

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DIVISION OF MATERIALS MANAGEMENT

625 Broadway

Albany, NY 12233

## **6 NYCRR PART 372**

# **HAZARDOUS WASTE MANIFEST SYSTEM AND RELATED STANDARDS FOR GENERATORS, TRANSPORTERS AND FACILITIES**

As of July 8, 2023

(Statutory authority: Environmental Conservation Law, art. 1, title 1, art. 3, title 3, §§ 19-0301, 19-0303, 19-0304, 19-0306, 23-2305, 23-2307, 23-2308, art. 27, §§ 27-0105, 27-0106, 27-0305, 27-0905, titles 1, 3, 7, 9, 27-2007, §§ 70-0107, 70-0109, 70-0115, art. 71, § 71-2201, titles 27, 35 )

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# PART 372

## HAZARDOUS WASTE MANIFEST SYSTEM AND RELATED STANDARDS FOR GENERATORS, TRANSPORTERS AND FACILITIES

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**372 – Hazardous Waste Manifest System and Related Standards for  
Generators, Transporters and Facilities**

**Section 372.1 General.**

**(a) Purpose and scope.**

The purpose of these regulations is to establish standards for generators and transporters of hazardous waste and standards for generators, transporters, and treatment, storage or disposal facilities relating to the use of the manifest system and its recordkeeping requirements. The manifest document shall accompany all shipments of hazardous waste while in transit, unless specifically exempted under this Part. The manifest document will serve as a multipurpose instrument to be used as a tracking, auditing and enforcement device.

**(b) Applicability.**

- (1) The requirements of this Part apply to all generators, transporters and facilities in New York State. However, transporters who both pick up and discharge hazardous waste outside of New York State and who transport wastes through the State are only subject to the following requirements of section 372.3 of this Part: subdivisions (a)(3), (5)-(7), (b) and (d)(1)-(2).
- (2) Section 371.1(f)(3) and (4) of this Title must be used to determine the applicability of provisions of this Part that are dependent on calculations of the quantity of hazardous waste generated per month.
- (3) With regard to explosives or munitions:
  - (i) Persons responding to an explosives or munitions emergency in accordance with section 373-1.1(d)(1)(xiii)(‘d’) and (‘a’)(‘4’) of this Title are not required to comply with the standards of this Part.
  - (ii) The regulations in this Part do not apply to transportation during an explosives or munitions emergency response, conducted in accordance with section 373-1.1(d)(1)(xiii)(‘d’) and (‘a’)(‘4’) of this Title.
  - (iii) Section 374-1.13(d) of this Title identifies how the requirements of this Part apply to military munitions classified as a solid waste under section 374-1.13(c) of this Title.

**(c) Severability.**

If any provision or application of this Part is held invalid to any person or circumstance, the remainder of this Part and the application of such provisions other than those to which it is held invalid, shall not be affected.

**(d) Definitions.**

Unless otherwise specified, terms used in this Part are defined in Part 370 of this Title.

**(e) Exemptions.**

- (1) Reserved.\*
- (2) Reserved.\*\*

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- (3) Exemption for farmers. A farmer disposing of waste pesticides which are hazardous wastes, including containers and inner liners, from his or her own use is exempted from any requirements of this Part for those wastes, provided that the following steps are taken:
  - (i) the container or inner liner has been triple-rinsed using a solvent capable of removing the pesticide. The triple-rinse procedure defined in section 325.1(b) of this Title shall be used;
  - (ii) in the case of a container with an inner liner, the inner liner that prevented contact of the pesticide with the container has been removed;
  - (iii) the pesticide residues are disposed of on his or her own farm in a manner consistent with section 325.4(d) of this Title or in a manner consistent with the disposal instructions on the pesticide label, whichever is more restrictive; and
  - (iv) the hazardous wastes are transported by the farmer to a household hazardous waste collection facility authorized under Subpart 362-4 of this Title; and the farmer is a conditionally exempt small quantity generator as defined in section 373.1(f)(1) of this Title.
- (4) Exemption for publicly owned treatment works (POTW's).
  - (i) Any POTW qualifying for an exemption under Part 373 of this Title must comply with only those provisions of section 372.4 indicated in section 373-1.1(d)(2)(iii).
  - (ii) A POTW that generates sludges which are determined to be hazardous waste is subject to the generator requirements of section 372.2 of this Part.
- (5) Samples collected for testing are exempt from all requirements of this Part as provided in section 371.1(e)(4) of this Title.
- (6) Residues of hazardous waste in empty containers. Residues of hazardous waste in empty containers as specified in section 371.1(h) of this Title are exempt from all requirements of this Part.
- (7) Reserved.
- (8) Exemption for service stations. Used engine lubricating oil retention facilities accepting used oil in compliance with ECL 23-2307 are exempt from this Part for that oil.
- (9) Exemption for public utilities.
  - (i) Hazardous waste generated by a public utility and transported by a vehicle owned or operated by that utility is exempt from regulation under this Part if the following conditions are met:
    - ('a') the waste is hazardous solely because it contains polychlorinated biphenyls (PCBs); and
    - ('b') the waste is brought for storage, to a collection facility owned by the same utility, prior to treatment or disposal.
  - (ii) A public utility-owned collection facility which receives hazardous waste as described, and in the manner described in subparagraph (i) of this paragraph, shall be considered the generator

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of such waste and shall be subject to all of the requirements of this Part which are applicable to a generator of hazardous waste.

- (10) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of section 372.2(e) of this Part are not subject to (for purposes of this paragraph, the terms *'laboratory'* and *'eligible academic entity'* shall have the meaning as defined in section 372.2(e)(1) this Part):
- (i) The requirements of section 372.2(a)(2) or (8) of this Part, for large quantity generators and small quantity generators, except as provided in section 372.2(e) of this Part; and
  - (ii) The conditions of paragraph (f)(2) of this Title, for conditionally exempt small quantity generators, except as provided in section 372.2(e) of this Part.

#### **(f) Enforcement.**

Any person who violates any provision of this Part or who fails to perform any duty imposed under this Part is liable for civil, administrative and criminal penalties set forth in article 71, title 27 of the Environmental Conservation Law. Such person is also subject to any penalties, sanctions or orders pursuant to any provision of article 71 of the ECL otherwise applicable.

#### **(g) Safeguarding trade secrets.**

Trade secrets are protected in accordance with the requirements in section 616.7 of this Title and as provided for in section 370.1(b) of this Title.

#### **(h) Other regulations.**

Compliance with this Part does not relieve any person from the obligation of complying with any other applicable Part of this Title, including Parts 373 and 364.

#### **Footnotes**

\* (See section 371.1(f) of this Title for special requirements for hazardous waste generated by conditionally exempt small quantity generators.)

\*\* (See section 371.1(g) of this Title for requirements for recyclable materials.)

### **Section 372.2 Standards applicable to generators of hazardous waste.**

The following requirements are applicable to generators of hazardous waste unless specifically exempted or modified elsewhere in this Part.

#### **(a) General requirements.**

- (1) Within 90 days after promulgation or revision of Part 371 of this Title, any person generating wastes not previously regulated as hazardous waste must file with the commissioner a notification stating location and general description of the activity responsible for the generation of the waste and the hazardous wastes handled by such person. No hazardous waste subject to the regulations in this Title may be transported, treated, stored or disposed of unless the department has been notified

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of these activities as required in this section or as required under Part 373 of this Title before the effective date of this Part.

- (2) Hazardous waste determination. A person who generates a solid waste must determine if that waste is a hazardous waste using the following method:
  - (i) First determine if the waste is excluded from regulation under section 371.1(e), exclusions, of this Title.
  - (ii) Then determine if the waste is listed as a hazardous waste in section 371.4 of this Title.

**Note:** Even if the waste is listed, the generator still has an opportunity under section 370.3(c) of this Title to demonstrate that the waste from his particular facility or operation is not a hazardous waste.
  - (iii) For purposes of compliance with Part 376 of this Title or if the waste is not listed as a hazardous waste in section 371.4 of this Title, the generator must then determine whether the waste is identified in section 371.3 of this Title by either:
    - ('a') testing the waste according to the methods set forth in Appendix 19, 20 or 21, *infra*, or according to an equivalent method approved under section 370.3(b) of this Title; or
    - ('b') applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used;
  - (iv) if the waste is determined to be hazardous, the generator must refer to Parts 370 through 374 and 376 of this Title, for possible exclusions or restrictions pertaining to management of the specific waste. Hazardous waste annual reporting requirements are set forth in paragraph (c)(2) of this section. Hazardous waste annual reports must also be filed by facilities subject to ECL Section 72-0402.
- (3) EPA identification numbers.
  - (i) A generator must not treat, store, dispose of, transport or offer for transportation, hazardous waste without having received an EPA identification number as defined in section 370.2(b) of this Title. (To obtain an EPA identification number, use the Notification of Regulated Waste Activity form (EPA Form 8700-12), available at <http://www.epa.gov>.)
  - (ii) A generator must not offer hazardous waste to transporters or to treatment, storage or disposal facilities that have not received an EPA identification number.
- (4) Packaging. Before transporting hazardous waste or offering waste for transportation offsite, a generator must package the waste in accordance with the applicable U.S. Department of Transportation regulations on packaging set forth in 49 CFR parts 173, 178 and 179 (see section 370.1(e) of this Title).
- (5) Labeling. Before transporting or offering hazardous waste for transportation offsite, a generator must label each package in accordance with the applicable U.S. Department of Transportation

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regulations (49 CFR part 172) (see section 370.1(e) of this Title).

(6) Marking.

- (i) Before transporting or offering hazardous waste for transportation offsite, a generator must mark each package in accordance with the applicable U.S. Department of Transportation regulations (49 CFR part 172) (see section 370.1(e) of this Title).
- (ii) Before transporting hazardous waste or offering hazardous waste for transportation offsite, a generator must mark each container of 119 gallons or less used in such transportation with the following words and information in accordance with the requirements of 49 CFR 172.304, as incorporated by reference (see section 370.1(e) of this Title):

HAZARDOUS WASTE- Federal Law prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator's Name and Address \_\_\_\_\_

Generator's EPA Identification Number \_\_\_\_\_

Manifest Tracking Number \_\_\_\_\_

(iii) The marking required in this paragraph:

- ('a') must be durable, in English, and printed on or affixed to the surface of a package or on a label, tag or sign;
- ('b') must be displayed on a background of sharply contrasting color;
- ('c') must be unobscured by labels or attachments; and
- ('d') must be located away from any other marking (such as advertising) that could substantially reduce its effectiveness.

(7) Placarding. Before transporting hazardous waste or offering hazardous waste for transportation offsite, a generator must placard or offer the initial transporter the appropriate placards according to U.S. Department of Transportation regulations for hazardous materials (49 CFR part 172, subpart F) (see section 370.1(e) of this Title).

(8) Accumulation time.

(i)

- ('a') A generator may accumulate as much as 55 gallons of non-acute hazardous waste, or as much as either one quart of liquid acute hazardous waste listed in section 371.4(b) or (d)(5) of this Title, one quart of containerized gas acute hazardous waste listed in section 371.4(b) or (d)(5) of this Title, or one kilogram (2.2 lbs) of solid acute hazardous waste listed in section 371.4(b) or (d)(5) of this Title, in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and

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without complying with subparagraphs (ii) or (iii) of this paragraph provided the generator:

(1) complies with section 373-3.9(b)-(d) of this Title; and

(2) marks the containers with the words “Hazardous Waste” and with other words that identify the contents of the containers.

(b) A generator who accumulates either non-acute hazardous waste, or acute hazardous waste listed in section 371.4(b) or (d)(5) of this Title, in excess of the amounts listed in clause (‘a’) of this subparagraph at or near any point of generation must, with respect to that amount of excess waste, comply within three consecutive calendar days with subparagraph (ii) of this paragraph or other applicable provisions of this Title. During the three-consecutive-calendar-day period, the generator must continue to comply with subclause (i)(‘a’)(‘1’) and clause (i)(‘a’)(‘2’) of this paragraph. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

(ii) Except as provided in subparagraphs (iii), (iv) and (v) of this paragraph, a generator may accumulate hazardous waste on-site of generation for a period of 90 days or less under the provisions of section 373-1.1(d)(1)(iii), (iv), (xix) and (xx) of this Title. The date upon which each period of accumulation begins must be clearly marked and visible for inspection on all containers.

**Note:** A similar exemption is provided in section 373-1.1(d)(1)(xiv) which may exempt a facility from permitting and interim status standards.

