

# CALL CENTER QUESTIONS & ANSWERS

## RCRA

### 1. Interstate Shipments of Waste Listed Solely for Ignitability, Corrosivity, or Reactivity

*A facility is located in a state that is authorized for the revisions to the mixture and derived-from rules promulgated in the hazardous waste identification rule (HWIR-Waste Rule). According to the HWIR-Waste Rule, a waste listed solely for the characteristic of ignitability, reactivity, or corrosivity, that no longer exhibits any hazardous characteristic does not need to be managed as hazardous waste (66 FR 27266, 27269; May 16, 2001). The facility generates a spent solvent meeting the listing description for F003, which is listed solely for ignitability (§261.31). The waste, however, does not exhibit a hazardous waste characteristic and is managed as nonhazardous waste. The spent solvent is shipped across state lines for disposal in a state that has not adopted the HWIR-Waste Rule. What regulations apply to the transportation and disposal of that waste?*

While traveling through the receiving state and any other state that recognizes the waste as hazardous, the transporter must have an EPA identification number, a manifest must accompany the waste, and the waste must be shipped in compliance with the requirements in Part 263 (67 FR 40507, 40520; June 12, 2002). The treatment, storage, or disposal facility is subject to the standards of the state where it is located. A state can only apply its regulations to facilities that are within its jurisdiction (i.e., facilities within state borders). It is the generator's responsibility to know the requirements of the state where the waste

will be managed. In most cases, the generator simply has to ask a potential receiving disposal facility if it is allowed by its implementing agency to accept and manage the generator's waste (55 FR 2322, 2345; January 23, 1990).

A generator in a state that has adopted the revisions to the mixture and derived-from rules may manage F003 waste that does not exhibit a characteristic as nonhazardous waste, but the waste must be managed as hazardous by a disposal facility that is located in a state that has not adopted the rule. In this example, the receiving state has not adopted the HWIR-Waste Rule; therefore, the waste remains hazardous and must be managed by a hazardous waste treatment, storage, or disposal facility. It is important to note that states are not required to adopt the HWIR-Waste Rule because the revisions are less stringent than the existing regulations (66 FR 27266, 27293; May 16, 2001).