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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

JUL 26 1991

Brian Engel
U.S. Pollution Control
515 West Greens Road, Suite 500
Houston, TX 77067

Dear Mr. Engel:

Thank you for your letter of June 10, 1991, which requested clarification on some of the instructions for completing the Uniform Hazardous Waste Manifest. Specifically, you described a situation in which waste is transferred from rail to highway on its way to the designated facility. You asked whether an agent of the generator, acting in the generator's behalf, would be allowed to choose the highway transporter from among a group of pre-approved transporters at the point of transfer from rail to highway. You proposed this procedure as an option to replace the current practice in which the highway transporter chosen by the generator and listed on the manifest is replaced by another pre-approved transporter, thereby requiring that the manifest be altered en route, making the document difficult to read.

Although your option has merit from the point of neatness and legibility of the manifest, I do not believe that it fits in with the functional purpose of the manifest which is to track the movement of the waste from the point of generation to the point of disposal. If the generator leaves the Transporter #2 block on the manifest empty when the waste is transported from his site, there would be no indication that the generator knew how the waste would get from the rail to the facility. That could presumably be addressed by the generator's indication on the manifest of a limited number by the rail transporter to the designated facility. We still however, consider the generator responsible for knowing who is transporting the waste, so we would require that the generator be notified before the waste was transferred to one of the approved final transporters and that the selection (and approval by the generator) is noted on the manifest.

This procedure might better reflect the actual situation at the time the generator signs the manifest than the current requirements. It would, however, require at least as much space on the manifest as the current procedure of putting down the most likely transporter and then modifying the manifest if necessary, and would require the same step of communication with the generator before making the notation of the actual transporter on the manifest. For that reason, we think the existing requirements are sufficient.

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We appreciate your making a helpful suggestion. At some point we would like to reexamine the manifest forms and a variety of issues that arise in their use, but we are unable to commit our resources to that at the moment. We will keep your suggestion on file for reconsideration if we get the opportunity to complete a reexamination of the manifest forms. For now, we cannot approve the approach you recommend.

Sincerely,

Original Document signed

Sylvia K. Lowrance, Director
Office of Solid Waste