional Office
304 East River Road, Suite 3
Telephone: (218) 828-2492

Detroit Lakes Regional Office
116 East Front Street
Telephone: (218) 847-1519

Marshall Regional Office
Box 286, 1104 East College Drive
Telephone: (507) 537-7146

Duluth Regional Office
Duluth Government Services Center
Room 407
320 West 2nd Street
Telephone: (218) 723-4660

Rochester Regional Office
1200 South Broadway
Suite 140
Telephone: (507) 285-7343

Upon adoption of the amendments by the Agency, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be sent to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or of the final adoption of the amendments, should submit a written statement of such request to Karen Ryss at the address previously stated.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1983 Supp.), "Small Business Considerations in Rulemaking," that

the proposed amendments will have no significant impact on small businesses in Minnesota. EPA and U.S. DOT regulations require the use of the Uniform Hazardous Waste Manifest or a state manifest which meets the federal requirements and preempt all inconsistent state requirements. The proposed amendments require the use of a Minnesota manifest form which meets these federal requirements. Since small businesses must use a manifest meeting federal requirements for all shipments of hazardous waste, the proposed amendments impose no additional requirments on small businesses. The Agency will be providing a limited number of such forms to all generators on an annual basis.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1982) as any individual:

> (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or
>
> (b) Who spends more than $250 not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

Dated: 10/23/84

for Thomas J. Kalitowski

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendment of Rules Governing the Use of Manifests for the Shipment of Hazardous Waste, Minn. Rules Parts 7045.0020, 7045.0261, 7045.0302, 7045.0476 and 7045.0582

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Penny Ruckles being first duly sworn, deposes and says:

That on the 2 day of November, 1984, at the City of Roseville, County of Ramsey, State of Minnesota, SHE served the attached Notice of Intent to Amend Rules Without a Public Hearing by depositing in the United States Postal Service for first class mailing a copy thereof, properly enveloped, with postage prepaid, on all those persons and associations who have requested that their names be placed on file with the Minnesota Pollution Control Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency and on all other persons and associations listed in the attached mailing list.

Penny Ruckles

Subscribed and sworn to before me this 2ND day of November, 1984.

James F. Deck
Notary Public

JAMES F. DECK
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 17, 1989

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Health Department
County Courthouse
Anoka, Minnesota 55303
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Carver County Courthouse
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Chaska, Minnesota 55318
Attn: Mr. Mike Lein

Dakota County Community
Health Services
1600 West Highway 55
Hastings, Minnesota 55033
Attn: Mr. Ron Spong

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Hazardous Waste Management Section
165 Capitol Avenue
Hartford, Connecticut 06106
Attn: Ms. Elizabeth Flores

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American Cyanamid Company
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Hopkins, Minnesota 55343
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Attn: Mr. Peter Marcotte

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St. Paul, Minnesota 55155
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202 Hill Street
Post Office Box 1203
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Attn: Mr. Jasper Parsons

PCB Inc. of Missouri
Post Office Box 23793
Kansas City, MO 64141
Attn: Teri Eastman

Ramsey County Division of
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Attn: Mr. Lee Holden

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428 South Holmes
Shakopee, Minnesota 55379
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Attn: Mr. Edward Brashier

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Washington County Community
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2000 Industrial Boulevard
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Friendswood, Texas 77546
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Attn: Ms. Sharon Decker

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2120 CARTER AVENUE
ST PAUL MN 55108 5

BLACK & VEATCH/MICHIGAN
ATTN ENVIRONMENTAL SPECIAL
200 RENAISSANCE CE # 1220
DETROIT MI 48243 5

TENNECO INC
ATTN B J WHITLEY CEP
1100 MILAM BLDG
HOUSTON TX 77001 5

STEARNS COUNTY PLAN DEPT
ATTN KENNETH HOPKE
BOX 604
ST CLOUD MN 56301 5

FINANCE AND COMMERCE
THE DAILY BUSINESS NEWS
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MPLS MN 55415 5

MOTORCYCLE INDUSTRY COUNCI
1235 JEFFERSON DAVIS HWY
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ARLINGTON VA 22202 5

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3030 CEDAR AVENUE SOUTH
SUITE 213
BLOOMINGTON, MN 55420 5

HAMLINE U LAW SCHOOL
PUBLIC INTEREST CLINIC
ATTN BARBARA JOHNSON
ST PAUL MN 55104 5

TECH SALES CO
ATTN DON REGER
311 WEST 44TH STREET
MPLS MN 55409 5

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BLANDIN WOOD PRODUCTS CO
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WAFERBOARD PLANT SITE BOX N
GRAND RAPIDS MN 55744 5

ST PETER
VALLEYNEWS
210 WEST BROADWAY
ST PETER MN 56082 5

COOPERATIVE POWER ASSOC
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14615 LONE OAK ROAD
EDEN PRAIRIE MN 55344 5

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ZONING OFFICER
COURTHOUSE
CARLTON, MN 55718 5

DORSEY & WHITNEY LIBRARY
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THE PILLSBURY CENTER
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444 NORTH CAPITOL STREET
WASHINGTON, D.C. 20001 5

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ISAAK WALTON LEAGUE
6521 154th LANE N.W.
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LITTON INDUSTRIES
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P O BOX 9461
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1 CORNELIUS PLACE
HIGHWAY 10 W
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ONE CHAMPION PLAZA
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CITY OF MILTONA
ATTN: KEVIN LEE, CLERK
MILTONA, MN 56354
6

BARR ENGINEERING CO.
ATTN: FRANCINE CREME
6800 FRANCE AVE SO.
MPLS, MN 55435 , 6

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550 CEDAR STREET
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BADGER SAFE ENERGY ALLI
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6301 SHINGLE CREEK PKWY
BROOKLYN CE MN 55430 6

MOBIL OIL
ATTN PETE GATES
P O BOX 66568
AMF O'HARE IL 60666 6

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CANADA
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BLUE EARTH MN 56013
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EILEEN McDONALD
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Tom Dellenbach
Wash. Co. Community
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2000 Industrial Blvd.

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ATTN PAUL H WALKER
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LOUISVILLE KY 40233 6

RICHARD L BUTLER
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ATTN DON SLATER
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ST PAUL MN 55101 7

PULP & PAPER
ATTN PAULA IRONS
500 HOWARD ST
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PICKANDS MATHER & CO
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SUITE 811-200 W SUPERIOR ST
DULUTH MN 55802 7

CITIZENS FOR BETTER ENVIR
ATTN CAROLE BARTH
127 7TH ST N
SUITE 204
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API INC
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2366 ROSE PLACE
ST PAUL MN 55113 7

PAUL WEIR CO
ATTN MARY VACULA
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CHICAGO IL 60606 7

ENVIR RESEARCH GROUP
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PO BOX 70006
135 STATE ST
ST PAUL MN 55107 7

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ST PAUL PUBLIC HEALTH
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FEDERAL-STATE REPORTS INC
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MINNESOTA FARMERS UNION
ATTN MARK McAFEE
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BOISE CASCADE CORPORATION
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SECURE OUR SOCIETY INC
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2124 LOWER ST DENNIS RD
ST PAUL MN 55116 7

DAMES & MOORE
ATTN LARRY ANNEN
1550 NW HWY
PARK RIDGE IL 60068 7

SHELL ENGINEERING & ASSOC
1804 VANDIVER DRIVE
PO BOX 548
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VAN HOVEN CO INC
ATTN ED VAN HOVEN JR
BOX 56
SO ST PAUL MN 55075 7

GOULD INC
PORTABLE BATTERY DIVISION
ATTN DOUGLAS ROBAHM
931 VANDALIA ST
ST PAUL MN 55114 7

E I DU PONT DE NEMOURS CO
ATTN MARILYN MOONEY
LEGAL DEPT (D7082)
1007 MARKET STREET
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NATL RENDERERS ASSO INC
ATTN WILLIAM H PROKOP
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UNION CARBIDE CORP
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ROCHESTER MN 55901 7

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed
Amendment of Rules Governing
the Use of Manifests for the
Shipment of Hazardous Waste,
Minn. Rules Parts 7045.0020,
7045.0261, 7045.0302,
7045.0476 and 7045.0582

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14, subd. 1a, that their names be placed on file with and maintained by the Minnesota Pollution Control Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency is accurate and complete as of 10:00 o'clock A.M. this 1st day of November, 1984.

LaRene Bengtson

Pollution Control Agency

Proposed Rules Governing Manifests for Transportation of Hazardous Wastes

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends, without a public hearing, to adopt amendments to the rules governing the use of manifests for the shipment of hazardous waste, Minn. Rules Parts 7045.0020, Subp. 53 and 54; 7045.0261; 7045.0302; 7045.0476; and 7045.0582. The Agency will follow the procedures set forth in Minn. Stat. §§ 14.22-14.28 (1983 Supp. as amended by 1984 Minn. Laws ch. 640).

The proposed amendments require persons who generate hazardous waste in Minnesota or who ship hazardous waste to a facility located in Minnesota to use the Minnesota manifest form. The Minnesota manifest is based on the Uniform Hazardous Waste Manifest required by the United States Department of Transportation and the United States Environmental Protection Agency and requires the information contained on that manifest plus additional Minnesota information requirements of the telephone number of the facility to which the waste is being shipped and the waste numbers for each hazardous waste specified on the manifest. The Minnesota manifest must be obtained from the Agency or the Documents Section of the Minnesota Department of Administration. One free copy of the proposed amendments may be obtained by contacting Karen Ryss at the address listed below.

Persons interested in these amendments have until 4:30 p.m. on December 5, 1984, to submit comments on the proposed amendments. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the Agency and the modifications do not result in a substantial change in the proposed amendments.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed amendments within the comment period, a public hearing will not be held. In the event that a public hearing is required, the Agency will proceed according to the provisions of Minn. Stat. § 14.14-14.20 (1983 Supp. as amended by 1984 Minn. Laws ch. 640). If a person desires to request a public hearing, the Agency requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

Persons who wish to submit oral or written comments or a written request for a public hearing should submit such comments or request to:

Karen Ryss
Division of Solid and Hazardous Waste
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 297-1793

Authority for adoption of these rules is contained in Minn. Stat. § 116.07, subd. 4 (1983 Supp.). Additionally, the Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon by the Agency to support the proposed amendments. Copies of the Statement of Need and Reasonableness and of the proposed amendments are available for review in the Agency's office in Roseville and in each of the Agency's Regional Offices:

Brainerd Regional Office
304 East River Road, Suite 3
Telephone: (218) 828-2492

Detroit Lakes Regional Office
116 East Front Street
Telephone: (218) 847-1519

Marshall Regional Office
Box 286, 1104 East College Drive
Telephone: (507) 537-7146

Duluth Regional Office
Duluth Government Services Center
Room 407
320 West 2nd Street
Telephone: (218) 723-4660

Rochester Regional Office
1200 South Broadway
Suite 140
Telephone: (507) 285-7343

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Upon adoption of the amendments by the Agency, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be sent to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or of the final adoption of the amendments, should submit a written statement of such request to Karen Ryss at the address previously stated.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1983 Supp.), "Small Business Considerations in Rulemaking," that the proposed amendments will have no significant impact on small businesses in Minnesota. EPA and U.S. DOT regulations require the use of the Uniform Hazardous Waste Manifest or a state manifest which meets the federal requirements and preempt all inconsistent state requirements. The proposed amendments require the use of a Minnesota manifest form which meets these federal requirements. Since small businesses must use a manifest meeting federal requirements for all shipments of hazardous waste, the proposed amendments impose no additional requirements on small businesses. The Agency will be providing a limited number of such forms to all generators on an annual basis.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1982) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250 not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

Thomas J. Kalitowski
Executive Director
Minnesota Pollution
Control Agency

Rules as Proposed

7045.0020 DEFINITIONS.

Subpart 1. to 52. [Unchanged.]

Subp. 53. Manifest. "Manifest" means the shipping document originated and signed by the generator ~~which contains the information required by~~ in accordance with part 7045.0261.

Subp. 54. Manifest document number. "Manifest document number" means the ~~serially increasing~~ United States EPA 12-digit identification number assigned to the generator plus a unique five-digit number assigned to the manifest by the generator for recording and reporting purposes.

Subp. 55. to 108. [Unchanged.]

7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.

Subpart 1. When required. A generator who transports or offers for transportation hazardous waste for off-site treatment, storage, or disposal must prepare a manifest before transporting the waste off-site. Generators shall use manifests in accordance with the requirements of items A to C and shall complete the manifest in accordance with the instructions on the manifest.

A. For shipments from either in-state or out-of-state to a facility located in Minnesota, the generator shall use a Minnesota manifest (Minnesota Form PQ-00371-01) and, if necessary, continuation sheets as provided in subpart 10.

B. For shipments from Minnesota to a facility located in a state (consignment state) that neither supplies nor requires the use of a manifest which is specific for that state, the generator shall use a Minnesota manifest (Minnesota Form PQ-00371-01) and, if necessary, continuation sheets as provided in subpart 10.

C. For shipments from Minnesota to a facility located in a state (consigment state) that requires the use of a manifest which is specific for that state, the generator shall use that manifest.

Subp. 2. to 6. [Unchanged.]

Subp. 7. Manifest information. ~~The hazardous waste manifest must include the following information:~~

~~A. the names, addresses, telephone numbers, and identification numbers of the generator, the designated hazardous waste facility, and an alternate facility, if any, to which the waste is being transported;~~

~~B. the name and identification number of each transporter;~~

~~C. a manifest document number, assigned by the generator in sequential order for each waste shipment;~~

~~D. the total quantity of each hazardous waste by units of weight or volume and the type and number of containers as loaded into or onto the transport vehicle;~~

~~E. The description of waste or wastes by the proper shipping name, required by regulations of the United States Department of Transportation in Code of Federal Regulations, title 49, sections 172.101, 172.202, and 172.203 (1983) if applicable; otherwise the description of the waste or wastes as listed on the Minnesota hazardous waste disclosure; and~~

~~F. signature and date blocks for the generator, the transporter, and the facility operator~~ The Minnesota manifest (Minnesota Form PQ-00371-01) is based on the Uniform National Manifest (EPA Form 8700-22) that is required under United States Department of Transportation and United States Environmental Protection Agency regulations, as contained in Code of Federal Regulations, title 40, part 262, and Code of Federal Regulations, title 49, part 172. Manifest information requirements include those required by United States Department of Transportation and United States Environmental Protection Agency regulations and consist of the numbered items on the manifest set forth in the Appendix to Code of Federal Regulations, title 40, part 262. Additional state information requirements consist of the telephone number of the designated facility and the hazardous waste numbers specified in parts 7045.0100 to 7045.0141 for each hazardous waste specified on the manifest. Manifests must include the information specified in this subpart and in the instructions on the manifest.

Subp. 8. ~~Certification.~~ Availability of manifests. ~~The following certification must appear on the manifest. "This is to certify that the above-named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the United States Department of Transportation and the EPA."~~ Minnesota manifests (Minnesota Form PQ-00371-01) are available from the agency or the documents section of the Minnesota Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155.

Subp. 9. Number of copies. The manifest must consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records, another copy to be returned to the generator by the facility, and the required copies to be returned to the director, pursuant to parts 7045.0265; 7045.0474, subpart 2, item D; and 7045.0580, subpart 2, item D, and any additional copies required by the generator's or designated facility's state, if other than Minnesota. Copies to be returned to the director shall be sent to: Minnesota Pollution Control Agency, Solid and Hazardous Waste Division, 1935 West County Road B2, Roseville, Minnesota 55113, Attention: HWIMS.

Subp. 10. Continuation sheets. A generator using a Minnesota manifest (Minnesota Form PQ-00371-01) shall use a continuation sheet to the manifest if more than two transporters are to be used to transport the waste. A generator using a Minnesota manifest (Minnesota Form PQ-00371-01) shall use either a continuation sheet to the manifest or an additional manifest which is completed in its entirety, if more space is required for the United States Department of Transportation description and related information on the manifest. Any United States Environmental Protection Agency approved continuation sheet may be used if it is completed and copies are distributed in accordance with this part and United States Environmental Protection Agency regulations as contained in Code of Federal Regulations, title 40, part 262. A generator using a continuation sheet to a Minnesota manifest (Minnesota Form PQ-00371-01) shall enter the preprinted State Manifest Document Number of the manifest into the appropriate space on the continuation sheet, and shall attach the sheet to the manifest. Continuation sheets are not provided by the state. For shipments not requiring a Minnesota manifest (Minnesota Form PQ-00371-01), generators shall use continuation sheets in accordance with applicable consignment state requirements.

7045.0302 INTERNATIONAL SHIPMENTS; SPECIAL CONDITIONS.

Subpart 1. [Unchanged.]

Subp. 2. Procedures. When shipping hazardous waste outside the state of Minnesota to a foreign country the generator must:

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A. [Unchanged.]

B. require that the foreign consignee confirm the delivery of the waste in the foreign country. A copy of the manifest signed by the foreign consignee may be used for this purpose; ~~and~~

C. meet the requirements under parts 7045.0261 and 7045.0265 for the manifest except that:

(1) in place of the name, address, and identification number of the designated facility, the name and address of the foreign consignee must be used; and

(2) the generator must identify the point of departure from the United States through which the waste must ravel before entering a foreign country; and

D. use a Minnesota manifest (Minnesota Form PQ-00371-01).

Subp. 3. [Unchanged.]

Subp. 4. Manifest. When importing hazardous waste, a person must use a Minnesota manifest (Minnesota Form PQ-00371-01) and meet all requirements of parts 7045.0261 and 7045.0265 for the manifest except that:

A. and B. [Unchanged.]

7045.0476 MANIFEST DISCREPANCIES.

Subpart 1. [Unchanged.]

Subp. 2. Definition of a discrepancy. Manifest discrepancies are defined as significant or minor~~.~~ as follows:

A. Significant discrepancies include differences between the quantity or type of hazardous waste designated on the manifest or shipping paper and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are weight differences for bulk wastes greater than ten percent and any variation in piece count for batch waste, such as a difference of one drum in a truckload. Significant discrepancies in types of waste are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

B. Minor discrepancies are all other discrepancies including, but not limited to, manifests other than the required Minnesota manifest (Minnesota Form PQ-00371-01), incomplete manifests or shipping papers, manifests or shipping papers which are inconsistent, and a container or portable tank containing hazardous waste which is not properly labeled.

Subp. 3. [Unchanged.]

7045.0582 MANIFEST DISCREPANCIES.

Subpart 1. [Unchanged.]

Subp. 2. Definition of discrepancy. Manifest discrepancies are defined as significant or minor as follows:

A. [Unchanged.]

B. Minor discrepancies are all other discrepancies including but not limited to manifests other than the required Minnesota manifest (Minnesota Form PQ-00371-01), incomplete manifests or shipping papers, manifests or shipping papers which are inconsistent, and a container or portable tank containing hazardous waste which is not properly labeled.

Subp. 3. [Unchanged.]

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendment of Rules Governing the Use of Manifests for the Shipment of Hazardous Waste, Minn. Rules Parts 7045.0020, 7045.0261, 7045.0302, 7045.0476 and 7045.0582

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (Agency) on the 18th day of December, 1984. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Agency, in accordance with statutory requirements regarding the adoption of rules without a public hearing, after considering the Statement of Need and Reasonableness and the written comments submitted to the Agency, after considering all of the evidence adduced upon the records, files and proceedings herein, the Agency, being fully advised in the premises, hereby adopts the following Findings of Fact and Conclusions.

FINDINGS OF FACT

1. The Agency published its notice of intent to adopt the above-captioned rules, together with the proposed rules, in the State Register on November 5, 1984 (9 S.R. 985).

2. On November 2, 1984, the Agency gave the same notice by United States mail to all persons who have registered their names with the Agency pursuant to Minn. Stat. §14.14.

3. The notice of the Agency's intent to amend the rules afforded all interested persons 30 days to submit data and views on the proposed rules. The notice was in all respects in compliance with the requirements of Minn. Stat. § 14.22.

4. The Agency prepared a Statement of Need and Reasonableness and made it available to the public on October 26, 1984, ten days before the Agency authorized the initiation of rulemaking proceedings on the proposed amendments.

5. The 30 day comment period, as set out in the notice, expired on December 5, 1984.

6. During the comment period, the Agency received one written comment. The letter raised questions regarding the use of the definition of "Manifest Document Number" in Minn. Rules Part 7045.0020, subp. 54, and about the new address to which copies of manifests are to be sent. The definition of "Manifest Document Number" is taken from the correspoonding U.S. Environmental Protection Agency (EPA) regulation. The MPCA must adopt the EPA definition in order to be consistent with applicable federal requirements. The address change was made in the amendments to the MPCA hazardous waste rules which were effective on July 16, 1984.

7. The Agency finds that no modifications to the proposed rules are supported by the data and views submitted to the Agency within the comment period.

8. The Agency received no request for a hearing on the proposed amendments and therefore, no hearing is required to

be held prior to the adoption of the amendments.

9. The Agency adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the amendments to the rules. The Agency hereby incorporates the Statement of Need and Reasonableness into these findings.

CONCLUSIONS

1. The Agency duly acquired and has jurisdiction over this proceeding.

2. The Agency published and served due, timely and adequate notice of its intent to adopt amendments to the rules without a public hearing.

3. The Agency has statutory authority to promulgate and adopt the proposed amendments.

4. All relevant legal and procedural requirements of statute and rule have been complied with.

5. The Agency has documented the need for and reasonableness of the proposed amendments with an affirmative presentation of facts in the record.

Dated: December 18, 1984

MINNESOTA POLLUTION CONTROL AGENCY

Cynthia C Jepsen

Cynthia Jepsen
Chairperson

Thomas J. Kalitowski
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendment of Rules Governing the Use of Manifests for the Shipment of Hazardous Waste, Minn. Rules Parts 7045.0020, 7045.0261, 7045.0302, 7045.0476 and 7045.0582

CERTIFICATE OF AGENCY'S RESOLUTION ADOPTING RULES

I, Cynthia Jepsen, do hereby certify that I am a member and the Chairperson of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 18th day of December, 1984, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified.

BE IT RESOLVED, that the Minnesota Pollution Control Agency hereby approves and adopts the amendments to Minnesota Rules parts 7045.0020, subps. 53 and 54; 7045.0261; 7045.0302; 7045.0476; and 7045.0582, as attached, pursuant to the authority vested in the Agency by Minn. Stat. § 116.07, subd. 4 (Supp. 1983).

BE IT FURTHER RESOLVED, that prior to publishing the rule amendments as adopted in the State Register, the Executive Director is authorized to make any form changes in the rules that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's Certificate as required by Minn. Stat. § 14.08 (Supp. 1983).

BE IT FURTHER RESOLVED, that the Agency adopts the attached Findings of Fact and Conclusions and and the attached Order Adopting Rule Amendments and that the Chairperson and the Executive Director are hereby authorized to execute the above-named documents on behalf of the Agency.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of December, 1984.

Cynthia C Jepsen
CYNTHIA JEPSEN
Chairperson

Duane A Dahlberg
Attest by one other Agency member

BACKGROUND DOCUMENT
RESOURCE CONSERVATION AND RECOVERY ACT
SUBTITLE C HAZARDOUS WASTE MANAGEMENT

SECTION 3002

UNIFORM HAZARDOUS WASTE MANIFEST

U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF SOLID WASTE

March 1984

BACKGROUND DOCUMENT
UNIFORM HAZARDOUS WASTE MANIFEST

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SECTION I - BACKGROUND

A. Introduction

On February 26, 1980, EPA established a manifest system to ensure that hazardous waste designated for delivery to an off-site treatment, storage or disposal (TSD) facility actually reaches its destination. The central element of the system is the "manifest," a control and transport document that accompanies the waste from its point of generation to its point of destination. In developing the initial regulations (see 45 FR 12722 et. seq., February 26, 1980), EPA considered a uniform manifest requirement along with other options. While considering these options, EPA reviewed DOT's hazardous materials regulations and determined that it would be necessary to coordinate EPA's requirements with DOT's regulations by requiring that specific information accompany the waste.

DOT's hazardous materials regulations cover EPA's universe of hazardous wastes (49 CFR 171.3 and 171.8) and require the regulated community to use a shipping paper for the transportation of hazardous waste. DOT's current regulations, 49 CFR 172, allow industry to use a shipping paper format of their choosing for the required information.

Since EPA's manifest information requirements were similiar to DOT's shipping paper information requirements, EPA concluded that a shipping paper could be used to satisfy RCRA manifest requirements if additional information required by EPA were included on the shipping paper. By not requiring a specific form, EPA's intent was to allow the regulated community the option of either adapting their existing DOT shipping papers to function as hazardous waste manifests or designing a form to accommodate EPA's manifest information requirements.

