

9475.1985(01)

## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

SEPTEMBER 85

### Waste Minimization Certification

3. A shipment of hazardous waste is initiated on or after September 1, 1985, by a fully-regulated generator. The manifest does not contain the waste minimization certification as required by Section 3002(b)(i) of RCRA. The owner/operator of the designated treatment, storage or disposal facility (TDSF) receives the waste shipment unaccompanied by the waste minimization certification. May the owner/operator accept the waste shipment? Is the owner/operator required to notify the State or Region about the incomplete manifest?

Section 265.72(b) requires the owner/operator of a TDSF, upon discovering a "significant [manifest] discrepancy," to first attempt to reconcile the discrepancy with the generator. If the discrepancy cannot be reconciled in fifteen days, then the owner/operator must notify the Region Administrator. However, "significant discrepancies" as defined in §265.72(a) are: "(1) for bulk waste, variations greater than 10 percent in weight and (2) for batch waste, any variation in piece count." The owner/operator must notify the Region Administrator only for unreconciled significant discrepancies. The owner/operator need not notify the Regional Administrator since waste shipments unaccompanied by a waste minimization certification are not significant manifest discrepancies.

Source: Mark Greenwood (202) 382-7703