

REQUIREMENTS FOR HAZARDOUS WASTE TRANSPORTERS

This fact sheet is one in a series designed to help Pennsylvania businesses understand the requirements that apply to hazardous waste-related activities. This particular fact sheet addresses regulations governing hazardous waste transporters.

Federal hazardous waste regulations (40 CFR) cited in this fact sheet have been incorporated by reference as Pennsylvania regulations in Title 25 of the Pa. Code. Additions or modifications to the federal regulations incorporated by reference appear in the Pa. Code and are appropriately referenced in this document.

Please note that this fact sheet addresses only the hazardous waste regulations of the Pennsylvania Department of Environmental Protection (DEP) and the U.S. Environmental Protection Agency (EPA). Hazardous waste transporters are subject to regulations implemented by other state and federal agencies, such as the U.S. Department of Transportation and the Occupational Safety and Health Administration, etc.

If transporting hazardous waste in Pennsylvania, the transporter is subject to the following requirements:

EPA Identification Numbers

- Before transporting hazardous wastes, all transporters must obtain an EPA identification number. (40 CFR 263.11)

Licensing and Bonding Requirements

- With a few exceptions, transporters may not pick up or deliver hazardous wastes within Pennsylvania without first obtaining a license from DEP (25 Pa. Code 263a.13). Transporters may obtain application information and forms by calling DEP at 717-787-6239 or by accessing DEP's website at www.dep.state.pa.us, keyword: HW Trans.

In addition, contact the Pennsylvania State Police at 717-346-7347 and the Pennsylvania Public Utility Commission at 717-787-3834 to learn how their requirements may apply.

- To apply for a transporter license, transporters must:
 - Have an EPA ID number
 - Submit a license application to DEP along with an application fee (\$500 for a new license or \$250 for a renewal, plus \$5 for each license card requested in excess of 10)
 - Submit a completed Form HW-C regarding your history of compliance with environmental protection requirements
 - Prepare and submit a Transporter Contingency Plan
 - Deposit a collateral bond payable to DEP. The bond amount shall be sufficient to assure that the licensee complies with the requirements of the law and its associated regulations, the terms and conditions of the license, and any DEP order issued to the licensee, but shall be a minimum of \$10,000. A collateral bond can take the form of an indemnity agreement payable to DEP and can be supported by the deposit with DEP of cash or negotiable bonds. Alternately, a bond could comprise an irrevocable letter of credit from any bank authorized to transact business in the United States. Specific conditions for bonds and letters of credit are set forth in 25 Pa. Code 263a.32.
- The transporter may be deemed to have a license for transporting hazardous wastes (without applying for and obtaining one) provided they satisfy certain requirements. For example, if the transporter is a conditionally exempt small quantity generator transporting their own wastes, they are deemed to have a license for that transportation (25 Pa. Code 261a.5(c)). Similarly, if transporting recyclable materials utilized for precious metals recovery or if transporting universal wastes, the transporter is deemed to have a license for transporting those wastes if complying with other requirements listed in 25 Pa. Code 266a.70 and 266b.50, respectively.

A license to transport hazardous waste in Pennsylvania is nontransferable and nonassignable and usable only by the licensee and employees of the licensee. Employees are persons paid wages or salary by the

licensee and from whom payroll taxes (e.g., income tax, social security, etc.) are withheld from compensation. Leased, contracted or subcontracted drivers or equipment with drivers are not employees. Unless they are the transporter's employees, it is illegal to allow persons or other entities to transport hazardous waste under the transporter's license, except as accepted by DEP. Contact the DEP Division of Hazardous Waste Management for direction if the company intends to use leased, contracted or subcontracted drivers or equipment with drivers to transport hazardous waste in Pennsylvania.

Reporting and Payment of Fees

- If transporting manifested shipments of hazardous waste to or from a location within Pennsylvania, the transporter is subject to a hazardous waste transportation fee. This fee is payable to DEP on a quarterly basis. Payments are due on the 20th of January, April, July and October and must be accompanied by required forms, which are available by contacting DEP at 717-783-9258. For information about filing reports electronically, visit DEP's website at www.dep.state.pa.us, keyword: HW Forms.

Civil penalties may be assessed by DEP for failure to submit the hazardous waste transporter fees (25 Pa. Code 263a.23 – 263a.26).

Transfer Facilities

- During the course of transportation, transporters may store manifested shipments of hazardous waste in containers at a transfer facility for 10 days or less (40 CFR 263.12). If storing hazardous waste at a transfer facility for less than 10 days but longer than three days, prepare an in-transit storage preparedness, prevention and contingency (PPC) plan. This plan must be approved by DEP before such storage begins. Prepare an in-transit storage PPC plan if transferring wastes from one vehicle to another at a transfer facility (25 Pa. Code 263a.12), even if the waste is stored for three days or less. In addition to PPC plan approval, before operating a transfer facility as described, the transporter must increase the amount of his collateral bond by \$10,000. Please contact DEP for additional information.