B. Manifest Implementation Problems

Following the introduction of the Federal manifest system, February 26, 1980, there has been a proliferation of manifests as various States decided to implement their own forms. At least 22 States require that generators use specific manifest forms for the transport of hazardous waste. This situation has caused three major problems.

First, the lack of uniformity in State manifest forms has created a burden for generators, transporters, and State programs. Currently, a transporter carrying hazardous waste may be required to carry the manifest of each State in which he travels in order to comply with various State manifest requirements. Failure to carry a particular State's manifest may delay or prevent shipments from reaching their destination or subject the transporter to State enforcement action. Under these conditions, a generator may be required to go through the costly and inefficient procedure of filling out several manifest forms with duplicative information in order to ensure that the waste reaches the designated facility.

State programs have been burdened in some cases by the need to adapt their administrative and data processing procedures to handle the varying out-of-State manifests which they receive.

Second, the lack of uniform information requirements prevents generators with sites in more than one State from standardizing manifesting procedures. This situation makes it extremely difficult for multistate generators to implement standardized data management programs for coordinating hazardous waste information.

Third, enforcement activities have been complicated. "Probable cause" to monitor and inspect a vehicle is easier to conduct if the investigators are trained to follow uniform manifest standards.

C. Comments

Nearly 200 comments were received by EPA on the proposed Uniform Hazardous Waste Manifest (UHWM). This Background Document discusses the comments received by the Agency on this rulemaking by first stating the comment received, followed by the commenter's rationale. For many of these issues, commenters presented suggestions both for and against a given approach, frequently reflecting the different concerns of States on the one hand, and industry on the other. Each issue, with the relevant comments and rationale is followed by the Agency's response. Following is a list of the generic issues raised by commenters. The groups of issues are separated into four areas:

GROUP A: Form Information
GROUP B: Form Design
GROUP C: Form Management
GROUP D: Other

GROUP A Form Information

GROUP	COMMENT	PAGE
ISSUE 1	Require or allow additional information to be included on the form.	II.1
ISSUE 2	Allow use of a State manifest document number	III.1
ISSUE 3	Require more detailed waste description information.	III.2
ISSUE 4	Require or allow use of vehicle identification numbers.	III.2
ISSUE 5	Allow States to print addresses of State agencies.	III.3
ISSUE 6	Include addresses and phone numbers of all participants.	III.3

ISSUE 7	Add the site address of the generator if different than the mailing address.	III.4
ISSUE 8	Include a handling code for each waste described on the Manifest.	III.5
ISSUE 9	Require the hazardous waste number on the Manifest.	III.5
ISSUE 10	Allow the use of State identification numbers.	III.6
ISSUE 11	Require waste quantity to be described by weight or volume or allow use of either type of measure.	III.7
ISSUE 12	Include a space for transporter to acknowledge receipt of placards offered by the generator.	III.8
ISSUE 13	Incorporate ICC Bill of Lading information on the Manifest.	III.8
ISSUE 14	Require or allow emergency response telephone numbers and information.	III.9
ISSUE 15	Allow certain information to be pre-printed with check-off boxes.	III.9
ISSUE 16	Provide for information on the physical state of the waste.	III.10
ISSUE 17	Add identification numbers for multiple locations within a generator's site.	III.10
ISSUE 18	Supplement vague DOT proper shipping descriptions with chemical lab analysis information.	III.11
ISSUE 19	Space for an alternate treatment, storage, or disposal facility is needed.	III.11
ISSUE 20	Add information to the Manifest that will encourage or assist in recycling.	III.12
ISSUE 21	Revise the form instructions to include bulk containers and dump trucks.	III.13
GROUP B: Form Design		
ISSUE 22	Bind the form on the top.	III.13
ISSUE 23	Pre-print the word "waste."	III.13
ISSUE 24	Color code columns.	III.14
ISSUE 25	Add date boxes to the Manifest form.	III.14

ISSUE 26	Shade and arrange automated data processing information for easy entry.	III.14
ISSUE 27	Allow "free-form" computer print-outs and use of word processors.	III.15
ISSUE 28	Allow the Manifest document number to be pre-assigned/pre-printed.	III.15
ISSUE 29	Revise instructions for the Proper Shipping Description.	III.17
ISSUE 30	Revise the wording in the generator's certification.	III.17
ISSUE 31	Require that the Manifest have a red border.	III.17
ISSUE 32	The type and number of containers should be entered on the left of the form.	III.18
ISSUE 33	Reduce or eliminate "tick marks."	III.18
ISSUE 4	Color code each sheet of the Manifest.	III.18
ISSUE 35	Use an 8 1/2" x 11" form.	III.19
ISSUE 36	Number the information boxes on the form.	III.19
ISSUE 37	Allow the instructions to be printed on the back.	III.19
ISSUE 38	Correct the Type of Container table to eliminate the confusion caused by dual designations for tank car.	III.20
ISSUE 39	Make Hazard Class a separate column.	III.20
ISSUE 40	May fractions be used in the Total Quantity column?	III.20
ISSUE 41	Add more space for special handling instructions, addresses, etc.	III.21
ISSUE 42	Allow States to print "tick marks" in shaded area.	III.21
GROUP C:	Form Management	
ISSUE 43	Allow States, generators and others to print and distribute the form.	III.21
ISSUE 44	Specify copy distribution.	III.22
ISSUE 45	Allow the use of a certified equivalent manifest.	III.22

	COMMENT	PAGE
ISSUE 46	Federal regulations should apply only to interstate shipments.	III.23
ISSUE 47	The consignment State manifest requirements should have primacy.	III.24
ISSUE 48	Explain the proper shipping description when a non-RCRA waste is shipped.	III.25
ISSUE 49	Allow photocopying of additional copies.	III.25
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GROUP D: Other		
ISSUE 51	Restrict State program reports to the information required on UHWM.	III.27
ISSUE 52	The Manifest document number should be "unique," not "serially increasing."	III.27
ISSUE 53	Transporter information required on the Manifest should be completed by the transporter and facility information be completed by the facility.	III.28
ISSUE 54	Make provisions for lab-pack shipments.	III.28
ISSUE 55	Clarification for discrepancy indication space is needed since State imposed deadlines may vary.	III.29
ISSUE 56	Make units of measure the same as those presented in the Biennial Report.	III.29
ISSUE 57	Training should be provided in order to ensure successful implementation.	III.29
ISSUE 58	The Agency should establish the number of copies required for each Manifest.	III.30
ISSUE 59	Clarify the EPA's position on "preemptive authority."	III.30
ISSUE 60	Require a quarterly report from the generator if the State does not get a copy of the Manifest.	III.30
ISSUE 61	Preempt State licenses and permitting of transporters.	III.31
ISSUE 62	The effective date of 180 days is acceptable but it should be sooner.	III.31

ISSUE 63 The United States should acknowledge the Canadian manifest in lieu of the Uniform Manifest for shipments originating in Canada. III.31

SECTION II - SUMMARY

The Agency received nearly two hundred (200) comment letters representing both industries' and States' concerns with the information, design, management and other aspects of the Uniform Hazardous Waste manifest. These letters addressed a large number of specific issues, which EPA has separated into over sixty (60) comment groups (see Section I). More than half of the comment groups were concerned with the form information and form design and only nine (9) general comment groups addressed form management. The remaining comments fell into a miscellaneous area EPA has designated as "Other."

In general, EPA was attempting to limit the paperwork burden whereas State and industry commenters suggested the addition of specific information which they believed EPA should require on the Manifest. Much of the information they sought was of a programmatic nature and did not meet the primary purposes of the manifest: transportation safety and tracking. As a compromise, EPA has allowed additional spaces for specific information items recommended by State and industry commenters in a shaded area on the form as optional information items.

More than a third of the comment groups dealt with form design. Where these comments could be incorporated into the design of the form, the Agency made every effort to do so (e.g., data processing compatibility). Where incorporation of comments would be conflicting or contrary to the efficient operation of the Manifest, they were rejected (e.g., a separate Hazard Class column). Some of the form design suggestions, although not incorporated specifically, are allowed to be made by the generator or a State (e.g., light dots in State information area to facilitate data processing).

As with the form design comments, States and industries recommended various form management alternatives. These, too, were incorporated where possible (e.g., acquisition of the form by generators), while others were rejected (e.g., apply the Uniform Hazardous Waste Manifest to interstate shipments only). Other suggestions were not adopted as federal requirements, but are allowed to be required and enforced by the States wherever they would not be inconsistent with federal regulations (e.g., require generators to send copies to the generator's State).

Comments falling under the miscellaneous area of "Other" were diverse. Some comments were outside the jurisdiction of EPA's authority, (e.g., provide for lab-packs). Others affected the coordination of the Manifest with other program elements (e.g., make units of measure codes on the Manifest the same as those used in the Biennial Report). Some of the groups of

comments were concerned about the implementation of the Manifest (e.g., applicability of DOT preemption authority over States with inconsistent laws). All the comments were examined during and after the comment period while the final rule was being drafted. The results of the comment review and the follow-up is discussed more completely in Section III below.

SECTION III - COMMENTS AND RATIONALE

The following section discusses the four basic areas of comments the Agency received during the comment period. Each basic area is subdivided into groups and followed by the Agency's response (see Section I for a list of the comment groups).

GROUP A: Form Information

1. Require or allow additional information to be included on the form.

Comments identified a number of additional information items, and suggested that they be required on the form, allowed to be required by States on the form, or allowed to be included on the form by States or generators at their discretion.

RESPONSE:

EPA considered these comments in light of several concerns applicable to Federal manifest information requirements and to the design of a Federal Uniform Hazardous Waste Manifest. EPA manifest requirements must be designed to protect human health and the environment, as provided in Section 3002 of RCRA. The primary purposes of the manifest requirements must, therefore, be to provide for tracking of hazardous waste shipments to ensure that all wastes designated for a treatment, storage, or disposal (TSD) facility reach their destination and to ensure transportation safety. It is alos necessary in order to ensure that the manifest system operates efficiently and effectively and achieves these primary purposes to make sure that the Manifest forms are not unneccesarily complex and can be completed easily and quickly, and that the necessary information on the Manifest can be easily identified and understood.

Many of the information items suggested by commenters may be helpful in some cases for management of hazardous waste, but are not necessary for the purposes of transportation safety and tracking of waste shipments. Others were related to transportation safety or tracking, but went beyond the existing requirements that EPA has determined to be adequate for these purposes. Were EPA to attempt to accommodate a significant number of these suggestions, the information items would not all fit on the form and require a form larger than standard size or serveral pages long. This would impede the convenience and efficiency of handling of forms, and thus impede the effective operation of the Manifest system.

In addition, requiring or providing for a significant number of additional information items would increase the complexity of the form, also interfering with its efficient and effective use.

On the other hand, EPA recognizes the legitimate interest on the part of States to design their own unique tracking and hazardous waste management systems, as long as they are equivalent to and not inconsistent with the federal system. EPA also realized that if no provision were made for information items that States believed to be critical to their programs, States would attempt to require such additional information to be submitted on separate documents, which would also increase the complexity and burden of the system and defeat in part the advantage of a uniform manifest. Although federal regulations would prohibit States from requiring that such additional documents travel with the waste shipments, in most cases States would be able to require separate submission of such documents from generators or treatment, storage, or disposal facility operators. In the proposed rule that appeared in the March 4, 1982, Federal Register, the Uniform Hazardous Waste Manifest form limited the information to Federally required information. During the comment period, the Agency learned that although many of the industry commenters were in favor of precluding States from requiring additional information on the form, they would support a manifest that provided for certain limited State-required information items if such a compromise would eliminate the need for a separate additional State information report or form.

In light of these considerations, EPA has designed a form that provides for the minimum information items required by federal law, and also provides for certain limited additional information items to be required by States. The Federal information items are limited to those that already are required by EPA's manifest regulations. Additional information that may be required by States is limited to the few items considered most critical by States. In addition, the new Uniform Manifest regulations provide that States or generators may add other information or instructions to the form, either in the margins or on the back of the form. This should provide States and generators with all the information they believe to be critical to their unique manifest handling and tracking systems without the need to provide or require additional documents other than the Uniform Manifest. At the same time, the optional information is sufficiently limited to maintain the simplicity and ease of handling necessary for the effective operation of the Federal manifest system, and has been accommodated within the convenient format of a single sheet of paper of standard size (8 1/2" by 11").

All Federally-required information is clearly indicated on the form. This information must appear on all completed manifests, and compliance with these information requirements will be enforced by federal and State enforcement personnel during the transportation phase of a shipment of hazardous waste.

Additional information that may be required by States ("Optional State information") is indicated on the form by lettered, rather than numbered items, and by shading of these spaces. States may require generators or treatment, storage, or disposal facility operators to submit this information. Such additional information may be voluntarily carried with a shipment by the transporter, but the transporter may not be found in violation if the form fails to include such information.

States may also pre-print additional information or instructions on the form, such as in the margin or on the back of the form, as provided in 40 C.F.R. §271.10(h). However, such preprinting may not require the entry of any additional information by generators, transporters, or TSD facility operators beyond the specifically identified Federally-required information or optional State information. Where neither the generator's State nor the State in which TSD facility is located prints and supplies the manifest, the generator may preprint any information on the form other than the required signatures and dates.

EPA's responses to comments on each specific information item suggested are set forth in the remainder of the issue groups concerning form information. The considerations discussed above should be borne in mind when considering those responses to specific suggestions. Additional discussion of this issue can be found in the preamble to the final Uniform Manifest regulations.

2. Allow use of a State manifest document number:

Several States suggested that the Agency allow them to add a State manifest document number. The States that made this request commented that they currently used document numbers in the management and tracking of manifests in their State and that these numbers were critical to the enforcement of their programs. Some commenters suggested that the EPA manifest document number was too cumbersome for data processing use and that by allowing generators to control the entry of the EPA Manifest document number on the Manifest, a greater margin of error could be expected. Some concern was also expressed regarding the likelihood of intentional manipulation of Manifest document numbers for illegal purposes.

Of those commenters who supported the issuance of State manifest document numbers, most suggested that the States be allowed to preprint manifest document numbers. This would allow States that want total control of manifest issuance, management, and tracking to exercise such control.

RESPONSE:

The Agency believes that the addition of a State manifest document number as a State-required information item is acceptable. States with existing manifests and manifest tracking systems argued that they need to control the tracking of hazardous waste shipments with manifest document numbers which they print on the

manifest. The addition of a State number would ensure that the number was compatible with their automated data processing (ADP) system. Since the addition of this number on the manifest by the State controlling the distribution of the manifest would create no additional burden on industry, the Agency believes that allowing the addition of a State manifest document as a State information item is appropriate.

3. Require more detailed waste description information.

Several States requested that the final rule contain a standard that generators be required to supply more detailed information on the contents of the waste. A few TSD facilities also suggested that a more complete waste description should be part of the final rule. They argued that the additional information would be helpful both for emergency response purposes and for safer management of the waste once it arrived at a TSD facility.

The Agency agrees with the commenters that in some cases this additional information may be useful to the TSD facility operator but believes that such a requirement on each manifest is unnecessary for the limited purposes of the Federal manifest system. The Agency believes detailed information regarding a waste should be in the possession of the facility prior to the arrival of a shipment and that the procedures established in the facility standards are sufficient to protect human health and the environment. Thus, it would be unnecessary to require detailed information on a shipment by shipment basis. EPA recognizes, however, that some States may wish to go beyond the federal manifest system, and believes that a State requirement for a more detailed waste description to be entered on the Uniform Manifest is not inconsistent with Federal requirements as long as it is limited to appropriate spaces on the form. EPA, therefore, allows States or TSD facilities to require additional waste description information either on a shipment by shipment basis from the generator or as a condition of acceptance of a shipment at a facility. The Manifest form has been designed to include spaces labeled "J" and "S" and titled "Additional Descriptions for Materials Listed Above" for States to require this additional information. Generators or TSD facilities may also enter information in this space even if the State does not require entry of such information.

4. Require or allow use of vehicle identification numbers.

Several State commenters in this group suggested that the Agency require the use of vehicle identification numbers for transporters. Their rationale was that enforcement actions would be easier, and tracking of shipments more complete.

RESPONSE:

The vehicle identification number would be a unique number required to be displayed on each vehicle used to transport hazardous

waste, including each separate trailer or tractor-trailer combination. Upon observation of this number on a vehicle, regulatory and enforcement personnel would be able to refer to files of such numbers to identify the transporter and the load he was carrying.

EPA has declined to require inclusion of a vehicle indentification number for the following reasons. First, the Federal manifest information requirements already provide for entry of the transportater's EPA identification number. Although this number is a single number for all of a transporter's vehicles. EPA believes that this identification of the transporter is sufficient for tracking and safety purposes. Once Federal or State personnel can determine from the EPA identification number the name, address, and phone number of the transporter, separate identification of the vehicle is not necessary. Second, to the extent that a vehicle identification number system is intended to identify vehicles without reference to the manifest, it is beyond the scope of the Manifest requirements. In addition, other identification numbers already are in use for identification of vehicles, such as license plate numbers and ICC numbers. Third, to the extent that States already require vehicle identification numbers, there may be inconsistencies between the format and requirements among the States, so that requiring a nationally uniform numbering system would disrupt existing State procedures. Fourth, to the extent no requirements for vehicle identification numbers currrently are in effect, the imposition of such a system would create a substantial burden on transporters for obtaining and applying to all vehicles the appropriate numbers. DOT particularly shares this concern with EPA, in light of DOT's responsibility to prevent interference with interstate commerce. However, EPA can find no environmental reason to disallow the use of vehicle identification numbers as an optional State information item.

5. Allow State to print State agency's address

Several State commenters suggested that they be allowed to print on the Manifest the name, address, telephone number, and logo of their State.

RESPONSE:

States will be allowed to preprint their State name, agency, address, logo, and appropriate telephone number(s) in the margin or on the back of the form as provided in §271.10(h). The top margin has been expanded to provide space for this information (approximately 3/4").

6. Include addresses and phone numbers of all participants.

The regulations promulgated May 19, 1980, require the name, EPA identification number, mailing address, and telephone number of the generator, the name and EPA identification number of each transporter, and the name, EPA identification number, and site

address of the TSD facility. The March 4, 1982, proposed rule would have added the TSD facility's telephone number to this information. Several commenters suggested that the name, address, and telephone number for each participant in a shipment should be included on the form. Addresses and telephone numbers for transporters were thought to be particularly essential.

RESPONSE:

The group of commenters who suggested the addition of the addresses and telephone numbers of all participants in the management of a hazardous waste thought this information was essential to the proper tracking and safety of each shipment. The Agency does not totally agree. The EPA identification numbers are directly related to the name, address and telephone number of each participant. The Agency agrees that the name, address, and telephone number of the generator is necessary since the facility owner or operator is required to send a signed copy of the Manifest back to the generator and may need to call the generator regarding the waste. The name and address of the TSD facility is also a Federally-required information item. However, only the name of the transporter is a Federally required information item, since EPA believes the address of the transporter is not a useful item of information on the Manifest. Upon investigation, the Agency found that several addresses exist for each transporter such as home office, dispatcher, terminal, etc. Thus, the Agency could not determine which of these addresses was the primary point for tracking and safety purposes. Since the entry of only one of these addresses in many cases would not be sufficient for tracking and safety purposes, and since the relevant addresses can readily be obtained by reference to the EPA identification number, EPA chose not to require an address for the transporter to be entered on the Manifest form. EPA has however, provided spaces in the optional State information area of the form for the telephone number of the transporter(s) and TSD facility.

7. Add the site address of the generator if different than the mailing address.

Comments received by the Agency suggested that EPA add the generator's site address if it is different than the generator's mailing address, which is required. The reasons given for this request was that the site address information would provide information concerning where a shipment actually began.

RESPONSE:

The generator's mailing address on the Manifest is necessary to the TSD owner or operator when he sends the Manifest by mail back to the generator. Many generator sites are not suitable for mailing purposes and many companies prefer to have copies of manifests go to one central company office, which would be

the appropriate address for inclusion on the Manifest. The actual generating site location is, therefore, not needed for compliance with the manifest system. If a facility owner or operator needs to know the site address for the generator, he can call the generator whose telephone number is required on the Manifest. States that wish to know the site address of the generator can determine it from the EPA identification number which is required as part of the Manifest document number. Therefore, the Agency does not agree that the generator's site address is necessary on the Manifest.

8. Include a handling code for each waste described on the Manifest.

Several commenters suggested that the handling code for each waste described on the Manifest should also be included on the Manifest. Most of these commenters believed that this information should be added by the TSD facility after the waste was processed but before the Manifest was sent to the State. A few commenters suggested that the generator should be held accountable for the handling code.

RESPONSE:

State commenters and some industry commenters in this group supported the inclusion of a waste handling code for each waste shipped. Some believed this information should be required while others were not specific. The Agency has allowed for the entry of the waste handling code on the Manifest as a State or other optional information item. The Agency is not concerned with whether the code entered is one of the established EPA Handling Codes found in 40 CFR Parts 264 and 265, since the information is not critical for the transportation safety or tracking of a waste shipment. States may choose to require that the handling code information be a State handling code number. EPA is not concerned over whether the handling code is submitted by the generator or the TSD facility, since the Federal government will not enforce against the inclusion of this information item on the Manifest.

Although the waste handling code is part of the required information for the Biennial Report, the Agency does not believe that it is necessary for either transportation safety or tracking and, therefore, it is not required on the Manifest.

9. Require the hazardous waste number on the Manifest.

The hazardous waste number of each waste was not a required manifest information item in the May 19, 1980, rule and the Agency did not propose to require it for each waste listed on the Manifest in the March 4, 1982, proposed rule. However, a column was provided for the hazardous waste number as an optional information item on the proposed rule which the generator could add at his discretion. Since the Agency did not require the hazardous waste number, there was no requirement for it to be either the EPA hazardous waste number or a State hazardous waste number.

Several commenters suggested that this piece of information be required, not optional, for all hazardous wastes and for all shipments. This comment was directed from some States and TSD facilities that believed the information would be helpful to their data management and reporting functions.

RESPONSE:

Although several commenters from both industry and government suggested that the Agency require handling codes as a mandatory information item, EPA is not convinced that such a requirement is justifiable. Although useful to States and facilities, the handling code is not the type of information that will enhance protection of human health or the environment nor will it improve the tracking of the waste.

The hazardous waste number is intended primarily to aid in determining proper management of the waste for treatment, storage, or disposal purposes, rather than for transportation safety purposes. EPA believes that it is the generator's responsibility to communicate this type of information to the TSD facility operator prior to shipping the waste in order to ensure that the facility can handle the waste. EPA's Manifest regulations already require identification of the waste by reference to DOT material descriptions, and believes that DOT's identification requirements are appropriate and sufficient for transportation purposes. In addition, DOT's Emergency Response Guidebook presents instructions on emergency handling of waste by referring to DOT proper shipping descriptions, not to hazardous waste numbers.

For these reasons, the Agency has decided not to include the hazardous waste number (either the EPA number or any State hazardous waste number) as a required information item. However, space has been provided on the form in the optional State information area for this number.

10. Allow the use of State identification numbers.

Several State commenters suggested that they should be allowed to require generators, transporters, and owners and operators of TSD facilities to use existing State identification numbers. Many of the States with existing manifest systems also have data management systems designed around State issued numbers. In their opinion, continued operation of State systems would continue more efficiently if allowed to use existing State issued numbers.

RESPONSE:

As with other information that States believed was essential to the operation of their programs, EPA cannot justify the State identification number as essential for tracking or transportation safety, since the Federal manifest handling and reporting system does not depend on such State numbers. Thus, this number is not a required information item on the Manifest. In addition, the Agency examined various State identification numbers currently in use and

found that the alphabetical and numeric combination and the number of characters varied considerably among States. It would have been difficult for EPA to have established a federally required State identification number that would have accommodated all the States' concerns. EPA does believe, however, that States may be allowed to require State identification numbers to be entered on the Manifest without interfering with the Federal Manifest system. Therefore, this information item is allowed in the optional State information area, with its format and field to be determined at the discretion of the States.

11. Require waste quantity to be described by weight or by volume or allow use of either type of measure.

Comments addressing the units of measure for the total quantity of each hazardous waste can be separated into three separate sub-groups: those favoring units of weight: those favoring units of volume; and those favoring a choice of either. State comments were divided on this issue. Some States have systems that require units of measure to be reported by volume, while other States have systems that require units of measure to be reported by weight. Industry comments, for the most part, supported the third option which would allow the entry of quantities by either method.