(iii) A generator who generates more than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month may accumulate nonacute hazardous waste onsite for 180 days or less without being subject to the permitting provisions of Part 373 of this Title, provided that:

(a) the quantity of waste accumulated onsite never exceeds 6,000 kilograms;

(b) the generator complies with the requirements of section 373-3.9 of this Title except for section 373-3.9(f) and (h);

(c) the generator complies with the requirements of section 373-3.10(l) of this Title;

(d) the generator complies with the requirements of sections 373-1.1(d)(1)(iii)(‘c’)(‘2’) - (‘3’), 373-3.3, and all applicable requirements of Part 376 of this Title; and

(e) the generator complies with the following requirements:

(1) at all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response

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measures specified in subclause ('4') of this clause. This employee is the emergency coordinator;

- (2) the generator must post the following information next to the telephone:
    - (i) the name and telephone number of the emergency coordinator;
    - (ii) location of fire extinguishers and spill-control material, and if present, fire alarm; and
    - (iii) the telephone number of the fire department, unless the facility has a direct alarm;
  - (3) the generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;
  - (4) the emergency coordinator or a designee must respond to any emergencies that arise. The applicable responses are as follows:
    - (i) in the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
    - (ii) in the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
    - (iii) in the event of a fire, explosion or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using their 24-hour toll free number 800-424-8802 and the department 518-457-7362). The report must include the following information:
      - (A) the name, address and U.S. EPA identification number of the generator;
      - (B) date, time and type of incident (e.g., spill or fire);
      - (C) quantity and type of hazardous waste involved in the incident;
      - (D) extent of injuries, if any; and
      - (E) estimated quantity and disposition of recovered materials, if any;
- (f) small quantity generators storing liquid hazardous wastes over sole source aquifers may also be subject to section 373-1.1(d)(1)(iv)(‘g’) of this Title;
- (iv) a generator who generates more than 100 kilograms but less than 1,000 kilograms of

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hazardous waste in a calendar month who must transport this waste, or offer the waste for transportation, over a distance of 200 miles or more for offsite treatment, storage or disposal may accumulate nonacute hazardous waste onsite for 270 days or less without being subject to the permitting procedures of Part 373 provided that the generator complies with the requirements of subparagraph (iii) of this paragraph;

- (v) a generator who generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6,000 kilograms or accumulates hazardous waste for more than 180 days (or for more than 270 days if they must transport their waste, or offer their waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of Part 373 of this Title unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. Such extension may be granted by the department if hazardous wastes must remain on-site for longer than 180 days (or 270-day if applicable) due to unforeseen, temporary and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the department on a case-by-case basis;
- (vi) a generator who generates 1,000 kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days without a permit or without having interim status provided that:
  - ('a') the generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;
  - ('b') the F006 waste is legitimately recycled through metals recovery;
  - ('c') no more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and
  - ('d') the F006 waste is managed in accordance with the following:
    - ('1') the F006 waste is placed:
      - ('i') in containers and the generator complies with the applicable requirements of sections 373-3.9, 373-3.27, 373-3.28, and 373-3.29 of this Title; and/or
      - ('ii') in tanks and the generator complies with the applicable requirements of sections 373-3.10, 373-3.27, 373-3.28, and 373-3.29 of this Title, except section 373-3.10(h)(3) and (k) of this Title; and/or
      - ('iii') in containment buildings and the generator complies with section 373-3.30 of this Title, and has placed its professional engineer certification that the building complies with the design standards specified in section 373-3.30(b)

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of this Title in the facility's operating record prior to operation of the unit. The owner or operation must maintain the following records at the facility:

- (A) a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or
  - (B) documentation that the unit is emptied at least once every 180 days;
- (2) in addition, such a generator is exempt from all the requirements in sections 373-3.7 and 373-3.8 of this Title, except for section 373-3.7(b) and (e) of this Title;
  - (3) the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
  - (4) while being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and
  - (5) the generator complies with the requirements for owners or operators in sections 373-3.3, 373-3.4, 373-3.2(g) and with all applicable requirements of Part 376 of this Title;
- (vii) a generator who generates 1,000 kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, and who must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than 90 days, but not more than 270 days without a permit or without having interim status if the generator complies with the requirements of clauses (vi)(a) through (d) of this paragraph;
  - (viii) a generator accumulating F006 in accordance with subparagraphs (vi) and (vii) of this paragraph who accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more), or who accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility and is subject to the requirements of Subparts 373-2 and 373-3 of this Title and the permit requirements of Subpart 373-1 of this Title unless the generator has been granted an extension to the 180-day (or 270-day, if applicable) period or an exception to the 20,000-kilogram accumulation limit. Such extensions and exceptions may be granted by the department if F006 waste must remain on-site for longer than 180 days (or 270 days, if applicable) or if more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days or an exception to the accumulation limit may be granted at the discretion of the department on a case-by-case basis;

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- (ix) a generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of section 373-2.5(b)(1)(vi) or 373-3.5(b)(1)(vi) of this Title may accumulate the returned waste on-site in accordance with subparagraph (ii) of this paragraph or subparagraphs (iii), (iv) and (v) of this paragraph, depending on the amount of hazardous waste generated, stored or accumulated on-site in that calendar month. Upon receipt of the returned shipment, the generator must:
  - ('a') sign for receipt of the shipment by:
    - ('1') signing item 18(c) of the manifest, if the transporter returned the shipment using the original manifest; or
    - ('2') signing item 20 of the manifest, if the transporter returned the shipment using a new manifest; and
  - ('b') retain one copy of the manifest form and mail one copy of the manifest form to the generator/offeror state and mail one copy of the manifest form to the destination state (if different from the generator/offeror state), making legible photocopies as necessary, postmarked within 10 calendar days of shipment date. Mail the department copy to: New York State Department of Environmental Conservation, Division of Solid & Hazardous Materials, Manifest Section, 625 Broadway, Albany, NY 12233-7252. Manifest copies do not need to be distributed to states other than New York, if those states do not require such a copy be submitted to them.

### (b) Manifest requirements.

- (1) A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a manifest on EPA form 8700-22, and if necessary, EPA form 8700-22A, according to the manifest instructions included in Appendix 30 of this Title.
  - (i) For shipments of hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.
- (2) Prior to shipment of hazardous waste off the site at which such waste was generated, the generator must:
  - (i) designate on the manifest one facility which is authorized to handle the waste described on the manifest. A generator may also designate on the manifest one alternate facility which is authorized to handle the waste in the event an emergency prevents delivery of the waste to the primary designated facility. The generator must confirm by written communication from the designated treatment, storage or disposal facility and alternate treatment, storage or disposal

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facility that it is authorized to handle the particular hazardous waste described on the manifest;

- (ii) for each hazardous waste listed in item 9 of the manifest, confirm with the designated facility what the ultimate disposal method will be for that waste. If the receiving TSD facility is not providing a hazardous waste management code in item 19 that reflects the ultimate disposal method for the hazardous waste, the generator must provide a State waste code in item 13 of the manifest to designate the ultimate disposal method of the hazardous waste using one of the following State codes:

L = Landfill

B = Incineration, heat recovery, burning

T = Chemical, physical, or biological treatment

R = Material recovery of more than 75 percent of the total material.

If the receiving TSD facility uses hazardous waste report management method code for “storage, bulking, and/or transfer off-site - no treatment/recovery, fuel blending, or disposal at this site” in item 19 of the manifest form, and the generator has failed to provide the ultimate disposal method in item 13, the ultimate disposal method is deemed landfill (L);

- (iii) confirm by written communication from the designated transporter(s) that they are authorized to deliver the manifested waste to the designated treatment, storage or disposal facility; and
  - (iv) instruct the transporter that, if an emergency arises which prevents delivery to the designated facility or the alternate facility, the transporter must contact the generator for further directions concerning the disposition of the waste. The generator will then either designate another facility or instruct the transporter to return the waste.
- (3) The generator must:
- (i) sign the manifest certification by hand; and
  - (ii) obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
  - (iii) retain one copy of the manifest in accordance with subparagraph (c)(1)(i) of this section, and mail only copy of the manifest form to the generator state and mail only copy of the manifest form to the destination state (if different from the generator state), making legible photocopies as necessary, postmarked within 10 calendar days of shipment date. Mail the department copy to: New York State Department of Environmental Conservation, Division of Materials Management, Waste Transport and State Assistance Section, 625 Broadway, Albany, NY 12233-7252. Generators do not need to distribute manifest copies to states other than New York, if those states do not require such a copy be submitted to them. The generator must give the transporter the remaining copies of the manifest.

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- (iv) for rejected shipments of hazardous waste or container residues contained in non-empty containers that are returned to the generator by the designated facility (following the procedures of subparagraph 373-2.5(b)(1)(v) or 373-3.5(b)(1)(v) of this Title), the generator must:
  - ('a') Sign either:
    - ('1') Item 20 of the new manifest if a new manifest is used for the returned shipment;  
or
    - ('2') Item 18c of the original manifest if the original manifest is used for the returned shipment;
  - ('b') Provide the transporter a copy of the manifest;
  - ('c') Within 10 days of delivery of the rejected shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator and send one copy of the manifest form to the generator State and send one copy of the manifest form to the destination state (if different from the generator State), making legible photocopies as necessary. Send the Department copy to: New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7252. Generators do not need to distribute manifest copies to states other than New York if those states do not require such a copy be submitted to them; and
  - ('d') Retain at the generator's site a copy of each manifest for at least three years from the date of delivery.
- (4) Special conditions. In the following situations, generator manifest requirements are modified as follows:
  - (i) Generators who offer hazardous waste for shipment to a destination outside the United States must comply with the generator requirements of section 372.5 of this Part.
  - (ii) Generators who offer hazardous waste for shipment to a destination outside New York State must comply with the generator requirements of section 372.6 of this Part.
  - (iii) Generators who employ one or more rail or water (bulk) transporters to ship their hazardous waste must comply with the generator requirements of section 372.7 of this Part.
- (5) No generator may:
  - (i) offer a shipment of hazardous waste for transport off-site without an accompanying manifest;
  - (ii) offer a shipment of hazardous waste to a transporter unless:
    - ('a') such transporter has a valid permit, issued under Part 364 of this Title, which authorizes the transporter to transport the particular waste(s) offered for shipment to the designated facility; or

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- (b') the transporter is otherwise exempt from the permit requirements of Part 364 of this Title; or
- (iii) offer for shipment or ship a hazardous waste to other than an authorized facility.
- (6) Use of a New York State or EPA hazardous waste code on a manifest constitutes a determination by the generator that the solid waste is a hazardous waste in New York.
- (7) The requirements of this section (manifest requirements) do not apply to hazardous waste produced by generators of greater than 100 kilograms but less than 1,000 kilograms per calendar month where:
  - (i) the waste is reclaimed under a contractual agreement pursuant to which:
    - (a') the type of waste and frequency of shipments are specified in the agreement;
    - (b') the vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer;
    - (c') the reclaimer complies with any applicable Part 364 waste hauler permit requirements; and
  - (ii) the generator records the following information for each shipment:
    - (a') the hazardous waste code and quantity of waste shipped; and
    - (b') the date the waste is shipped; and
  - (iii) the generator maintains a copy of the reclamation agreement on file for a period of at least three years after termination or expiration of the agreement.
- (8) The requirements of this section and subparagraph (a)(6)(ii) of this section do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. The generator or transporter must comply with the requirements for transporters set forth in section 372.3(d) of this Part in the event of a discharge of hazardous waste on a public or private right-of-way.
- (9) Manifest tracking numbers, manifest printing and obtaining manifests. 40 CFR section 262.21, manifest tracking numbers, manifest printing, and obtaining manifests, as published in the 70 FR 10775, *et seq.* - *Federal Register*, March 4, 2005, is incorporated by reference as if fully set forth herein (see section 370.1(e)(3) of this Title).
- (10) Waste minimization certification. A generator who initiates a shipment of hazardous waste must certify to one of the following statements in item 15 of the uniform hazardous waste manifest:
  - (i) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me

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which minimizes the present and future threat to human health and the environment;" This statement can also be found at 40 CFR 262.27(a), as incorporated by reference (see section 370.1(e) of this Title); or

- (ii) "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford." This statement can also be found at 40 CFR 262.27(b), as incorporated by reference (see section 370.1(e) of this Title).

#### (c) Reporting and recordkeeping requirements.

##### (1) Recordkeeping.

- (i) A generator must keep a copy of each complete manifest document as a record for at least three years from the date the waste was accepted by the initial transporter.
- (ii) A generator must keep a copy of each annual report (paragraph (2) of this subdivision) and exception report (paragraph (3)) for a period of at least three years from the due date of the report.
- (iii) A generator must keep records of any test results, waste analyses or other determinations made in accordance with paragraph (a)(2) of this section for at least three years from the date that the waste was last sent to onsite or off-site treatment, storage or disposal.
- (iv) All records required under this subdivision must be furnished to the department upon request, postmarked within five business days of receipt of a written request. A generator must make such records available at all reasonable times for inspection by an officer, employee or representative of the department who is duly designated by the commissioner.
- (v) The recordkeeping periods referred to in this section are extended automatically beyond the three-year period during the course of any unresolved enforcement action regarding the regulated activity or as requested by the commissioner.

