

MANIFEST REGULATIONS

FREQUENTLY ASKED QUESTIONS (by Box # on the manifest form)

INTRODUCTORY STATEMENTS:

This document contains questions that apply to regulations regarding both the use of the Federal Manifest (and the California manifest), as of September 5, 2006 version. Where applicable, questions have been forwarded to U. S. EPA for interpretation.

BOX 6/7, TRANSPORTER COMPANY NAME

Transporters only should sign once per manifest. How does that apply to a national company with multiple subdivisions? How many identification (ID) numbers and signatures should be put on the manifest?

Only one signature per transporter company is required, not one signature per driver. In California, if each subdivision is a different corporate entity, then they are not allowed on one registration and would be separate registered transporters needing to sign for each different ID number. No change to the regulation is required.

BOX 9a. HM

Is the information being reported in column 9a a new requirement? The prior California manifest did not have this column.

Column 9a is a column for marking if the material/waste being shipped is a hazardous material (waste) or not. The information being collected is not a new requirement, it's just that the previous California version of the manifest did not fully comply with this U. S. Department of Transportation (DOT) requirement. The U.S. Environmental Protection Agency (EPA) version did.

When do you need to put an "X" in Column 9a?

An "X" should be placed in Column 9a when DOT regulates the waste type and quantity as a hazardous material, and the manifest is used to ship both DOT regulated and non-DOT regulated wastes. If the waste is a Reportable Quantity, the generator can use "RQ" instead of "X" in Item 9a.

For a shipment with Reportable Quantity, is it acceptable or recommended to use "RQ" in Box 9a in lieu of an "X" or check mark?

Yes. According to both 49 Code of Federal Regulations (CFR) and 40 CFR either "RQ" or "X" may be entered in the HM column (box 9A) if the material or waste being shipped is a reportable quantity.

BOX 9b. US DOT DESCRIPTION

Can other information be added to Box 9b, other than DOT required information?

No, with one exception: when the material being shipped is a non-Resource Conservation and Recovery Act (RCRA) (California only) hazardous waste that is not DOT regulated, the words “Non-RCRA Hazardous Waste, liquid” or “Non-RCRA Hazardous Waste, solid” may be used. Box 9b should not be used for adding density of waste, specific gravity, profile information, Emergency Response Guide (ERG) numbers, or any other information.. Box 14 can be used for any additional information that is required for the proper management or tracking of the materials/wastes being shipped.

BOX 11, TOTAL QUANTITY

Federal manifests prohibit the use of decimals or fractions in the quantity column, which conflicts with other agency (i.e. SCAQMD) requirements to use only cubic yards for asbestos waste on manifests. How should this be resolved on the manifest?

The Federal rule regarding the shipment of asbestos, NESHAP, requires more information on the “waste disposal record” (i.e. transporter address and phone and list regulatory agency) than is required on a manifest. The Federal manifest regulations do allow for the addition of information on a manifest if this information is otherwise federally required. In this case, the additional information, such as the quantity in yards and transporter address, and regulatory agency information may be included in Box 14 of the manifest..

Federal manifesting prohibiting the use of decimals or fractions is in conflict with U.S. DOT regulation 49 CFR 172.202(a)(5)(i) for specifying explosives in grams (i.e., true quantity for explosives on shipping papers/manifests). How are wastes which are less than one pound to be reported?

The DOT rule regarding the shipment of explosives (49 CFR 172.202(a)(5)(i)) states that for Class 1 materials (explosives), the quantity indicated on a shipping paper must be the net explosive mass. Because the manifest acts as both a waste shipping paper and a DOT shipping paper, additional information on a manifest, such as net explosive mass in a quantity of Class I explosives (e.g. 1 gram net explosive mass) may be included in Box 14 of the manifest while the container quantity (i.e.-5 gallons) would be marked in boxes 10-11-12.

BOX 13, WASTE CODES

Previously, the Appendix XII to Chapter 11 instructed the use of a restricted waste code when more than one state waste code applies. Did the new regulations make that requirement clear for manifest purposes?

The new regulations did clarify the requirement to use a restricted waste code when more than one state waste code applies. California Code of Regulations, title 22, section 66262.23 has been amended to include some instruction on which state waste code to use.

California Code of Regulations, title 22, Appendix XII of section 66261 has the following language in paragraph (a)(2):

If both a California Hazardous Waste Code from the “California Restricted Wastes” category and a code from another category of California Hazardous Waste Codes apply to a specific hazardous waste, the code from the “California Restricted Wastes” category shall be used.

Why does DTSC not use the Hazardous Waste Tracking System (HWTS) to filter those instances where multiple waste codes are applicable and the use of a restricted waste code would be required?

DTSC will use HWTS to examine the use of restricted codes where multiple codes would apply and a restricted code should be used. As noted in the previous question and answer, DTSC agrees that a restricted code should be used if two applicable codes are provided.

The manifest regulations made a substantive change by dropping lists of California waste codes that are referenced in Item 20 in the state manifest instructions. The federal instructions lack this reference. Did DTSC revise the instructions or provide a cross reference to the Appendix in Chapter 11?