The Agency was asked by one commenter to limit the application of the units of measure for wastes shipped as gallons (or liters) to liquids. Situations existed, according to the commenter, where shipments listed in gallons consisted of dry waste.

RESPONSE:

The Agency reviewed the comments from the States and industry and then consulted with DOT to determine the feasibility of stipulating the quantity of the waste in either weight or volumetric units. DOT's regulations require that the total quantity of the waste appear on the shipping paper (manifest). DOT is not concerned with whether the units are in volume or weight. EPA agrees with this approach. To only require one type of unit would not increase EPA's protection of human health and the environment nor would it improve tracking of the waste. Also, those States that require a particular unit of measure appear to base their need for this information on accounting and fee collection, rather than on safety. The Manifest instructions allow the quantity of waste to be given either in units of volume or units of weight.

The Agency agrees, however, that the units of measure should reflect the nature of the waste. For example, a dry powder or other solid should be shipped as a quantity measured in weight not gallons. This has been indicated in the instructions by noting "liquids only" after the units of measure "liters" and "gallons."

12. Include a space for transporter to acknowledge receipt by transporters of placards offered by the generator.

The comments in this group included a recommendation by generators that the Manifest contain a space for the transporter to acknowledge receipt of placards offered by the generator. Some commenters believed that such a statement on the Manifest would document compliance of the generator standards.

RESPONSE:

The Agency recognizes that some generators may wish to document compliance with the generator standards. One such requirement, placarding, could be substantiated, in some commenters' opinion, by the simple addition of a statement that the transporter would sign or initial. The statement would indicate that the generator had offered the appropriate placards to the transporter, thereby documenting compliance with the generator's placarding requirements. The Agency believes that to include this information item as a federally-required item would be an unjustifiable burden on all generators. For example, generators who transport their own waste would not need this type of statement. From the Agency's point of view, neither of the two Manifest information criteria, protection of human health and the environment or tracking would be enhanced. The Agency believes, however, that generators who desire this kind of documentation on the Manifest can enter it in the Special Handling Information space and require as part of their contract with the transporter.

13. Incorporate ICC Bill of Lading information on the Manifest.

Several industry commenters suggested that the Agency provide space for the Bill of Lading information required by the Interstate Commerce Commission (ICC). They believed that inclusion of this information on the Manifest would reduce the amount of paperwork they would be required to carry with each shipment of hazardous waste.

RESPONSE:

Recently, ICC published a notice in the Federal Register (47 FR 29403, July 6, 1982) ruling that ". . . hazardous waste of no economic value destined for disposal (other than nuclear or radioactive waste) do not constitute 'property' within the meaning of 49 U.S.C. 10521. Accordingly, the Commission does not have jurisdiction over the for-hire transportation by motor carriers of such wastes." Therefore, the Agency does not expect that Bill of Lading requirements will apply to hazardous waste shipments destined for treatment, storage or disposal facilities. Consequently, the Agency does not believe that the form should include space dedicated for Bill of Lading use. In the unlikely event the ICC Bill of Lading information is required for a shipment of hazardous waste, the generator may be able to provide the ICC-required information as an attachment or on the back of the Manifest form. If this is

not practical, it may be necessary to carry both the UHWM and a Bill of Lading.

14. Require or allow emergency response telephone numbers and information.

The comments in this group include several recommendations that the UHWM contain an emergency response telephone number. Some commenters believed that the National Response Center's (NRC) number or the Chemtrec telephone number should be required on each Manifest. Some State comments suggested that they be allowed to preprint the telephone number of the State emergency response office while others suggested an all-inclusive list of State emergency response telephone numbers to be included on the back of the Manifest.

RESPONSE:

EPA evaluated the DOT emergency response requirements and decided that the existing DOT requirements for emergency response information were adequate. The development and use of the DOT identification (UN/NA) number for emergencies and DOT requirements for notifying the National Response Center (NRC) by telephone in certain circumstances and file a written report in all instances is sufficient.

DOT regulations (49 CFR 171.15) and EPA regulations (40 CFR 263.30) require transporters to call the NRC under certain emergency circumstances. EPA does not believe that the inclusion of the NRC telephone number on the Manifest is justifiable since there will be spills that will not necessitate a telephone call to the NRC.

Originally, the Agency considered adding emergency response telephone numbers but rejected their mandatory inclusion since it could be construed as an implicit instruction to call in the event of any situation, including those of a non-emergency nature. DOT and EPA regulations presently require transporters to call the National Response Center (NRC) as the result of certain accidents (49 CFR 171.15 and 40 CFR 263.30). For those spills of sufficient threat, EPA and DOT standards require transporters to call the NRC, and EPA believes that transporters already are or should be aware of that requirement and the appropriate number, as well as the proper procedures to follow.

However, EPA will not preclude a State from preprinting such numbers, including State emergency response numbers. The Manifest regulations regarding preprinting, 40 CFR §271.10(h), allow States to print the NRC number, or any other emergency telephone numbers or information, in the margin or on the back of the form, provided they do not conflict with established emergency response procedures.

15. Allow certain information to be preprinted with check-off boxes.

Commenters suggested that the UHWM should be simplified by allowing certain information to be pre-printed in the form of

check-off boxes. For example, if a generator typically sends waste to one of two companies, the UHWM form should have space for the names, addresses and EPA identification numbers of both companies. The generator could then use a check-off box to indicate to which of the two TSD facilities the waste was being sent. Other check-off boxes for other items was suggested.

16. Provide for information on the physical state of the waste.

Both State commenters and some industry commenters suggested the need for additional information regarding the waste description. The industry comments were primarily from TSD facilities. Included in the additional information they suggested was need for the physical state of the waste (e.g., solid, liquid, gas and sludge). Both groups of commenters believed that such information would facilitate improved management by the receiving facility.

RESPONSE:

The Agency considered requiring a more specific waste description for the waste listed on the Manifest. Included in this consideration was the need for the physical state of the waste. EPA is relying on the DOT proper shipping description for identifying each waste, and believes that their nomenclature and format is sufficient to protect human health and the environment during transportation. In many cases, the DOT shipping description contains an indication of the physical state (e.g., Flammable Solid, Corrosive Liquid, etc.) and an additional statement of the physical state would be redundant.

The Agency believes that the TSD facility should know before a waste shipment arrives what it is recieving and that generic information such as the physical state should be transmitted prior to the shipment being made, before the Manifest is prepared. In addition, it would be difficult to identify a standard term for some physical states for easy entry on the Manifest. For example, the physical state of "sludge" as suggested by some of the commenters would be unacceptable since the definition varies considerably between federal and State regulations and industry.

The Agency has, therefore, rejected the physical state of a hazardous waste as a required piece of information for generators to put on the Manifest. States may, however, require the physical state of a waste as part of the information requirements they place on generators or TSD facility owners or operators. It should be entered under "Additional Information for Waste Listed Above."

17. Add identification numbers for multiple locations within a generator's site.

The Agency received comments suggesting that EPA require or allow the use of a second generator identification number when wastes are generated at more than one location within a generator's site. They believed that this would make tracking of the waste

more complete and allow them to determine the exact production line or process stream origin.

RESPONSE:

The Agency does not agree with these commenters since the generator EPA identification number is issued on a site by site basis. To issue two or more numbers per site would be confusing and a burden on State and Federal tracking systems. If, however, a generator wants to keep more specific records that allow him to identify which waste stream came from which process stream, he can do so on the Manifest form in the space titled "Special Handling Instructions and Additional Information." This information could also appear in the margins or on the back of the form.

18. Vague DOT proper shipping descriptions should be supplemented with chemical lab analysis information.

State comments and comments from treatment, storage and disposal facilities indicated a desire for the Manifest to contain additional information that would provide a more specific description with regard to the DOT proper shipping description. Some of the comments suggested that DOT shipping descriptions were vague and that the Agency should include a requirement that the description include chemical lab analysis information.

RESPONSE:

The Agency disagrees with these commenters. EPA has worked with DOT in the development of a transportation and control document that meets both the requirements of the Hazardous Materials Transportation Act (HMTA) and RCRA (Section 3002). As a result, EPA has chosen to supplement the DOT-required information with other information that the Agency believes will help protect human health and the envirionment and provide for tracking of waste shipments. Although a chemical analysis or a more complete chemical description could be helpful to a State program or to a treatment, storage or disposal facility, it is not sufficiently related to the transportation and tracking functions to warrant a federal requirement that it be included on the Manifest. States or facilities can, on their own, require such information provided it is not a condition of transportation.

19. Space for an alternate treatment, storage, or disposal facility is needed.

The Agency received comments suggesting that a specific space be provided for the alternate TSD facility. Since the regulations allow for a generator to enter an alternate facility, these commenters believed that the Manifest should have a specific space for it.

RESPONSE:

EPA considered providing a specific space for the alternate facility but rejected it based on the belief that it would be used only rarely, and that space on the Manifest should be used for more pertinent information. EPA regulations currently allow generators to identify an alternate facility, but do not require it. In many cases, the limited number of TSD facilities in an area will make it very difficult to identify an alternative facility. In addition, an alternate facility is intended to be used in emergency situations. Providing a space for an alternative facility might give the incorrect impression that use of the alternate facility is left to the discretion of the transporter. Finally, in those few emergency situations in which use of an alternative facility will be necessary, since an alternate facility is to be used only in emergency situations and since these should be relatively few, it is not a significant burden to require the transporter to contact the generator to decide on an alternate.

For those generators who are able to identify an alternate facility and wish to note it on the Manifest, however, the space allotted to generators for "Special Handling Instructions and Additional Information" can be used for the alternate facility. The required information can be entered by the generator at the time of the shipment or by the transporter as provided for in 40 CFR 262.20(d) and 263.21. Therefore, the Agency is not providing a special space for the alternate facility information.

20. Add information to the Manifest that will encourage or assist in recycling.

This group of commenters suggested that any additional information which would facilitate resource recovery should be provided for on the Manifest. They were of the opinion that a more specific waste description would encourage the recycling of wastes. Some commenters thought States could assemble information from the Manifest, compile the data, and make it available to others interested in recycling waste.

RESPONSE:

The Agency agrees with the commenters regarding the need to encourage recycling. However, since the additional data commenters requested do not enhance protection of human health and the environment during transportation or improve tracking of shipments, such information is not appropriate for inclusion on the Manifest. The Agency does encourage generators to explore their recycling opportunities as an alternative to treatment, storage or disposal. If the "Special Handling Instructions and Additional Information" space is useful for this purpose, generators should place the information in this space.

21. Revise the form instructions to include bulk containers and dump trucks.

Several commenters from industry pointed out that the instructions for the Manifest should include a category for dump trucks and other bulk containers. Other comments indicated that "roll-offs" or dumpsters should also be included in the list of types of containers.

RESPONSE:

The commenters were correct in noting that the table in the instructions to the form was incomplete and should have included a category for containers that describe a dump truck. This category has been included as "DT." The Agency does not agree with the commenters who suggested that a separate category for "roll-offs" or dumpsters be included in the table of types of containers. EPA intended that the code for metal boxes, cartons, and cases (CM) be used for "roll-offs" and dumpsters, and has clarified this in the instructions.

GROUP B: Form Design

22. Bind the form on the top.

Some comments suggested that the form copies be bound at the top to be compatible with use on a clip-board.

RESPONSE:

The Agency agrees with the commenters that the form should be bound at the top when used on a clip-board. However, other applications for managing the Manifest in transit may necessitate binding the Manifest on both sides (for computer/word processor printing), on one side for book-type usage, or on the bottom. Therefore, the Agency is not requiring that the copies of the Manifest be bound on any side or bound at all.

23. Pre-print the word "waste."

Industry comments included a recommendation that the word "waste" be preprinted on the Manifest since, in their opinion, all or most of the shipments would begin with the word "waste."

RESPONSE:

It is true that the proper shipping description according to DOT for a large percentage of the hazardous wastes will be preceded by the word "waste." However, there will be some cases where the proper shipping description according to DOT will include the word "waste" as part of the description, where the word "waste" does not precede the description (e.g., Hazardous Waste, liquid, N.O.S., ORM-E, NA 9189). Therefore, the Agency is not requiring that the word "waste" be preprinted on the Manifest. However, it will be permissable for generators to preprint this word and the proper shipping description if they desire.

24. Color code columns.

One industry commenter suggested color-coding the column on the left margin of the form to indicate which information was the responsibility of the generator (red), transporter (green), and facility (blue).

RESPONSE:

EPA does not believe that color coding is necessary to identify the respective portions of the form for completion by generators, transporters, and TSD facility operators. Instead, EPA has designed the form with words in the left margin that identify the appropriate sections for generators, transporters, and TSD facility information. EPA believes that this is an adequate and simpler way to accomplish the same goal.

The Agency also has decided to shade certain areas of the form in order to differentiate between federally-required information and optional State-required information.

25. Add date boxes to the Manifest form.

The Agency received comments suggesting that the form should include boxes into which the required dates should be entered. Since the Agency only provided blank lines, some of the commenters believed that this information would be clearer for everyday use and for entry into data management systems if date boxes were used.

RESPONSE:

The Agency agrees that the data entry may be enhanced by providing specific areas for the dates required on the Manifest. Many of the data entry items are likely to be used in automated data processing (ADP) systems, and EPA is willing to make such entry easier by providing heavy lines and "spacing dots" for certain entries and has designed the form accordingly. These entries include the dates required on the Manifest, container (number and type), total quantity, unit (weight/volume), Manifest document number, and EPA identification numbers.

26. Shade and arrange automated data processing for easy entry.

Commenters addressed the usefulness of the proposed form for automated data processing (ADP) entry purposes. They suggested that spaces where ADP information would be entered should be shaded. This, they believed, would facilitate correct entry of essential data.

RESPONSE:

The Agency has chosen to provide heavy lines around the information that is likely to be useful in automated data processing. As discussed elsewhere in this Background Document, the Agency

agrees that automated data entry may be enhanced by highlighting specific information areas on the Manifest. However, EPA has chosen not to shade areas for simplified data processing use. Instead, as discussed elsewhere, these areas are highlighted by heavy lines. The shaded area on the Manifest is reserved to differentiate Federally required information from optional State required information. Heavy lines do not appear in the shaded area of the forms since different States may have different formats or fields for those data. States printing and supplying the Manifest form may have data entry boxes, spacing dots, lines, etc., printed anywhere on the form. The Agency will consider a form with shaded areas different than those mandated by EPA to be inconsistent with EPA's requirements. Copies with shaded areas different than those specified on the UHWM that are removed prior to shipment (e.g., sent to the State) or otherwise not required to travel with the shipment may be part of a Manifest copy set. This will allow those States that print and distribute the form and who want different areas of the form shaded for automated data processing purposes to receive such copies without affecting the uniformity of the Manifest. Likewise, industries may highlight information on copies of the Manifest they keep other than for Manifest recordkeeping purposes required by regulation.

27. Allow "free-form" computer print-outs and use of word processors.

Comments from industry recommended that the Agency allow them to substitute a computer printed manifest for a standard form. Commenters argued that using a computer print-out would be less burdensome than manually completing manifests. Also, commenters believed that a computer completed manifest would be more accurate, neater, and could contain more information on one page.

RESPONSE:

The Agency agrees that for some generators the use of a computer or word processor could reduce the amount of paperwork. Computers or word processors can be used to print information on the standard form. The Agency also agrees that in such circumstances the Manifest would likely be more accurate, neater, and could contain more information. The Agency, therefore, will allow use of a computer or word processor in the preparation of the UHWM. "Free-form" or other manifest formats not using the UHWM format and design requirements will not be allowed. The Agency believes that the purpose of developing the Uniform Manifest would be negated if forms other than the UHWM form were allowed.

28. Manifest document number should be preassigned/preprinted.

State commenters suggested that the Manifest document number should be preassigned and preprinted to help preclude misnumbering of manifests and to ensure the uniqueness of each manifest number. Examples of errors were given, e.g., as where the same number could be applied to a manifest by two different people at one generator's site if the numbers were not preprinted. State commenters also

indicated that preassigned and preprinted numbers was essential to their specific program and manifest tracking needs.

RESPONSE:

EPA understands the commenters concerns' for simplifying data management. Since EPA is not printing and supplying the form, the Agency cannot preprint a Manifest document number. EPA has, to some extent, preassigned Manifest document numbers by requiring the use of EPA identification numbers as part of the Manifest document number. It would be difficult for the Agency to preassign nationally the remaining five digits required as part of the Manifest document number.

Since RCRA allows for a State program to be more stingent, EPA has provided a space on the Manifest for a State Manifest document number. Although not a federally-required piece of information, the States may require generators to enter such a number, or the States may preprint such a number before distributing the Manifest. Neither of these additions would be inconsistent with the Federal system.

29. Revise instructions for the Proper Shipping Description.

Several commenters suggested revising the instructions for the proper shipping description. One commenter believed that the instructions should include specific language rather than a reference to DOT language. Other comments suggested that the way the form was developed would result in some cases of incorrect entry of the DOT identification (UN/NA) number. Specifically, these commenters suggested that the UN/NA column be incorporated into the Proper Shipping Description.

RESPONSE:

The Agency partially agrees with this group of commenters. EPA's instructions for the proper shipping description reference DOT's regulations for describing a hazardous material in transit. EPA believes that it would be redundant and of little value to persons responsible for completing the Manifest to require them to comply with two nearly identical regulations. Since the Agency has worked closely with DOT and has adopted DOT's system for properly describing a hazardous waste material, EPA regulations are simplified by referencing the DOT regulations for shipping paper requirements. Although EPA does not require that instructions be printed on the backs of the Manifest form, States and industry may do so if they desire.

The Agency does agree with the commenter's concerns that the proposed form did not allow for correct entry of the proper shipping description, including the DOT identification number (UN/NA number). The proposed form provided a separate column for the UN/NA number at the end of the space for the proper shipping description. In some instances, however, the UN/NA number will not be the last entry in the proper shipping description. Under some circumstances,

it must appear before other required information such as "Waste Adipic Acid ORM-E, NA 9077, RQ." Therefore, EPA has eliminated the separate UN/NA column from the form.

30. Revise the wording in the generator's certification.

Comments received by the Agency indicated that some industries believed that the generator certification statement should be revised. Commenters' suggestions on the wording were "material covered by this manifest or herein named," rather than "above-named material." Other commenters suggested similar wording that would take into account the use of a continuation sheet, while others suggested that the generator's certification statement should include an indication that all the proper placards had been offered to the transporter. One commenter indicated that the generator's certification stipulated in the Proposed regulation was not intended for shipments by air or international shipments.

RESPONSE:

EPA's paramount concern with respect to the wording of the certification statement is that it is consistent with the language used by DOT which is based on the transportation of dangerous goods. That language now uses the phrase "contents of this consignment." EPA does not believe, in any case, that this phrasing will create confusion. The Agency is interpreting the certification to include not only the wastes identified on page one of the Manifest (EPA form 8700-22) but also to include any wastes listed on the Manifest Continuation Sheet (EPA form 8700-22A).

With regard to a space or provision in the generator's certification statement for transporters to acknowledge that the generator had offered them the proper placards, the Agency does not agree that such a space or provision is justifiable in all cases. If a generator wished to document that he complied with that standard, he could enter a statement to that effect in the "Special Handling Instructions and Additional Information" space on the form and have the transporter sign or initial the statement. The Agency does not believe that this should be a Federally-required information item for all generators or transporters, since its inclusion does not enhance protection of human health and the environment nor tracking.

31. Require that the Manifest have a red border.

One State commenter suggested that the Manifest have a red border. The rationale for this suggestion indicated that with such an identifiable outline, emergency response personnel would be able to locate the form quickly and more easily.

RESPONSE:

DOT has determined that such a State requirement is inconsistent with the intent of the DOT standards and has preempted such a State requirement (DOT preemptive ruling #4). EPA agrees with this

ruling. The Agency believes that through the establishment of a national standard, the Uniform Manifest form will be easily recognizable from all other forms as it is used in transportation and that a red border is not needed.

32. The type and number of containers should be entered on the left of the form.

Several comments received by the Agency requested that the format of the proposed form be changed. The specific suggestion was that the columns on the proposed form for number and type of containers be moved from the right side of the proper shipping description to the left side of the proper shipping description. The reason given for this suggestion was to accommodate existing procedures of the regulated community. Many forms currently in use have the number and type of container information to the far left of the waste description.

RESPONSE:

EPA proposed placing the Number and Types of Containers column to the right of the waste description but considered moving it to the far left to accommodate industry practice. However, since the industry practice is not universal and since DOT does not specify the location of such information, the Agency has decided that the location will be to the right. This placement lends itself to automated data processing (ADP) input as some commenters suggested.

33. Reduce or eliminate "tick marks."

Comments recieved by the Agency suggested that the "tick-marks" shown on the Manifest in the proposed rule be reduced in size or line thickness or removed altogether. The rationale presented was that interference with the entry of information could result, particularly with typewriter entry.

RESPONSE:

The Agency agrees with this group of commenters and has revised the form to remove the "tick-marks" and replace them with light "spacing dots" that will serve the same purpose as "tick-marks." Use of light markings will facilitate neat entry and simplify automated data processing, but will not obscure the data entry.

34. Color code each sheet of the Manifest.

Some of the suggestions received indicated that State commenters believed that color coding of the different Manifest copies would simplify recordkeeping and improve compliance.

RESPONSE:

Althqugh the Agency agrees that color coding the copies of the Manifest form could simplify recordkeeping, EPA cannot justify

such a requirement. Different companies or States may already use color coding schemes for other records. For EPA to formulate another scheme would result in an unjustifiable burden on the regulated community. EPA does not specify the color of the Manifest copies nor limit the number of copies. This determination is left to the States.

35. Use an 8-1/2" x 11" form.

One group of commenters suggested the use of 8-1/2" x 11" paper; while another group of commenters suggested the use of 8-1/2" x 14" paper. The commenters in the former group believed that the smaller paper would facilitate recordkeeping in standard files. The commenters in the second group believed that the information needs of the States could only be met by the additional spaces and, therefore, a longer form.

RESPONSE:

EPA considered requiring a 8-1/2" x 14" UHWM in order to accommodate the additional information sought by the States. After many revisions, the Agency was able to develop a form size that was based primarily on how much information was required by Federal regulation and secondarily on how much was sought by the States. The final version contains all the Federally required information plus spaces for most of the information sought by industry and the States. The result is an 8-1/2" x 11" form which simplifies filing and typewritten entries.

36. Number the information boxes on the form.

One group of commenters suggested that the boxes on the manifest be numbered. The commenters' reasoning was that the numbering of the spaces would correspond with the instructions and make completion of the form easier and communication between generators, transporters, TSD facilities, and regulatory agencies less complicated.

RESPONSE:

The Agency agrees with this group of commenters and has numbered the federally-required information spaces and lettered the State information spaces.

37. Allow the instructions to be printed on the back.

Some commenter indicated that the instruction for completing the Uniform Hazardous Waste Manifest should be printed on the back of the form. Most of these commenters suggested that the instruction should be augmented by State-specific instructions which should also be with the form. The reason these commenters gave was that by including the instructions with the form, confusion regarding the completion of the form would be reduced.

RESPONSE:

The Agency will allow (but not require) instructions to be printed on the back of the Manifest form. States may include State-specific instructions provided the instructions do not require new, different, or additional information.

38. Correct the "Type of Container" to eliminate the confusion caused by dual designations for tank car.

Several commenters noted an inconsistency in the instructions for the Manifest. In particular, the table for Types of Containers indicated that tank cars could be identified as CT or TC. They suggested that this situation be clarified.

RESPONSE:

The final rule clarifies the Agency's intent for type of container code which is to use the abbreviation "TC." The table has been corrected to eliminate this confusion.

39. Make Hazard Class a separate column.

The Agency recieved several comments that suggested making the hazard class identification of each waste a separate column on the Manifest. Since each hazardous waste shipped offsite must be properly identified by a DOT hazard class, this group of commenters believed that a separate column on the Manifest that would identify the hazard class of each waste entered would assist in data management and any emergency response necessary for a spill of hazardous waste.

RESPONSE:

The Agency considered making a separate column for the hazard class designation, but DOT's proper shipping description requirements preclude such a column. Some descriptions require the hazard class after the proper shipping name (e.g., Waste sulfuric acid, spent, corrosive material, UN 1832, RQ) while other descriptions contain the hazard class as part of the proper name (e.g., Flammable liquid, N.O.S., UN 1993). Because of this requirement, it would be confusing and sometimes redundant to develop a Hazard Class column.