##### (2) Annual reporting.

- (i) A generator who ships any hazardous waste offsite to a treatment, storage or disposal facility located within the United States must submit annual reports on forms specified by the commissioner. This report must be submitted to the department no later than March 1st for the preceding calendar year, and must include the following information:
  - ('a') the EPA identification number, name and address of the generator;
  - ('b') the calendar year covered by the report;
  - ('c') the EPA identification number, name and address for each offsite treatment, storage or disposal facility in the United States to which waste was shipped during the year;
  - ('d') the name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States;

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- (e) a description, EPA hazardous waste number (5) (from section 371.3 and/or 371.4 of this Title), DOT hazardous class, and quantity of each hazardous waste shipped offsite for shipments to a treatment, storage or disposal facility within the United States. This information must be listed by EPA identification number of each such offsite facility to which waste was shipped;
  - (f) a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;
  - (g) a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and
  - (h) the certification signed by the generator or authorized representative.
- (ii) Any generator who treats or disposes of hazardous waste onsite must submit an annual report covering those wastes in accordance with the provisions of section 373-2.5(e) of this Title. Reporting for exports of hazardous waste is not required on the annual report form. A separate annual report requirement is set forth in section 372.5(f) of this Part.
- (iii) A generator who generates in a calendar month less than 1,000 kg of non-acute hazardous waste or one kg acute hazardous waste, is exempt from filing an annual report, provided that the generator complies with all other applicable regulations. A generator who exceeds these generation limits must file an annual report for the entire year.
- (3) Exception reporting.
- (i) A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste. The generator must submit an exception report to the department if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter and, in the case of interstate shipments, submitted to the state in which the shipment was to be received, and any states in which the shipment may have been delivered. In the case of states which do not have EPA-approved hazardous waste programs, notification must be sent to EPA. The exception report must include:
    - (a) a legible copy of the manifest for which the generator does not have confirmation of delivery; and
    - (b) a cover letter, signed by the generator or the generator's authorized representative, explaining the efforts taken to locate the hazardous waste and the results of those efforts.

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(ii) for rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedures of section 373-2.5(b)(1)(v)(‘a’) through (‘f’) of this Title or 373-3.5(b)(1)(v)(‘a’) through (‘f’) of this Title), the generator must comply with the requirements of subparagraph (i) of this paragraph for the shipment forwarding the material from the designated facility to the alternate facility instead of the shipment from the generator to the designated facility. For the purposes of subparagraph (i) of this paragraph for a shipment forwarding such waste to an alternate facility by a designated facility:

(‘a’) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility; and

(‘b’) The 35/45-day time frames begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

(4) Additional reporting. The commissioner may require generators to furnish additional reports concerning the quantities and disposition of wastes, if necessary.

(d) **Reserved.**

(e) **Alternative requirements for hazardous waste determination and accumulation of unwanted material for laboratories owned by eligible academic entities.**

(1) Definitions for this subdivision. The following definitions apply to this subdivision:

(i) **‘Central accumulation area’** means an on-site hazardous waste accumulation area subject to: subparagraph 372.2(a)(8)(ii) of this section; section 373-1.1(d)(1)(iii)(‘e’) or 373-1.1(d)(1)(iv)(‘h’) of this Title (large quantity generators); or subparagraphs (a)(8)(iii) through (v) of this section (small quantity generators). A central accumulation area at an eligible academic entity that chooses to be subject to this subdivision must also comply with paragraph (12) of this subdivision when accumulating unwanted material and/or hazardous waste.

(ii) **‘College/University’** means a private or public, post-secondary, degree-granting, academic institution, that is accredited by an accrediting agency listed annually by the U.S. Department of Education.

(iii) **‘Eligible academic entity’** means a college or university, or non-profit research institute that is owned by or has a formal written affiliation agreement with a college or university, or a teaching hospital that is owned by or has a formal written affiliation agreement with a college or university.

(iv) **‘Formal written affiliation agreement’** for a non-profit research institute means a written document that establishes a relationship between institutions for the purposes of research and/or education and is signed by authorized representatives, as defined in section 370.2(b) of

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this Title, from each institution. A relationship on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement. A 'formal written affiliation agreement' for a teaching hospital means a master affiliation agreement and program letter of agreement, as defined by the Accreditation Council for Graduate Medical Education, with an accredited medical program or medical school.

- (v) **'Laboratory'** means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a non-production basis for teaching or research (or diagnostic purposes at a teaching hospital) and are stored and used in containers that are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are considered laboratories. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories (or diagnostic laboratories at teaching hospitals) are also considered laboratories.
- (vi) **'Laboratory clean-out'** means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or that have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A clean-out may occur for several reasons. It may be on a routine basis (e.g., at the end of a semester or academic year) or as a result of a renovation, relocation, or change in laboratory supervisor/occupant. A regularly scheduled removal of unwanted material as required by paragraph (9) of this subdivision, does not qualify as a laboratory clean-out.
- (vii) **'Laboratory worker'** means a person who handles chemicals and/or unwanted material in a laboratory and may include, but is not limited to, faculty, staff, post-doctoral fellows, interns, researchers, technicians, supervisors/managers, and principal investigators. A person does not need to be paid or otherwise compensated for his/her work in the laboratory to be considered a laboratory worker. Undergraduate and graduate students in a supervised classroom setting are not laboratory workers.
- (viii) **'Non-profit research institute'** means an organization that conducts research as its primary function and files as a non-profit organization under the tax code of 26 U.S.C. 501(c)(3) (see section 370.1(e) of this Title).
- (ix) **'Reactive acutely hazardous unwanted material'** means an unwanted material that is one of the acutely hazardous commercial chemical products listed in section 371.4(d) of this Title for reactivity.
- (x) **'Teaching hospital'** means a hospital that trains students to become physicians, nurses or other health or laboratory personnel.
- (xi) **'Trained professional'** means a person who has completed the applicable training requirements of section 373-3.2(g) of this Title for large quantity generators, or is knowledgeable about normal operations and emergencies in accordance with subclause (a)(8)(iii)(e)(3) of this section for small quantity generators and conditionally exempt small quantity generators. A trained professional may be an employee of the eligible

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academic entity or may be a contractor or vendor who meets the requisite training requirements.

- (xii) ***‘Unwanted material’*** means any chemical, mixtures of chemicals, products of experiments or other material from a laboratory that is no longer needed, wanted or usable in the laboratory and that is destined for hazardous waste determination by a trained professional. Unwanted materials include reactive acutely hazardous unwanted materials and materials that may eventually be determined not to be solid waste pursuant to section 371.1(c), or a hazardous waste pursuant to section 371.1(d) of this Title. If an eligible academic entity elects to use another equally effective term in lieu of ***‘unwanted material,’*** as allowed by subclause (7)(i)(‘a’)(‘1’) of this subdivision, the equally effective term has the same meaning and is subject to the same requirements as ***‘unwanted material’*** under this subdivision.
  - (xiii) ***‘Working container’*** means a small container (i.e., two gallons or less) that is in use at a laboratory bench, hood, or other work station, to collect unwanted material from a laboratory experiment or procedure.
- (2) Applicability of this subdivision.
- (i) Large quantity generators and small quantity generators. This subdivision provides alternative requirements to the requirements in paragraph (a)(2) and clause (a)(8)(i)(‘a’) of this section for the hazardous waste determination and accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to this subdivision, provided that they complete the notification requirements of paragraph (4) of this subdivision.
  - (ii) Conditionally exempt small quantity generators. This subdivision provides alternative requirements to the conditional exemption in section 371.1(f)(2) of this Title, for the accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to this subdivision, provided that they complete the notification requirements of paragraph (4) of this subdivision.
- (3) Electing options.
- (i) Large quantity generators and small quantity generators: Eligible academic entities may elect to comply with this subdivision with respect to their laboratories, as an alternative to complying with the requirements of paragraph (a)(2) and clause (a)(8)(i)(‘a’) of this section.
  - (ii) Conditionally exempt small quantity generators. Eligible academic entities may elect to comply with this subdivision with respect to their laboratories, as an alternative to complying with the conditional exemption of section 371.1(f)(2) of this Title.
- (4) How an eligible academic entity elects to be subject to the requirements of this subdivision.
- (i) An eligible academic entity must notify the EPA Region 2 Administrator and the Department in writing, using the RCRA Subtitle C Site Identification Form (EPA Form 8700-12), available at <http://www.epa.gov>, that it is electing to be subject to the requirements of this

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subdivision for all the laboratories owned by the eligible academic entity under the same EPA Identification Number. An eligible academic entity that is a conditionally exempt small quantity generator and does not have an EPA Identification Number must notify that it is electing to be subject to the requirements of this subdivision for all the laboratories owned by the eligible academic entity that are on-site, as defined by section 370.2 of this Title. An eligible academic entity must submit a separate notification (Site Identification Form) for each EPA Identification Number (or site, for conditionally exempt small quantity generators) that is electing to be subject to the requirements of this subdivision, and must submit the Site Identification Form before it begins operating under this subdivision.

- (ii) When submitting the Site Identification Form, the eligible academic entity must, at a minimum, fill out the following fields on the form:
    - ('a') reason for submittal;
    - ('b') site EPA identification number (except for conditionally exempt small quantity generators);
    - ('c') site name;
    - ('d') site location information;
    - ('e') site land type;
    - ('f') North American Industry Classification System (NAICS) Code(s) for the site;
    - ('g') site mailing address;
    - ('h') site contact person;
    - ('i') operator and legal owner of the site;
    - ('j') type of regulated waste activity;
    - ('k') certification.
  - (iii) An eligible academic entity must keep a copy of the notification on file at the eligible academic entity for as long as its laboratories are subject to this subdivision.
  - (iv) A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this subdivision.
  - (v) A non-profit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as its laboratories are subject to this subdivision.
- (5) How an eligible academic entity indicates it will withdraw from the requirements of this subdivision.

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- (i) An eligible academic entity must notify the EPA region 2 administrator and the department in writing, using the RCRA Subtitle C Site Identification Form (EPA Form 8700-12), available at <http://www.epa.gov>, that it is electing to no longer be subject to the requirements of this subdivision for all the laboratories owned by the eligible academic entity under the same EPA Identification Number and that it will comply with the requirements of paragraph (a)(2) and clause (a)(8)(i)(‘a’) of this section for small quantity generators and large quantity generators. An eligible academic entity that is a conditionally exempt small quantity generator and does not have an EPA Identification Number must notify that it is withdrawing from the requirements of this subdivision for all the laboratories owned by the eligible academic entity that are on-site and that it will comply with the conditional exemption in section 371.1(f)(2) of this Title. An eligible academic entity must submit a separate notification (Site Identification Form), available at <http://www.epa.gov>, for each EPA Identification Number (or site, for conditionally exempt small quantity generators) that is withdrawing from the requirements of this subdivision and must submit the Site Identification Form, available at <http://www.epa.gov>, before it begins operating under the requirements paragraph (a)(2) and clause (a)(8)(i)(‘a’) of this section for small quantity generators and large quantity generators, or section 371.1(f)(2) of this Title for conditionally exempt small quantity generators.
  - (ii) When submitting the Site Identification Form, the eligible academic entity must, at a minimum, fill out the following fields on the form:
    - (‘a’) reason for submittal;
    - (‘b’) site EPA identification number (except for conditionally exempt small quantity generators);
    - (‘c’) site name;
    - (‘d’) site location information;
    - (‘e’) site land type;
    - (‘f’) North American Industry Classification System (NAICS) Code(s) for the site;
    - (‘g’) site mailing address;
    - (‘h’) site contact person;
    - (‘i’) operator and legal owner of the site;
    - (‘j’) type of regulated waste activity;
    - (‘k’) certification.
  - (iii) An eligible academic entity must keep a copy of the withdrawal notice on file at the eligible academic entity for three years from the date of the notification.
- (6) Summary of the requirements of this subdivision. An eligible academic entity that elects to be

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subject to this subdivision is not required to have interim status or a Part 373 permit for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of this subdivision and the eligible academic entity has and implements a Laboratory Management Plan (LMP) in accordance with paragraph (15) of this subdivision that describes how the laboratories owned by the eligible academic entity will comply with the requirements of this subdivision.

- (7) Labeling and management standards for containers of unwanted material in the laboratory. An eligible academic entity must manage containers of unwanted material while in the laboratory in accordance with the requirements in this subdivision.
- (i) Labeling: Label unwanted material as follows:
- (a) The following information must be affixed or attached to the container:
- (1) the words “unwanted material” or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in Part I of the Laboratory Management Plan; and
- (2) sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include, but are not limited to:
- (i) the name of the chemical(s);
- (ii) the type or class of chemical, such as organic solvents or halogenated organic solvents.
- (b) The following information may be affixed or attached to the container, but must at a minimum be associated with the container:
- (1) The date that the unwanted material first began accumulating in the container; and
- (2) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid and hazardous waste and to assign the proper hazardous waste code(s), pursuant to paragraph (a)(2) of this section. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid or hazardous waste include, but are not limited to:
- (i) the name and/or description of the chemical contents or composition of the unwanted material, or, if known, the product of the chemical reaction;
- (ii) whether the unwanted material has been used or is unused;
- (iii) a description of the manner in which the chemical was produced or processed, if applicable.
- (ii) Management of containers in the laboratory. An eligible academic entity must properly

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manage containers of unwanted material in the laboratory to assure safe storage of the unwanted material, to prevent leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following:

- ('a') containers are maintained and kept in good condition and damaged containers are replaced, overpacked, or repaired; and
- ('b') containers are compatible with their contents to avoid reactions between the contents and the container; and are made of, or lined with, material that is compatible with the unwanted material so that the container's integrity is not impaired; and
- ('c') containers must be kept closed at all times, except:
  - ('1') when adding, removing or bulking unwanted material; or
  - ('2') a working container may be open until the end of the procedure or work shift, or until it is full, whichever comes first, at which time the working container must either be closed or the contents emptied into a separate container that is then closed; or
  - ('3') when venting of a container is necessary:
    - ('i') for the proper operation of laboratory equipment, such as with in-line collection of unwanted materials from high performance liquid chromatographs; or
    - ('ii') to prevent dangerous situations, such as build-up of extreme pressure.

