

Consolidated Manifesting Hazardous Waste Generator Requirements



Senate Bill 271

Introduction

The Department of Toxic Substances Control (DTSC) has developed this fact sheet to provide hazardous waste transporters with information regarding changes made by Senate Bill 271 (SB 271), which replaces milkrun operations and modified manifesting with consolidated manifesting. The provisions of SB 271 take effect January 1, 2002.

SB 271 merges existing modified manifesting statutes [Health and Safety Code (HSC), Section 25250.8] and milkrun regulations [Title 22, California Code of Regulations (22 CCR), Section 66263.42] into a new section of the Hazardous Waste Control Law (HSC, Section 25160.2), and renames the procedure "consolidated manifesting".

Consolidated manifesting, formerly known as modified manifesting or milkrunning, allows certain registered hazardous waste transporters to combine specified wastes from multiple eligible generators on a single manifest, rather than using a separate manifest from each generator. The generators using the consolidated manifesting procedure are exempt from filling out a hazardous waste manifest. The consolidated transporter completes both the generator and the transporter section of the manifest. Consolidated manifesting does not authorize a hazardous waste transporter to commingle different types of hazardous wastes into the same tank or container.

SB 271 requires all generators participating in this procedure to obtain identification numbers regardless of their size, except for generators of less than 100 kilograms (kgs) per month of "silver-only" hazardous wastes.

Disclaimer

This fact sheet provides general information about the statutes and regulations governing consolidated manifesting. The actual statutes and regulations should be consulted before making any decisions that may impact statutory and regulatory compliance.

Definitions

"Consolidated manifest" means a hazardous waste manifest used by a milkrun or consolidated transporter to combine hazardous wastes shipments from multiple generators on one consolidated manifest pursuant to the procedures in HSC, Section 25160.2. (HSC, Section 25110.9.3)

"Consolidated transporter" means a hazardous waste transporter registered pursuant to HSC, Section 25165, and the regulations adopted by the department who has notified the department pursuant to HSC, Section 25165, of its intent to use the consolidated manifesting procedures set forth in HSC, Section 25160.2. (HSC, Section 25110.10.1)

It is DTSC's mission to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



"Generator" means any person, by site, whose act or process produces hazardous wastes or whose act first causes a hazardous waste to become subject to regulation. (22 CCR, Section 66260.10)

"Identification number" means the number applied for and assigned to all handlers of hazardous wastes. (22 CCR, Section 66260.10)

"Resource Conservation and Recovery Act (RCRA)" is the federal statute that regulates generators, transporters, and facilities that treat, store or dispose of hazardous wastes. All RCRA hazardous wastes are identified in Part 261 of Title 40 of the Code of Federal Regulations (40 CFR) and its appendices, and 22 CCR, Section 66261.1., et seq.

"Non-RCRA hazardous wastes" are hazardous wastes regulated in the State of California, other than RCRA (federally regulated) hazardous wastes. A hazardous waste is presumed to be RCRA hazardous waste, unless it is determined pursuant to 22 CCR, Section 66261.101 that it is a non-RCRA hazardous waste.

"Silver-only" hazardous wastes are wastes that are hazardous solely due to the presence of silver. (HSC, Section 25143.13)

Requirements

Generators are responsible for their wastes "from cradle to grave". The consolidated manifesting procedure does not exempt generators from the requirements to properly characterize, handle, label, manage, and accumulate hazardous wastes. For more information on those requirements, please refer to the statutes and fact sheets entitled Hazardous Waste Generator Requirements and Accumulating Hazardous Waste at Generator Sites.

- **Generator Eligibility**

Use the flow chart found on page 4 to determine your eligibility to operate under the consolidated manifesting procedure.

- **Eligible Wastestreams**

The consolidated manifesting procedure may be used only for the following wastestreams listed in HSC, Section 25160.2(c):

Note: Letters in parentheses reflect the codes for each wastestream identified in the Consolidated Transporter Notification Form (DTSC Form 1299).

- Used oil (A);
- Contents of an oil/water separator (B);
- Solids contaminated with used oil (C);
- Brake fluid (D);
- Antifreeze (E);
- Antifreeze sludge (F);
- Parts cleaning solvents, including aqueous cleaning solvents (G);
- Hydroxide sludge contaminated solely with metals from a wastewater treatment process (H);
- Paint-related wastes, including paints, thinners, filters and sludge (I);
- Spent photographic solution (J);
- Dry cleaning solvents including perchloroethylene, naphtha, and silicone-based solvents (K);
- Filters, lint and sludge contaminated with dry cleaning solvent (L);
- Asbestos and asbestos-containing materials (M);
- Inks from the printing industry (N);
- Chemicals and laboratory packs collected from K-12 schools (O);
- Absorbents contaminated with wastes on this list (P); and
- Filters from dispensing pumps for diesel and gasoline fuels (Q).