40. May fractions be used in the Total Quantity column?

Several commenters asked the Agency to clarify the quantity entry on the Manifest. Specifically, this group of commenters asked the Agency to clarify whether fraction or decimal entries would be allowed in the quantity column.

RESPONSE:

EPA does not believe that fractions or decimals should be used for quantity description. The Agency believes that the quantiy description should be as accurate as possible without using fractions or decimals. For example, if a shipment contains 18,500 pounds, the correct quantity description would be 18,500 pounds, not 9 tons, nor 9 1/4 tons, nor 9.25 tons.

41. Add more space for special handling instructions, addressees, etc.

Several commenters suggested that the Manifest form provide more space for several items. The most frequently mentioned items in need of additional space were the special handling instructions, the waste description, and the address spaces.

RESPONSE:

The Agency gave full consideration to the information required by RCRA and the space limitations of the form. As discussed elsewhere in this background document, various sizes of paper were considered. Of primary concern was the inclusion of all Federally-required information. Also considered important, however, was the advantage of fitting the form on standard 8 1/2" x 11" paper. Although the 8 1/2" x 11" form allows less space for other items than a larger form would allow, the Agency believes that the 8-1/2" x 11" form design of the final rulemaking satisfies the Agency's primary concerns while allowing space for some State information.

42. Allow States to print "tick marks" in shaded area.

Several State commenters suggested that the Agency allow them to print "tick-marks" in the State information spaces to facilitate automated data processing (ADP).

RESPONSE:

The Agency will allow States to print and distribute the UHWT. (See previous discussion.) Along with the right to print the form is the right to tailor the State information area of the form to some degree as set forth in §271.10 (h). This includes preprinting spacing dots and other organizational marks.

GROUP C: Form Management

43. Allow States, generators and others to print and distribute the form.

States with existing manifests were most concerned with their right to print and distribute copies of the Manifest. Most of their rationale was based on their beliefs that their current systems were working efficiently and provided control of

hazardous waste shipments. Other States commented that their tracking systems were dependent on printing a State manifest document number on the Manifest. It was this number that States use to track shipments. Without the right to print and distribute copies of the Manifest, the States believed they would lose their ability to track each shipment of waste traveling in their State.

RESPONSE:

The Agency agrees with the commenters who suggested that States wanting to preprint a State manifest document number and distribute copies of the Manifest should have the ability to do so. Although the Agency does not believe that a State manifest document number is necessary since EPA requires a Manifest document number based on the generator's EPA identification number, the Agency is allowing States to enter a State manifest document number in the upper right-hand corner of the form (items A and L). This number may also be entered by the generator, if the State law allows.

44. Specify copy distribution.

The Agency received comments that suggested the copy distribution of the Manifest be stipulated on each sheet. Several State commenters believed that the top copy should go to the State, while other specific recommendations were made for copy distribution. One commenter suggested that the last copy be the one the generator keeps initially since the generator would be more likely to make sure that all copies, including the last copy, were legible.

RESPONSE:

The Agency is allowing States that print and distribute the Manifest to stipulate copy distribution. The distribution instructions, however, must appear in the margin or on the back of the form. Compliance with State copy distribution requirements will not be enforced by EPA. EPA will, however, enforce proper handling of the Manifest as required by 40 CFR Parts 262, 263, 264 and 265. The Agency is not concerned with which copy is managed by a particular individual, as long as the information is available.

45. Allow the use of a "certified equivalent" manifest.

Some commenters with existing manifests suggested that the Agency provide for the approval of a different manifest that would be evaluated and approved as equivalent to the Federally required one. These commenters explained that their particular manifesting requirements would be severely affected if they were to be required to use another form. Lack of specific information and the burden of retraining were cited as reasons for the recommendation.

RESPONSE:

The primary purpose of developing the Uniform Hazardous Waste Manifest is to create national uniformity in the shipping document required for hazardous waste transportation. If the Agency approved other manifests based on existing or new systems, this purpose would be defeated. EPA believes that the information provided for in the final form will allow most, if not all, States and companies with existing manifest systems to obtain the basic information necessary for managing hazardous waste shipments.

The Agency questions whether there could be a significant difference between existing manifests that could be approved as "equivalent" and the UHWM. If an existing manifest form were so similar to the UHWM as to be equivalent, then there would be no real reason to approve a form that was only slightly different. If the information on the form was significantly different, then it could not be approved as "equivalent," and supplemental forms would be necessary to meet the additional information needs of the State or generator.

Training personnel to comply with a new system may be a burden initially, but the long-term problems associated with varying manifests on a national basis will be eliminated by one standard form.

The Agency is not approving manifests other that EPA form 8700-22 and form 8700-22A. EPA believes that there is sufficient flexibility in usage of these forms to meet the information and management needs of the States and regulated community.

46. Federal regulations should apply only to interstate shipments.

Some States, notably California and Texas among others, suggested that EPA allow them to use their existing manifest systems and forms for intrastate shipments. The comment from California, in fact, pointed out that only two percent of the hazardous waste shipments originating within California actually left the State. Other comments indicated that there would be a significant burden in manpower retraining and revision costs to existing State manifest systems and forms if States were required to use a Uniform Hazardous Waste Manifest for both inter- and intrastate shipments.

RESPONSE:

The Agency considered making the UHWM provisions applicable only to interstate shipments. This consideration was rejected for several reasons. First, as discussed elsewhere in this background document, one of the primary purposes of creating the UHWM was to provide a national uniform and consistent form for use in hazardous waste transportation. If the UHWM form was not required for both intra- and interstate shipments, confusion enforcement difficulties would result. In addition, DOT's regulations relate to

the nature of the transportation company's business and not to the nature of a particular shipment. EPA and enforcement officials would be confronted with the difficult task of judging compliance with not only the Federal system but with the various State systems if intrastate shipments used different manifests. At the same time, the regulatd community would be confronted with the additional burden of proof that their shipment was intrastate rather than interstate.

Second, the Agency understands that some generators may be located in States where adequate facilities are available and, therefore, will not have to ship their waste interstate. However, there are many generators who will have to ship their waste interstate and many generators with facilities they own in several States who will be faced with the problem of understanding the various State hazardous waste laws. The Agency believes the lack of uniformity for these generators will cause a more difficult adjustment and resource burden on the regulated community than would be off-set by the imposition of the UHWM standards on only interstate shipments. Also, the Agency believes that a one-time change to a uniform system will be less burdensome over time than the continued implementation of various State manifest requirements.

Therefore, with the concurrence of DOT, EPA is requiring use of the UHWM in all States regardless of whether the shipments originating in that State are intrastate or interstate.

47. The consignment State manifest requirements should have primacy.

Several recommendations from industry and States suggested a priority system for acquiring copies of the Manifest. One such recommendation suggested that the Manifest for the State to which the waste was being sent (consignment State) should have precedence over other States' manifests. The rationale was that the consignment State had the responsibility for final waste management. A few other comments suggested that generators should obtain the forms from the generator's State rather than the consignment State, if that State prints and supplies the forms.

EPA agrees that it is necessary to specify a hierarchy setting forth the source from which the generator must obtain the Manifest forms. EPA has adopted the following hierarchy:

a.) if the consignment State supplies the Manifest and requires its use, then the generator is obligated to obtain the Manifest from that State;

b.) if the consignment State does not supply the Manifest, but the generator State does supply and require the use of the Manifest, then the generator is obligated to obtain the Manifest from the generator State;

c.) if neither the consignment State nor the generator State supplies the Manifest, then the generator may obtain the Manifest

from any source he chooses.

By adopting this priority scheme, States that want to get additional State information on the Manifest will be able to obtain it more easily and in a format of their choosing. In the event both the generator State and the consignment State want additional information on the Manifest, the generator may find it necessary to coordinate the information entry on the Manifest with both States. The Agency does not, however, intend to enforce the optional State information items, regardless of whether they are required by a generator State and/or a consignment State. The rationale for this hierarchy for acquisition is discussed in greater detail in the preamble to the final Uniform Manifest rule.

48. Explain the proper shipping description when a non-RCRA waste is shipped.

Commenters asked that the Agency explain the proper shipping descriptions for wastes which are identified on a Manifest but not covered by RCRA. The comment was apparently directed at the problem that might occur when regulated and non-regulated waste appeared on the Manifest. An example of this is a generator sending two drums of new cleaning solvent to an incinerator along with a load of spent solvent.

RESPONSE:

The Agency was required by RCRA to establish regulations for the control of hazardous waste. The Department of Transportation, on the other hand, is mandated to regulate the transportation of hazardous materials. EPA does not have the authority under Subtitle C of RCRA to regulate shipments of non-hazardous waste. Therefore, there is no EPA regulation on proper shipping names for wastes regulated by a State and not regulated under RCRA.

RCRA regulated hazardous wastes and non-RCRA regulated waste designated as hazardous (or nonhazardous) by State law may be shipped together and identified on the same manifest. DOT's regulations in 49 CFR 172.201 allow hazardous material (including hazardous waste) to be entered on a shipping paper (manifest) together with non-federally regulated materials/wastes provided the hazardous materials/wastes are entered first, or in a contrasting color, or if the hazardous material/waste is identified by an "X" in a column captioned "HM." Thus, wastes not regulated by RCRA may appear on a Manifest. Since the Agency is not regulating non-hazardous waste under RCRA, it is not specifying the "proper" shipping description for such wastes.

49. Allow photocopying of additional copies.

The Agency received suggestions to allow the photocopying of additional copies of the Manifest. In anticipation of the need for more than a four copy set, viewed by some as the minimum number, several commenters suggested that the Agency allow generators,

transporters and TSD facility owners or operators to make copies of the Manifest for the purposes of recordkeeping and reporting.

Several State commenters suggested that photocopying of the Manifest should not be allowed. Their reasons were that alterations were more difficult to detect.

RESPONSE:

The Agency did not stipulate the number of copies in a Manifest since there would be many different situations requiring multiple copies, e.g., more than one transporter and internal company recordkeeping practices. The Agency believes that it would be impractical to require carbon copies at the expense of legibility. As the number of copies increases, legibility will decrease. If a generator is working with a six copy set, for example, he may find a photocopy of the first page to be more readable than a carbon copy of the last page. Industry commenters suggested that the Agency restrict the information required in the State's periodic reports to the Agency to only that information required on the Manifest. This restriction would allow States to prepare their reports based on the information they received on Manifests alone.

50. Require that a copy of the Manifest be sent to the States.

Some State commenters asked that the Agency require generators and permitted facilities to send copies of the Manifest to the generator State and to the consignment State, respectively.

RESPONSE:

The Agency has not changed its position regarding unnecessary recordkeeping and reporting burdens. The system that EPA established for manifest tracking is adequate to protect human health and the environment. The generator's responsibility is to submit an Exception Report, to the Regional Administrator or State Director within 45 days of when the shipment was made. If he has not received a copy of the UHWM signed by the designated facility indicating delivery. The Agency does not believe that it is justifiable to require generators (or facility owners or operators) to send copies of the Manifest to the State for tracking purposes or any other purpose when the Federal system is adequate to protect human health and the environment.

The Agency will not, however, preempt States from requiring additional manifest reporting. As discussed in the preamble to the final Uniform Manifest regulations, EPA believes States have independent authority to impose such requirements.

AREA D: Other

51. Restrict State program reports to the information required on the UHWM.

Industry commenters suggested that the Agency restrict the information required in the States periodic reports to the Agency to only that information required on the Manifest. This restriction would allow States to prepare their reports based on the information they received on the manifests alone.

RESPONSE:

The information the Agency is mandated to require on the Manifest and the information EPA requires in State reports are not the same. The Agency is mandated to create a manifest system that contains information protective of human health and the environment and which will track the waste from "the cradle-to-grave". The State reporting requirements are necessary for hazardous waste management and overview. As a result, the information required on the Manifest and in a State report are mandated for different purposes. Some of the information appropriate for State reports is neither necessary nor appropriate for tracking waste shipments or protecting human health and the environment during transportation. Generators are not precluded from adding such information in the margin, on the back, or as an attachment to their file copy of the Manifest -- thus achieving the same result. Neither are States precluded from requiring generators or owners or operators of TSD facilities to keep any additional information. Consequently, the Agency does not believe that the State reports should be limited to information contained on the Manifest.

52. The Manifest document number should be "unique" not "serially increasing."

Commenters suggested that the definition of "Manifest document number" should be revised to delete any reference to serially increasing numbers since that implies that Manifests must be used in a particular order and to use them out-of-order would be a violation. These same commenters suggested that the Manifest doucument number should be defined in terms of its uniqueness.

RESPONSE:

The Agency agrees with this group of commenters. The requirement of "serially increasing" was intended simply as a means of ensuring uniqueness, and was not intended to imply that use of Manifest numbers out of order would constitute a violation. EPA has, therefore, changed the definition of "Manifest document number" to be one that is "unique." The "uniqueness" of the Manifest Doucument Number will be for the generator to control shipments from each generating site during a calendar year. The generator is not responsible for the uniqueness of the Manifest Document

Number assigned to shipments from other sites of generation or from year to year. The EPA identification number and date of acceptance by the transporter can, if necessary, be used to identify different manifests in the unlikely event of duplicate document numbers.

53. Transporter information required on the Manifest should be completed by the transporter and facility information required on the Manifest should be completed by the facility.

EPA received comments from industry suggesting that the transporter information required on the Manifest should be completed by the transporter and information about the TSD facility should be completed by the owner or operator of the facility.

RESPONSE:

The Agency requires the generator to complete most of the Manifest. The Agency is not concerned about who actually writes or types information on the form. The Agency has taken this position because the Agency considers the generator responsible for preparing the form, regardless of who actually completes the form. Thus, EPA will look to the generator for questions on the Manifest preparation. Also, the Agency believes that the generator must have prior knowledge of who the transporters will be and to which TSD facility the waste must be sent. As a result, the manifest system requires the generator to enter the transporter information in the order they will manage the waste shipment and to enter the waste description and TSD facility information.

54. Make provisions for lab-pack shipments.

The Agency received comments from industry suggesting that EPA allow for the use of lab-pack shipments. Lab-packs are shipments of drums which contain similar wastes with different DOT shipping descriptions but the same EPA characteristic. Commenters indicated that single line entries on a Manifest for each laboratory container of hazardous waste packed in vermiculite and placed in a 55-gallon drum would result in a Manifest of several pages. These commenters believed that protection of human health and the environment could be maintained if they were allowed to list generic categories of lab wastes packed in containers as a one line item rather than listing all the containers inside a drum.

RESPONSE:

The Agency has relied on the DOT regulations for shipping description nomenclature. Therefore, comments suggesting changes to DOT's proper shipping description requirements cannot be addressed by EPA. The Agency did consider the problem of paperwork burden for shipments containing many line entries on a Manifest. In an effort to reduce the number of manifests necessary to properly ship multiple wastes, EPA developed and DOT allows the use of a continuation sheet with additional spaces for waste entries. This was done to help reduce the paperwork burden on the regulated

community. If DOT develops new shipping description requirements for lab-pack type shipments, EPA will reconsider the need for the continuation sheet.

55. Clarification for the discrepancy indication space is needed since State imposed deadlines may vary.

One commenter suggested that the discrepancy indication space instructions should be clarified to explain that Discrepancy Reports may be required by States at time intervals other than the fifteen days required by the EPA rules. Also, the commenter suggested that the regulations clarify which State's time deadline would apply.

RESPONSE:

The Agency has included in the instructions to the UHWM a caution to facility owners and operators that authorized States may also require Discrepancy Reports and that they should contact the appropriate State agency for details. Since an authorized State may have shorter time restrictions for the submission of such reports along with other more stringent requirements, the Agency chose not to itemize all the possibilities. Rather, a general statement which cautions all affected facilities was used in the instructions.

56. Units of measure vary from those presented in the Annual Report (now Biennial Report).

One group of commenters pointed out that the units of measure in the Manifest instructions and those used in the Biennial Report (now Annual Report) varied and should be consistent.

RESPONSE:

The Agency agrees with the commenters and the final UHWM rule is consistent with respect to the Annual Report (now Biennial Report) abbreviations for the units of measure.

57. Training should be provided in order to ensure successful implementation.

One group of commenters suggested that EPA provide adequate training during the implementation of the Uniform Hazardous Waste Manifest. Their belief was that adequate training would improve compliance and thereby protect human health and the environment.

RESPONSE:

The Agency agrees with these commenters and is planning to provide training to Regional and State personnel. When possible, the Agency will assist industry in developing training sessions to improve compliance.

58. The Agency should establish the number of copies required for each Manifest.

Comments recieved by the Agency indicated that EPA should establish the number of copies required for each Manifest. In addition to the minimum of four copies required by the current regulations for every Manifest, some commenters suggested five copies in order to provide a copy to a second transporter. Other commenters suggested providing a copy to a second transporter. While, other commenters suggested other numbers of copies with varying distribution: six copies - standard four plus one each for the generator State and the consignment State; seven copies- standard four plus one each for the second transporter, generator State, and consignment State; five copies - standard four plus one for either the generator State or the consignment State.

RESPONSE:

The Agency cannot justify a required number of copies for a Manifest since varying management practices will dictate the number of copies needed. For the Agency to require the maximum number that might be needed under all circumstances could result in waste when only four were necessary. Variations in industry recordkeeping practices may necessitate additional copies. Therefore, the Agency is not establishing a specific number of copies for each manifest.

59. Clarify EPA's position on "preemption authority."

Several commenters requested that the Agency clarify the preemptive authority of EPA and DOT with regard to the mandatory use of the Uniform Hazardous Waste Manifest. Some of these commenters questioned the existence of the statutory preemptive authority at all.

RESPONSE:

A full discussion of this issue is presented in the preamble of the final rule.

60. Require a quarterly report from the generator if the State does not get a copy of the Manifest.

This group of State commenters suggested that the Agency require a quarterly report of Manifest information if those generators were not required by EPA to submit copies of each Manifest to the State.

RESPONSE:

The Agency considered Quarterly Reports from generators early in the developing of the generator standards. This option was rejected because of the increased paperwork burden such a requirement would place on generators and because the Agency re-

quirement for developed Exception Reports. The Agency also rejected the suggestion that generators be required to submit a copy of each Manifest to EPA or to the State since information on successful or completed shipments could be obtained from Biennial Reports or on-site inspections. Although the Agency does not require that Manifest copies nor quarterly reports be sent to the State, the Agency has not precluded States from requiring such reports.

61. Preempt State licenses and permitting of transporters.

The Agency received suggestions during the comment period that indicated an industry's concern with State licensing and permitting of transporters. Many of the commenters believed that State permitting and licensing would be an unnecessary and a duplicative burden on the regulated community.

RESPONSE:

Permitting and licensing by States is not a federal requirement. Since Section 3009 of RCRA allows States to be more stringent, it is beyond the scope of the federal system to preempt a State law requiring licensing or permitting of transporters.

62. The effective date of 180 days is acceptable but it should be sooner.

This group of commenters asked the Agency to make the effective date of the regulations as soon as possible. Some industry commenters said that the 180 days was more than sufficient. State commenters believed that an effective date 180 days after publication in the Federal Register was insufficient to allow them to properly implement the rule in their State.

RESPONSE:

The Agency has decided to keep the statutory implementation requirement of six months. In the event that States do not have enough time to implement the UHWM requirements, EPA and DOT will enforce the use of the UHWM. State legislation or laws need not be in place in order for EPA and DOT to enforce the UHWM. The Agency does not believe any additional delays are warranted or justifiable.

63. The United States should acknowledge the Canadian manifest in lieu of the Uniform Manifest for shipments originating in Canada.

Environment Canada suggested that EPA allow the use of Canadian manifests for shipments destined for TSD facility in the United States. In return, Canada would allow the United States Uniform Hazardous Waste Manifest to be used for shipments destined for a Canadian treatment, storage or disposal facility. The rationale was that this agreement on trans-boundary shipments would facilitate the free-flow of hazardous waste across the U.S.-Canadian border.

RESPONSE:

The Agency considered this comment but has explained to the Canadian Government the difficulties its adoption would create. The basic need for the UHWM is to have a standard form that is recognizable and enforceable. The possibility exists that the Canadian national manifest would be significantly different from the U.S. Manifest and that each Province may also develop differing manifest forms. EPA has indicated its willingness to work with the Canadian government to resolve this problem. At present, however, EPA will not recognize any manifest other than the UHWM for shipments of hazardous waste while those shipments are being transported in the United States.

SECTION IV - CONCLUSIONS AND THE FINAL RULE

The final rule for the Uniform Hazardous Waste Manifest accomplishes the purposes and Congressional mandate it was designed to meet. The UHWM is the primary transportation document that ensures that hazardous waste is destined for and received by permitted treatment, storage and disposal facilities. It ensures the "cradle to grave" concept in hazardous waste movements. The Federally required information is the same as that originally required in the February 26, 1980, rule. In addition, certain information identified by States as essential to the management of their State hazardous waste management programs has been included on the form as State optional informational items. The State optional information items have been lettered and shaded to help delineate the federally required information.

The Agency believes that generators located in States that require optional information to be completed will find the federal UHWM a convenient form on which to include the State information. The inclusion of a State information area on the form (shaded) will eliminate the need for some States to require additional information on a separate form. Thus, this form will eliminate duplication of Federal and State information requirements and multiple manifesting.

States and generators are allowed some flexibility in printing the Manifest. Although a standard base form must be used, States, may pre-print certain information (e.g., State manifest document number, logo) and generators may pre-print certain information required of them, (e.g., their name, address and identification number).

Management of the UHWM which includes the responsibility for completion, copy distribution, and recordkeeping has not changed from the 1980 rule. The generator is responsible for completing most of the form, while transporters must sign and date the UHWM acknowledging acceptance. Treatment, storage or disposal

facility owners or operators must sign and date the Manifest and indicate discrepancies, if any. All three parties are still required to keep a copy for three years and the TSD facility must return a signed copy to the generator. If the generator does not recieve a signed copy from the facility within 45 days of shipping the waste, the generator must file an Exception Report.

In order to implement the use of the UHWM form, the Agency has the authority to require its use in States where EPA administers the program. In States seeking final authorization to administer the program, EPA has the authority to require the use of the UHWM as a condition of final authorization. In States with interim authorization, or full authorization, EPA has relied on the authority of DOT to require those States to change their laws and require the use of the Uniform Manifest. Thus, all States will be required to implement the UHWM on the same day, rather than on the effective dates of individual State authorizations.

In summary, the Uniform Hazardous Waste Manifest will provide for all the information needs of the federally mandated program while also providing for State informational needs. In addition, generators of hazardous waste will have one standard form that will meet both federal and State information needs, thus eliminating duplicative paperwork requirements. Finally, the Uniform Hazardous Waste Manifest will be the only hazardous waste document required for transportation of shipments regulated under RCRA. This rule preempts the States from requiring that any additional documents accompany the waste shipment while in transportation.

The final rule for the Uniform Hazardous Waste Manifest (UHWM) accomplishes the purposes and congressional mandate it was designed to meet. The UHWM is the primary transporation document that insures that hazardous waste is destined for and received by permitted treatment, storage and disposal facilities. It insures the "cradle to grave" concept in hazardous waste movements. The federally required information is the same as originally required in the February 26, 1980, rule. In addition, certain information identified by States as essential to the management of their programs has been included on the form. To help delineate the federally required information from the optional State information, the State information section has been shaded.

The Agency believes that generators located in States that require this optional information will find the federal UHWM a convenient form on which to include the State information. The inclusion of a shaded State information section will eliminate the need for some States to require additional information on a separate form. Thus, this form will eliminate duplication of federal and State information requirements and multiple manifesting.

federal register

Tuesday
March 20, 1984

Part IV

Environmental Protection Agency

Department of Transportation

Research and Special Programs Administration

40 CFR Parts 260, 262, and 271

49 CFR Parts 171 and 172

Uniform Hazardous Waste Manifest; Joint EPA/DOT Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 262, 271

[SWH-FRL 2314-4]

Hazardous Waste Management System: General; Standards for Generators of Hazardous Waste; State Hazardous Waste Program Requirements.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Today, in a joint rulemaking effort, the Environmental Protection Agency (EPA) and the Department of Transportation (DOT) are publishing a Uniform Hazardous Waste Manifest and requiring its use for all regulated shipments of hazardous waste. EPA's Resource Conservation and Recovery Act (RCRA) regulations presently require generators who transport, or offer for transportation, hazardous waste for off-site treatment, storage or disposal to prepare a manifest which must accompany the waste. Although the RCRA regulations require that certain information must appear on the manifest, there has been no federal requirement that a standard manifest form be used.

