

## REGULATORY ANALYSIS

### **REJECTED LOAD MANIFEST SIGNATURES, REJECTED LOAD MANIFEST DISTRIBUTION, and REJECTED MIXED LOAD PROCEDURES**

OLQ NPD WASTE-012-R0

IC 13-22-5 allows TSD's to reject hazardous waste shipments. It indicates that generators may accept back onto their property hazardous waste which was originally generated by them and rejected by a TSD after the original manifest was signed. A new manifest must be used. The shipment can be diverted to another TSD or returned to the generator. It is the generator's responsibility to complete a new manifest and follow the instructions found at IC 13-22-5 (also explained in Chapter 3, Section I, of the Manifest Guidance Manual). The Department has received numerous questions regarding procedures to be followed in the event a load is rejected. The following is an IDEM analysis of the rejected load statutes.

#### REJECTED LOAD MANIFEST SIGNATURES

U.S. DOT regulations require that shipping papers (i.e., the manifest for hazardous wastes) contain the certification language and a signature regarding shipping name, marking, and packaging found in item 16. In other words, **item 16 must include a signature.**

It is clearly stated in the rejected load statute (IC 13-22-5-4) that a TSD that rejects all or part of a shipment shall not be considered a generator of the rejected hazardous waste or be liable for any rejected part of the shipment. It was the intent of the statute that the generator remain responsible for the waste generated at their facility. At Section 6 (a), the rejected load statute requires generators to comply with all of the standards applicable to generators of hazardous waste. This would include signing the generator certification at item 16. In other words, **the original generator of the waste is required to sign the new manifest at item 16.**

To summarize, the original generator must strike out the words "designated facility" in item 9, insert the word "generator," and complete items 9, 10, and H with the generator information. The generator then signs line 16. In order to do this, the generator may need to physically be present at the TSD. The generator may also make arrangements for the TSD to sign the manifest as their agent or representative, but **it is the generator who is certifying that the waste is in proper condition for transport.** When the rejected waste and the manifest are received by the generator, the generator should line out the words "Facility Owner or Operator" in item 20 and insert the words "Receiving Generator," and sign and date item 20. In other words, **the generator is required to sign item 16 and item 20.**

It is recognized that out-of-state generators may not be familiar with Indiana rejected load procedures and that in-state TSD's, and IDEM itself, are limited in their ability to compel out-of-

state generators, in certain circumstances, to follow Indiana manifest rules and statutes. IDEM will, when necessary, work with other state regulatory agencies to resolve rejected load issues. **TSD's and generators are urged to contact IDEM for guidance on a case-by-case basis when there are questions about specific situations.**

DISTRIBUTION OF RETURNING MANIFESTS FROM A REJECTED LOAD

When a new manifest is created to return a rejected load back to the generator the distribution of the manifest copies should be:

<u>Copy Number</u>	<u>Color</u>	<u>Mailed By</u>	<u>Mailed To</u>
1	Green	Receiving Generator	Generator State Agency
2	Gold	Rejecting TSD Facility	TSD Facility State Agency
3	Pink	Out-of-State Rejecting TSD Facility or Out-of-State Receiving Generator	IDEM
* 4	White	Receiving Generator	Rejecting TSD Facility
* 5	White	Held by Receiving Generator	
* 6	White	Held by Transporter 2	
* 7	White	Held by Transporter 1	
8	White	Held by Rejecting TSD Facility	

\* Manifest copy must be kept on file for 3 years.

Note: Copy 3 may be mailed to IDEM by the rejecting TSD facility if it is out-of-state or by the receiving generator if it is out-of-state. In the event that both the generator and TSD facility are located within the State of Indiana, copy 3 is not to be mailed to IDEM. In that case, Copy 3 can be kept by the rejecting TSD facility as an extra copy or simply recycled.

REJECTED MIXED LOAD PROCEDURES


There may also be situations where hazardous waste from more than one generator has been mixed together by the transporter, and the waste is rejected by the TSD. Section 11 of the rule requires that the transporter assume all responsibility for proper disposition of the rejected waste. In other words, if hazardous waste is mixed, the **transporter becomes the generator of the rejected waste**. Procedures for completing a rejected waste manifest would then be followed as required for generators. The preferred option for managing the rejected waste would be for the entire load to be rejected to an alternate TSD (as discussed in Chapter 3, Section I, of the Manifest Guidance Manual). If the mixed load cannot be forwarded to an alternate TSD within the timeframes specified in the rejecting facility's permit, the next preferred option would be for the rejected load to be manifested back to one of the generators to be managed under 90-day standards. The third, and least preferred, option is to return the mixed load by manifest to a site specified by the transporter (since they are the de facto generator), where **all applicable generator rules would apply** (site notification requirements, 90-day accumulation limit, waste determinations, manifest rules, container management standards, etc.). In this situation, if the specified site does not have an EPA ID#, the transporter must obtain one prior to transporting the waste. Again, **TSDs and generators are advised to contact IDEM staff with questions about specific rejected load situations.**

**If you need additional information, or have any questions or concerns, please contact staff of the Hazardous Waste Compliance Branch, Office of Solid and Hazardous Waste Management, at 317-232-8941 or 317-232-4518. The IDEM toll-free telephone number is 1-800-451-6027.**

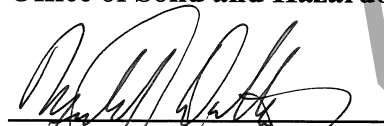
**Approved and Adopted:**

  
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**Jim Hunt, Hazardous Waste Compliance Branch Chief**  
**Office of Solid and Hazardous Waste Management**

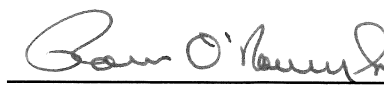
1/14/97  
**Date**

  
\_\_\_\_\_  
**Tom Linson, Hazardous Waste Facilities Branch Chief**  
**Office of Solid and Hazardous Waste Management**

1/14/97  
**Date**

  
\_\_\_\_\_  
**Mike Dalton, Operations Branch Chief**  
**Office of Solid and Hazardous Waste Management**

1/15/97  
**Date**

  
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**Pam O'Rourke, Hazardous Waste Section Chief**  
**Office of Enforcement**

1/14/97  
**Date**