#### (8) Training.

An eligible academic entity must provide training to all individuals working in a laboratory at the eligible academic entity, and notify those individuals of the availability of the Laboratory Management Plan, as follows:

- (i) training for laboratory workers and students must be commensurate with their duties so they understand the requirements in this subdivision and can implement them;
- (ii) an eligible academic entity can provide training for laboratory workers and students in a variety of ways, including, but not limited to:
  - ('a') instruction by the professor or laboratory manager before or during an experiment;
  - ('b') formal classroom training;
  - ('c') electronic/written training;
  - ('d') on-the-job training; or
  - ('e') written or oral exams.

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- (iii) An eligible academic entity that is a large quantity generator must maintain documentation for the durations specified in section 373-3.2(g)(5) of this Title, demonstrating training for all laboratory workers that is sufficient to determine whether laboratory workers have been trained. Examples of documentation demonstrating training can include, but are not limited to, the following:
    - ('a') sign-in/attendance sheet(s) for training session(s);
    - ('b') syllabus for training session;
    - ('c') certificate of training completion; or
    - ('d') test results.
  - (iv) a trained professional must:
    - ('a') accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory; and
    - ('b') make the hazardous waste determination, pursuant to paragraph (a)(2) of this section, for unwanted material.
- (9) Removing containers of unwanted material from the laboratory.
- (i) Removing containers of unwanted material on a regular schedule. An eligible academic entity must either:
    - ('a') remove all containers of unwanted material from each laboratory on a regular interval, not to exceed 12 months; or
    - ('b') remove containers of unwanted material from each laboratory within 12 months of each container's accumulation start date.
  - (ii) The eligible academic entity must specify in part I of its Laboratory Management Plan whether it will comply with clause (i)(‘a’) or (‘b’) of this paragraph for the regular removal of unwanted material from its laboratories.
  - (iii) The eligible academic entity must specify in part II of its Laboratory Management Plan how it will comply with clause (i)(‘a’) or (‘b’) of this paragraph and develop a schedule for regular removals of unwanted material from its laboratories.
  - (iv) Removing containers of unwanted material when volumes are exceeded.
    - ('a') If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of 55 gallons before the regularly scheduled removal, the eligible academic entity must ensure that all containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material):

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- (1') are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date that 55 gallons was exceeded; and
  - (2') are removed from the laboratory within ten calendar days of the date that 55 gallons was exceeded, or at the next regularly scheduled removal, whichever comes first.
- (b') if a laboratory accumulates more than one quart of liquid reactive acutely hazardous unwanted material, more than one quart of containerized gas reactive acutely hazardous unwanted material, or more than one kilograms (2.2 pounds) of solid reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that all containers of reactive acutely hazardous unwanted material:
  - (1') are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date that one quart or one kilograms is exceeded; and
  - (2') are removed from the laboratory within 10 calendar days of the date that one quart or one kilogram was exceeded, or at the next regularly scheduled removal, whichever comes first.
- (10) Where and when to make the hazardous waste determination and where to send containers of unwanted material upon removal from the laboratory.
  - (i) Large quantity generators and small quantity generators- an eligible academic entity must ensure that a trained professional makes a hazardous waste determination, pursuant to paragraph (a)(2) of this section, for unwanted material in any of the following areas:
    - (a') in the laboratory before the unwanted material is removed from the laboratory, in accordance with paragraph (11) of this subdivision;
    - (b') within four calendar days of arriving at the on-site central accumulation area, in accordance with paragraph (12) of this subdivision; and
    - (c') within four calendar days of arriving at an on-site interim status facility or an on-site permitted treatment, storage or disposal facility, in accordance with paragraph (13) of this subdivision.
  - (ii) Conditionally exempt small quantity generators-an eligible academic entity must ensure that a trained professional makes a hazardous waste determination, pursuant to paragraph (a)(2) of this section, for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with paragraph (11) of this subdivision.
- (11) Making the hazardous waste determination in the laboratory before the unwanted material is removed from the laboratory. If an eligible academic entity makes the hazardous waste

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determination, pursuant to paragraph (a)(2) of this section, for unwanted material in the laboratory, it must comply with the following:

- (i) A trained professional must make the hazardous waste determination, pursuant to paragraph (a)(2) of this section, before the unwanted material is removed from the laboratory.
  - (ii) When an unwanted material is a hazardous waste, the eligible academic entity must:
    - ('a') write the words "Hazardous Waste" on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory; and
    - ('b') write the appropriate hazardous waste code(s) on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site.
    - ('c') count the hazardous waste toward the eligible academic entity's generator status, pursuant to section 371.1(f)(3) and (4) of this Title, in the calendar month that the hazardous waste determination was made.
  - (iii) A trained professional must accompany all hazardous waste that is transferred from the laboratory(ies) to an on-site central accumulation area, or on-site interim status facility or an on-site permitted treatment, storage or disposal facility.
  - (iv) When hazardous waste is removed from the laboratory:
    - ('a') Large quantity generators and small quantity generators must ensure it is taken directly from the laboratory(ies) to an on-site central accumulation area, or on-site interim status facility or an on-site permitted treatment, storage or disposal facility, or transported off-site.
    - ('b') Conditionally exempt small quantity generators must ensure it is taken directly from the laboratory(ies) to any of the types of facilities listed in section 371.1(f)(6) of this Title, for acute hazardous waste, or section 371.1(f)(7) of this Title for hazardous waste.
  - (v) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations when it is removed from the laboratory.
- (12) Making the hazardous waste determination at an on-site central accumulation area. When an eligible academic entity makes the hazardous waste determination, pursuant to paragraph (a)(2) of this section, for unwanted material at an on-site central accumulation area, it must comply with the following:
- (i) A trained professional must accompany all unwanted material that is transferred from the laboratory(ies) to an on-site central accumulation area.
  - (ii) All unwanted material removed from the laboratory(ies) must be taken directly from the laboratory(ies) to the on-site central accumulation area.

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- (iii) The unwanted material becomes subject to the generator accumulation regulations of paragraph (a)(8) of this section for large quantity generators or subparagraphs (a)(8)(iii) through (v) of this section, for small quantity generators as soon as it arrives in the central accumulation area, except for the “Hazardous Waste” labeling requirements of paragraph (a)(8) of this section.
  - (iv) A trained professional must determine, pursuant to paragraph (a)(2) of this section, if the unwanted material is a hazardous waste within four calendar days of the unwanted materials’ arrival at the on-site central accumulation area.
  - (v) Upon determining that the unwanted material is a hazardous waste, the eligible academic entity must:
    - (‘a’) write the words “Hazardous Waste” on the container label that is affixed or attached to the container; and
    - (‘b’) write the appropriate hazardous waste code(s) on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported off-site; and
    - (‘c’) count the hazardous waste toward the eligible academic entity’s generator status , pursuant to section 371.1(f)(3) and (4) of this Title, in the calendar month that the hazardous waste determination was made; and
    - (‘d’) manage the hazardous waste according to all applicable hazardous waste regulations.
- (13) Making the hazardous waste determination at an on-site interim status facility or an on-site permitted treatment, storage or disposal facility. When an eligible academic entity makes the hazardous waste determination, pursuant to paragraph (a)(2) of this section, for unwanted material at an on-site interim status facility or an on-site permitted treat, storage or disposal facility, it must comply with the following:
- (i) A trained professional must accompany all unwanted material that is transferred from the laboratory(ies) to an on-site interim status facility or an on-site permitted treatment, storage or disposal facility.
  - (ii) All unwanted material removed from the laboratory(ies) must be taken directly from the laboratory(ies) to the on-site interim status facility or an on-site permitted treatment, storage or disposal facility.
  - (iii) The unwanted material becomes subject to the terms of the eligible academic entity’s hazardous waste permit or interim status as soon as it arrives in the on-site treatment, storage or disposal facility.
  - (iv) A trained professional must determine, pursuant to paragraph (a)(2) of this section, if the

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unwanted material is a hazardous waste within four calendar days of the unwanted materials' arrival at an on-site interim status facility or an on-site permitted treatment, storage or disposal facility.

- (v) Upon determining that the unwanted material is a hazardous waste, the eligible academic entity must:
  - ('a') write the words "Hazardous Waste" on the container label that is affixed or attached to the container; and
  - ('b') write the appropriate hazardous code(s) on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed on-site or transported off-site; and
  - ('c') count the hazardous waste toward the eligible academic entity's generator status, pursuant to section 371.1(f)(3) and (4) of this Title, in the calendar month that the hazardous waste determination was made; and
  - ('d') manage the hazardous waste according to all applicable hazardous waste regulations.

#### (14) Laboratory clean-outs.

- (i) One time per 12-month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this subdivision, except that:
  - ('a') if the volume of unwanted material in the laboratory exceeds 55 gallons (or one quart of liquid reactive acutely hazardous unwanted material, one quart of containerized gas reactive acutely hazardous unwanted material, or one kilograms of solid reactive acutely hazardous unwanted material), the eligible academic entity must remove all unwanted materials from the laboratory within 30 calendar days from the start of the laboratory clean-out; and
  - ('b') for the purposes of on-site accumulation, an eligible academic entity is not required to count a hazardous waste that is an unused commercial chemical product (listed in section 371.4 or exhibiting one or more characteristics of section 371.3 of this Title) generated solely during the laboratory clean-out toward its hazardous waste generator status, pursuant to section 371.1(f)(3) and (4) of this Title. However, an unwanted material that was accumulated prior to the beginning of the laboratory clean-out and is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator status, pursuant to section 371.1(f)(3) and (4) of this Title, if it is determined to be hazardous waste; and
  - ('c') for the purposes of off-site management, an eligible academic entity must count all its hazardous waste, regardless of whether the hazardous waste was counted toward

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generator status under clause ('b') of this subparagraph, and if it generates more than one kilograms/month of acute hazardous waste or more than 100 kilograms/month of hazardous waste (i.e., the conditionally exempt small quantity generator limits of subdivision 371.1(f) of this Title), the hazardous waste is subject to all applicable hazardous waste regulations when it is transported off-site; and

- (d) An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out begins and ends, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity must maintain the records for a period of three years from the date the clean-out ends; and
  - (ii) For all other laboratory clean-outs conducted during the same 12-month period, an eligible academic entity is subject to all the applicable requirements of this subdivision, including, but not limited to:
    - (a) The requirement to remove all unwanted materials from the laboratory within 10 calendar days of exceeding 55 gallons (or one quart of liquid reactive acutely hazardous unwanted material, one quart of containerized gas reactive acutely hazardous unwanted material, or one kilogram of solid reactive acutely hazardous unwanted material), as required by paragraph (9) of this subdivision; and
    - (b) The requirement to count all hazardous waste, including unused hazardous waste, generated during the laboratory clean-out toward its hazardous waste generator status, pursuant to section 371.1(f)(3) and (4) of this Title.
- (15) Laboratory management plan. An eligible academic entity must develop and retain a written Laboratory Management Plan, or revise an existing written plan. The Laboratory Management Plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this subdivision. An eligible academic entity may write one Laboratory Management Plan for all the laboratories owned by the eligible academic entity that have opted into this subdivision, even if the laboratories are located at sites with different EPA Identification Numbers. The Laboratory Management Plan must contain two parts with a total of nine elements identified in subparagraphs (i) and (ii) of this paragraph. In Part I of its Laboratory Management Plan, an eligible academic entity must describe its procedures for each of the elements listed in subparagraph (i) of this paragraph. An eligible academic entity must implement and comply with the specific provisions that it develops to address the elements in Part I of the Laboratory Management Plan. In Part II of its Laboratory Management Plan, an eligible academic entity must describe its best management practices for each of the elements listed in subparagraph (ii) of this paragraph. The specific actions taken by an eligible academic entity to implement each element in Part II of its Laboratory Management Plan may vary from the procedures described in the eligible academic entity's Laboratory Management Plan, without constituting a violation of this subdivision. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it chooses.