In the absence of a federal manifest form, numerous States have developed manifest forms and require their use. As a result, many interstate hazardous waste shipments require the preparation of multiple manifests to satisfy the requirements of the States in which the waste travels. This has caused confusion and compliance difficulties. In order to resolve these problems, EPA and DOT proposed a Uniform Hazardous Waste Manifest form on March 4, 1982. Today's joint rulemaking adopts this form, with several modifications in response to comments received on the proposal.

DATE: Final rule effective September 20, 1984.

ADDRESS: The public docket for this final rule (RCRA Section 3002—Uniform Manifest) is located in room S-212, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC and is available for viewing from 9:00 AM to 4:00 PM, Monday through Friday, excluding holidays. This docket contains, among other material, the economic analyses, background document, and comments discussed in this preamble.

FOR FURTHER INFORMATION CONTACT: Carolyn K. Barley, (202) 382-5235, Office of Solid Wastes (WH-563), U.S. Environmental Protection Agency, Washington, DC, 20460 or the RCRA Hotline, (800) 424-9346 (in Washington, DC call 382-3000).

For a copy of this regulation, call Your EPA Regional Office.

EPA Region 1, Boston, MA, FTS-223-6883, (617) 223-6883
EPA Region 2, New York, NY, FTS-264-0504, (212) 264-0504
EPA Region 3, Philadelphia, PA, FTS-597-0980, (215) 597-0980
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EPA Region 9, San Francisco, CA, FTS-454-7472, (415) 974-7472
EPA Region 10, Seattle, WA, FTS-399-8582, (206) 442-8582

SUPPLEMENTARY INFORMATION:

I. OMB Control Number: 2000-0404

II. Authority

This final rule is issued under the authority of sections 2002, 3001, through 3007, 3009, and 3010 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6912, 6921 through 6927 and 6930.

III. Background

A. History of the Manifest System

On February 26, 1980, EPA established a manifest system to ensure that hazardous waste designated for delivery to an off-site treatment, storage or disposal facility actually reaches its destination. The central element of this sysem is the "manifest," a control and transport document that accompanies the waste from its point of generation to its point of destination. In this preamble, the phrase "Uniform Manifest system" refers to the entire manifest management scheme, including the manifest forms, preemption of all other forms, form handling, and reporting; while the phrase "Uniform Manifest form" or "Uniform Hazardous Waste Manifest" refers only to the documents required by this rulemaking.

EPA first proposed its manifest system requirements on December 18, 1978 (43 FR 58969). In this proposed rule EPA did not set forth a required form for the manifest, but stated the required information that must accompany the waste. This approach, in the Agency's view, would have allowed the regulated community to adapt its present practices, notably DOT's requirements for shipping papers,[1] to accommodate the new EPA requirements. For the transportation of hazardous materials DOT did not require a specific form but required each transport vehicle to carry required information.

A number of commenters on the proposed rule, however, urged the creation of a uniform national manifest form. It was suggested that differing requirements among States might result in confusion and compliance difficulties for the transportation of hazardous waste. Those commenters also stated that a national form would be simpler to use. Other commenters, however, felt that EPA should retain the flexibility of the proposed rule, particularly because of the interest of the States in adapting the manifest requirements to their own needs and interests.

In the final regulation, published February 26, 1980 (45 FR 12722), EPA decided to retain the flexible approach of the proposed regulation. The information requirements of the manifest were revised so that the manifest would, in most situations, be able to serve as the shipping paper required by DOT's hazardous materials transportation regulations. At that time, creation of a single form, satisfying both EPA's and DOT's information requirements, was rejected as too rigid an approach to work satisfactorily for all transportation practices.

During 1981 the Agency received a number of requests to reconsider the decision concerning the development of a single manifest form. As a result of this review, the Agency published a proposal which would require the use of a uniform national manifest. This final regulation and the following discussion is the result of that review and proposed rule published March 4, 1982.

B. Manifest Implementation Problems

Since EPA introduced the federal manifest system, there has been a proliferation of manifests as various States decided to develop and print their own forms. At least 22 States require generators to use specific manifest forms for the transport of hazardous waste. This situation has caused three major problems.

First, the lack of uniformity in State manifest forms has created a burden for

[1] DOT has established regulations that cover EPA's universe of hazardous wastes (49 CFR 171.3 and 171.8) and require the regulated community to use a shipping paper for the transportation of hazardous waste. Prior to this rulemaking, DOT's regulations (49 CFR 172.205) allowed industry to use a shipping paper format of their choosing for the required information.

generators, transporters, and State programs. Currently, a transporter carrying hazardous waste may be required to carry the manifest of each State in which he travels in order to comply with various State manifest requirements. Failure to carry a particular State's manifest may delay or prevent shipments from reaching their destination or subject the transporter to State enforcement action. Under these conditions, a generator may be required to go through the costly and inefficient procedure of filling out several manifest forms with duplicative information in order to ensure that the waste reaches the designated facility. State programs have been burdened in some cases by the need to adapt their administrative and data processing procedures to handle the varying out-of-State manifests which they receive.

Second, the lack of uniform information requirements prevents generators with sites in more than one State from standardizing manifesting procedures. This situation makes it extremely difficult for multistate generators to implement standardized data handling programs for coordinating hazardous waste management information.

Third, enforcement activities have been complicated. "Probable cause" to search a vehicle is easier to prove if investigators are trained with uniform manifest standards.

C. State and Industry Involvement

Recognizing these problems and as a result of continued review and analysis of existing and anticipated State manifest systems, EPA and DOT in November of 1980 asked two organizations representing States and industry to comment on the feasibility and desirability of requiring the use of a Uniform Manifest form. The State group, the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), and the industry group, the Hazardous Materials Advisory Council (HMAC), submitted separate recommendations which were instrumental in the design of the Uniform Manifest form that was proposed jointly by EPA and DOT on March 4, 1982 (47 FR 9336).

During the comment period for the proposed rule, EPA received over 190 comments and DOT received nearly 100 comments from interested parties. (A discussion of the major comments is included in Part IV. *Response to Comments*, of the preamble.) Included in these comments was a letter from a joint task group composed of ASTSWMO and HMAC members suggesting modifications to the EPA and DOT proposal. EPA and DOT have considered all of the comments in developing this regulation.

D. EPA and DOT Joint Rulemaking

1. *Required use of the uniform hazardous waste manifest.* Since the current problems associated with the manifest involve both DOT and EPA, the Agencies have worked together to devise a regulatory solution. Therefore, this joint final rulemaking contains amendments to the regulations of both agencies. Independently of each other, EPA and DOT are requiring use of the Uniform Manifest form. DOT's regulation is nationally comprehensive and applies directly to all generators and transporters. However, under EPA's regulation, there are three distinct situations.

a. In States Where EPA Runs the Program

EPA's authority to require compliance with a manifest system stems primarily from RCRA section 3002(5), which requires EPA to establish requirements respecting "* * * use of a manifest system and any other reasonable means necessary to assure that all such hazardous waste generated is designated for treatment, storage or disposal in and arrives at * * *" permitted facilities. (Also, see section 3003(a)(3) and section 3004.) EPA's regulations implementing this mandate are found in the manifest sections of 40 CFR 262 (Generators), Part 263 (Transporters), Parts 264 and 265 (Facilities), and Part 271 (State Programs).

As proposed, EPA is amending Part 262 to require generators to use the Uniform Hazardous Waste Manifest form. Because the transporter regulations in Part 263 already require transporters to carry a manifest prepared by a generator with each waste shipment, no amendments to the transportation requirements are necessary. The EPA requirements published today apply directly to all generators and transporters in States where the hazardous waste program is run directly by EPA.

b. States With or Applying for Final Authorization

In other States, each State directly regulates hazardous waste activities under its own program approved by EPA on either an interim or final basis, as provided in RCRA Section 3006. In order to be approved by EPA, State programs must include requirements as specified in EPA's requirements for State programs, 40 CFR Part 271.[2] For final authorization, State program elements generally need not be identical to the federal requirements, as long as they are equivalent. In the case of the Uniform Hazardous Waste Manifest form, however, EPA is amending 40 CFR 271.10 to provide that States seeking final authorization must require the use of the Uniform Manifest form.

This requirement is necessary to assure compliance with Section 3006(b) of RCRA, which requires that State programs be consistent with the federal program applicable in other States. EPA has already noted the importance of consistency in requirements involving the transportation of wastes, and provided that State programs not meeting the federal requirements for manifests will be deemed inconsistent. (See 40 CFR 271.4 and the preamble discussion at 45 FR 33395 (May 19, 1980).) As explained above, the proliferation of many State-specific manifest forms may hamper the movement of hazardous waste to treatment, storage, or disposal sites.

This situation, where differing requirements between States cause added work and confusion and may hamper the program for hazardous waste treatment, storage and disposal, appears to be precisely what Congress was attempting to avoid when it included the "consistency" requirement in Section 3006. Consequently, EPA has determined that to meet that requirement, all State programs must require the use of the Uniform Hazardous Waste Manifest form in order to receive final authorization from EPA. Consistency also requires that no State with final authorization may require any other manifest or information to accompany the waste shipment, as discussed below.

As provided by today's amendment to 40 CFR 271.6(d), States with final authorization must require the use of the Uniform Manifest. States authorized before the effective date of this requirement are required to revise their programs as provided by 40 CFR 271.21. EPA has determined that State adoption of the Uniform Manifest is not a "substantial" revision under 40 CFR 271.21, since, for the reasons described in the next section of this preamble, the manifest form will be effective in all States regardless of their authorization status. After completing the necessary revisions to the State's program, the

[2] These requirements were originally published as part of 40 CFR Part 123. They have recently been recodified as 40 CFR Part 271. (48 FR 14146, April 1, 1983). Also see technical corrections at 48 FR 30113, June 30, 1983.

State Director must submit a letter to the Regional Administrator describing those changes. When statutory or regulatory modifications have been made, copies of those modifications must also be submitted. Copies of the Uniform Hazardous Waste Manifest form need only be submitted when the State preprints information on the form.

c. In States With Interim Authorization

In the case of States with interim authorization, the Uniform Manifest will not be required by EPA authority but rather by DOT authority. As we noted previously, States with interim authorization are not required to amend their regulations to be consistent with this final rulemaking. However, prior to receiving final authorization, these States will need to demonstrate compliance with the requirements of the amendments to 40 CFR 271 published today. In order to give States a definite and unchanging body of regulations to meet for the relatively short period of interim authorization, EPA requires States applying for interim authorization to meet only those requirements promulgated before the announcement date of the final component of the Phase II, interim authorization requirements (see 40 CFR 271.122(d)(2)). Since the final component (Component C) was announced on July 26, 1982, and these Uniform Manifest regulations will be promulgated after that date, the Uniform Manifest regulations will not be applicable in States with interim authorization as a result of EPA jurisdiction. (DOT will have jurisdiction in EPA interim authorized States (see below).) This situation is temporary, however, since all interim authorizations will expire in January 1985. At that time, States with interim authorization must meet the requirements for final authorization or lose their authorization altogether, with EPA taking over the implementation of their hazardous waste programs.

In any case, the absence of an EPA requirement in States with interim authorization will have no practical effect since DOT's regulations impose the identical requirements and apply universally. DOT is today amending its regulations to require all shippers and carriers of hazardous waste to use the Uniform Manifest system. These DOT amendments operate independently of RCRA requirements and will be applicable in all States, regardless of State authorization status.

DOT's authority to require use of the Uniform Manifest stems primarily from the Hazardous Materials Transportation Act (HMTA), which regulates the movement of hazardous materials, 49 U.S.C. 1801 *et seq.* DOT's implementing regulations are found in 49 CFR Parts 171 and 172. As proposed, DOT is amending its Hazardous Materials Regulations to require that shippers and carriers of hazardous waste, both intra- and interstate, comply with EPA's amendments concerning the use of the Uniform Hazardous Waste Manifest form.

2. *Restrictions on additional State manifest or information requirements.* Under limited circumstances, States may impose their own manifest information or management requirements. EPA's authority to allow or restrict such additional State requirements in authorized States involves the coordination of two statutory provisions: Section 3006, which requires approved State programs to be "consistent" with the federal program, and Section 3009, which reserves to States the latitude to be more stringent. In balancing these two provisions, EPA allows a State to impose more stringent requirements, except in those cases where the Agency has determined that consistency requires that State programs conform precisely to the federal requirement. Consequently, EPA's regulations promulgated today do not prohibit authorized States from imposing requirements that provide more rigorous or comprehensive control of hazardous waste activities than do EPA's regulations, such as requirements that handlers of hazardous waste send copies of completed manifests to State Agencies for tracking purposes. Based on the need for consistency, however, States with final authorization must use the Uniform Manifest form, and may not require any additional information to accompany the waste shipment.

EPA's regulations do not prohibit States without final authorization (either interim authorized States or unauthorized States) from imposing more stringent manifest requirements. However, under the authority of Section 112 of the HMTA (49 U.S.C. 1811(a)), DOT's regulations will prohibit those States from requiring separate State manifests or other information to accompany waste shipments. Section 112 of the HMTA expressly preempts any State or local requirement which is inconsistent with that Act or HMTA regulations. This provision is fully supported by Article I, Section 8 of the U.S. Constitution, which grants Congress the authority to regulate interstate commerce. DOT believes that national uniformity in the transportation of hazardous waste is necessary in order to avoid a patchwork of differing State requirements. Therefore, DOT is clarifying elsewhere in today's **Federal Register** that any State law or regulation requiring a different or additional manifest (other than the Uniform Manifest form) would be inconsistent with the Hazardous Materials Regulations and, therefore, prohibited.

Although no other form may be required by a State to accompany a waste shipment, EPA and DOT have modified the Uniform Manifest form to allow the entry of certain optional State information items in addition to the federally-required items. Generators may use that section of the form to satisfy the specified State information requirements. In this way, EPA expects that both States and generators will benefit since the additional State information requirements can be met on the Uniform Manifest form while reducing or eliminating the need for generators to prepare duplicative reports on each shipment.

States may require generators to complete any of the information items included in the optional State section of the Uniform Manifest prior to the transportation of hazardous waste, and may require owners or operators of facilities to complete any of these State information items as a condition of the acceptance of waste at treatment, storage or disposal (TSD) facilities. These requirements may be imposed both by the State in which the generator is located and the State in which the designated facility is located, but may not be required by States through which the waste shipment travels. The Agency realizes that optional information required by the generator State will accompany the shipment, but EPA does not believe that this additional information can be justified as mandatory during transportation based on the transportation safety and tracking mandates RCRA places on the manifest. Therefore, States are prohibited from applying enforcement sanctions on the transporter during the transportation of hazardous waste for any failure of the form to show optional State information entries. States may hold transporters responsible only for ensuring that the information included in the federally-required portion of the Uniform Manifest form accompanies the shipment. However, States could hold the generator responsible for failure to comply with its manifest information requirements.

Finally, States may require generators or TSD facilities to send other information related to the shipment under separate cover (e.g., by mail), as long as this does not interfere with the actual movement of the waste. Such

requirements would not be "inconsistent" for purposes of the HMTA, as long as they: (a) Did not conflict with federal requirements or otherwise unduly burden commerce; and (b) as long as such requirements were not so numerous that their cumulative effect was to burden commerce. The optional State information items on the Uniform Manifest form, it is hoped, will reduce the need for such additional State reporting. Further discussion of DOT's authority to preempt inconsistent State regulations is provided in the preamble to the DOT regulations.

E. Implementation Date

Use of the Uniform Hazardous Waste Manifest form will be required for all transportation of hazardous waste in all States after September 20, 1984. Based upon the comments received, EPA and DOT believe that this time frame will allow States and the regulated community sufficient time to implement the Uniform Manifest form. Members of the regulated community who ship hazardous waste only in States that currently do not require the use of a specific manifest form may use the Uniform Manifest forms immediately.

As mentioned, the Uniform Hazardous Waste Manifest system requirements are applicable in all States on September 20, 1984, regardless of the State's authorization status under RCRA. The Agency believes that a uniform effective date is an important part of the Uniform Manifest system. In States receiving final authorization after the effective date of this rule and in EPA administered States without interim authorization, this is achieved by EPA's regulations. In States with interim authorization and States that receive final authorization prior to the effective date of this rule, this is achieved by DOT's regulations. Today's amendments to the DOT's Hazardous Materials Regulations reference the EPA Uniform Hazardous Waste Manifest form and require its use for all regulated off-site transportation of hazardous waste.

IV. Response to Comments

Five major issues were raised in the comment letters received by the Agency on the March 4, 1982, proposal. These issues are:

1. Should EPA and DOT finalize the Uniform Manifest system proposal?
2. Should the Uniform Manifest form contain space for additional State information?
3. How will the Uniform Manifest final rule apply to generators who are shipping State-regulated hazardous waste that is not regulated under federal law?
4. Should States have the right to require generators to use only a Uniform Manifest form printed by the State?
5. From what source should generators obtain copies of the blank Uniform Manifest form (copy acquisition hierarchy)?

Other issues raised by commenters are addressed in the "Background Document—Uniform Hazardous Waste Manifest."

Issue 1. *Should EPA and DOT finalize the Uniform Manifest system proposal?*

Almost all commenters supported the concept of a Uniform Manifest system. The main point of contention among the commenters was how the concept should be implemented. EPA's position on comments associated with implementation is discussed in issues 2 through 5.

The Agency's rulemaking docket for the March 4, 1982, proposal includes a small number of letters opposing a Uniform Manifest form. Industry commenters against the proposed Uniform Manifest form typically were those whose who use their own company-designed form, since they operate only in States that do not require a specific manifest form. They argue that the EPA and DOT proposals for a Uniform Manifest form limit the ability of the generator to voluntarily include additional information useful to their waste management programs. They suggested that generators should have the option of using a form of their own design, provided it contains all required information.

A State commenter proposed that the Uniform Manifest form only be required for interstate shipments, thereby allowing States to require use of their existing manifest form for intrastate shipments. The commenter suggested that this would save the State the expense of redesigning its data management system and would ensure that State-required information is filed for intrastate shipments.

In response to these comments, the Agency points out that the final Uniform Hazardous Waste Manifest form contains additional space that generators and States may use to record useful information. (Refer to Issue 2 of this part of the preamble for a more complete discussion of the use of this space.) Furthermore, a Uniform Manifest form is needed for both interstate and intrastate shipments since the hazardous waste program is a national effort to effectively manage all wastes determined to be hazardous under RCRA. Both RCRA and HMTA call for consistency among federal and State programs, with special emphasis on the transportation of wastes. Finally, national applicability is necessary to deal with the problems discussed in this preamble. The many different State manifest forms have contributed to the current lack of standardized administrative and data management systems among generators and State programs and hamper enforcement programs. Additional discussion of the applicability of DOT's regulations involving inter- and intrastate shipments is contained in the DOT rulemaking published elsewhere in today's **Federal Register**.

While EPA and DOT recognize the cost factors associated with changing data management systems to comply with the new federal form, it is expected that this one-time changeover cost is far outweighed by the benefits of using the Uniform Manifest form. An Agency economic analysis (see the Docket on RCRA Section 3002 Uniform Manifest) indicates that the Nation should realize net cost benefits if 15,000 or two percent or more of the shipments are interstate. At this point the annual cost of this rulemaking equals the annual savings. Although one State indicated that only two percent of their waste moved interstate, other States indicated most or all of their hazardous waste moved interstate. EPA estimates that more than two percent of the nation's hazardous waste shipments move interstate. Thus, the fact that there is a cost reduction favors the use of the Uniform Manifest system.

A problem which generators and transporters viewed as more serious is the multiple State manifest requirements when shipping wastes interstate. The Docket on the Uniform Hazardous Waste Manifest contains accounts of generators who complained of being required to complete as many as twelve manifests to transport one interstate shipment of hazardous waste to its destination.

Waste generators felt that when they must prepare several State-required forms for multistate movements and truck drivers must determine if the State-required forms are completed properly, shipping hazardous wastes becomes extremely complicated without a related improvement in environmental protection. Several generators complained of having to include their own DOT shipping paper along with the shipment, because certain State-required forms do not satisfy DOT requirements. These administratively burdensome and duplicative requirements are costly to generators.

According to commenters, the proliferation of State-required manifests has caused considerable confusion and an inefficient utilization of resources for multistate corporations. Industry commenters stated that one of the greatest impediments to compliance with complex regulatory requirements is the difficulty of assuring that operating personnel are adequately trained. The requirement to complete different State-required manifest forms complicates shipping procedures for these personnel which, in some instances, has led to technical noncompliance with the various State manifest requirements.

Multistate corporations also believed they were prevented from easily implementing corporate-wide hazardous waste data management systems due to the lack of a standard document. This problem also besets State hazardous waste programs that desire to track and collect waste shipment data using other States' manifest forms.

EPA and DOT believe that the proliferation of manifest requirements has caused an unnecessary burden on generators and transporters. The EPA–DOT Uniform Hazardous Waste Manifest system as outlined in this final rule will ameliorate this situation in the following ways:

First and foremost, DOT's authority will be used to preempt all State manifest requirements so that under no circumstances will more than one manifest be required per shipment. The Uniform Hazardous Waste Manifest system precludes a variety of complex and inconsistent forms now in use and, therefore, reduces unnecessary and duplicative administrative costs for generators. At the same time, the uniform Hazardous Waste Manifest system permits all the information requirements of a DOT shipping paper to be satisfied, thereby eliminating the need to prepare a separate shipping paper.

Second, eliminating conflicting manifest requirements aids multistate corporations by standardizing form completion procedures and by simplifying data entry for hazardous waste information management systems. For transporters, the Uniform Manifest system preempts laws requiring them to carry each particular State's manifest form. State Agencies will no longer have to use complicated data systems to handle a variety of manifest forms. Finally, from a transportation safety and enforcement viewpoint, this rule provides a single document to enhance uniform tracking and enforcement.

Several commenters suggested that the Uniform Manifest also be designed to be used as a Bill of Lading which they believed was required by the Interstate Commerce Commission (ICC) to accompany most commercial shipments. Prior to July 1982, the ICC had indicated that all waste shipments would require a Bill of Lading. Since that time, the ICC has ruled that "* * * hazardous waste of no economic value destined for disposal (other than nuclear or radioactive waste) do not constitute 'property' within the meaning of 49 U.S.C. 10521. Accordingly, the Commission does not have jurisdiction over the for-hire transportation by motor carriers of such wastes" (47 FR 29403, July 6, 1982). Therefore, the Agency does not expect that ICC Bill of Lading requirements will apply to hazardous waste shipments destined for treatment, storage or disposal facilities. In the event a shipment must be accompanied by the Manifest and a Bill of Lading and if the requirements of both documents cannot be met by the required or optional information on the Uniform Manifest, then it would be necessary for two separate documents to accompany the shipment.

Issue 2. *Should the Uniform Manifest form contain space for additional State Information?*

The Uniform Hazardous Waste Manifest form provides space for all information needed to satisfy EPA and DOT manifest requirements. In the proposed rule, EPA solicited comments on whether the Uniform Manifest form should also contain space for additional State-required information beyond the federally-required items. (See 47 FR 9338, March 4, 1982.) State commenters were overwhelmingly in favor of this suggestion. In fact, EPA was informed that in the event specific State optional informational items were not included on the final Uniform Hazardous Waste Manifest form, some States would require generators and facilities to send detailed information regarding each individual waste shipment to the State under separate cover on the State's own form. Much of this information could repeat, in a different format, information already supplied on the Uniform Hazardous Waste Manifest form. EPA has taken these concerns into account and provided for certain additional State-required information on the form. The Agency believes that States will not need to require additional hazardous waste reports from generators relative to waste shipments.

As previously discussed, States are not precluded from setting up another system of forms to solicit information not included on the Uniform Manifest form, as long as the system does not interfere with the actual shipment of wastes. While transporters would not be required to carry these forms, generators and treatment, storage and disposal facility operators could still be required to use them. Some commenters suggested that EPA prohibit States from requiring additional information in this manner. However, Section 3009 of RCRA (discussed earlier in this preamble) clearly allows States to impose requirements which are more stringent than the federal requirements unless the requirements would interfere with the consistency of State programs required by § 3006. At this time, EPA does not believe that allowing States to require additional information in this manner will interfere with the consistency among programs.