- **Identification Number**

All generators using the consolidated manifesting procedure must have an identification number unless exempted from manifesting requirements as generators of less than 100 kgs per month of "silver-only" hazardous wastes. [HSC, Section 25160.2(b)(10)]

U.S. Environmental Protection Agency

(U.S. EPA) Identification Number. Generators of RCRA hazardous wastes in quantities greater than 100 kgs per month who need an identification number must send a "Notification of Regulated Waste Activity" Form (EPA form 8700-12) to the U.S. EPA contractor. This form can be requested by calling (415) 495-8895 and is available on-line at <http://www.epa.gov/epaoswer/hazwaste/data/form8700/forms.htm>

California Identification Number. Generators of RCRA hazardous wastes in quantities less than 100 kgs per month, or any amount of non-RCRA hazardous wastes, may obtain an identification number by phone by calling DTSC's Generator Information Services Section (GISS) at (800) 618-6942, in State or at (916) 255-1136, out of State.

- **Transportation of Eligible Wastes**

Consolidated Transporters. To operate under the consolidated manifesting procedure, generators are required to use only transporters that have registered and notified DTSC of their intent to operate under the consolidated manifesting procedure.

[HSC, Section 25165(a)]

- To verify a transporter's registration, call DTSC at (916) 255-4368 or check DTSC's web page at <http://www.dtsc.ca.gov/database/Transporters/Tran000.cfm>
- To verify that a consolidated transporter has notified DTSC of their intent to operate under the consolidated manifesting procedure, call DTSC at (916) 255-4368.

Treatment Agreement. For certain wastestreams, the transporter must agree in writing to confirm to the generator that the hazardous wastes were transported to an authorized facility for appropriate treatment. That agreement may be on a consolidated manifest receipt or a separate document. Please refer to the statute for wastestreams excluded from the treatment agreement. [HSC, Section 25160.2(c)(2)(C)(i)]

Reclamation Agreement. In order to transport RCRA hazardous wastes from a generator who generates more than 100 kgs but less than 1,000 kgs per calendar month of RCRA hazardous wastes without a separate manifest, there must be a reclamation agreement between the generator and the reclaimer of the waste, who must also be the transporter. The following conditions must be met:

1. The type of waste and frequency of shipments are specified in the agreement;
2. The vehicle used to transport the waste to the authorized facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and
3. The generator maintains a copy of the reclamation agreement in his or her files for a period of at least three years after termination or expiration of the agreement.

A reclaimer nullifies his or her reclamation agreement with a generator if the hazardous wastes

are transferred to another vehicle not owned and operated by the reclaimer. The generator is not allowed to use consolidated manifesting if any of the conditions governing reclamation agreements are not met. [40 CFR, Section 262.20(e)]

- **Recordkeeping**

Receipts. Generators must keep all copies of each of the consolidated manifest receipts for at least three years from the date of shipment of the hazardous wastes. Please refer to the statute for the information required on the receipt. [HSC, Sections 25160.2(b)(3) & (4)]

Reclamation Agreement. Generators are required to maintain a copy of the reclamation agreement for at least three years after termination or expiration of the agreement. [40 CFR, Section 262.20(e)(2)]

- **Fees**

Identification Number. There is no fee to obtain an identification number. However, DTSC is authorized to assess an annual verification fee on hazardous wastes handlers, including transporters, that require an identification number issued by DTSC or by U.S. EPA if they have 50 or more employees. For 2001, this fee starts at \$150. [HSC, Section 25205.16(a)]

Manifest Fees. A generator operating under the consolidated manifesting procedure is not subject to manifest fees. The consolidated transporter assumes this responsibility.

Questions

For consolidating manifesting or general transporter-related questions, please call the Transportation Unit at (916) 255-2796. All other questions should be directed to the DTSC office nearest you. You may contact the regional Public and Business Liaisons by calling (800) 72-TOXIC, or by calling the numbers shown below:

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|-------------------------------------|-----------------------------------|
| Sacramento Office (916) 255-3617 | Cypress Office (714) 484-5400 |
| Berkeley Office (510) 540-3739 | Glendale Office (818) 551-2830 |

In addition, information can be obtained at DTSC's website located at <http://www.dtsc.ca.gov>. To obtain a copy of Senate Bill 271 via the web, go to www.leginfo.ca.gov/bilinfo.html or call the Senate Bill Room at (916) 445-2323

Consolidated Manifesting Generator Eligibility Guide Chart

Information presented in this chart provides informal guidance only.
Please refer to Senate Bill 271 or call DTSC for any questions or clarifications.