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- (i) The eligible academic entity must implement and comply with the specific provisions of Part I of its Laboratory Management Plan. In Part I of its Laboratory Management Plan, an eligible academic entity must:
  - ('a') Describe procedures for container labeling in accordance with subparagraph (7)(i), as follows:
    - ('1') Identifying whether the eligible academic entity will use the term “unwanted material” on the containers in the laboratory. If not, identify an equally effective term that will be used in lieu of “unwanted material” and consistently by the eligible academic entity in lieu of “unwanted material.” The equally effective term, if used, has the same meaning and is subject to the same requirements as “unwanted material.”
    - ('2') Identifying the manner in which information that is “associated with the container” will be imparted.
  - ('b') Identify whether the eligible academic entity will comply with clauses (9)(i)(‘a’) or (‘b’) of this subdivision, for regularly scheduled removals of unwanted material from the laboratory.
- (ii) In Part II of its Laboratory Management Plan, an eligible academic entity must:
  - ('a') Describe its intended best practices for container labeling and management (see the required standards at paragraph (7) of this subdivision).
  - ('b') Describe its intended best practices for providing training for laboratory workers and students commensurate with their duties (see the required standards at subparagraph (8)(i) of this subdivision).
  - ('c') Describe its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals (see the required standards at clause (8)(iv)(‘a’) of this subdivision).
  - ('d') Describe its intended best practices for removing unwanted material from the laboratory, including:
    - ('1') For regularly scheduled removals- Develop a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at clauses (9)(i)(‘a’) and (‘b’) of this subdivision).
    - ('2') For removals when maximum volumes are exceeded:
      - ('i') Describe its intended best practices for removing unwanted materials from the laboratory within 10 calendar days when unwanted materials have exceeded their maximum volumes (see the required standards at subparagraph (9)(iv) of this subdivision).

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- (ii) Describe its intended best practices for communicating that unwanted materials have exceeded their maximum volumes.
  - (e) Describe its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at paragraphs (a)(2) of this section and paragraphs (10) through (13) of this subdivision).
  - (f) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in paragraph (14) of this subdivision, including:
    - (1) procedures for conducting laboratory clean-outs (see the required standards at clauses (14)(i)(‘a’) through (‘c’) of this subdivision); and
    - (2) procedures for documenting laboratory clean-outs (see the required standards at clause (14)(i)(‘d’) of this subdivision).
  - (g) Describe its intended best practices for emergency prevention, including:
    - (1) procedures for emergency prevention, notification, and response, appropriate to the hazards in the laboratory; and
    - (2) a list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date and/or as they degrade; and
    - (3) procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date and/or as they degrade; and
    - (4) procedures for the timely characterization of unknown chemicals.
  - (iii) An eligible academic entity must make its Laboratory Management Plan available to laboratory workers, students, or any others at the eligible academic entity who request it.
  - (iv) An eligible academic entity must review and revise its Laboratory Management Plan, as needed, but at a minimum, every five years.
- (16) Unwanted material that is not solid or hazardous waste.
- (i) If an unwanted material does not meet the definition of solid waste in section 371.1(c) of this Title, it is no longer subject to this subdivision or to the Parts 370 through 374 and 376 hazardous waste regulations of this Title.
  - (ii) If an unwanted material does not meet the definition of hazardous waste in section 371.1(d) of this Title, it is no longer subject to this subdivision or to the Parts 370 through 374 and 376 hazardous waste regulations of this Title, but must be managed in compliance with any other applicable regulations and/or conditions.

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- (17) Non-laboratory hazardous waste generated at an eligible academic entity.

An eligible academic entity that generates hazardous waste outside of a laboratory is not eligible to manage that hazardous waste under this subdivision; and

- (i) remains subject to the generator requirements of paragraph (a)(2) and clause (a)(8)(i)(‘a’) of this section, for large quantity generators and small quantity generators (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of this Part, with respect to that hazardous waste; or
- (ii) Remains subject to the conditional exemption of section 371.1(f)(2) of this Title, for conditionally exempt small quantity generators, with respect to that hazardous waste.

### Section 372.3 Standards applicable to transporters.

The following standards are applicable to transporters of hazardous waste unless specifically exempted or modified in this section.

#### (a) General requirements.

- (1) Transporters of hazardous waste must comply with all provisions of Part 364 of this Title, “Waste Transporter Permits,” and be permitted under the provisions of that regulation to transport hazardous waste in New York State.
- (2) Within 90 days after promulgation or revision of Part 371 of this Title, any person transporting wastes not previously regulated as hazardous waste shall file with the commissioner a notification stating the location and a general description of the transportation activity and the hazardous waste handled by such person. No hazardous waste subject to the regulation in this Title may be transported, treated, stored or disposed unless notification has been given as herein required.
- (3) A transporter must not transport hazardous wastes without having received an EPA identification number as defined in section 370.2(b) of this Title.
- (4) Permits. Any transporter of hazardous waste must comply with the Permit requirement of Part 364 of this Title unless otherwise exempt (section 364.1(e)).
- (5) A transporter of hazardous wastes must comply with requirements applicable to generators, as set forth in this Part, if the transporter:
  - (i) transports hazardous waste into the United States from abroad; or
  - (ii) mixes hazardous wastes of different DOT shipping descriptions by placing them into a singular container.
- (6) Transporters as temporary storage facilities. Transporters may store hazardous waste, incidental to transport, for up to 10 days as provided for in section 373-1.1(d)(1)(xv) of this Title.
- (7) Transporters are permitted to transfer hazardous waste, incidental to transport, provided that:
  - (i) Reserved.

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- (ii) transfer of hazardous waste from one transporter to another is indicated on the manifest as Second Transporter; and
  - (iii) if consolidation of loads takes place by any method, including but not limited to moving containers from one transport vehicle to another or containers are removed from transport vehicles prior to being reloaded, the transfer or storage area must be designed to meet secondary containment requirements in accordance with section 373-2.9(f) of this Title.
- (8) A transporter of hazardous waste, except “State-only waste,” subject to the manifesting requirements of this Part, or subject to the waste management standards of Subpart 374-3 of this Title, that is being imported from or exported to any of the countries listed in section 372.5(h)(1)(i) of this Part for purposes of recovery is subject to this section and to all other relevant requirements of section 372.5(h) of this Part.

**(b) Manifest requirements.**

- (1) Before transporting the hazardous waste, the transporter of such waste must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter must return a signed copy to the generator before leaving the generator's property, and assure that copies of the manifest are available for additional transporters, if necessary.
- (2) The transporter must ensure that the manifest accompanies the hazardous waste. The manifest must be kept in the transportation vehicle in an easily accessible place when the shipment is in transit. In the case of exports, the transporter must ensure that a copy of the EPA acknowledgment of consent also accompanies the hazardous waste.
- (3) Reserved.
- (4)
  - (i) The transporter must deliver the entire quantity of hazardous waste which the transporter accepted from a generator or a transporter to:
    - ('a') the designated facility listed on the manifest;
    - ('b') the alternate designated facility if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery;
    - ('c') the next designated transporter, as specified on the manifest; or
    - ('d') the place outside the United States designated by the generator.
  - (ii) If the hazardous waste cannot be delivered in accordance with subparagraph (i) of this paragraph because of an emergency condition other than rejection of the waste by the designated facility, then the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.
  - (iii) If the hazardous waste is rejected by the designated facility while the transporter is on the

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facility's premises, then the transporter must obtain the following:

- (a) for a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with subdivision (c) of this section, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all the information required in section 373-2.5(b)(1)(v)(a) through (f) or (vi)(a) through (f), or 373-3.5(b)(1)(v)(a) through (f) or (vi)(a) through (f) of this Title;
  - (b) for a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and identification number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with subdivision (c) of this section, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with section 373-2.5(b)(1)(v)(a) through (f) or 373-3.5(b)(1)(v)(a) through (f) of this Title;
- (5) A transporter who delivers hazardous waste to another transporter to the designated facility must:
- (i) obtain the date of delivery and the handwritten signature of the subsequent transporter or of the owner or operator of the designated facility on the manifest; and
  - (ii) Reserved.
  - (iii) retain the appropriate copy of the manifest in accordance with subdivision (c) of this section; and
  - (iv) give the remaining copies of the manifest to the accepting transporter or designated facility.
- (6) Prohibitions. No transporter may:
- (i)
    - (a) accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with the requirements of section 372.2(b)(3) of this Part.
    - (b) In the case of exports of hazardous waste subject to the requirements of section 372.5(h) of this Part, a transporter must meet the requirements of section 372.5(h) of this Part. In

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the case of exports other than those subject to section 372.5(h) of this Part, a transporter may not accept such waste from a primary exporter or other person:

- (1) if the transporter knows the shipment does not conform to the EPA acknowledgment of consent; and
  - (2) unless, in addition to a manifest signed by the generator in accordance with the provisions of section 372.2(b) of this Part, the transporter is also provided with an EPA acknowledgment of consent which, except for shipment by rail, is attached to the manifest or (shipping paper for exports by water (bulk shipment));
- (ii) accept a hazardous waste shipment that significantly differs in terms of quantity from that listed on the manifest;
  - (iii) deliver a shipment of hazardous waste to any person other than as prescribed in this subdivision; or
  - (iv) transport any shipment of hazardous waste without complying with the financial security requirements of paragraph (d)(3) of this section.
- (7) Special conditions. In the following situations, transporter manifest requirements are modified:
- (i) Transporters who transport hazardous waste out of the United States must:
    - ('a') sign and date the manifest in the international shipments block to indicate the date that the shipment left the United States;
    - ('b') retain one copy in accordance with paragraph (c)(3) of this section;
    - ('c') return a signed copy of the manifest to the generator; and
    - ('d') Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.
  - (ii) Rail and water (bulk) transporters must comply with the transporter requirements in section 372.7 of this Part.
  - (iii) A transporter transporting hazardous waste from a generator who generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month need not comply with the requirements of this section or those of subdivision (c) of this section provided that:
    - ('a') the waste is being transported pursuant to a reclamation agreement as provided for in section 372.2(b)(7) of this Part;
    - ('b') the transporter records, on a log or shipping paper, the following information for each shipment:
      - (1) the name, address and U.S. EPA identification number of the generator of the waste;

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- (2) the quantity of waste accepted;
  - (3) all DOT-required shipping information; and
  - (4) the date the waste is accepted;
- (c) the transporter carries this record when transporting waste to the reclamation facility; and
- (d) the transporter retains these records for a period of at least three years after termination or expiration of the agreement.

#### (c) Recordkeeping requirements.

- (1) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, the transporter and the next designated transporter or the owner or operator of the designated facility, for a period of three years from the date the hazardous waste was accepted by the initial transporter.
- (2) For shipments delivered to the designated facility by rail or water (bulk), each rail or water (bulk shipment) transporter must retain a copy of a shipping paper containing all the information required in section 372.7 of this Part for a period of three years from the date the hazardous waste was accepted by the initial transporter.
- (3) A transporter who transports hazardous waste out of the United States must keep a copy of the manifest, indicating that the hazardous waste left the United States, for a period of three years from the date the hazardous waste was accepted by the initial transporter.
- (4) Reserved.
- (5) The three-year period of retention referred to in this subdivision is extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the commissioner.

#### (d) Hazardous waste discharges.

- (1) Immediate action.
  - (i) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge areas).
  - (ii) If a discharge of hazardous waste occurs during transportation and an official (State or local government or a Federal agency), acting within the scope of his/her official responsibilities, determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have EPA identification numbers and without the preparation of a manifest.
  - (iii) Any waste transporter who has discharged hazardous waste must:

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- (a) give notice, if required by 49 CFR 171.15 (see section 370.1(e) of this Title), to the National Response Center (800-424-8802 or 202-426-2675) and the department (518-457-7362);
  - (b) report in writing, as required by 49 CFR 171.16 (see section 370.1(e) of this Title), to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590; and
  - (c) in the case of a water (bulk shipment) transporter, who has discharged hazardous waste, give the same notice as required by 33 CFR 153.203 (see section 370.1(e) of this Title) for oil and hazardous substances.
- (2) Discharge cleanup. A transporter must clean up any hazardous waste discharge that occurs during transportation, or take such action as may be required or approved by Federal, State or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment.
- (3) Financial security requirements. The financial security requirements for transporters of hazardous waste are located in section 364.5 of this Title.

### **Section 372.4 Reserved.**

See Sections 373-2.5 and 373-3.5 of this Title, as appropriate, for standards applicable to owners and operators of treatment, storage and disposal facilities formerly located in this section.

### **Section 372.5 International shipments and imports.**

#### **(a) Applicability.**

This section establishes requirements applicable to imports and exports of hazardous waste. Except to the extent subdivision (h) of this section provides otherwise, a primary importer or exporter of hazardous waste must comply with the special requirements of this section and a transporter transporting hazardous waste for export must comply with applicable requirements of section 372.3 of this Part. Subdivision (h) of this section sets forth the requirements of international agreements between the United States and receiving countries which establish different notice, export, and enforcement procedures for the transportation, treatment, storage and disposal of hazardous waste for shipments of hazardous waste for recovery between the United States and those countries.