The possibility that States may require additional reporting prompted one commenter to suggest that while the proposal may provide relief to the transporter, unless EPA were willing to modify the form to substantially meet the needs of the various State Agencies, there would be no relief for generators and treatment, storage, and disposal facility operators. In fact, increased cost and confusion could result, in his opinion, as various States imposed additional requirements which could not be met through the proposed Uniform Federal Manifest system. The commenter suggested that it would be less confusing and less costly to have optional information spaces included on the Uniform National Manifest form.

Some commenters objected to the mandatory reporting of any information on the form other than federally required information as a violation of the "uniform manifest" concept. However, when the possibility of separate State-required reports was raised with these commenters, they generally agreed that it would be preferable to allow States to require certain, limited information to be added, if that would preclude the need for States to require separate reports as long as only one document is required for any shipment.

EPA, in consultation with DOT, has worked to develop a Uniform Manifest form that substantially meets the information needs suggested by the States through the inclusion of entries for particular items of information that may be required at the option of a State.

A few commenters stated that the inclusion of an optional information space would give States a "blank check" to solicit information from generators. In response to these comments, EPA designed the form to restrict the optional information States may require. The specific State-required information

items that may be included on the Uniform Manifest are discussed in detail in Part V.A.2. *Optional State Information Requirements*, of this preamble.

Although none of the items included as optional State-required information are required by federal law, State law may require that some or all of these specific items be reported on the Manifest and sent directly by the generator or the owner or operator of a TSD facility to that State. However, as discussed above, States may not require that any information other than the federally-required items accompany shipments of hazardous waste. It is permissible for the forms carried by the transporter to include such optional information, but States may not impose enforcement sanctions against transporters if the Manifest fails to include these items. Further, States through which hazardous waste shipments pass are not allowed to place additional information requirements on the transporter as a condition of transportation.

In some instances, both the State in which the waste is generated and the State in which the TSD facility is located may require the completion of specific information items included in the optional State section of the Manifest. In these instances, the generator may be required to comply with both requirements, including the use of both States' identification numbers. The space provided in the optional State section should be adequate to fulfill such requirements. EPA does not anticipate that this situation will occur very often and urges the States to coordinate their information needs. A State through which hazardous waste passes, however, may not require information to be entered in these spaces as a condition of transportation through that State.

The addition of optional, State-required information items on the form enables States to obtain necessary data but retains the basic uniformity of the Manifest. Since individual State requirements for the regulated community will remain in place, generators, transporters, and TSD facility operators must continue to comply with them. For example, generators must still know individual State requirements for treatment, storage, and disposal sites located in other States. A Uniform Hazardous Waste Manifest form containing space for required State information should enable States to ensure compliance with its information requirements, without having to develop a whole series of new State reporting forms. The Agency expects that the final result will be that generators in general will be required to complete only one document: the Uniform Hazardous Waste Manifest.

Issue 3. *How will the Uniform Manifest system final rule apply to generators who ship State-regulated hazardous wastes that are not regulated under Federal law?*

EPA received comments requesting an explicit clarification in this rule on the effect of the Uniform Hazardous Waste Manifest form and system on wastes defined as hazardous by either the generator's State or the consignment State, but not defined as hazardous by EPA or DOT. A similar situation arises when States require generators to manifest shipments of hazardous waste that qualify for a federal small quantity exemption or wastes that are destined to be recycled, for which federal regulations do not require a manifest.

The Uniform Hazardous Waste Manifest form has been designed to allow the listing of both federally-regulated wastes and wastes regulated solely by the States. In order to distinguish between federally-regulated wastes and other wastes, as required by DOT regulations (49 CFR 172.201(a)(1)), generators can add (or States may overprint on the form) a hazardous materials (HM) column in the space for U.S. DOT Description. When a waste shipment consists of both federally-regulated materials and State-regulated wastes, the HM column, if added, must be checked or marked for only those line entries which are regulated under federal law as hazardous wastes or hazardous materials.

In addition to being used for shipments of RCRA hazardous waste, the Uniform Manifest may also be used for shipments of DOT regulated hazardous materials, or shipments of State-regulated wastes, or any combination of these regulated substances. This rulemaking does not preclude generators from adding a HM column or complying with any of the other DOT requirements for shipping papers found in 49 CFR 172.201.

Issue 4. *Should States have the right to require generators to use only a Uniform Manifest form printed by a State?*

EPA also solicited comments on the ASTSWMO recommendation that the States be allowed to require generators to use specific State forms. (See 47 FR 9339, March 4, 1982.) ASTSWMO advocated expansion of the top margin of the Uniform Manifest form to provide room for States to print their name and State-assigned document number. The State organization asserted that State document numbers are necessary for the effective use of any automated tracking system.

Some commenters (in particular, members of the regulated community) objected to this recommendation, stating that it is more cost-effective and efficient for generators to print their own manifest forms. In addition, commenters were concerned that the implementation of such a regulation might require generators to complete multiple manifests for interstate shipments.

EPA and DOT recognize the merit of both positions, and this rule establishes a scheme for determining who supplies the Uniform Manifest form. The top margin of the first page of the form has been enlarged to allow for pre-printing of information. In order to retain the advantages of a uniform manifest, however, EPA must ensure that only one uniform manifest is required for each shipment and, therefore, has established a hierarchy for acquisition of blank manifest forms. This acquisition hierarchy is discussed in the section below.

Issue 5. *From what source should generators obtain copies of the blank Uniform Manifest form (the copy acquisition hierarchy)?*

Although the Agency is prescribing the use of the Uniform Hazardous Waste Manifest form, EPA does not intend to print and supply the form. This allows States, if they wish, to print and supply the form, in which case the States can print their own unique numbers on the form to aid in tracking the hazardous waste shipments. For generators located in one State but disposing of wastes in another, it is necessary to determine from which State they must obtain the Uniform Manifest form. Accordingly, EPA is specifying a hierarchy for acquisition of blank manifest forms in these regulations.

In its March 4, 1982, proposal, EPA indicated that it intended to allow States to print and supply the Manifest form and requested comments on how this could effectively be arranged. EPA received relatively few comments as to what acquisition hierarchy would be preferable. One commenter stated that the generator should be required to obtain the form from the consignment (receiving) State if that State printed and supplied the form. A few other commenters stated that the generator should obtain the form from the

generator State if that State printed and supplied the form.

The Agency, however, received a number of comments on a different but related issue that affects the decision on what acquisition hierarchy should be established. This issue involved the desire of several States to ensure that they receive copies of completed manifests from all generators that dispose of wastes in their State, especially from those generators located out-of-State. These States have systems for tracking the movement of hazardous waste that rely on receipt from generators of copies of each manifest prepared. They expressed the concern that the Uniform Manifest requirements would preclude them from requiring out-of-State generators to submit copies of the Manifest for each shipment into that State, and requested that EPA alter its regulations to impose such a requirement.

After careful consideration of these comments and concerns, EPA has determined that it is not necessary to impose a Federal requirement that generators submit copies of each completed manifest form to States or to EPA. EPA believes that the current federal manifest reporting system, which requires submission of Exception Reports by generators and Discrepancy Reports by TSD facility operators is adequate and effective to track hazardous waste shipments.

States are free, however, to impose a more stringent system that could involve the submission by generators of copies of every completed manifest form. This authority is reserved to the States by Section 3009 of RCRA, which permits any State to impose more stringent requirements, as long as those requirements meet the standard set forth in Section 3006 that they not be "inconsistent" with the Federal requirements. EPA does not believe that such requirements would be inconsistent with the Federal manifest system.

In addition, it is well settled that a State can assert jurisdiction over persons not residing in that State if such persons maintain "minimum contacts" with that State. *See International Shoe Co. v. Washington*, 326 U.S. 310 (1945). The fact that a generator disposes of a waste in that State would appear to satisfy this requirement of "minimal contacts." States can enact, and most States currently have among their laws, "long-arm" statutes by which they can assert such jurisdiction and impose such requirements.

Finally, promulgation of the Uniform Hazardous Waste Manifest system requirements does not affect this independent State authority. The Uniform Manifest regulation simply requires that the manifest information already required by EPA regulations be provided on a nationally uniform form and describes that form. It does not speak to or affect the reporting requirements placed by States on generators under the manifest system. In the face of the independent State authority discussed above, EPA does not believe it is necessary for the Federal government to impose or enforce the requirements of those States that wish to receive manifest copies from out-of-State generators.

EPA has, however, considered the legitimate interest of some States in imposing a different reporting system, that may require submission of copies of completed manifests. As a practical matter, States need to be able to inform out-of-State generators of the existence of manifest copy submission requirements. Although, this could be accomplished by other means, a convenient method would be to print a notice of such reqirements on the actual manifest form to be used by generators. For this method to be effective, generators must be required to obtain the manifest forms they use from the State that will be receiving the waste (the consignment State).

In developing the final acquisition hierarchy promulgated today, EPA considered all the comments described above, and evaluated the advantages and disadvantages of alternative approaches. Requiring generators to obtain the form from the generator State would probably be convenient for the generators. This approach might make it more difficult, however, for States to which the wastes are being delivered to track the waste shipments from the point of generation to the treatment, storage, or disposal site than if those consignment States could supply the form with their own unique State tracking numbers and reporting instructions.

Conversely, a system that required acquisition of the form from consignment States would make it easier for those States to implement and enforce their own tracking and reporting systems. Requiring form acquisition from the consignment State would enable States that wish to require submission of copies of all completed manifests to inform out-of-State generators of this requirement by printing the information on the form. In addition, as permitted by § 271.10(h)(1), the consignment State can print on each form a State manifest document number that may be helpful in tracking the manifest in the State's own tracking system.

In choosing between these two approaches, EPA gave great weight to RCRA's emphasis on the role of the States in implementing the hazardous waste program. Both Sections 3006 and 3009 recognize the right of the States to impose requirements more stringent than the Federal requirements. EPA believes, therefore, that it is appropriate to consider the States' interest in designing their own unique procedures beyond the Federal requirements when establishing regulations. In this case, EPA believes that a State's interest in devising a regulatory program to assure proper treatment, storage and disposal of waste within its borders outweighs the advantages to generators in obtaining blank manifest forms from a single source.

Therefore, EPA is promulgating a form acquisition hierarchy that requires generators to obtain the blank manifest form from the consignment State if that State supplies the form and requires its use; if not, then from the generator State if that State supplies the form and requires its use; and if not, the generator may obtain the form from any source.

While this rule establishes a procedure for the acquisition of blank manifest forms, it does not limit the ability of the generator State or the consignment State to require submission of completed forms by the generator or facility owner or operators. For example, generators may be required by regulations of both the generator State and the consignment State to submit completed copies of the Manifest for each shipment.

Further, as discussed in Issue 2, both the generator State and the consignment State may establish specific informational requirements in the optional State section of the Manifest form. For example, a generator who obtains copy of the blank Manifest form from the consignment State may still be required to comply with his State's manifest informational requirements.

For international shipments, the regulations promulgated today require the manifest form of the generator's State to accompany export shipments of hazardous waste if that State supplies the form and requires its use. In the event the generator's State does not supply the form, the export shipment may be accompanied by a Uniform Manifest form obtained from any source. This same logic also applies to import shipments—manifest forms obtained from the consignment State must accompany the shipment if that State supplies and requires the use of its own

Uniform Hazardous Waste Manifest form. If the consignment State does not distribute the form, a Uniform Manifest form obtained from any source may be used.

V. The Uniform Hazardous Waste Manifest

EPA, with DOT's agreement, has designed the Uniform Hazardous Waste Manifest form and system with the following features:

A. Information Requirements

EPA received divergent comments on the inclusion of many information items on the manifest form. The primary comments are discussed in the following section of this preamble and the other comments are discussed in the Bankground Documents for this rule-making.

The information items contained on the Uniform Hazardous Waste Manifest form (EPA form 8700-22 and the Continuation Sheet, form 8700-22A) can be categorized into federally-required information and optional State-required information. The federal requirements are examined first.

1. *Federal Information Requirements.* EPA is not increasing its information reporting requirements in this final rulemaking. All federally-required information on the Uniform Manifest form is currently required by EPA's hazardous waste regulations. On March 4, 1982, the Agency proposed the inclusion of one new federal information requirement, the telephone number of the treatment, storage, or disposal facility. The Agency decided not to include that requirement in this final rule. EPA believes that transporters can obtain that information during the course of shipment by contacting the dispatcher or the waste generator. The Agency believes emergency response information, should be obtained from the generator—not the TSD facility. Therefore, while the generator's telephone number remains a federal requirement, the TSD facility's telephone number is not a required item. (As discussed below, States may require the facility's telephone number as an optional item on the form.)

In order to clarify the required federal information items on the manifest form and to discuss comments received on those items, this section presents a review of those items.

(a) Generator Requirements:

Manifest Document Number—The manifest document number consists of the generator's U.S. EPA twelve digit identification number plus a unique five digit number, allowing each generating site to manifest up to 100,000 shipments a year without repeating a document number. In the proposed rule, EPA defined the five digit number as a "sequentially increasing number." The definition has been changed in this final rule in order to dispel the impression that generators would have to use manifests in a sequential manner. However, the generator must ensure the uniqueness of the document number for each shipment from each site during a calendar year.

Page Number—Generators are required to identify on the first page of a manifest the total number of pages in that manifest i.e., the first page (EPA Form 8700-22) plus the number of Continuation Sheets (EPA Form 8700-22A), if any. For example, if the manifest consists of only one page (EPA Form 8700-22), and there is no Continuation Sheet (EPA Form 8700-22A), then the correct entry would be "Page 1 of *1*." If the manifest consists of one front page (EPA Form 8700-22), and one Continuation Sheet (EPA Form 8700-22A), then the correct entry would be "Page 1 of *2*."

Generator Name and Address—The address remains the mailing address of the generator since the TSD facility must return a completed copy of the manifest promptly to the generator. Comments were received suggesting that the address reflect the site of waste generation. EPA does not believe it is necessary to include a site address on the manifest form because the EPA identification number provides this information. The generator, then, must enter the mailing address of the location that will administer the returning manifest forms (e.g., billing office, corporate headquarters, or the site of generation).

Generator's Telephone Number—This must be the number of a person who can provide information about the shipment in the event of an emergency.

Transporter #1 Company Name and U.S. EPA ID Number—The name and U.S. EPA twelve digit identification number of the initial transporter of the waste must be entered.

Transporter #2 Company Name and U.S. EPA ID Number—The name and U.S. EPA twelve digit identification number of the second transporter, if applicable, must be entered. Space for additional transporters is provided on the Continuation Sheet for entry in the order they are used.

Designated Facility Name, Site Address, and U.S. EPA ID Number—The generator must enter the TSD facility name and site address plus the facility's U.S. EPA twelve digit identification number. The site address is required to inform the transporter where the shipment must be delivered.

Alternate Facility—A number of commenters suggested that the form should provide space for generators to list an alternate facility name and address, as allowed in 40 CFR 262.20. Since this item is not required of generators, the Agency has decided not to provide a specifically designated space for it. If an alternate facility is designated, it must be identified in the item marked "Special Handling Instructions and Additional Information."

Container Number and Type—The generator must indicate the number of containers and using the abbreviations in Table I of the form instructions, the type of containers for each waste shipped. This final rule corrects the abbreviation for Cargo Tanks/Tank Trucks (TT) and Tank Cars (TC). The abbreviation for Portable Tanks (TP) is also changed. In response to comments, a new abbreviation (DT) has been added for dump trucks. Some commenters suggested adding an abbreviation for metal boxes such as roll-offs or dumpsters. The abbreviation CM was included in the proposed rule for metal boxes, cartons, cases, and is intended to include roll-offs or dumpsters. This has been clarified in the form instructions.

U.S. DOT Description (Including: Proper Shipping Name, Hazard Class, and ID Number)—The generator must complete this section consistent with DOT's regulations at 49 CFR Part 172.201. As allowed by those regulations, a Hazardous Materials (HM) column may be added by the generator or the State to distinguish hazardous materials as defined by federal regulations from other wastes (see Part IV, *Response to Comments*, Issue 3 above). This permits the generator to list materials which are non-hazardous, or hazardous by State definition only, in the DOT Description space as long as the HM column is checked only for federally-regulated hazardous materials (including federally-regulated hazardous waste).

In response to comments, the heading for the Proper U.S. DOT Description has also been modified to include the DOT Identification Number as part of the shipping description. The generator must enter the assigned DOT Identification Number consisting of a four digit number preceded by the UN (United Nations) or NA (North America) designation as appropriate for each federally regulated hazardous material or waste listed. (See 49 CFR 172.101 and 172.102.) The generator must also

enter the total quantity and unit of measure (volume or weight) of the shipment. Many commenters requested clarification as to whether the weight is a measurement of the net or gross quantity (i.e., whether the weight of the container should be included in the measurement). EPA and DOT have determined that the measurement must be gross weight when the waste container is to be discarded (e.g., a drum containing waste) and net weight when it is not discarded (e.g., bulk shipments by tank truck). Another issue centering on weight or volume classification is the requirement of various States that hazardous waste shipments be determined by a specific measurement, either weight or volume. The joint HMAC and ASTSWMO proposal suggests that the Uniform Manifest be designed to allow the generator to include both weight and volume. Thus, while today's rule does not require that two units of measure be specified for any waste listing, the Uniform Manifest form provides space for both weight and volume.

One commenter asked if fractions could be used in the quantity description (see EPA Form 8700-22, Item 13). EPA does not believe that the quantity description should include fractions. Rather, the Agency believes that the quantity description should be the most accurate possible without using fractions or decimals. For example, if a shipment weighs 18,500 pounds, the correct quantity description would be 18,500 pounds, not 9.25 tons nor 9¼ tons.

Special Handling Instructions and Additional Information—As proposed, this section may be used by the generator for a number of purposes. Some commenters have advocated that the ICC Bill of Lading and/or DOT placarding information be allowed on the Uniform Manifest form. The Special Handling Instructions space (or the reverse side of the form) may be used for this information, emergency response telephone numbers, or any other information the generator wishes to include about the shipment. If alternate facility information (i.e., name, address, and EPA ID number) or the conditions for international shipments (i.e., point of departure, date of departure, and transporter's signature) are included, they must appear in this space. However, States are not permitted to require any information within this space or on the back of the form as a condition of transportation. In accordance with a joint recommendation by ASTSWMO and HMAC, certain information needs of the States can be accommodated in the State information spaces discussed below.

Generator Certification—The generator is required to read and sign the certification statement at the initiation of each waste shipment. The wording of the certification statement has been changed to ensure its applicability for use with all modes of transportation (i.e., highway, railroad, water, and air) and for national and international shipments. DOT supplied EPA with the new wording as a result of changes they have made based on the recommendations of a United Nations committee of experts on the transport of dangerous goods. States seeking final authorization must submit supplemental wording they propose to add to this certification (e.g., "* * * and the laws/regulations of the State regulations of the State of (name of State)" as part of their application for authorization for approval by EPA.

International Shipments—Generators are required to list for each export shipment the point of departure from the United States. This information must be placed in the item labeled "Special Handling Instructions and Additional Information" on EPA Form 8700-22 (first page).

(b) Transporter Requirements:

Acknowledgment of Acceptance—A transporter is required to acknowledge on the Manifest the acceptance of the waste shipment by signing the Manifest and recording the date of acceptance.

International Shipments—Transporters who take waste identified on the Manifest out of the jurisdiction of the United States must enter the date that the waste was exported and sign the Manifest indicating that the waste left the United States on that date. This information must be placed in the item labeled "Special Handling Instructions and Additional Information" on EPA form 8700-22.

(c) Treatment, Storage and Disposal Facility Requirements:

Discrepancy Indication Space—As proposed, the Discrepancy Indication Space must be used for recording significant discrepancies between the waste described on the Manifest and the waste actually received by the designated facility. (See 40 CFR § 264.72 and § 265.72.) Several commenters requested clarification of where to send discrepancy reports. EPA regulations require owners and operators of TSD facilities located in States where EPA administers the hazardous waste program to send reports to the appropriate EPA Regional Administrator. Owners and operators of TSD facilities located in States with interim or final authorization are advised that individual State programs require discrepancy reports and that they should review the specific State regulations on this subject for further information.

Acknowledgment of Acceptance—The owner or operator of the TSD facility is required to acknowledge the acceptance of the waste shipment by signing the manifest and recording the date of acceptance.

2. *Optional State Information Requirements.*—As previously discussed, the Uniform Manifest form includes optional information spaces to substantially meet basic requirements of the States. This should eliminate or reduce the need for additional State reporting requirements. The optional State information items on the Uniform Manifest form were selected on the basis of comments received, including the recommendations of the HMAC and ASTSWMO joint task group. The specifically identified items are generally those used most frequently by the States. Many members of the regulated community joined the task group in recommending that certain of these additional items be included on the form.

This section describes the optional State/required information items included on the Uniform Manifest form.

State Manifest Document Number—In response to comments, space has been provided for a State manifest document number used by some States to track waste shipments. Typically, this number will be preprinted by the State issuing the manifest and, therefore, is not an information burden on generators.

State Identification Numbers—These spaces are provided for generators', transporters', and treatment, storage and disposal facilities' State identification numbers. These numbers may include registration, permit, disposal plan, or other State identification numbers.

Telephone Numbers—Space has been provided for the telephone numbers of two transporters and the TSD facility. (The generator's telephone number is a federally-required information item, as mentioned above.)

Waste Numbers—This space is provided for the entry of either EPA or State hazardous waste numbers. (Space for waste numbers was included as an optional item on the Manifest form proposed on March 4, 1982.)

Additional Waste Description Space—Some industry commenters requested additional space in which to list additional information about their wastes. HMAC and ASTSWMO suggested expanding the Special

Handling Instructions and Additional Information area of the proposed Uniform Manifest form to allow for "certain information about the type and nature of the waste." EPA and DOT are aware that many States want to request additional information not required by EPA or DOT as part of the proper shipping description from the generator concerning hazardous waste listings. In response to these suggestions, an "Additional Description for Wastes Listed Above" space has been included on the Uniform Manifest form. This space may only be used for data that describe the waste, such as chemical names, constituent percentages, and physical state and may be used by a generator for additional waste descriptions even if a generator State or consignment State does not require it.

Handling Codes—This space is provided for either EPA or State handling codes indicating the relevant treatment, storage, or disposal process.

Other information—Several State commenters suggested that the form contain space for emergency response telephone numbers and for the name, address, telephone number, and logo of the State Agency. Although States may not require generators to provide any information other than in the optional State information space, the top margin has been expanded to provide room for the State to preprint such information. Section V.C. of this preamble, *Modifications to the Form*, discusses more completely the additional information that may appear on the form.

B. Form Design

The forms required by this promulgation retain the vertical 8½" by 11" size proposed on March 4, 1982 (see 47 FR 9336), despite the addition of new information items. This is possible because the available space is used more efficiently.

The required federal information items are generally on the left and middle portions of the form. The optional State information items are on the upper right, except for the "Additional Description for Waste Listed Above" space. The optional State information items are shaded and headed by letters rather than numbers, to set them apart.

The form has been revised in response to other comments in the following manner. (1) It was redesigned to be readily adaptable to automated data processing (ADP) equipment. (2) It is suitable for either manual or typewritten entry. The marks shown in the proposed rule in certain data entry spaces (e.g., "Container Number and Type") have been de-emphasized because commenters stated that they interfered with preparation of the forms by typewriter. They have been replaced by lighter, less conspicuous dots. (3) The information items on the form are numbered or lettered to make it easier for users to follow instructions and reference a specific item in the "Special Handling Instructions and Additional Information" space. (4) The form contains an "Additional Description for Waste Listed Above" space that provides the generator with room to clearly enter useful information. (5) The final Uniform Manifest form (EPA form 8700–22) has only four waste listing spaces, as suggested by some commenters, in order to provide additional space for other information. (6) The Manifest document is designed to include a Continuation Sheet (EPA Form 8700–22A) on which the generator may list both additional hazardous wastes and transporters, if necessary. This eliminates the need for users with many different waste streams, notably laboratories, to prepare many separate manifests for one shipment.

C. Modifications to the Form

States may add information to the form in the margin or on the back of the form, and only information or instructions that do not require generators, transporters, or owners or operators of hazardous waste management facilities to supply new, different, or additional information. Information or instructions States may preprint include:

1. A unique State manifest document number (items A and L);
2. State emergency telephone numbers (in the margin or on the back);
3. State Agency name, address, telephone number, and State logo (in the margin or on the back);
4. Copy distribution information (in the margin or on the back);
5. State forms inventory control numbers (in the margin or on the back);
6. Organizational marks such as light lines, line identifiers, etc. to facilitate information entry and data processing (anywhere on the form);
7. A hazardous materials (HM) column in items 11 and 28 (see DOT regulations at 49 CFR 172.201);
8. A reference to State laws or regulations following the federal identification (in item 16); and
9. Abbreviations for headings in State optional information spaces (items A–H and L–Q).