DTSC agrees that dropping the list of codes previously found in the manifest instructions is a substantive change, but in order to conform to existing Federal regulations, DTSC could list the codes. The instructions found in the Appendix do still require the entry of a state waste code, and a reference to the list of state and RCRA waste codes in section 66262.23(a)(6) has been added. DTSC is looking at adding a new Appendix II to California Code of Regulations, title 22, Chapter 14 containing the codes.

Are we supposed to fill out all six boxes for waste codes?

No. Only one California waste code, at least one RCRA waste code (if applicable) and one state waste code from the destination state, if applicable, are required. Only multiple RCRA waste codes are allowed, if applicable.

If there are more than five applicable RCRA waste codes, where do you put the others?

A generator is not required by regulation to list ALL RCRA waste codes. Manifests should include up to the five most applicable RCRA waste codes in box 13. No waste codes, RCRA or state, should be entered in box 14.

BOX 15, GENERATOR’S/OFFERER’S CERTIFICATION

Why does Box 15 refer to “generator/offeror” instead of Generator?

U.S. EPA added the term “offeror” to differentiate when Transfer, Storage or Disposal Facilities (TSDFs) are returning waste they did not generate. The term is included in Box 15 as a certification that the DOT shipping name(s), markings, labels and containers of the rejected waste is still applicable during its transit from the rejecting TSDF back to the generator or to the alternate TSDF.

What is an offeror for Hazardous Waste Management manifesting purposes?

An “offeror” is a DOT term for the person who initiates a shipment. With respect to the manifest, “offeror” is not defined in California’s regulations, but is recognized as having the same meaning as used by DOT. A business would be the offeror of a shipment in those instances where waste is rejected by a TSDF and will be forwarded to an alternate facility.

BOX 17, TRANSPORTER ACKNOWLEDGEMENT OF RECEIPT OF MATERIALS

Transporters only should sign once per manifest. How does that apply to a national company with multiple subdivisions? How many ID numbers and signatures should be put on the manifest?

Only one signature per transporter company is required, not one signature per driver. In California, if each subdivision is a different corporate entity, then they are not allowed on one registration and would be separate registered transporters needing to sign for each different ID number. No change to the regulation is required.

BOX 18a, DISCREPANCY (RESIDUE)

Now that the TSDF and not the transporter determines if a tanker truck is “empty”, will objective evidence be needed to determine this (i.e., will calibrated scales before and after unloading be required or can visual determinations be used)?

Both the transporter and TSDF will be responsible for this determination. There is not an “approved” method of determining volume in a bulk container. The TSDF or generator would need to “eyeball” the remaining volume, apply math, or more likely use a gauge table from the manufacturer of the tank. Alternatively, they could use a calculator or the internet to calculate the remaining volume and then divide it by the capacity of the tank to determine the percentage.

How does the definition of “empty” differ between the state and federal regulations when referring to “bulk” containers?

There is no difference between the definition of “empty” for bulk containers in the Federal and State regulations, with the exception that California requires triple rinsing when the material or waste in the bulk container was acutely or extremely hazardous.

BOX 18a, DISCREPANCY (FULL REJECTION)

If you have a rejected load, does it have to come back to the generator or can it go straight to the Alternative TSDF?

The handling of rejected loads is a generator decision. If the generator, in consulting with the TSDF that is rejecting the load, agree on an alternate TSDF, the waste may be shipped directly to that location.

BOX 19, HAZARDOUS WASTE MANAGEMENT METHOD CODES

If a TSDF conducts two actions to a waste such as treats and then recycles, or treats and then land disposes, which material handling code do they use on the manifest if only one code is allowed?

Many of the “new” management method codes are very descriptive and include multiple actions. As an example, Management Method Code H131 can be used when a waste is treated and then landfilled. If none of the codes matches the actions being taken, use the most appropriate code to indicate the final action taken with regard to the waste at that designated facility.

What changes were made to the handling codes? Does everyone have to use the new codes every time?

The “new” handling codes to be used on the manifest are the same codes TSDFs use when preparing their biennial reports. Any Hazardous Waste Report Management Method Codes should be used the same as they are reported for biennial reporting. A list of these codes is included on the reverse side of California’s Supplemental Instructions for the use of the manifest. Additionally, a table showing many of the possible relationships between the “old” management codes and the “new” management codes can be found on DTSC’s website.

CONTINUATION SHEET

If there is only one transporter, but a continuation form is needed because of more than four line items, should Transporter 1 be listed again on the continuation page?

No. The first transporter has never been required to be listed on or to sign a manifest continuation sheet. The Generator ID and manifest numbers will be used to link the two pages.

Transporters generally prepare the manifest for generators, yet the generator officially signs the manifest. Can transporters, at some point “officially” fill the manifest out for them?

The generator will always be responsible for the accuracy and completeness of any manifest which lists them as the generator. If the transporter is officially the generator's agent (per a signed agreement), or is the offerer according to DOT, and was responsible for the preparation of the packaging and shipping papers, YES the transporter can sign.

Can a transporter still hold on to wastes for a ten day exemption period?

Without a permit, waste cannot be held in one place for more than 10 days on land zoned industrial or agricultural, or six days in non-residential, commercial areas (Health & Saf. Code, § 25123.3(b)). DTSC has a fact sheet that explains the transfer facility rules and regulations.

http://www.dtsc.ca.gov/HazardousWaste/Transporters/upload/Transportation_FS_Transfer_Facilities.pdf