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United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

April 29, 1993

Mr. Stephen C. Okosisi
3281 S. Highland, Suite 807
Las Vegas, Nevada 89109

Dear Mr. Okosisi,

Thank you for your letter dated January 21, 1993, concerning the Resource Conservation and Recovery Act (RCRA) regulations. Specifically, you requested clarification about how certain hazardous waste manifest and biennial reporting requirements apply to a mixture of several federal RCRA hazardous wastes with different waste codes. Let me first address your question about the hazardous waste manifest.

Information entered in Section J of the Uniform Hazardous Waste Manifest (EPA Form 8700-22) is not required by federal law, but may be required by state regulations. The federal RCRA regulations require that a generator determine if the state to which the waste is being sent supplies a manifest and requires its use; if not, then the generator must check with the state in which the generator is located. If neither state supplies a manifest and requires its use, then the generator may obtain a manifest from any source (40 CFR 262.20). If the manifest in your specific situation is required by a state, you should contact that state to determine the most appropriate way to enter multiple waste codes on a single manifest. Also, federal RCRA regulations do not require that RCRA waste codes be entered in line 11a of the manifest; however, a RCRA waste code may be required in Line 11a if the waste code is part of the proper DOT shipping name (see footnote 1).

With respect to your question on biennial reporting, the federal biennial reporting requirement is not contingent upon which waste codes happen to appear on the hazardous waste manifest, but on which hazardous wastes are generated by the reporter during the reporting period.

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Please understand that the regulatory agency (i.e., EPA Region or State) responsible for implementing the RCRA program in the State where the generator is located should be contacted on any RCRA requirements with which you may have questions. If you have any questions on the information I have described in this letter, please call Ross Elliott of my staff at (202)260-8551. Thank you for interest in the safe management of hazardous waste.

Sincerely,
Sylvia K. Lowrance, Director
Office of Solid Waste

cc: Mr. Jeffrey Zelikson, Director
Hazardous Waste Management Division, Region IX

- 1 Aside from how the manifest is filled out, it may not be appropriate to classify the mixture described in your letter (i.e., a mixture of D001 waste and several U-listed wastes) as only D001 based on your letter, the waste mixture carries all of the listings, and is also D001 if the mixture continues to exhibit that characteristic. You should note that some regulatory requirements e.g., the Part 268 Land Disposal Restrictions, are keyed to the waste codes, and you must comply with all requirements applicable by the waste codes.