States may also print instructions which may be distributed with the forms.

Title 40 CFR 271.6 has been revised to require use of EPA form 8700–22 and 8700–22A for authorized States. States seeking final authorization are required to submit a copy of the Uniform Manifest form with their application if they preprint any information on the form.

In cases where generators print their own uniform manifest forms, they may preprint the following information:

1. Any information requirements, with the exception of the certification signature and acceptance signatures;
2. Transporter safety information, treatment, storage or disposal information, and Bill of Lading information (in the "Special Handling Instructions and Additional Information" space or, if necessary, on the back);
3. Copy distribution and other general company information (in the margin or on the back);
4. A hazardous materials (HM) column in items 11 and 28 (see DOT regulations at 49 CFR 172.201); and
5. Organizational marks such as light lines, line identifiers, etc., to facilitate proper character placement of information (anywhere on the form).

Generators may also print instructions and distribute them with the form. But, the form must be completed and consistent with federal requirements.

Instructions for filling out the Uniform Hazardous Waste Manifest form are included in today's **Federal Register**. EPA is not requiring that the instructions be included with copies of the form. The form must, however, be completed and consistent with these instructions.

D. Copies of the Forms

EPA is not printing copies or sets of the Manifest form for public use. Generators and others desiring copies of the form should first contact their State office to determine if their State will be printing the forms. If their State is not printing the forms, camera-ready copies of the form for printing purposes can be obtained from the State, or the EPA Regional Office or EPA Headquarters.

VI. Effective Date

These regulations will take effect on September 20, 1984, as required by Section 3010(b) of RCRA. Further discussion of the appropriateness of this period of time for the Uniform Manifest is provided above, Section III.E, *Implementation Date*.

VII. Compliance with Executive Order 12291, Paperwork Reduction Act and Regulatory Flexibility Act

A. Executive Order 12291

EPA has determined that today's final rule will not result in: An annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete in domestic or export markets. Indeed, as discussed above, today's action is expected to reduce the current burden on the regulated community. Therefore, this final rule is not subject to the major rule provisions of Executive Order 12291 and a regulatory impact analysis is not required.

This final rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any written comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Office of Solid Waste Docket, Room S-212, U.S. EPA, 401 M Street SW, Washington DC, 20460.

B. Paperwork Reduction Act

The Uniform Hazardous Waste Manifest is subject to the OMB clearance requirements of the Paperwork Reduction Act of 1980. OMB has reviewed and approved the Uniform Hazardous Waste Manifest form through July 31, 1986 (OMB Control No. 2000-0404). The Uniform Hazardous Waste Manifest is not subject to the clearance requirements of the General Services Administration since the Manifest form is an operating rather than a reporting document.

C. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities and, therefore, does not require the preparation of a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Indeed, the required use of a Uniform Hazardous Waste Manifest form should reduce the costs of compliance with manifest requirements for regulated hazardous waste generators and transporters (including small businesses as defined by that Act) by reducing the number of manifest forms that must be completed for each shipment. Accordingly, I certify pursuant to 5 U.S.C. § 605 that the final rule will not have a significant adverse economic impact on small entities.

VIII. List of Subjects

40 CFR Part 260

Administrative practice and procedure, Hazardous materials, Waste treatment and disposal.

40 CFR Part 262

Hazardous materials, Labeling, Packaging and containers, Reporting requirements, Waste treatment and disposal.

40 CFR Part 271

Confidential business information, Hazardous materials, Intergovernmental relations, Penalties, Reporting requirements, Waste treatment and disposal, Water pollution control, Water supply.

Dated: March 13, 1984.

William D. Ruckelshaus,

Administrator.

Title 40 of the Code of Federal Regulations is amended as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM; GENERAL

1. The authority citation for Part 260 reads as follows:

Authority: Secs. 1006, 2002, 3001 through 3007, 3010, and 7004, of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912, 6921 through 6927, 6930, 6974).

2. Section 260.10 is amended by revising the following definitions to read as follows:

§ 260.10 Definitions.

* * * * *

"Manifest"—means the shipping document EPA form 8700-22 and, if necessary, EPA form 8700-22A, originated and signed by the generator in accordance with the instructions included in the Appendix to Part 262.

"Manifest document number—means the U.S. EPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the Manifest by the generator for recording and reporting purposes.

* * * * *

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

3. The authority citation for Part 262 reads as follows:

Authority: Secs. 2002, 3001, 3002, 3003, 3004, and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended by (42 U.S.C. 6912, 6921 through 6925).

4. Section 262.20 is amended by revising paragraph (a) to read as follows:

§ 262.20 General requirements.

(a) A generator who transports, or offers for transportation, hazardous waste for offsite treatment, storage, or disposal must prepare a Manifest OMB control number 2000-0404 on EPA form 8700-22, and, if necessary, EPA form 8700-22A, according to the instructions included in the Appendix to Part 262.

* * * * *

5. 40 CFR is amended by revising § 262.21 in its entirety as follows:

§ 262.21 Acquisition of Manifests.

(a) If the State to which the shipment is manifested (consignment State) supplies the Manifest and requires its use, then the generator must use that Manifest.

(b) If the consignment State does not supply the Manifest, but the State in which the generator is located (generator State) supplies the Manifest and requires its use, then the generator must use that State's Manifest.

(c) If neither the generator State nor the consignment State supplies the Manifest, then the generator may obtain the Manifest from any source.

6. Section 262.50 is amended by revising the introductory text of paragraph (b)(3) and the introductory text of paragraph (d) and by adding paragraph (b)(4) and (e) to read as follows:

§ 262.50 International shipments.

* * * * *

(b) * * *

(3) Meet the requirements under § 262.20(a) for the Manifest except that:

* * * * *

(4) Obtain the Manifest from the generator's State if that State supplies the Manifest form and requires its use. If the generator's State does not supply the Manifest form, then the generator may obtain the Manifest form from any source.

* * * * *

(d) When importing hazardous waste, a person must meet all the requirements of § 262.20(a) for the Manifest except that:

* * * * *

(e) A person who imports hazardous waste must obtain the Manifest form from the consignment State if that State supplies the Manifest and requires its use. If the consignment State does not supply the Manifest form, then the Manifest form may be obtained from any source.

7. Part 262 is amended by adding an Appendix to read as follows:

Appendix—Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700–22 and 8700–22A and Their Instructions)

U.S. EPA Form 8700–22

Read all instructions before completing this form.

This form has been designed for use on a 12-pitch (elite) typerwriter; a firm point pen may also be used—press down hard.

Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities to use this form (8700–22) and, if necessary, the continuation sheet (Form 8700–22A) for both inter and intrastate transportation.

Federal regulations also require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage and disposal facilities to complete the following information:

* * * * *

GENERATORS

Item 1. Generator's U.S. EPA ID Number—Manifest Document Number

Enter the generator's U.S. EPA twelve digit identification number and the unique five digit number assigned to this Manifest (e.g., 00001) by the generator.

Item 2. Page 1 of ——

Enter the total number of pages used to complete this Manifest, i.e., the first page (EPA Form 8700–22) plus the number of Continuation Sheets (EPA Form 8700–22A), if any.

Item 3. Generator's Name and Mailing Address

Enter the name and mailing address of the generator. The address should be the location that will manage the returned Manifest forms.

BILLING CODE 6560-50-M

Please print or type. (Form designed for use on elite (12-pitch) typewriter)

Form Approved. OMB No. 2000-0404. Expires 7-31-86

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No. | Manifest Document No. | 2. Page 1 of | Information in the shaded areas is not required by Federal law.

3. Generator's Name and Mailing Address

4. Generator's Phone ( )

A. State Manifest Document Number

B. State Generator's ID

5. Transporter 1 Company Name | 6. US EPA ID Number

C. State Transporter's ID

D. Transporter's Phone

7. Transporter 2 Company Name | 8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address | 10. US EPA ID Number

G. State Facility's ID

H. Facility's Phone

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)	12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
a.					
b.					
c.					
d.					

J. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

16. **GENERATOR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations.

Printed/Typed Name | Signature | Date (Month Day Year)

TRANSPORTER

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name | Signature | Date (Month Day Year)

18. Transporter 2 Acknowledgement or Receipt of Materials

Printed/Typed Name | Signature | Date (Month Day Year)

FACILITY

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name | Signature | Date (Month Day Year)

EPA Form 8700-22 (3-84)

BILLING CODE 6560-50-C

Item 4. Generator's Phone Number

Enter a telephone number where an authorized agent of the generator may be reached in the event of an emergency.

Item 5. Transporter 1 Company Name

Enter the company name of the first transporter who will transport the waste.

Item 6. U.S. EPA ID Number

Enter the U.S. EPA twelve digit identification number of the first transporter identified in item 5.

Item 7. Transporter 2 Company Name

If applicable, enter the company name of the second transporter who will transport the waste. If more than two transporters are used to transport the waste, use a Continuation Sheet(s) (EPA Form 8700-22A) and list the transporters in the order they will be transporting the waste.

Item 8. U.S. EPA ID Number

If applicable, enter the U.S. EPA twelve digit identification number of the second transporter identified in item 7.

Note.—If more than two transporters are used, enter each additional transporter's company name and U.S. EPA twelve digit identification number in items 24–27 on the Continuation Sheet (EPA Form 8700–22A). Each Continuation Sheet has space to record two additional transporters. Every transporter used between the generator and the designated facility must be listed.

Item 9. Designated Facility Name and Site Address

Enter the company name and site address of the facility designated to receive the waste listed on this Manifest. The address must be the site address, which may differ from the company mailing address.

Item 10. U.S. EPA ID Number

Enter the U.S. EPA twelve digit identification number of the designated facility identified in item 9.

Item 11. U.S. DOT Description [Including Proper Shipping Name, Hazard Class, and ID Number (UN/NA)]

Enter the U.S. DOT Proper Shipping Name, Hazard Class, and ID Number (UN/NA) for each waste as identified in 49 CFR 171 through 177.

Note.—If additional space is needed for waste descriptions, enter these additional descriptions in item 28 on the Continuation Sheet (EPA Form 8700–22A).

Item 12. Containers (No. and Type)

Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

Table I—Types of Containers

DM = Metal drums, barrels, kegs
DW = Wooden drums, barrels, kegs
DF = Fiberboard or plastic drums, barrels, kegs
TP = Tanks portable
TT = Cargo tanks (tank trucks)
TC = Tank cars
DT = Dump truck
CY = Cylinders
CM = Metal boxes, cartons, cases (including roll-offs)
CW = Wooden boxes, cartons, cases
CF = Fiber or plastic boxes, cartons, cases
BA = Burlap, cloth, paper or plastic bags

Item 13. Total Quantity

Enter the total quantity of waste described on each line.

Item 14. Unit (Wt./Vol.)

Enter the appropriate abbreviation from Table II (below) for the unit of measure.

Table II—Units of Measure

G = Gallons (liquids only)
P = Pounds
T = Tons (2000 lbs)
Y = Cubic yards
L = Liters (liquids only)
K = Kilograms
M = Metric tons (1000 kg)
N = Cubic meters

Item 15. Special Handling Instructions and Additional Information

Generators may use this space to indicate special transportation, treatment, storage, or disposal information or Bill of Lading information. States may not require additional, new, or different information in this space. For international shipments, generators must enter in this space the point of departure (City and State) for those shipments destined for treatment, storage, or disposal outside the jurisdiction of the United States.

Item 16. Generator's Certification

The generator must read, sign (by hand), and date the certification statement. If a mode *other than* highway is used, the word "highway" should be lined out and the appropriate mode (rail, water, or air) inserted in the space below. If another mode *in addition to* the highway mode is used, enter the appropriate additional mode (e.g., *and rail*) in the space below.

Note.—All of the above information *except* the handwritten signature required in item 16 may be preprinted.

* * * * *

TRANSPORTERS

Item 17. Transporter 1 Acknowledgement of Receipt of Materials

Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 18. Transporter 2 Acknowledgement of Receipt of Materials

Enter, if applicable, the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Note.—International Shipments—Transporter Responsibilities.

Exports—Transporters must sign and enter the date the waste left the United States in item 15 of Form 8700–22.

Imports—Shipments of hazardous waste regulated by RCRA and transported into the United States from another country must upon entry be accompanied by the U.S. EPA Uniform Hazardous Waste Manifest. Transporters who transport hazardous waste into the United States from another country are responsible for completing the Manifest (40 CFR 263.10(c)(1)).

Owners and Operators of Treatment, Storage, or Disposal Facilities

Item 19. Discrepancy Indication Space

The authorized representative of the designated (or alternate) facility's owner or operator must note in this space any significant discrepancy between the waste described on the Manifest and the waste actually received at the facility.

Owners and operators of facilities located in unauthorized States (i.e., the U.S. EPA administers the hazardous waste management program) who cannot resolve significant discrepancies within 15 days of receiving the waste must submit to their Regional Administrator (see list below) a letter with a copy of the Manifest at issue describing the discrepancy and attempts to reconcile it (40 CFR 264.72 and 265.72).

Owners and operators of facilities located in authorized States (i.e., those States that have received authorization from the U.S. EPA to administer the hazardous waste program) should contact their State agency for information on State Discrepancy Report requirements.

EPA Regional Administrators

Regional Administrator, U.S. EPA
Region I, J.F. Kennedy Fed. Bldg., Boston, MA 02203

Regional Administrator, U.S. EPA
Region II, 26 Federal Plaza, New York, NY 10278

Regional Administrator, U.S. EPA
Region III, 6th and Walnut Sts., Philadelphia, PA 19106

Regional Administrator, U.S. EPA
Region IV, 345 Courtland St., NE., Atlanta, GA 30365

Regional Administrator, U.S. EPA
Region V, 230 S. Dearborn St., Chicago, IL 60604

Regional Administrator, U.S. EPA
Region VI, 1201 Elm Street, Dallas, TX 75270

Regional Administrator, U.S. EPA
Region VII, 324 East 11th Street, Kansas City, MO 64106

Regional Administrator, U.S. EPA
Region VIII, 1860 Lincoln Street, Denver, CO 80295

Regional Administrator, U.S. EPA
Region IX, 215 Freemont Street, San Francisco, CA 94105

Regional Administrator, U.S. EPA
Region X, 1200 Sixth Avenue, Seattle, WA 98101

Item 20. Facility Owner or Operator: Certification of Receipt of Hazardous Materials Covered by This Manifest Except as Noted in Item 19

Print or type the name of the person accepting the waste on behalf of the owner or operator of the facility. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Items A–K are not required by Federal regulations for intra- or interstate transportation. However, States may require generators and owners or operators of treatment, storage, or disposal facilities to complete some or all of items A–K as part of State manifest reporting requirements. Generators and owners and operators of treatment, storage, or disposal facilities are advised to contact State officials for guidance on completing the shaded areas of the Manifest.

BILLING CODE 6560-50-M



Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2000-0404. Expires 7-31-86

UNIFORM HAZARDOUS WASTE MANIFEST
(Continuation Sheet)

21. Generator's US EPA ID No. | Manifest Document No.

22. Page | Information in the shaded areas is not required by Federal law.

23. Generator's Name

L. State Manifest Document Number

M. State Generator's ID

24. Transporter ____ Company Name | 25. US EPA ID Number

N. State Transporter's ID

26. Transporter ____ Company Name | 27. US EPA ID Number

O. Transporter's Phone

P. State Transporter's ID

Q. Transporter's Phone

28. US DOT Description *(Including Proper Shipping Name, Hazard Class, and ID Number)*	29. Containers No.	Type	30. Total Quantity	31. Unit Wt/Vol	R. Waste No.
a.					
b.					
c.					
d.					
e.					
f.					
g.					
h.					
i.					

S. Additional Descriptions for Materials Listed Above

T. Handling Codes for Wastes Listed Above

32. Special Handling Instructions and Additional Information

GENERATOR

TRANSPORTER

33. Transporter ____ Acknowledgement of Receipt of Materials

Printed/Typed Name | Signature | Date (Month, Day, Year)

34. Transporter ____ Acknowledgement of Receipt of Materials

Printed/Typed Name | Signature | Date (Month, Day, Year)

FACILITY

35. Discrepancy Indication Space

EPA Form 8700-22A (3-84)

BILLING CODE 6560-50-C

Instructions—Continuation Sheet, U.S. EPA Form 8700–22A

Read all instructions before completing this form.

This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used—press down hard.

This form must be used as a continuation sheet to U.S. EPA Form 8700–22 if:

- More than two transporters are to be used to transport the waste;
- More space is required for the U.S. DOT description and related information in Item 11 of U.S. EPA Form 8700–22.

Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, or disposal facilities to use the uniform hazardous waste manifest (EPA Form 8700–22) and, if necessary, this continuation sheet (EPA Form 8700–22A) for both inter- and intrastate transportation.

GENERATORS

Item 21. Generator's U.S. EPA ID Number—Manifest Document Number

Enter the generator's U.S. EPA twelve digit identification number and the unique five digit number assigned to this Manifest (e.g., 00001) as it appears in item 1 on the first page of the Manifest.

Item 22. Page ——

Enter the page number of this Continuation Sheet.

Item 23. Generator's Name

Enter the generator's name as it appears in item 3 on the first page of the Manifest.

Item 24. Transporter —— Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter *3* Company Name. Each Continuation Sheet will record the names of two additional transporters.

Item 25. U.S. EPA ID Number

Enter the U.S. EPA twelve digit identification number of the transporter described in item 24.

Item 26. Transporter —— Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 4 Company Name. Each Continuation Sheet will record the names of two additional transporters.

Item 27. U.S. EPA ID Number

Enter the U.S. EPA twelve digit identification number of the transporter described in item 26.

Item 28. U.S. DOT Description Including Proper Shipping Name, Hazardous Class, and ID Number (UN/NA)

Refer to item 11.

Item 29. Containers (No. and Type)

Refer to item 12.

Item 30. Total Quantity

Refer to item 13.

Item 31. Unit (Wt./Vol.)

Refer to item 14.

Item 32. Special Handling Instructions

Generators may use this space to indicate special transportation, treatment, storage, or disposal information or Bill of Lading information. States are *not* authorized to require additional, new, or different information in this space.

* * * * *

TRANSPORTERS

Item 33. Transporter—— Acknowledgement of Receipt of Materials

Enter the same number of the Transporter as identified in item 24. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in item 24. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 34. Transporter —— Acknowledgement of Receipt of Materials

Enter the same number as identified in item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

* * * * *

Owners and Operators of Treatment, Storage, or Disposal Facilities

Item 35. Discrepancy Indication Space

Refer to item 19.

Items L–R are not required by Federal regulations for intra- or interstate transportation. However, States may require generators and owners or operators of treatment, storage, or disposal facilities to complete some or all of items L–R as part of State manifest reporting requirements. Generators and owners and operators of treatment, storage, or disposal facilities are advised to contact State officials for guidance on completing the shaded areas of the manifest.

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

8. The authority citation for Part 271 reads as follows:

Authority: Sections 1006, 2002 and 3006 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA) (42 U.S.C. 6905, 6912, and 6926).

9. Section 271.6 is amended by revising paragraph (d) to read as follows:

§ 271.6 Program Description.

* * * * *

(d) Copies of the permit form(s), application form(s), and reporting form(s) the State intends to employ in its program. Forms used by the State for hazardous waste management need not be identical to the forms used by EPA but should require the same basic information, except that the State RCRA program must require the use of EPA Manifest forms 8700–22 and 8700–22A. Where the State preprints information on the Manifest forms, such forms must be submitted with the State's application for approval. Restrictions on preprinting by the States are identified in 40 CFR 271.10(h). Otherwise, the State need not provide copies of uniform national forms it intends to use but should note its intention to use such forms.

* * * * *

10. Section 271.10 is amended by revising paragraph (f)(1) and adding (h)(1)–(h)(3) to read as follows:

§ 271.10 Requirements for generators of hazardous waste.

* * * * *

(f) * * *

(1) Use a manifest system that ensures that interstate and intrastate shipments of hazardous waste are designated for delivery, and, in the case of intrastate shipments, are delivered to facilities that are authorized to operate under an approved State program or the federal program. The manifest system must include the use of Manifest form as required by § 262.20(a) and § 262.21. No

other manifest forms, shipping document, or information, other than that required by federal law, may be required by the State to travel with the shipment.

* * * * *

(h) * * *

(1) A State that supplies the manifest form required by § 262.20(a) may preprint information on the form only as follows:

(i) In items A and L, a State Manifest document number; (EPA Form 8700–22, items A; EPA Form 8700–22A, item L);

(ii) In items 11 and 28, a hazardous materials (HM) column for use in distinguishing between federally regulated wastes and other materials according to 49 CFR 172.201(a)(1);

(iii) Anywhere on the form, light organizational marks to indicate proper placement of characters or to facilitate data entry;

(iv) Anywhere in the margin of the form or on the back of the form, any information or instructions that do not require generators, transporters, or owners or operators of hazardous waste management facilities to supply additional information;

(v) In item 16, reference to State laws or regulations following the federal certification; and

(vi) Abbreviations for headings in State optional information spaces (EPA Form 8700–22, items A–H; and EPA Form 8700–22A, items L–Q).

(2) In addition to the federally required information, both the State in which the generator is located and the State in which the designated facility is located may require completion of the following items:

(i) State manifest document number (EPA Form 8700–22, item A; EPA Form 8700–22A item L);

(ii) For generators, State generator identification numbers (EPA Form 8700–22, item B; EPA Form 8700–22A, item M);

(iii) For transporters, telephone numbers and State transporter identification numbers (EPA Form 8700–22, items C, D, E and F; EPA Form 8700–22A, items N, O, P and Q);

(iv) For owners and operators of hazardous waste management facilities, facility telephone number, and State facility identification numbers (EPA Form 8700–22, items G and H);

(v) Codes associated with particular wastes (EPA Form 8700–22, item I; EPA Form 8700–22A, item R);

(vi) Codes associated with particular waste treatment, storage, or disposal methods (EPA Form 8700–22, item K; EPA Form 8700–22A, item T); and

(vii) Additional waste description associated with particular hazardous wastes listed on the Manifest. This information is limited to information such as chemical names, constituent percentages, and physical state (EPA Form 8700–22, item J; EPA Form 8700–22A, item S).

(3) No State, however, may impose enforcement sanctions on a transporter during transportation of the shipment for failure of the form to include preprinted information or optional State information items

* * * * *

[FR Doc. 84–7166 Filed 3–19–84; 8:45 am]
BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 172

[Docket HM–145D; Amdt. Nos. 171–78, 172–90]

Hazardous Waste Manifest; Shipping Papers

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The Department of Transportation (DOT) and the Environmental Protection Agency (EPA) today are publishing requirements for a Uniform Hazardous Waste Manifest. These rules are necessary to assure uniform enforcement and to resolve difficulties encountered by shippers and carriers involved in the transportation of hazardous waste, which were brought on by differing State manifest requirements. EPA is adopting a standard format for the manifest and the Materials Transportation Bureau (MTB) is amending the Hazardous Materials Regulations to require use of EPA's standardized hazardous waste manifest form for the transportation of hazardous waste in commerce. MTB has amended § 171.1 of the Hazardous Materials Regulations to delete the reference to EPA interim authorizations, and § 171.3 by revising the Note to paragraph (c)(3). MTB also adopts two amendments pertaining to shipping papers; one is a revision of § 172.201 to recognize that a shipping paper, including a hazardous waste manifest, may consist of more than one page; the other is a revision of § 172.205 to include reference to the EPA form number for the hazardous waste manifest.

EFFECTIVE DATE: September 20, 1984, however, compliance with the regulations as herein amended is authorized on or after March 20, 1984.

FOR FURTHER INFORMATION CONTACT: Lee E. Metcalfe, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590, (202) 426–2075.

SUPPLEMENTARY INFORMATION:

I. Background

On February 26, 1980, the Environmental Protection Agency (EPA) established a manifest system to assure that hazardous wastes designated for delivery to offsite treatment, storage or disposal facilities actually reach their destination. The central element of that system is the "manifest", a control and transport document that accompanies the hazardous waste shipment from its point of generation to its point of destination. On May 22, 1980, MTB issued final regulations, under Docket HM–145A (45 FR 34560), relative to the use and disposition of manifests.