#### **(b) General requirements.**

Exports of hazardous waste are prohibited except in compliance with the applicable requirements of this section and section 372.3 of this Part. Exports of hazardous waste are prohibited unless:

- (1) notification in accordance with subdivision (c) of this section has been provided;
- (2) the receiving country has consented to accept the hazardous waste;

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- (3) a copy of the EPA acknowledgment of consent to the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest or shipping paper for exports by water (bulk shipment); and
- (4) the hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the EPA acknowledgment of consent.

#### (c) Notification of intent to export.

- (1) A primary exporter of hazardous waste must notify EPA and the department of an intended export before such waste is scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped offsite. This notification may cover export activities extending over a 12-month or lesser period. The notification must be in writing, signed by the primary exporter, and include the following information:
  - (i) name, mailing address, telephone number and EPA I.D. number of the primary exporter;
  - (ii) by cosignee, for each hazardous waste type:
    - ('a') a description of the hazardous waste and the EPA hazardous waste number (from Part 371 of this Title), U.S. DOT proper shipping name, hazard class and I.D. number (UN/NA) for each hazardous waste as identified in 49 CFR parts 171-177 (see section 370.1(e) of this Title).
    - ('b') the estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported;
    - ('c') the estimated total quantity of the hazardous waste in units as specified in the instructions to the uniform hazardous waste manifest form (8700-22);
    - ('d') all points of entry to and departure from each foreign country through which the hazardous waste will pass;
    - ('e') a description of the means by which each shipment of the hazardous waste will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.));
    - ('f') a description of the manner in which the hazardous waste will be treated, stored or disposed of in the receiving country (e.g., land or ocean incineration, other land disposal, ocean dumping, recycling);
    - ('g') the name and site address of the cosignee and any alternate cosignee; and
    - ('h') the name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in such country and the nature of its handling while there.
- (2) Notifications submitted by mail should be sent to the following mailing addresses: Office of

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Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460 and to the Manifest Section, NYSDEC, 625 Broadway, Albany, NY 12233-7252. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW, Washington, DC 20004, and mailed to the Manifest Section at the above address. In all cases, the following shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export."

- (3) Except for changes to the telephone number in subparagraph (1)(i) of this subdivision, changes to clause (1)(ii)('e') and decreases in the quantity indicated pursuant to clause (1)(ii)('c') of this subdivision when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous waste specified in the original notification), the primary exporter must provide EPA and the department with a written renotification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to clause (1)(ii)('h') and in the ports of entry to and departure from transit countries pursuant to clause (1)(ii)('d') of this subdivision) has been obtained and the primary exporter receives an EPA acknowledgment of consent reflecting the receiving country's consent to the changes.
- (4) Upon request by EPA or the department, a primary exporter must furnish to EPA and the department any additional information which a receiving country requests in order to respond to a notification.
- (5) In conjunction with the U.S. Department of State, EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of paragraph (1) of this subdivision. Where a claim of confidentiality is asserted with respect to any notification information required by paragraph (1) of this subdivision, EPA or the department may find the notification not complete until any such claim is resolved in accordance with section 370.1(b) of this Title and 40 CFR 260.2 (see section 370.1(e) of this Title).
- (6) Where the receiving country consents to the receipt of the hazardous waste, EPA will forward an EPA acknowledgment of consent to the primary exporter for purposes of paragraph (d)(8) of this section. Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, EPA will notify the primary exporter in writing. EPA will also notify the primary exporter of any responses from transit countries.

**(d) Special manifest requirements.**

A primary exporter must comply with the manifest requirements of section 372.2(b) of this Part except that:

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- (1) In lieu of the name, site address and EPA I.D. number of the designated permitted facility, the primary exporter must enter the name and site address of the cosignee.
- (2) In lieu of the name, site address and EPA I.D. number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate cosignee.
- (3) In the international shipments block, the primary exporter must check the export box and enter the point of exit (city and state) from the United States.
- (4) The following statement must be added to the end of the first sentence of the certification set forth in item 15 of the uniform hazardous waste manifest form: “and conforms to the terms of the attached EPA acknowledgment of consent.”
- (5) The primary exporter may obtain the manifest form from any source that is registered with the EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).
- (6) The primary exporter must require the cosignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies (as defined in section 373-2.5(b)(1)(i)(‘a’) of this Title) between the manifest and the shipment. A copy of the manifest signed by such facility may be used to confirm delivery of the hazardous waste.
- (7) In lieu of the requirements of section 372.2(b)(2)(iii) of this Part, where a shipment cannot be delivered for any reason to the designated or alternate cosignee, the primary exporter must:
  - (i) renotify EPA of a change in the conditions of the original notification to allow shipment to a new cosignee in accordance with paragraph (c)(3) of this section and obtain an EPA acknowledgment of consent prior to delivery; or
  - (ii) instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and
  - (iii) instruct the transporter to revise the manifest in accordance with the primary exporter’s instructions.
- (8) The primary exporter must attach a copy of the EPA acknowledgement of consent to the shipment to the manifest which must accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter must provide the transporter with an EPA acknowledgment of consent which must accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter must attach the copy of the EPA acknowledgment of consent to the shipping paper.
- (9) The primary exporter must provide the transporter with an additional copy of the manifest for delivery to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with subparagraph (k)(1)(v) of this section.

**(e) Exception reports.**

In lieu of the requirements of section 372.2(c)(3) of this Part, a primary exporter must file an exception

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report with the Environmental Protection Agency at the address listed in 40 CFR 262.82(e), as incorporated by reference in section 370.3(b) of this Title, and the department if any of the following occurs:

- (1) the primary exporter has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter;
- (2) within 90 days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the cosignee that the hazardous waste was received; and
- (3) the waste is returned to the United States.

### (f) Annual reports.

- (1) Primary exporters of hazardous waste must file with the administrator and the department no later than March 1st of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. Such reports must include the following:
  - (i) the EPA identification number, name, and mailing and site address of the exporter;
  - (ii) the calendar year covered by the report;
  - (iii) the name and site address of each cosignee;
  - (iv) by cosignee, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (5) (from section 371.3 and/or 371.4 of this Title), DOT hazard class, the name and U.S. EPA I.D. number (where applicable) for each transporter used, the total amount of waste shipped and number of shipments pursuant to each notification;
  - (v) except for hazardous waste produced by exporters of greater than 100 kilograms but less than 1,000 kilograms in a calendar month, unless provided pursuant to section 372.2(c) of this Part:
    - ('a') a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and
    - ('b') a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984;
  - (vi) a certification signed by the primary exporter which states: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

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- (2) Annual reports submitted by mail should be sent to the following mailing addresses: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 and to the Manifest Section, NYSDEC, 625 Broadway, Albany, NY 12233-7252. Hand-delivered reports should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW., Washington, DC, 20004 and mailed to the Manifest Section at the above address.

#### **(g) Recordkeeping.**

- (1) For all exports a primary exporter must:
  - (i) keep a copy of each notification of intent to export for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
  - (ii) keep a copy of each EPA acknowledgment of consent for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
  - (iii) keep a copy of each confirmation of delivery of the hazardous waste from the consignee for at least three years from the date the hazardous waste was accepted by the initial transporter; and
  - (iv) keep a copy of each annual report for a period of at least three years from the due date of the report.
- (2) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrator or the commissioner.

#### **(h) International agreements.**

- (1) Any person who exports or imports hazardous waste, except “State-only waste,” subject to manifest requirements of this Part, or subject to the universal waste management standards of Subpart 374-3 of this Title, or subject to the export requirements in the spent lead-acid battery management standards if section 374-1.7 of this Title, to or from designated member countries of the Organization for Economic Cooperation and Development (OECD) as defined in subparagraph (i) of this paragraph for purposes of recovery is subject to the requirements of this section as follows: subdivision (c) does not apply, provided however, notification that must be sent to EPA pursuant to 40 CFR section 262.83 must also be sent to the State pursuant to paragraph (c)(2) of this section; paragraphs (d)(1), (2), (3), (5), and (9) apply; subdivision (e) applies; subdivision (f) does not apply, provided however that the annual report that must be sent to EPA pursuant to 40 CFR section 262.87(a) must also be sent to the State pursuant to paragraph (f)(2); subdivision (j) applies; and subparagraphs (k)(1)(ii) through (v) apply.
  - (i) For the purposes of this Part, the designated OECD Member countries consist of Australia, Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway,

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Poland, Portugal, the Republic of Korea, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

(ii) For the purposes of this Part, Canada and Mexico are considered OECD member countries only for the purpose of transit.

(2) Any person who exports hazardous waste to or imports hazardous waste from: a designated OECD member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of this section.

*Note:* For purposes of reference only: Federal regulations found at 40 CFR 262 subpart H also govern transfrontier shipments of hazardous waste for recovery within the OECD.

**(i) Reserved.**

**(j) Imports of hazardous waste.**

(1) Any person who imports hazardous waste from a foreign country into the United States must comply with the requirements of this Part and the special requirements of this subdivision, except to the extent subdivision (h) of this section provides otherwise.

(2) When importing hazardous waste, a person must meet all the requirements of section 372.2(b) of this Part for the manifest except that:

(i) in place of the generator's name, address and EPA identification number, the name and address of the foreign generator and the importer's name, address and EPA identification number must be used; and

(ii) in place of the generator's signature on the certification statement, the U.S importer or the importer's agent must sign and date the certification and obtain the signature of the initial transporter.

(3) A person who imports hazardous waste may obtain the manifest form from any source that is registered with the EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).

(4) In the international shipments block, the importer must check the import box and enter the point of entry (city and state) into the United States.

(5) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to the EPA in accordance with sections 373-2.5(b)(1)(i)('c') and 373-3.5(b)(1)(i)('c') of this Title.

**(k) Special transporter requirements.**

(1) A transporter transporting hazardous wastes out of the United States must:

(i) ensure that the manifest and a copy of the EPA acknowledgment of consent accompanies the hazardous waste;

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- (ii) indicate on the manifest the date the hazardous waste left the United States;
- (iii) sign the manifest and retain one copy in accordance with section 372.3(b) of this Part;
- (iv) return a signed copy of the manifest to the generator and the generation state as indicated on the instructions with the manifest;
- (v) give a copy of the manifest to a U.S. Customs official at the point of departure from the United States; and
- (vi) not accept such waste from a primary exporter or other person:
  - ('a') if the transporter knows the shipment does not conform to the EPA acknowledgment of consent; and
  - ('b') unless, in addition to a manifest signed in accordance with the provisions of section 372.2(b) of this Part, such waste is also accompanied by an EPA acknowledgment of consent which, except for shipment by rail, is attached to the manifest or shipping paper for exports by water (bulk shipment).

### **Section 372.6 Interstate shipments.**

#### **(a) Applicability.**

The provisions of this section apply to hazardous waste shipments either originating in or terminating in New York State. The provisions of this section govern when in conflict with the provisions of this Part. Any nonconflicting provisions of this Part continue to apply to any person subject to this section.

#### **(b) Special generator requirements.**

- (1) A generator located in New York State who ships, or offers for shipment, wastes to a facility outside of New York State must manifest the waste in accordance with this Part if it is hazardous either under New York State law, under the law of the state in which the facility is located, or under EPA regulation if there is no applicable state law. The generator must ascertain that the designated facility is capable of disposing of the hazardous waste in accordance with the laws, rules and regulations of that state and/or EPA.
- (2) An out-of-state generator who ships, or offers for shipment, wastes destined for a facility in New York State must manifest the waste in accordance with this Part if the waste is hazardous under either New York State law or the law of the state in which it was generated. The generator must ascertain that the designated facility is capable of disposing of the hazardous waste in accordance with the laws, rules and regulations of New York State.

### **Section 372.7 Shipments by rail or water (bulk).**

#### **(a) Applicability.**

The provisions of this section shall apply to hazardous waste shipments transported in whole or in part by

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rail or water (bulk). The provisions of this section govern when in conflict with any other provisions of this Part. Any nonconflicting provisions of this Part continue to apply to any person subject to this section.

#### (b) Special generator requirements.

- (1) For shipments of hazardous waste solely by water (bulk), the generator must mail the manifest, with all generator-required information and certifications completed and with the certifications of the initial transporter, to the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.
- (2) For rail shipments of hazardous waste which originate at the site of generation, the generator must send the manifest dated and signed in accordance with this section to:
  - (i) the next nonrail transporter, if any;
  - (ii) the designated facility if transported solely by rail; or
  - (iii) the last rail transporter to handle the waste in the United States if exported by rail.
- (3) For shipments of hazardous waste involving a rail or water (bulk shipment) transporter who is not the initial transporter, the generator must complete the manifest and comply with all related requirements as set forth in section 372.2(b) of this Part.

#### (c) Special transporter requirements.

- (1) For water (bulk shipment) transporters:
  - (i) For shipments of hazardous waste solely by water (bulk), the transporter:
    - ('a') is not required to carry a manifest pursuant to section 372.3(b) of this Part;
    - ('b') must carry a shipping paper containing the following information:
      - ('1') the generator's name, mailing address and telephone number;
      - ('2') the name of the transporter;
      - ('3') the name and address of the designated facility;
      - ('4') the description of the waste(s) required by regulations of the U.S. Department of Transportation in 49 CFR 172.101, 172.202 and 172.203 (see section 370.1(e) of this Title); and
      - ('5') the total quantity of each hazardous waste by units of weight or volume, and the type and number of containers as loaded into or onto the transport vehicle;

**Note:** The certifications otherwise required on the manifest form are not required for the use of a shipping document pursuant to this section.

