

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Joseph T. Kotrosits
Regional Transportation Compliance Manager
Philip Services Corporation
Industrial Services Group
2337 North Penn Road
Hatfield, PA 19440

Dear Mr. Kotrosits:

Thank you for your letter of November 3, 1997 in which you request an interpretation regarding the transfer of drums among transportation vehicles (i.e., split loads) at ten-day transfer facilities regulated under 40 CFR 263.12 and the manifest compliance provisions for such shipments under 40 CFR 263.21(b). Rich LaShier of our office has spoken with Cynthia Hilton of the Association of Waste and Hazardous Materials Transporters regarding your inquiry and the points made in this letter. Please accept our apology for the delayed response.

As we understand it, a transportation vehicle may arrive at a transfer facility containing anywhere from one to fifty drums of waste which may be accompanied by a single manifest. We also understand that there may be a need to transfer drums among several outbound transportation vehicles. You ask whether a transporter can divide drums listed on one manifest among two manifests and how the manifests should be prepared in these circumstances.

The Agency recognizes that transfer facilities routinely consolidate shipments of hazardous waste from one transportation vehicle to another for redirecting or rerouting. When a shipment appearing on a single manifest must be divided by the transporter and split between outbound shipments, the transporter must obtain consent from the generator to amend the original manifest to show the correct number of drums and waste quantities and descriptions that will be placed on the first truck and complete a second manifest to indicate the number of remaining drums and corresponding information describing the wastes that will be placed on the second truck. The transporter should note on the first manifest (e.g., in the Discrepancy Indication Space (Item 19)) the state manifest document number of the second manifest so that the generator can reconcile both manifests with the original manifest retained by the generator.

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However, in the event that the transporter wants to combine wastes from different containers, there may be additional requirements. (See 40 CFR 263.10(c)(2).)

The above interpretation reflects federal regulations governing use of the manifest form and operations at transfer facilities, States with authorized Resource Conservation and Recovery Act programs may impose more stringent requirements and make different regulatory determinations.

Should you have further questions about general interpretations regarding the transfer of drums among transportation vehicles at transfer facilities, please contact Ann Codrington of my staff at (703) 308-8825. Thank you for your interest in proper use of the hazardous waste manifest system.

Sincerely,

Elizabeth A. Cotsworth, Acting Director
Office of Solid Waste

cc: Cynthia Hilton, AWHMT