Although EPA considered requiring a uniform manifest form when it developed its regulations, the Agency chose instead only to require that specific information accompany the waste. It did not require the use of a specified format for a manifest. EPA recognized that DOT's regulations already require shipping papers for the transportation of hazardous materials without a requirement for use of a specific form; therefore, EPA concluded that a shipping paper could be used satisfactorily as a manifest if additional information required by EPA was included. By not requiring a specific form EPA's intent was to provide the regulated community with the option of adapting their existing DOT shipping papers to function as manifests as was requested by several commenters in response to the proposed EPA rule (43 FR 58946, Dec. 18, 1978).

Since the introduction of the Federal manifest system, there has been a proliferation of manifests as various States decide to develop and print their own forms. At least 22 States presently require generators to use specific manifest forms, often with varying additional information reguirements. This has caused two major problems. First, the lack of uniformity in the manifests required by States has created a substantial burden for both generators and transporters. Prior to the effective date of this rule, a transporter carrying hazardous waste may be required to carry the manifest of each State in which it travels in order to comply with those States' manifest requirements. Failure to carry a State's particular

manifest may delay or prevent shipments from reaching their destination, or subject the transporter to legal action. Under these conditions, a generator may be required to go through the costly and inefficient procedure of filling out several manifest forms with duplicative information in order to ensure that the waste shipment reaches the designated facility. Second, generators with facilities in more than one State are hampered when attempting to standardize manifesting procedures because of a lack of uniform requirements. This prevents multistate generators from achieving efficiency in their information collection activities.

II. Development of Standard Forms and Rules for Their Use

In an effort to solve these problems, EPA and MTB asked two organizations representing the States and the regulated community to submit suggestions for a uniform manifest. The State group, the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) and the industry group, the Hazardous Materials Advisory Council (HMAC), each developed a set of recommendations concerning the content and use of a uniform manifest which were submitted to EPA and MTB in March of 1981. EPA and MTB reviewed the recommendations, prepared a draft manifest form and met with the ASTSWMO and HMAC committees in July of 1981. Since the current problems associated with the manifest involve both DOT and EPA, the Agencies have worked together to devise a regulatory solution. EPA is amending 40 CFR Parts 262 and 271 (formerly 123) to introduce the Uniform Hazardous Waste Manifest form and to make use of the form a requirement for State interim and final authorization. MTB, in turn, is amending the Hazardous Materials Regulations to require that shippers and carriers of hazardous waste comply with EPA's amendments pertaining to use of the manifest, and to clarify that any State (or political subdivision of a State) law or regulation requiring a different, or additional manifest, is inconsistent with the Hazardous Materials Regulations.

The effect of these amendments is twofold. First, the use of a nationally uniform manifest will be required for all offsite transport of hazardous waste. Second, no State may require a carrier to provide information with or on the manifest which is in addition to that authorized by the uniform manifest system. Thus, no carrier could be required to carry any State manifest form that differs from the EPA form.

Neither the EPA nor DOT amendments prohibit States from requiring additional information from the generator or the treatment, storage or disposal facility concerning a hazardous waste shipment. For example, States may require that the generator (or the treatment, storage, or disposal facility, if the State so chooses) submit a copy of the manifest directly to the appropriate agency of that State. In addition, the State in which the waste disposal facility is located may require that certain disposal-related data be presented to the appropriate State agency or be present at the facility before the facility accepts the waste. Considering that the conventional methods of transmitting data by mail, wire, telephone and other means are very reliable and readily available, MTB is not persuaded that placing additional paperwork burdens on carriers is appropriate or necessary for the safe transportation of hazardous waste. Therefore, while these amendments do not prohibit the transporter from voluntarily carrying such information, they do preclude States from requiring the transporter to do so.

Certain areas of transportation demand a strong predominant Federal role. In the Senate Committee language reporting on what became Section 112 of the Hazardous Materials Transportation Act (HMTA), 49 U.S.C. 1801 et seg., the need for uniform national standards in the field of hazardous materials is strongly indicated. Section 112 of the HMTA expressly preempts any State or local requirement that is inconsistent with the HMTA or the regulations issued thereunder. MTB believes that national uniformity is necessary in this area and that an evolving patchwork of differing State requirements for manifests is clearly inconsistent with the Congressional intent underlying the HMTA. Rather than addressing the differing requirements of the States through proceedings initiated pursuant to 49 CFR Part 107, MTB believes it best to amend its regulations to require use of the Uniform Hazardous Waste Manifest and to revise the Note following § 171.3(c)(3) to make it clear that EPA's instructions and limitations pertaining to a manifest are within the scope of the inconsistency declaration of the paragraph.

Docket HM-145D, Hazardous Waste Manifest was first identified in the April 1, 1982, issue of the Department of Transportation Semi-Annual Regulations Agenda and Review List (47 FR 14080) as a "Significant Regulation." It was believed there would be substantial shipper and carrier industry as well as State government interest in, and controversy concerning, a hazardous waste manifest system. EPA resolved the only significant problem area by modifying the format of the manifest slightly to allow limited State requested information to be entered on the manifest. As presented in this final rule, the uniform hazardous waste manifest is an EPA standard form and MTB is authorizing it to be used as a shipping paper when it contains the necessary entries to meet shipping paper requirements. The anticipated substantial controversy has not materialized.

III. Discussion of Comments

A. *General.* In response to Notice No. 82-2 (Docket No. HM-145D, 47 FR 9346, March 4, 1982), MTB received comments from 78 different organizations. Generators accounted for the largest group and all but one of those 52 commenters expressed a general approval of the rules as proposed.

Various agencies of the State governments filed a total of 13 comments. Although the New Jersey Department of Transportation gave its unequivocal support to the proposed rules and the Wisconsin Department of Natural Resources strongly opposed the proposed rules, most State agencies indicated they did see advantages in nationally consistent regulations but expressed only their tentative support for adoption of a uniform hazardous waste manifest. Limited support by the States is generally tied to provisions that: (1) Would have the content of the form modified to include specific data which the States consider essential to effective waste management; (2) allow control of the forms and assignment of unique document numbers to be managed by the States; and (3) permit the States to require use of their own manifest form when the generator and treatment, storage, or disposal facility are both located within the same State.

Comments were also received from six organizations representing carriers or carrier associations. Only the California Trucking Association expressed a disapproval of the proposed rule. Its main objection is to the provision which effectively prohibits States from requiring their own forms for purely intrastate shipments.

Five comments were received from operators of hazardous waste treatment, storage or disposal facilities. Three of those commenters support the proposal and two oppose it.

Finally, ASTSWMO and HMAC filed separate and joint comments which support the concept of the proposed

rules. Their comments do, however, contain recommendation which each organization considers necessary to accomplish the objectives of this rulemaking.

B. *Format of the Uniform Hazardous Waste Manifest.* Practically every comment received in response to the notice of proposed rulemaking contains recommendations that the manifest forms be revised to: include more data elements than were proposed, delete some of the proposed data elements, or incorporate designs which are more suitable for data entry and extraction. Aside from the acceptability of the forms to contain hazard warning, certification, and additional information considered absolutely necessary for all shipping papers, MTB has deferred to EPA's judgment in all other aspects of the development of the manifest document. MTB is satisfied that the format developed by EPA does permit generators to comply with requirements of the Hazardous Materials Regulations applicable to shipping papers. With respect to the commenter's specific recommendations regarding other data elements, MTB advised EPA of the presence of those comments in Docket HM-145D for EPA's consideration in revising the proposed form. Consequently, this document does not address specific comments regarding the format of the Uniform Hazardous Waste Manifest. Interested persons should refer to EPA's final rule appearing elsewhere in this issue of the **Federal Register** for a discussion of comments pertaining to the form.

C. *Intrastate Shipments Transported by Motor Vehicle.* Expanding the scope of the Hazardous Materials Regulations to include the intrastate shipment of hazardous waste in States which operate a hazardous waste program under interim authorization from EPA met resistance only on the issue of required use of the Uniform Hazardous Waste Manifest. Consistent with the Congressional intent discussed earlier in the preamble, MTB believes that a primary element in establishing a uniform national system for safe and effective control of hazardous waste transportation is uniform documentation. This is particularly important as greater emphasis is being placed on enforcement of the Department's Hazardous Materials Regulations (including those applying in particular to hazardous wastes) by highway enforcement agencies of the States. Therefore, this amendment applies to all hazardous waste transportation that is subject to EPA's manifest requirements specified in 40 CFR Part 262.

D. *Miscellaneous Comments.* Comments filed by the Missouri Pacific Railroad Company express that carrier's concern about individual State requirements which may compel rail carriers to physically handle the Uniform Hazardous Waste Manifest. Presently, § 172.205(f) excepts rail carriers from that process, if the originating rail carrier signs the manifest and in turn obtains the handwritten signature of the person representing the designated facility on the carrier's separately generated shipping paper for the waste. Under this system, the generator sends the original manifest to the designated facility by mail or other means. The rail carrier's shipping paper, in turn, must contain all information required by DOT and EPA on the manifest except for generator and carrier identification numbers and the generator's certification and signature. The Missouri Pacific Railroad Company thinks it is necessary for DOT to restrict States from imposing different shipping paper requirements on railroads so that the railroad's existing automated record handling systems may be preserved. Because § 172.205(f) clearly indicates MTB's intent that rail carriers not be required to physically handle the waste manifest with other documents accompanying freight in a train delivering hazardous waste to a treatment, storage, or disposal facility, no further amendment is considered necessary or appropriate. State requirements which are inconsistent with the Hazardous Materials Regulations are expressly preempted by Section 112 of the HMTA. Where, as here MTB's stated purpose in amending the Hazardous Materials Regulations is to establish a nationally uniform hazardous waste manifest system, the type of State action which DOT is urged to prohibit would clearly be inconsistent and, therefore, preempted. Therefore, the concerns expressed by the Missouri Pacific Railroad Company are resolved by the rule as proposed and adopted by this amendment.

In comments submitted by the Allied Chemical Company, the proposed rule was correctly interpreted as precluding the practice whereby a vehicle which, in a single day, transported multiple shipments of the same type of waste to the same disposal facility could use a single manifest showing cumulative quantities of the waste transported. As that concept is presently being studied by EPA under Docket No. 3002 (Standard for Hazardous Waste Generators: Alternate Manifest) the Allied Chemical Company comments are considered beyond the scope of Docket HM-145D.

IV. Effective Date and Synopsis of Amendments

After considering alternatives for phasing in the Uniform Hazardous Waste Manifest, MTB and EPA have agreed to an effective date six months following publication in the **Federal Register.** This time period was chosen to provide States and the regulated community sufficient time to implement the new hazardous waste manifest.

MTB is amending the Hazardous Materials Regulations to: (1) Remove the qualifying language in § 171.1(a)(3)(i) pertaining to transportation of hazardous waste by motor vehicle in intrastate commerce, thereby making the Hazardous Materials Regulations applicable to all hazardous wastes transported offsite by motor vehicle; (2) Revise the Note following § 171.3(c)(3); (3) Amend § 172.201 to specifically recognize the use of continuation pages for shipping papers, by requiring a showing of the number of pages constituting a multi-page shipping paper; and (4) Amend § 172.205(a) to require that EPA Form 8700-22 (and 8700-22A when appropriate) be used to display mandatory hazardous waste information for all such transportation.

V. Classification of Rule; Reporting Requirements; and Impact on Small Entities

A. *Non-Major Rule.* The Materials Transportation Bureau has determined that this regulatory amendment is not a major rule under terms of Executive Order 12291 or significant under DOT's regulatory procedures (44 FR 11034), and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). This determination is made on the basis that: (1) The final rule will have an annual effect on the economy not exceeding $100 million, (2) there will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local governmental agencies, or geographic regions, (3) it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets, and (4) no environmental impact is anticipated, however, if there is any it is expected to be positive, resulting from more positive control over carriers of hazardous

waste. A regulatory evaluation is available for review in the docket.

B. *Paperwork Reduction Act.* Information collection requirements contained in this regulation (§ 172.205) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2137-0034.

C. *Impact on Small Entities.* Based on limited information available concerning size and nature of entities likely to be affected, I certify that this amendment will not, as promulgated, have a significant economic impact on a substantial number of small entites. This determination recognizes that most small entities generate less than 2200 pounds of hazardous waste per month and, therefore, are already excepted from the regulations applicable to hazardous waste transportation.

VI. List of Subjects

49 CFR Part 171

Hazardous materials transportation, and waste treatment and disposal.

49 CFR Part 172

Hazardous materials transportation.

In consideration of the foregoing, Parts 171 and 172 of Title 49 Code of Federal Regulations are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.1, paragraph (a)(3)(i) is revised to read as follows:

§ 171.1 Purpose and scope.

* * * * *

(a) * * *

(3) * * *

(i) Hazardous waste.

* * * * *

2. In § 171.3, Note 1 to paragraph (e) is amended by removing the reference "40 CFR 262.21 and 263.11" and inserting, in its place, "40 CFR 262.20(a) and 263.11", and the Note following paragraph (c)(3) is revised to read as follows:

§ 171.3 Hazardous waste.

* * * * *

(c) * * *

(3) * * *

Note.—See § 172.205; each manifest must be prepared in accordance with 40 CFR 262.20 including the instructions and limitations specified for preparation of a manifest.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

3. In § 172.201, paragraph (c) is added to read as follows:

§ 172.201 General entries.

* * * * *

(c) *Continuation page.* A shipping paper may consist of more than one page, if each page is consecutively numbered and the first page bears a notation specifying the total number of pages included in the shipping paper. For example, "Page 1 of 4 pages."

4. In § 172.205, paragraph (a) is revised to read as follows:

§ 172.205 Hazardous waste manifest.

(a) No person may offer, transport, transfer, or deliver a hazardous waste (waste) unless an EPA Forms 8700-22 and 8700-22A (when necessary) hazardous waste manifest (manifest) is prepared in accordance with 40 CFR 262.20 and is signed, carried, and given as required of that person by this section.

* * * * *

(Approved by the Office of Management and Budget under OMB control numbers 2137-0034)

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1)

Issued in Washington, D.C., on March 12, 1984.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 84-7167 Filed 3-19-84; 8:45 am]

BILLING CODE 4910-60-M

MINNESOTA POLLUTION CONTROL AGENCY
1935 WEST COUNTY ROAD B2
ROSEVILLE, MINNESOTA 55113-2785

Instructions on Back of Manifest

FOR MPCA USE ONLY

Please print or type. (Form designed for use on elite (12-pitch) typewriter.) Minnesota Form PQ-00371-01

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No. | Manifest Document No.

2. Page 1 of

Information in the shaded areas is not required by Federal law. Those marked are required by Minnesota rule.

GENERATOR

3. Generator's Name and Mailing Address

4. Generator's Phone ( )

A. State Manifest Document Number

B. State Generator's ID

5. Transporter 1 Company Name | 6. US EPA ID Number

C. State Transporter's ID

D. Transporter's Phone

7. Transporter 2 Company Name | 8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address | 10. US EPA ID Number

G. State Facility's ID

H. Facility's Phone ( ) -

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

	HM		12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
a.							
b.							
c.							
d.							

J. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

16. **GENERATOR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations, and Minnesota rules.

Printed/Typed Name | Signature | Date (Month Day Year)

TRANSPORTER

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name | Signature | Date (Month Day Year)

18. Transporter 2 Acknowledgement or Receipt of Materials

Printed/Typed Name | Signature | Date (Month Day Year)

FACILITY

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name | Signature | Date (Month Day Year)

24 HOUR EMERGENCY AND SPILL ASSISTANCE NUMBERS
Minnesota, immediately call the MPCA emergency number, (612) 296-7373, Division of Emergency Services, (612) 778-0800, and the National Response Center, (800) 424-8802. Outside Minnesota, call the National

COPY DISTRIBUTION:

White—Hazardous Waste Facility Mail to Generator
Yellow—Generator (Shipper) Mail to MPCA
Gold—Hazardous Waste Facility
Blue—Transporter (Carrier)

MINNESOTA'S UNIFORM HAZARDOUS WASTE MANIFEST INSTRUCTIONS
READ ALL INSTRUCTIONS BEFORE COMPLETING THIS FORM

Minnesota rules require generators and transporters of hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities to use this form (PQ-00371-01) for instrastate transportation, and interstate transportation to Minnesota and to consignment states not requiring the use of their manifest. For interstate transportation to a consignment state requiring the use of their manifest, use the required manifest for that state. Federal regulations and Minnesota rules require generators and transporters of hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities to complete the information in items 1 through 20. Minnesota rules also require generators of hazardous waste to complete the information in items H. and I.

Generators:

Item 1. Generators U.S. Environmental Protection Agency (EPA) Identification (ID) Number -- Manifest Document Number. Enter the generator's EPA twelve digit identification number and the unique five digit number assigned to this manifest (e.g. 00001) by the generator.

Item 2. Page 1 of . Enter the total number of pages used to complete this manifest. This should be one unless continuation sheets are used for additional transporters. All uniform manifests printed by Minnesota are complete. If you need space to list additional waste types use extra manifests to complete the waste listings for your load. Each manifest used should be completed in its entirety. Use continuation sheets (EPA Form 8700-22A) only for listing additional transporters when more than two transporters are used to transport the waste. When using continuation sheets enter the State Manifest Document Number from item A. of the original manifest in item L. of all continuation sheets used. Minnesota does not provide continuation sheets.

Item 3. Generator's Name and Mailing Address. Enter the name and mailing address of the generator. The address should be the location that will manage the returned manifest forms.

Item 4. Generator's Telephone Number. Enter a telephone number where an authorized agent of the generator may be reached in the event of an emergency.

Item 5. Transporter 1 Company Name. Enter the company name of the first transporter who will transport the waste.

Item 6. EPA ID Number. Enter the EPA twelve digit identification number of the first transporter identified in item 5.

Item 7. Transporter 2 Company Name. If applicable, enter the company name of the second transporter who will transport the waste.

Item 8. EPA ID Number. If applicable, enter the EPA twelve digit identification number of the second transporter identified in item 7.

Note: Every transporter used between the generator and the designated facility must be listed. If more than two transporters are used, use a continuation sheet(s) (EPA Form 8700-22A) and list the transporters and their EPA ID numbers (items 24-27) in the order they will be transporting the waste. Continuation sheets are not provided by Minnesota.

Item 9. Designated Facility Name and Site Address. Enter the company name and site address of the facility designated to receive the waste listed on this manifest. The address must be the site address, which may differ from the company mailing address.

Item 10. EPA Identification Number. Enter the EPA twleve digit identification number of the designated facility identified in item 9.

Item 11. United States Department of Transportation (DOT) Description. (Include Proper Shipping Name, Hazard Class, and the UN/NA Number.) Enter the U.S. DOT proper shipping name, hazard class, and the UN/NA number for each waste as identified in 40 CFR 171 through 177. Enter an X in the box preceding the waste description for each federally regulated hazardous waste only. Use additional manifests as needed to accommodate the number of wastes included in a particular shipment.

Item 12. Containers (Number and Type). Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

Table I - Types of Containers

DM - Metal drums, barrels, kegs	TP - Tanks portable	CF - Fiber or plastic boxes, cartons, cases	TC - Tank cars
DW - Wooden drums, barrels, kegs	CM - Metal boxes, cartons, cases (including roll-offs)	BA - Burlap, cloth, paper or plastic bags	DT - Dump truck
DF - Fiberboard or plastic drums, barrels, kegs	CW - Wooden boxes, cartons, cases	TT - Cargo tanks (tank trucks)	CY - Cylinders

Item 13. Total Quantity. Enter the total quantity of waste described on each line.

Item 14. Unit (Weight/Volume). Enter the appropriate abbreviation from Table II (below) for the unit of measure.

Table II - Units of Measure

G - Gallons (liquids only)	T - Tons (2,000 lbs.)	L - Liters (liquids only)	M - Metric tons (1,000 kg)
P - Pounds	Y - Cubic yards	K - Kilograms	N - Cubic meters

Item 15. Special Handling Instructions and Additional Information. Use this space to indicate special transportation, treatment, storage, or disposal information such as alternate facility information (name, address, and EPA ID number) or Bill of Lading information. For international shipments, generators must enter in this space the point of departure (city and state) for those shipments destined for treatment, storage, or disposal outside the jurisdiction of the United States.

Item 16. Generator's Certification. The generator must read, sign (by hand), and date the certification statement. If a mode other than highway is used, the word "highway" should be lined out and the appropriate mode (rail, water, or air) inserted in the space below. If another mode in addition to the highway mode is used, enter the appropriate additional mode (e.g., and rail) in the space below.

Item A. State Manifest Document Number. Minnesota has preprinted the State manifest document numbers to assure a unique number for each manifest to be used for recordkeeping purposes.

Items B -G. Not Required Under State Law.

Item H. Facility's Telephone Number. Enter a telephone number where an authorized agent of the receiving facility may be reached.

Items J. and K. Not Required Under State Law.

Note: Distribution of Manifest. After the generator signs the manifest, the transporter also signs and dates the manifest at this time. The generator removes the yellow and green copies of the manifest and gives the balance of the manifest to the transporter. If more than one transporter will be used, the generator must provide an additional copy of the manifest for each additional transporter. The generator sends the yellow copy to the MPCA within the first five working days of the initial transporter's acceptance of the hazardous waste shipment. The green copy must be retained by the generator for at least three years.

Transporters:

Item 17. Transporter 1 Acknowledgement of Receipt of Materials. Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

Item 18. Transporter 2 Acknowledgement of Receipt of Materials. Enter, if applicable, the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

Note: International shipments - transporter responsibilities. Exports - transporters must sign and enter the date the waste left the United States in item 15. Imports - shipments of hazardous waste regulated by RCRA and transported into the United States from another country must upon entry be accompanied by the EPA Uniform Hazardous Waste Manifest. (40 CFR 263.10 (c)(1)).

Note: Distribution of Manifest: After signing for receipt of the waste, the transporter has received the balance of the manifest and the extra copies as required (see generator manifest distribution). Upon delivery of the shipment to the TSDF the transporter provides the remaining copies of the manifest to the TSDF representative. The TSDF representative signs and dates the manifest upon acceptance of the waste. The blue copy of the manifest is returned to the transporter.

Owners and Operators of Treatment, Storage, or Disposal Facilities:

Item 19. Discrepancy Indication Space. The authorized representative of the designated (or alternate) facility's owner or operator must note in this space any discrepancy between the waste described on the manifest and the waste actually received at the facility. Owners and operators of facilities located in Minnesota who cannot resolve significant discrepancies within 10 days of receiving the waste must submit to the MPCA a copy of the manifest at issue describing the discrepancy and attempts to reconcile it.

Item 20. Facility Owner or Operator: Certification of Receipt of Hazardous Materials Covered by this Manifest Except as Noted in Item 19. Print or type the name of the person accepting the waste on behalf of the owner or operator of the facility. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

Note: Distribution of Manifest. The blue copy of the manifest is returned to the transporter, the white copy is sent to the generator, the pink copy is sent to the MPCA (within 10 days after delivery of the hazardous waste shipment) and the gold copy is retained for the TSDF records. A machine copy may be required by the jurisdiction of the out-of-state generators.

ADDRESS MINNESOTA POLLUTION CONTROL AGENCY COPIES TO: Minnesota Pollution Control Agency, Solid and Hazardous Waste Division, 1935 West County Road B2, Roseville, Minnesota 55113-2785. Telephone: (612) 297-2736.

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendment of Rules Governing the Use of Manifests for the Shipment of Hazardous Waste, Minn. Rules Parts 7045.0020, 7045.0261, 7045.0302, 7045.0476 and 7045.0582

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Barbara Lindsey Sims, do hereby declare that I have examined the proposed rule amendments and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed.

Barbara Lindsey Sims

BARBARA LINDSEY SIMS
Special Assistant
Attorney General

Dated: December 18, 1984

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment of Rules Governing the Use of Manifests for the Shipment of Hazardous Waste, Minn. Rules Parts 7045.0020, 7045.0261, 7045.0302, 7045.0476 and 7045.0582

AFFIDAVIT REGARDING NOTIFICATION OF SUBMISSION TO ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Karen Ryss, being duly sworn on oath deposes and says:

1. That she is the person named in the Notice of Intent to Adopt Rule Amendments Without a Public Hearing as published in the State Register (9 S.R. 985, November 5, 1984) and as mailed to interested persons on November 2, 1984, as the person to receive requests for notification on the date that the Agency submits the above-entitled rules to the Attorney General for review.

2. That no person requested to be notified of the date that the Agency submits the rules to the Attorney General for review.

Karen A. Ryss

Subscribed and sworn to before me
this 19 th day of December, 1984.

Carol C Croppoli
Notary Public

CAROL T. CROPPOLI
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Jun.23, 1987