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- (c) must obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the shipping document; and
  - (d) must retain a copy of the shipping document in accordance with section 372.3(c)(2) of this Part.
- (ii) Reserved.
- (iii) For shipment of hazardous waste involving a water (bulk) transporter as a transporter other than an initial transporter:
- (a) the transporter delivering the shipment to the water (bulk) transporter must carry the manifest document from the site of generation to the delivery location and must obtain the date of delivery and signature of the water (bulk) transporter on the manifest, and forward the appropriate copies of the manifest to the designated facility;
  - (b) the water (bulk) transporter must:
    - (1) carry a shipping document as set forth in subparagraph (i) of this paragraph in place of the manifest;
    - (2) deliver by water (bulk shipment) to the designated facility and obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the shipping document; and
    - (3) retain a copy of the shipping paper in accordance with section 372.3(c)(2) of this Part.
- (2) For shipments involving rail transportation:
- (i) When accepting hazardous waste from a nonrail transporter, the initial rail transporter must:
    - (a) sign and date the manifest acknowledging acceptance of the hazardous waste;
    - (b) return a signed copy of the manifest to the nonrail transporter;
    - (c) forward the manifest to:
      - (1) the next nonrail transporter, if any;
      - (2) the designated facility, if the shipment is delivered to that facility by rail; or
      - (3) the last rail transporter designated to handle the waste in the United States;
    - (d) retain one copy of the manifest and rail shipping paper in accordance with section 372.3(c)(2) of this Part.
  - (ii) Rail transporters must ensure that a shipping paper containing all the information required by clause (1)(i)(b) of this subdivision accompanies the hazardous waste at all times.

**Note:** Intermediate rail transporters are not required to sign either the manifest or shipping paper.

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- (iii) When delivering hazardous waste to the designated facility, a rail transporter must:
  - ('a') obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and
  - ('b') retain a copy of the manifest or signed shipping paper in accordance with section 372.3(c)(2) of this Part.
- (iv) When delivering hazardous waste to a nonrail transporter a rail transporter must:
  - ('a') obtain the date of delivery and the handwritten signature of the next nonrail transporter on the manifest; and
  - ('b') retain a copy of the manifest in accordance with section 372.3(c)(2) of this Part.
- (v) Before accepting hazardous waste from a rail transporter, a nonrail transporter must sign and date the manifest and provide a copy to the rail transporter.
- (3) In the case of exports an EPA acknowledgment of consent must accompany the hazardous waste at all times.

#### **(d) Special treatment, storage or disposal facility requirements.**

Any facility receiving a shipment of hazardous waste that is not accompanied by a manifest because of any provision of this section must:

- (1) determine whether they have received a manifest document for the shipment prior to delivery;
- (2) determine significant discrepancies, as defined in section 373-2.5(b)(1)(i)(‘d’) or 373-3.5(b)(1)(i)(‘d’) of this Title, between the shipment and the manifest and/or the shipping document;
- (3) upon receipt of the manifest, complete it with the required facility information and certification, and keep one copy of the manifest, as specified on the manifest forms, mail one copy of the manifest form to the generator and the generator state and mail one copy of the manifest form to the destination state (if different from the generator state), making legible photocopies as necessary, postmarked within 30 calendar days of receipt of shipment. Mail the department copy to: New York State Department of Environmental Conservation, Division of Solid & Hazardous Materials, Manifest Section, 625 Broadway, Albany, NY 12233-7252. Facilities do not need to distribute manifest copies to states other than New York, if those states do not require such a copy be submitted to them;
- (4) if a manifest for the shipment is not received within 15 days from receipt of the shipment, send a copy of the signed and dated copy of the shipping paper to the generator and submit an unmanifested waste report as set forth in section 373-2.5(b)(3) of this Title to the department; and
- (5) comply with testing procedures set forth in section 373-2.5(b)(1)(ii) and 373-3.5(b)(1)(ii) of this Part, and submit a manifest discrepancy report where required.

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### Appendices to Part 372

#### APPENDIX 30 – INSTRUCTIONS FOR THE UNIFORM HAZARDOUS WASTE MANIFEST

(EPA Forms 8700-22 and 8700-22A)

##### *General Information.*

Read all instructions before completing this form. This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used—press down hard.

New York State regulation requires generators and transporters of hazardous waste and owners or operators of a hazardous waste treatment, storage and disposal facilities to complete a manifest (EPA form 8700-22), and, if necessary, the continuation sheet (EPA form 8700-22A) for both inter- and intrastate transportation of hazardous waste. Omissions, false coding or illegibility is considered a violation. All generators are responsible under New York State and Federal law for the proper identification, labeling, manifesting and ultimate disposal of all hazardous waste they generate. The manifest system is designed to track hazardous waste from the point of generation until its final disposal (cradle to grave). In order to accomplish that goal, it is essential that all items on a manifest be properly completed.

##### *Distribution.*

Distribution of each copy of the manifest is indicated on the bottom of the form. Additional copies of the form may be required. For example, the generator must make additional copies of the manifest, as necessary, to be submitted by the generator to the generator state and the disposer state. Extra copies of the manifest will be needed if more than one transporter is used. For exports, the transporter must deliver a copy of the manifest to the U.S. Customs when exporting the waste across U.S. borders and mail a copy to the generator. For imports, the TSD must mail a copy of the manifest to the USEPA. For rejected loads, the final receiving facility (generator or TSD), must make manifest copies to submit to the generator state and the disposer state, as necessary. New York State regulations provide 10 calendar days for a generator and 10 calendar days for a TSD to distribute manifest copies. The disposer's state is the state in which the designated TSD facility is located. The generator's state is the state in which the installation generating the hazardous waste is located. TSD facility is a treatment, storage or disposal facility.

For submittal to the department, mail manifest related documents to: New York State Department of Environmental Conservation, Division of Solid & Hazardous Materials, Manifest Section, 625 Broadway, Albany, NY 12233-7252.

##### *Public Reporting Burden.*

The following statement must be included with each Uniform Hazardous Waste Manifest, either on the form, in the instructions to the form, or accompanying the form:

“Public reporting burden for this collection of information is estimated to average: 30 minutes for generators, 10 minutes for transporters, and 25 minutes for owners or operators of treatment, storage, and disposal facilities. This includes time for reviewing instructions, gathering data, completing, reviewing and transmitting the form. Any correspondence regarding the PRA burden statement for the manifest must be sent to the Director of the Collection Strategies Division in EPA's Office of Information Collection at the following address: U.S.

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Environmental Protection Agency (2822T), 1200 Pennsylvania Avenue NW, Washington, DC 20460. Do not send the completed form to this address.”

### I. INSTRUCTIONS FOR GENERATORS

Item 1. Generator's USEPA Identification Number—Enter the generator's US EPA 12-digit identification number, or the state generator identification number if the generator site does not have an EPA identification number.

Item 2. Page 1 of \_. Enter the total number of pages used to complete this Manifest (i.e., the first page (EPA form 8700-22) plus the number of continuation sheets (EPA form 8700-22A), if any).

Item 3. Emergency response phone number—enter a phone number for which emergency response information can be obtained in the event of an incident during transportation. The emergency response phone number must:

1. Be the number of the generator or the number of an agency or organization who is capable of and accepts responsibility for providing detailed information about the shipment;

2. Reach a phone that is monitored 24 hours a day at all times the waste is in transportation (including transportation-related storage); and

3. Reach someone who is either knowledgeable of the hazardous waste being shipped and has comprehensive emergency response and spill cleanup/incident mitigation information for the material being shipped or has immediate access to a person who has that knowledge and information about the shipment.

**Note:** Emergency Response phone number information should only be entered in Item 3 when there is one phone number that applies to all the waste materials described in item 9b. If a situation (e.g., consolidated shipments) arises where more than one Emergency Response phone number applies to the various wastes listed on the manifest, the phone numbers associated with each specific material should be entered after its description in Item 9b.

Item 4. Manifest Tracking Number—This united tracking number must be pre-printed on the manifest by the forms printer.

Item 5. Generator's Mailing Address, Phone Number and Site Address—Enter the name of the generator, the mailing address to which the completed manifest signed by the designated facility should be mailed, and the generator's telephone number. Note, the telephone number (including area code) should be the normal business number for the generator, or the number where the generator or his authorized agent may be reached to provide instructions in the event the designated and/or alternate (if any) facility rejects some or all of the shipment. Also enter the physical site address from which the shipment originates only if this address is different than the mailing address.

Item 6. Transporter 1 Company Name, and U.S. EPA ID Number—Enter the company name and U.S. EPA ID number of the first transporter who will transport the waste. Vehicle or driver information may not be entered here.

Item 7. Transporter 2 Company Name and U.S. EPA ID Number—If applicable, enter the company name and U.S. EPA ID number of the second transporter who will transport the waste. Vehicle or driver information may not be entered here. If more than two transporters are needed, use a Continuation Sheet(s) (EPA Form 8700-22A).

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Item 8. Designated Facility Name, Site Address, and U.S. EPA ID Number—Enter the company name and site address of the facility designated to receive the waste listed on this manifest. Also enter the facility's phone number and the U.S. EPA 12-digit identification number of the facility.

**Note:** All US EPA ID numbers are a 12-digit code starting off with the letters corresponding to the state in which the facility or transporter is located.

**Note:** Only New York State-authorized transporters and TSD facilities, as defined in section 370.2(b) of this Title, are allowed to transport or receive hazardous waste in New York State. The generator shall check for authorization.

Item 9. U.S. DOT Description (Including Identification Number, Proper Shipping Name, Hazard Class or Division, and Packing Group)

Item 9a. If the wastes identified in Item 9b consist of both hazardous and nonhazardous materials, then identify the hazardous materials by entering an "X" in this Item next to the corresponding hazardous material identified in Item 9b.

Item 9b. Enter the Identification Number (UN/NA), U.S. DOT Proper Shipping Name, Hazard Class or Division, and Packing Group for each waste as identified in 49 CFR 172 (see section 370.1(e) of this Title). Include technical name(s) and reportable quantity references, if applicable. USDOT requires the word 'waste' before or in the shipping name for all hazardous waste. See 49 CFR parts 171 through 173 (see 6 NYCRR 370.1(e)). Contact USDOT office or visit <https://www.phmsa.dot.gov> for description assistance.

**Note:** If additional space is needed for waste descriptions, enter these additional descriptions in Item 27 on the Continuation Sheet (EPA Form 8700-22A). Also, if more than one Emergency Response phone number applies to the various wastes described in either Item 9b or Item 27, enter applicable Emergency Response phone numbers immediately following the shipping descriptions for those Items.

Item 10. Containers (Number and Type)

Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

### TABLE I. TYPES OF CONTAINERS

BA - Burlap, cloth, plastic, or paper bags

CF - Fiber or plastic boxes, cartons, cases

CM - Metal boxes, cartons, cases (including roll-offs)

CW - Wooden boxes, cartons, cases

CY - Cylinders

DF - Fiberboard or plastic drums, barrels, kegs

DM - Metal drums, barrels, kegs

DT - Dump trucks

DW - Wooden drums, barrels, kegs

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HG - Hopper or gondola cars

TC - Tank cars

TP - Portable tanks

TT - Cargo tank (tank trucks)

Item 11. Total Quantity—Enter, in designated boxes, the total quantity of waste. Round partial units to the nearest whole unit. “Do not” enter decimals or fractions. To the extent practical, report quantities using appropriate units of measure that will allow you to report quantities with precision. Waste quantities entered should be based on actual measurements or reasonably accurate estimates of actual quantities shipped. Container capacities are not acceptable as estimates.

Item 12. Units of Measure (Weight/Volume)—Enter, in designated boxes, the appropriate abbreviation from Table II (below) for the unit of measure.

### TABLE II. UNITS OF MEASURE

G - Gallons (liquids only)\*

K - Kilograms (2.2 pounds)

L - Liters (liquids only)\*

M - Metric tons (1,000 kilograms) (2,200 pounds)

N - Cubic meters\*

P - Pounds

T - Tons (2,000 pounds)

Y - Cubic yards\*

\*Specific gravity - may be provided in Item 14. Special Handling Instructions and Additional Information to assure accurate conversion of volumetric units into weight. The value of 1.0 will be used for calculations if no other value is provided.

**Note:** Tons, Metric Tons, Cubic Meters, and Cubic Yards should only be reported in connection with very large bulk shipments, such as rail cars, tank trucks, or barges.

Item 13. Waste Codes—Enter up to six Federal and State waste codes to describe each waste stream identified in Item 9b. State waste codes that are not redundant with Federal codes must be entered here, in addition to the Federal waste codes which are most representative of the properties of the waste. Examples of State waste codes include New York State “B” codes for PCB waste and the New York State handling code, described under “Item 13 -additional state requirement.”

