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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 13@ Standards Applicable to Transporters of Hazardous Waste

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Article 2@ Compliance with the Manifest System and Recordkeeping

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Section 66263.21@ Transporter Compliance with the Manifest

66263.21 Transporter Compliance with the Manifest

(a)

The transporter shall deliver the entire quantity of hazardous waste which that transporter has accepted from a generator or a transporter to: (1) the designated facility listed on the manifest; or (2) the alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or (3) the next designated transporter; or (4) the place outside the United States designated by the generator.

(1)

the designated facility listed on the manifest; or

(2)

the alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(3)

the next designated transporter; or

(4)

the place outside the United States designated by the generator.

(b)

(1) Emergency condition. If the hazardous waste cannot be delivered in accordance with paragraph (a)(1), (2), or (4) of this section, because of an emergency condition other than rejection of the waste by the designated facility

or alternate designated facility, then the transporter shall contact the generator for further directions and shall revise the manifest according to the generator's instructions. (2) Transporters without agency authority. If the hazardous waste is not delivered to the next designated transporter in accordance with paragraph (a)(3) of this section, and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter shall contact the generator for further instructions prior to making any revisions to the transporter designations on the manifest. The current transporter may thereafter make such revisions if: (A) The hazardous waste is not delivered in accordance with paragraph (a)(3) of this section because of an emergency condition; or (B) The current transporter proposes to change the transporter(s) designated on the manifest by the generator, or to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety; and (C) The generator authorizes the revision. (3) Transporters with agency authority. If the hazardous waste is not delivered to the next designated transporter in accordance with paragraph (a)(3) of this section, and the current transporter has authorization from the generator to act as the generator's agent, then the current transporter may change the transporter(s) designated on the manifest, or add a new transporter, during transportation without the generator's prior, explicit approval, provided that: (A) The current transporter is authorized by a contractual provision that provides explicit agency authority for the transporter to make such transporter changes on behalf of the generator; (B) The transporter enters in Item 14 of each manifest for which such a change is made, the following statement of its agency authority: "Contract retained by generator confers agency authority on initial transporter to add or

substitute additional transporters on generator's behalf;" and (C) The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety. (4) Generator liability. The grant by a generator of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under paragraph (b)(3) of this section does not affect the generator's liability or responsibility for complying with any applicable requirement under this chapter, or grant any additional authority to the transporter to act on behalf of the generator.

(1)

Emergency condition. If the hazardous waste cannot be delivered in accordance with paragraph (a)(1), (2), or (4) of this section, because of an emergency condition other than rejection of the waste by the designated facility or alternate designated facility, then the transporter shall contact the generator for further directions and shall revise the manifest according to the generator's instructions.

(2)

Transporters without agency authority. If the hazardous waste is not delivered to the next designated transporter in accordance with paragraph (a)(3) of this section, and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter shall contact the generator for further instructions prior to making any revisions to the transporter designations on the manifest. The current transporter may thereafter make such revisions if: (A) The hazardous waste is not delivered in accordance with paragraph (a)(3) of this section because of an emergency condition; or (B) The current transporter proposes to change the transporter(s) designated on the manifest by the generator, or to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or

safety; and (C) The generator authorizes the revision.

(A)

The hazardous waste is not delivered in accordance with paragraph (a)(3) of this section because of an emergency condition; or

(B)

The current transporter proposes to change the transporter(s) designated on the manifest by the generator, or to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety; and

(C)

The generator authorizes the revision.

(3)

Transporters with agency authority. If the hazardous waste is not delivered to the next designated transporter in accordance with paragraph (a)(3) of this section, and the current transporter has authorization from the generator to act as the generator's agent, then the current transporter may change the transporter(s) designated on the manifest, or add a new transporter, during transportation without the generator's prior, explicit approval, provided that: (A) The current transporter is authorized by a contractual provision that provides explicit agency authority for the transporter to make such transporter changes on behalf of the generator; (B) The transporter enters in Item 14 of each manifest for which such a change is made, the following statement of its agency authority: "Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator's behalf;" and (C) The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

(A)

The current transporter is authorized by a contractual provision that provides explicit agency

authority for the transporter to make such transporter changes on behalf of the generator;

(B)

The transporter enters in Item 14 of each manifest for which such a change is made, the following statement of its agency authority: "Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator's behalf;" and

(C)

The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

(4)

Generator liability. The grant by a generator of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under paragraph (b)(3) of this section does not affect the generator's liability or responsibility for complying with any applicable requirement under this chapter, or grant any additional authority to the transporter to act on behalf of the generator.

(c)

If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter shall obtain the following: (1) 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 shall retain a copy of this manifest in accordance with section 66263.22, 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 shall obtain a new manifest from the facility to accompany the shipment, and the new manifest shall include all of the information required in sections 66264.72 subsections (e)(1)-(6) or (f)(1)-(6) or 66265.72 subsections (e)(1)-(6) or (f)(1)-(6). (2) 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 shall be delivered. The transporter shall retain a copy of the manifest in accordance with section 66263.22, 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 shall obtain a new manifest from the facility for the shipment and comply with sections 66264.72 subsections (e)(1)-(6) or 66265.72 subsections (e)(1)-(6).

(1)

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 shall retain a copy of this manifest in accordance with section 66263.22, 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 shall obtain a new manifest from the facility to accompany the shipment, and the new manifest shall include all of the information required in

sections 66264.72 subsections (e)(1)-(6) or (f)(1)-(6) or 66265.72 subsections (e)(1)-(6) or (f)(1)-(6).

(2)

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 shall be delivered. The transporter shall retain a copy of the manifest in accordance with section 66263.22, 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 shall obtain a new manifest from the facility for the shipment and comply with sections 66264.72 subsections (e)(1)-(6) or 66265.72 subsections (e)(1)-(6).

(d)

Whenever hazardous waste is received by a facility from a transporter in a vehicle or bulk container that will be removed from the facility after emptying, the transporter shall determine by inspection whether the vehicle or bulk container is empty pursuant to section 66261.7 prior to the removal of the container from the facility.

(e)

If the vehicle or bulk container cannot be rendered empty pursuant to section 66261.7 by equipment and methods available at the facility, the transporter shall contact the generator pursuant to subsection (b), prior to removing the vehicle or bulk container from the facility. If the vehicle or bulk container is not empty, the transporter shall not move the vehicle or bulk container without a new manifest prepared pursuant to sections 66264.72 or 66265.72 or, if the facility is out of

state, 40 Code of Federal Regulations sections 264.72 or 265.72.