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HOTLINE QUESTIONS AND ANSWERS

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3. Generators and Designated Transporters

In the normal course of transportation, a designated transporter is unable to deliver a manifested shipment of hazardous waste to the designated facility. To complete delivery of the waste shipment, the transporter would like to hire a second carrier. Must the transporter seek the approval of the generator who initiated the shipment in order to make these changes to the chain of transportation?

Yes. Choosing the sequence of transporters that will deliver a waste to the designated facility is the sole responsibility of the hazardous waste generator, and changes to the chain of transportation require the approval of the generator.

A properly completed manifest identifies the full sequence of transporters that will conduct hazardous waste to a designated facility. The directions for the Uniform Hazardous Waste Manifest, found in the Appendix to 40 CFR Part 262, specifically instruct generators to provide the name and EPA identification number of the first transporter (Items 5 and 6), and if necessary, of the second transporter (Items 7 and 8). The instructions further direct generators to use a continuation sheet to identify additional transporters as necessary (Item 8, Note).

The regulations for hazardous waste transporters do not authorize haulers to make unapproved changes to the chain of transportation delineated on the manifest. In accordance with the manifest, transporters must deliver waste solely to the designated or alternate facility, the next designated transporter, or the designated export destination (263.21(a)). Transporters who cannot deliver waste according to the generator's designation must contact the generator for instructions and must revise the manifest to reflect the approved changes to the prescribed chain of transport (263.21,(b)). Generators alone are responsible for identification of the complete chain of transportation and must, therefore, be apprised of and approve of all deviations from that plan.