### ITEM 13 - ADDITIONAL STATE REQUIREMENT

If the receiving TSD facility is not providing a hazardous waste management method code in Item 19 that reflects the ultimate disposal method for the hazardous waste, the generator must provide a State waste code to

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designate the ultimate disposal method of the waste using one of the following State codes:

L = Landfill

B = Incineration, heat recovery, burning

T = Chemical, physical, or biological treatment

R = Material recovery of more than 75 percent of the total material.

If the receiving TSD facility uses hazardous waste report management method code for “storage, bulking, and/or transfer off-site - no treatment/recovery, fuel blending, or disposal at this site” in Item 19 of the manifest form, and the generator has failed to provide the ultimate disposal method in Item 13, the ultimate disposal method is deemed landfill (L).

### Item 14. Special Handling Instructions and Additional Information.

1. Generators may enter any special handling or shipment-specific information necessary for the proper management or tracking of the materials under the generator's or other handler's business processes, such as waste profile numbers, container codes, bar codes, or response guide numbers. Generators also may use this space to enter additional descriptive information about their shipped materials, such as chemical names, constituent percentages, physical state, or specific gravity of wastes identified with volume units in Item 12.

2. This space may be used to record limited types of federally required information for which there is no specific space provided on the manifest, including any alternate facility designations; the manifest tracking number of the original manifest for rejected wastes and residues that are re-shipped under a second manifest; and the specification of PCB waste descriptions and PCB out-of-service dates required under 40 CFR 761.207.

### Item 15. Generator's/Offeror's Certifications

1. The generator must read, sign, and date the waste minimization certification statement. The date is the date of receipt by transporter. In signing the waste minimization certification statement, those generators who have not been exempted by statute or regulation from the duty to make a waste minimization certification under section 3002(b) of RCRA are also certifying that they have complied with the waste minimization requirements. The Generator's Certification also contains the required attestation that the shipment has been properly prepared and is in proper condition for transportation (the shipper's certification). The content of the shipper's certification statement is as follows: “I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name, and are classified, packaged, marked, and labeled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent.” When a party other than the generator prepares the shipment for transportation, this party may also sign the shipper's certification statement as the offeror of the shipment.

2. Generator or Offeror personnel may preprint the words “On behalf of” in the signature block or may hand write this statement in the signature block prior to signing the generator/offeror certification, to indicate that the individual signs as the employee or agent of the named principal.

**Note:** All of the above information except the handwritten signature required in Item 15 may be pre-printed.

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### II. INSTRUCTIONS FOR INTERNATIONAL SHIPMENT BLOCK

Item 16. International Shipments. For export shipments, the primary exporter must check the export box, and enter the point of exit (city and state) from the United States. For import shipments, the importer must check the import box and enter the point of entry (city and state) into the United States. For exports, the transporter must sign and date the manifest to indicate the day the shipment left the United States. Transporters of hazardous waste shipments must deliver a copy of the manifest to the U.S. Customs when exporting the waste across U.S. borders.

### III. INSTRUCTIONS FOR TRANSPORTERS

Item 17. Transporter Acknowledgment of Receipt. Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt. Only one signature per transportation company is required. Signatures are not required to track the movement of wastes in and out of transfer facilities, unless there is a change of custody between transporter. If applicable, enter the name of the person accepting the waste on behalf of the second transporters. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

**Note:** Transporters carrying imports, who are acting as importers, may have responsibilities to enter information in the International Shipments Block. Transporters carrying exports may also have responsibilities to enter information in the International Shipments Block. See above instructions for Item 16.

### IV. INSTRUCTIONS FOR OWNERS AND OPERATORS OF TREATMENT, STORAGE, AND DISPOSAL FACILITIES

#### Item 18. Discrepancy

#### Item 18a. Discrepancy Indication Space.

1. The authorized representative of the designated (or alternate) facility's owner or operator must note in this space any discrepancies between the waste described on the Manifest and the waste actually received at the facility. Manifest discrepancies are: significant differences (as defined by sections 373-2.5(b)(1)(i)(‘e’) and 373-3.5(b)(1)(i)(‘e’) of this Title) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives; rejected wastes, which may be a full or partial shipment of hazardous waste that the facility cannot accept; or container residues, which are residues that exceed the quantity limits for “empty” containers set forth in section 371.1(h)(2) of this Title.
2. For rejected loads and residues (section 373-2.5(b)(1)(iv), (v) or (vi), or 373-3.5(b)(1)(iv), (v) or (vi) of this Title), check the appropriate box if the shipment is a rejected load (i.e., rejected by the designated and/or alternate facility and is sent to an alternate facility or returned to the generator) or a regulated residue that cannot be removed from a container. Enter the reason for the rejection or the inability to remove the residue and a description of the waste. Also, reference the manifest tracking number for any additional manifests being used to track the rejected waste or residue shipment on the original manifest. Indicate the original manifest tracking number in Item 14, the Special Handling Block and Additional Information Block of the additional manifests.
3. Owners or operators of facilities located in unauthorized states (i.e., states in which the EPA administers the hazardous waste management program) who cannot resolve significant differences in quantity or type within 15 days of receiving the waste must submit to their Regional Administrator a letter with a copy of the Manifest at

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issue describing the discrepancy and attempts to reconcile it (40 CFR 264.72(c) and 265.72(c)).

4. Owners or operators of facilities located in authorized states (i.e., those states that have received authorization from the EPA to administer the hazardous waste management program, such as New York State) should contact their state agency for information on where to report discrepancies involving “significant differences” to state officials. For facilities located in New York State, upon discovering a discrepancy, the owner or operator of the facility must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operators must immediately submit a letter to the generator state and the disposer state describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

Item 18b. Alternate Facility (or Generator) for Receipt of Full Load Rejections. Enter the name, address, phone number, and EPA Identification Number of the Alternate Facility which the rejecting TSDF has designated, after consulting with the generator, to receive a fully rejected waste shipment. In the event that a fully rejected shipment is being returned to the generator, the rejecting TSDF may enter the generator's site information in this space. This field is not to be used to forward partially rejected loads or residue waste shipments.

Item 18c. Alternate Facility (or Generator) Signature. The authorized representative of the alternate facility (or the generator in the event of a returned shipment) must sign and date this field of the form to acknowledge receipt of the fully rejected wastes or residues identified by the initial TSDF.

Item 19. Hazardous Waste Report Management Method Codes. Enter the most appropriate Hazardous Waste Report Management Method code for each waste listed in Item 9. The Hazardous Waste Report Management Method code is to be entered by the first treatment, storage, or disposal facility (TSDF) that receives the waste and is the code that best describes the way in which the waste is to be managed when received by the TSDF.

Item 20. Designated Facility Owner or Operator Certification of Receipt (Except as Noted in Item 18a). Enter the name of the person receiving the waste on behalf of the owner or operator of the facility. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date of receipt or rejection where indicated. Since the facility certification acknowledges receipt of the waste except as noted in the Discrepancy Space in Item 18a, the certification should be signed for both waste receipt and waste rejection, with the rejection being noted and described in the space provided in Item 18a. Fully rejected wastes may be forwarded or returned using Item 18b after consultation with the generator. Enter the name of the person accepting the waste on behalf of the owner or operator of the alternate facility or the original generator in Item 18b. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date they received or rejected the waste in Item 18c. Partially rejected wastes and residues must be re-shipped under a new manifest, to be initiated and signed by the rejecting TSDF as offeror of the shipment.

# APPEDICES

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Manifest Tracking Number		
		5. Generator's Name and Mailing Address			Generator's Site Address (if different than mailing address)		
Generator's Phone: _____							
6. Transporter 1 Company Name				U.S. EPA ID Number			
7. Transporter 2 Company Name				U.S. EPA ID Number			
8. Designated Facility Name and Site Address				U.S. EPA ID Number			
Facility's Phone: _____							
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit Wt./Vol.	
			No.	Type		13. Waste Codes	
	1.						
	2.						
	3.						
4.							
14. Special Handling Instructions and Additional Information							
<p>15. <b>GENERATOR'S/OFFEROR'S CERTIFICATION:</b> I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent.</p> <p>I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.</p>							
Generator's/Offeror's Printed/Typed Name			Signature		Month	Day Year	
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____							
Transporter signature (for exports only): _____				Date leaving U.S.: _____			
17. Transporter Acknowledgment of Receipt of Materials							
Transporter 1 Printed/Typed Name			Signature		Month	Day Year	
Transporter 2 Printed/Typed Name			Signature		Month	Day Year	
18. Discrepancy							
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection							
Manifest Reference Number: _____							
18b. Alternate Facility (or Generator)				U.S. EPA ID Number			
Facility's Phone: _____							
18c. Signature of Alternate Facility (or Generator)					Month	Day Year	
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)							
1.	2.	3.	4.				
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a							
Printed/Typed Name			Signature		Month	Day Year	

EPA Form 8700-22 (Rev. 3-05) Previous editions are obsolete.

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

## APPEDICES

### INSTRUCTIONS—CONTINUATION SHEET, U.S. EPA FORM 8700-22A.

Read all instructions before completing this form. This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used—press down hard.

This form must be used as a continuation sheet to U.S. EPA Form 8700-22 if:

- More than two transporters are to be used to transport the waste; or
- More space is required for the U.S. DOT descriptions and related information in Item 9 of U.S. EPA Form 8700-22.

State regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, or disposal facilities to use the uniform hazardous waste manifest (EPA Form 8700-22) and, if necessary, this continuation sheet (EPA Form 8700-22A) for both interstate and intrastate transportation.

### GENERATORS.

Item 21. Generator's ID Number - Enter the generator's U.S. EPA twelve-digit identification number or, the State generator identification number if the generator site does not have an EPA identification number.

Item 22. Page \_ - Enter the page number of this continuation sheet.

Item 23. Manifest Tracking Number - Enter the Manifest Tracking number from Item 4 of the Manifest form to which this continuation sheet is attached.

Item 24. Generator's Name - Enter the generator's name as it appears in Item 5 on the first page of the Manifest.

Item 25. Transporter—Company Name - If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word “Transporter” the order of the transporter. For example, Transporter 3 Company Name. Also enter the U.S. EPA twelve-digit identification number of the transporter described in Item 25.

Item 26. Transporter—Company Name - If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word “Transporter” the order of the transporter. For example, Transporter 4 Company Name. Each Continuation Sheet can record the names of two additional transporters. Also enter the U.S. EPA twelve-digit identification number of the transporter named in Item 26.

Item 27. U.S. DOT Description Including Proper Shipping Name, Hazardous Class, and ID Number (UN/NA) - For each row enter a sequential number under Item 27b that corresponds to the order of waste codes from one continuation sheet to the next, to reflect the total number of wastes being shipped. Refer to instructions for Item 9 of the manifest for the information to be entered.

Item 28. Containers (No. And Type) - Refer to the instructions for Item 10 of the manifest for information to be entered.

Item 29. Total Quantity - Refer to the instructions for Item 11 of the manifest form.

Item 30. Units of Measure (Weight/Volume) - Refer to the instructions for Item 12 of the manifest form.

## APPEDICES

Item 31. Waste Codes - Refer to the instructions for Item 13 of the manifest form.

Item 32. Special Handling Instructions and Additional Information - Refer to the instructions for Item 14 of the manifest form.

### TRANSPORTERS.

Item 33. Transporter—Acknowledgment of Receipt of Materials - Enter the same number of the Transporter as identified in Item 25. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 25. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 34. Transporter—Acknowledgment of Receipt of Materials - Enter the same number of the Transporter as identified in Item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

### OWNER AND OPERATORS OF TREATMENT, STORAGE, OR DISPOSAL FACILITIES.

Item 35. Discrepancy Indication Space - Refer to Item 18. This space may be used to more fully describe information on discrepancies identified in Item 18a of the manifest form.

Item 36. Hazardous Waste Report Management Method Codes - For each field here, enter the sequential number that corresponds to the waste materials described under Item 27, and enter the appropriate process code that describes how the materials will be processed when received. If additional continuation sheets are attached, continue numbering the waste materials and process code fields sequentially, and enter on each sheet the process codes corresponding to the waste materials identified on that sheet.

# APPEDICES

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Form Approved. OMB No. 2050-0039

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b> (Continuation Sheet)		21. Generator ID Number	22. Page	23. Manifest Tracking Number			
24. Generator's Name							
25. Transporter _____ Company Name				U.S. EPA ID Number			
26. Transporter _____ Company Name				U.S. EPA ID Number			
GENERATOR	27a. HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	28. Containers		29. Total Quantity	30. Unit Wt./Vol.	31. Waste Codes
			No.	Type			
32. Special Handling Instructions and Additional Information							
TRANSPORTER	33. Transporter Acknowledgment of Receipt of Materials						
	Printed/Typed Name			Signature		Month	Day
DESIGNATED FACILITY	34. Transporter Acknowledgment of Receipt of Materials						
	Printed/Typed Name			Signature		Month	Day
35. Discrepancy							
36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)							
DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)							

EPA Form 8700-22A (Rev. 3-05) Previous editions are obsolete.