Compliance with the Manifest System and Recordkeeping

General Requirements

- Hazardous waste accepted for transport must be accompanied by a manifest signed by the waste generator. Before transporting the waste, the transporter must sign, date and print or type their name on the manifest and return a signed copy to the generator. They must ensure that the manifest accompanies the waste (40 CFR 263.20(a)-(c) and 25 Pa. Code 263a.20, paragraph (2)). They must also ensure that all copies of the manifest are properly completed and the container and waste quantities are as stated on the manifest (25 Pa. Code 263a.21).
- When delivering hazardous waste to another transporter or to the designated facility, obtain the handwritten signature of the receiving party and the date of delivery on the manifest. Retain a copy of the signed manifest for three years from the date the waste was accepted by the initial transporter, and give the remaining copies to the party receiving the waste from the transporter (40 CFR 263.20(d) & 263.22(a)).
- Deliver the entire quantity of hazardous waste that the transporter accepted from a generator or transporter to the:
 - Designated facility
 - Alternate designated facility
 - Next designated transporter
 - Place outside the U.S. designated by the generator

If the hazardous waste cannot be so delivered, contact the generator for instructions and revise the manifest accordingly. In all cases, ensure that the manifest is properly completed. In addition, transporters may not accept or transport hazardous waste if the number or type of containers or quantity of waste does not correspond to the associated information on the manifest (40 CFR 263.21; 25 Pa. Code 263a.21).

Water Transportation (Bulk Shipments)

- The requirements of 40 CFR 263.20(c), (d) and (f) do not apply to water (bulk shipment) transporters of hazardous waste if:
 - The waste is delivered by water to the designated facility
 - A shipping paper containing all the information required on the manifest (excluding EPA ID numbers, generator certification and signatures) and, for exports, an EPA Acknowledgement of Consent, accompanies the waste
 - The delivering transporter obtains the date of delivery and handwritten signature of the owner/operator of the designated facility
 - The person delivering the waste to the initial water transporter obtains the date and signature of the water transporter on the manifest and forwards it to the designated facility
 - A copy of the shipping paper or manifest is retained by all water transporters for three years from the date the waste was accepted by the initial transporter (40 CFR 263.20(e) & 263.22(b))

Rail Transportation

- If a rail transporter accepts hazardous waste from a non-rail transporter, they must:
 - Sign and date the manifest
 - Return a signed copy of the manifest to the non-rail transporter
 - Forward at least three copies of the manifest to: the next non-rail transporter, if any; the designated facility, if the shipment is delivered there by rail or the last rail transporter designated to handle the waste in the U.S.
 - Retain one copy of the manifest and rail shipping paper for three years from the date the waste was accepted by the initial transporter (40 CFR 263.20(f)(1) & 263.22(c)(1))
- Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding EPA ID numbers, generator certification and signatures) and, for exports, an EPA Acknowledgement of Consent, accompanies the waste at all times (40 CFR 263.20(f)(2)).
- When delivering hazardous waste to a designated facility by rail, obtain the date and handwritten signature of the owner/operator on the manifest (or the shipping paper, if the manifest has not been received by the facility), and retain a copy of the manifest or signed shipping paper for three years from the date the waste was accepted by the initial transporter (40 CFR 263.20(f)(3) & 263.22(c)(2)).

When delivering hazardous waste by rail to a non-rail transporter, obtain the date and handwritten signature of the non-rail transporter and retain a copy of the manifest for the transporter's files. Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter (40 CFR 263.20(f)(4)&(5)).

Transporting Waste Out of the United States

- In the case of waste exports (other than those subject to Subpart H of 40 CFR Part 262), do not accept hazardous waste from a primary exporter or other person if the transporter knows the shipment does not conform to the EPA Acknowledgement of Consent between EPA and the receiving country. Both a manifest and an EPA Acknowledgement of Consent must accompany exported shipments of waste. The transporter may not accept hazardous waste exports subject to Subpart H of 40 CFR Part 262 without a tracking document that includes the information required by 40 CFR 262.84 (40 CFR 263.20(a) & (c)).
- If transporting hazardous waste out of the U.S., the transporter must:
 - Indicate on the manifest the date the waste left the U.S.
 - Sign the manifest and retain one copy for three years from the date the waste was accepted by the initial transporter
 - Return a signed copy to the generator
 - Give a copy of the manifest to a U.S. Customs official at the point of departure from the U.S. (40 CFR 263.20(g) & 263.22(d))

Transporting Small Quantity Generator (SQG) Wastes Under a Reclamation Agreement

- If transporting hazardous wastes generated by a SQG (a generator of greater than 100 but less than 1,000 kilograms of hazardous waste in a calendar month), the transporter is not required to comply with 40 CFR 263.20 or 263.22, provided that:
 - They are transporting the waste pursuant to a reclamation agreement under 40 CFR 262.20(e)
 - They record, on a log or shipping paper, the following information for each shipment
 - The name, address and EPA ID number of the waste generator
 - The quantity of waste accepted
 - All DOT-required shipping information
 - The date the waste is accepted
 - They carry this record when transporting waste to the reclamation facility
 - They retain these records for at least three years after termination or expiration of the agreement (40 CFR 263.20(h))

Hazardous Waste Discharges

- In the event of a discharge of hazardous waste during transportation, take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike discharge area). Transporters must clean up any hazardous waste discharge that occurs during transportation or take actions as may be required or approved by federal, state or local officials so that the discharge no longer presents a hazard to human health or the environment. Any air, rail, highway or water transporter who has discharged hazardous waste must:
 - Notify the National Response Center at 800-424-8802, if required by 49 CFR 171.15
 - Report in writing to the U.S. Department of Transportation, as required by 49 CFR 171.16
 - Notify DEP by telephone at 717-787-4343
 - For water transporters only, provide the same notice required by 33 CFR 153.203 for discharges of oil and hazardous substances. (40 CFR 263.30, 263.31; 25 Pa. Code 263a.30)

For more information, visit www.dep.state.pa.us, keywords: Hazardous Waste, Generator, Manifests and TSDf.