



Department of
Toxic Substances
Control

*Preventing
environmental
damage from
hazardous waste,
and restoring
contaminated
sites for all
Californians.*



State of California



California
Environmental
Protection Agency

May 2007

Rejected and Container Residue Shipments

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has prepared this fact sheet to provide generators, transporters, and treatment, storage and disposal facilities (TSDFs), also known as designated facilities, guidance on how to manage container residues and partial or fully rejected shipments of hazardous wastes.

The U.S. Environmental Protection Agency (USEPA) established requirements in the Code of Federal Regulations (CFR), title 40 on the use of the Uniform Hazardous Waste Manifest¹ and continuation sheet forms that are used to track hazardous waste from the generator's site to the site of disposal. The requirements are national, standardize the content and appearance of the manifest and include procedures for tracking container residues, international and rejected shipments of hazardous wastes nationwide.

California hazardous waste regulations² have been changed to be consistent with the federal regulations under the Resource Conservation and Recovery Act (RCRA), however California regulates wastes as hazardous that are not regulated by RCRA. These wastes are commonly known as "California wastes," "State-only wastes" and/or "non-RCRA wastes." Examples of non-RCRA wastes include: antifreeze, used oil, petroleum products, asbestos, and polychlorinated biphenyls (PCBs). In California, in addition to the federal requirements, hazardous wastes must be managed in accordance with the California Health and Safety Code (Health & Saf. Code) and California Code of Regulations (Cal. Code Regs.), title 22.

Rejected Loads and Container Residue Shipments Defined

A **rejected shipment** of hazardous waste (also known as a rejected load) is a shipment that a designated facility operator receives but cannot or will not accept, either because of restrictions in the facility's permit, capacity limitations or other reasons. If a designated facility operator accepts a portion of the hazardous waste shipment, but rejects the remainder, it is known as a **partially rejected shipment**.

Container residue means the hazardous waste that remains in containers such as drums and in vehicles used for transport (e.g., tanker cars or box cars) after most of the contents have been removed. The remaining contents may be difficult to remove because the wastes harden or gel to the container and the receiving facility may not have the equipment to completely empty the container.

¹ 40 CFR parts 260, 261, 262, 263, 264 and 265.

² Cal. Code Regs., title 22



Containers must be managed in accordance with the applicable requirements of title 22 section 66261.7 depending on the size of the container.³

If a container has a capacity of 119 gallons or less, the requirements of 66261.7(a) thru (n) apply. Containers with a capacity of 119 gallons or less cannot contain residual hazardous waste that can be poured or drained from the container when it is tilted or inverted nor have residue that is more than 3% by weight of the container contents.

If a container has a capacity greater than 119 gallons, it is a bulk container, and the requirements of 66261.7(p) apply. Bulk containers cannot have residue that is more than 0.3% by weight. Although container residue rejections are more common with bulk containers, occasionally smaller containers containing residues, typically 55 gallon drums, will get rejected.

If a container contains more than the “empty” amount of hazardous waste allowed by law, the container is not empty and requires additional handling under hazardous waste laws and the TSD / designated facility must prepare a new manifest to accompany the container to the designated facility to remove the residuals and properly manage the container and residuals or reuse the container in accordance with the requirements.

Generator Requirements and Responsibilities

A generator who sends hazardous wastes for off-site treatment, storage, or disposal is required to prepare a manifest.⁴ The generator is responsible for accurately classifying the waste on the manifest and determining that the designated facility identified on the manifest is permitted to accept it.⁵ Generators may enter any special handling or shipment specific information, including an alternate facility designation in Item 14 of the manifest.

- A generator who sends a shipment of waste to a designated facility and later receives that shipment as a rejected load or container residue is considered a “designated facility.” The generator must comply with management standards by signing the manifest acknowledging receipt and following the procedures below:⁶ Sign Item 18c of the manifest if the transporter returned the waste using the original manifest,
- Sign Item 20 of the manifest if the transporter returned the shipment using a new manifest.
- Label the rejected waste in a manner that indicates that it is rejected waste and include the date it was received.
- Store rejected waste onsite for less than 90 days.
- Follow the instructions for manifest discrepancies in either 66264.72 (f)(1) through (f)(6) or 66265.72 (f)(1) through (f)(6).
- Mail a legible copy of the manifest for rejected loads received to:

**DTSC Facility Manifests
P.O Box 3000
Sacramento, Ca 95812-3000**

If a generator of rejected wastes commingles it with other wastes, the shorter of any applicable accumulation time limits apply to the commingled waste.⁷

³ 40 CFR 261.7(b) and Cal. Code Regs., title 22, § 66261.7

⁴ Cal. Code Regs., title 22, § 66262.20

⁵ Cal. Code Regs., title 22, §§ 66262.11 & 66262.20

⁶ Health and Safety Code, § 25160.6 (b)&(f) and Cal. Code Regs., title 22, §§ 66260.10, 66262.34(g)&(h), 66265.71-2

⁷ Health and Safety Code, § 25160.6(d)

Transporter Requirements and Responsibilities

The transporter cannot accept wastes from a generator unless the generator provides the transporter with a signed manifest, except for shipments on a consolidated manifest. The transporter is required to complete, sign and date the Transporter block of the manifest and return a signed copy to the generator before leaving the generator's property.⁸ Upon delivery of a shipment to the designated facility the transporter must obtain a signed copy of the manifest before leaving the facility.

If a full shipment of waste is rejected while the transporter is still at the facility, the original manifest may be used to transport the wastes to either the alternate facility identified on the manifest or back to the generator. However if the shipment is rejected in-part or returned to the generator due to container residues, the transporter must obtain a new manifest from the designated facility. The transporter must retain a copy of the original manifest signed by the designated facility with the number of the new manifest identified in the Discrepancy Block, Item 18a, of the original manifest. If a transporter consolidates shipments of waste, pursuant to Health and Safety Code §25160.2 and the consolidated wastes are rejected, the wastes may be held at the transporter's facility for no more than 10 days from the date the shipment was rejected.⁹

Designated Facility (TSDF) Requirements and Responsibilities

A designated facility must sign **all** manifests accompanying shipments of wastes to acknowledge receipt of all wastes at the facility or acknowledge that the materials identified in the discrepancy block were not received for management at the facility.¹⁰ Acknowledgement of receipt does not constitute a violation of permit conditions.

If the waste shipment is rejected in its entirety and the transporter is still at the facility, the designated facility may use the original manifest to ship the wastes to an alternate facility or the generator.

The designated facility operator is responsible for contacting the generator for instructions on handling the rejected waste and shipping the waste according to the generator's instructions. **The burden of deciding on an alternate facility lies with the generator.**

If an entire shipment of hazardous waste is rejected back to the generator while the transporter is still on site, the designated facility must fill in Item 18b with the generator's EPA ID number, name, address and phone number and note the discrepancies in Item 18a. However, if the generator instructs the designated facility to ship the wastes to an alternate designated facility, the information for the alternate designated facility should be included in Item 18b.

Partial Rejections and Container Residues

If a designated facility operator discovers that portions of the shipment must be rejected or identifies a container residue that exceeds the quantity limits for "empty", the designated facility operator must contact the generator for instructions on forwarding the waste to another facility or returning the wastes to the generator.

The designated facility must prepare a new manifest for the portions of the shipment or the container residues that are being rejected in accordance with generator¹¹ requirements and the applicable sections for permitted facilities¹² and interim status¹³ facilities.

⁸ Cal. Code Regs., title 22, § 66263.20

⁹ Health and Safety Code, § 25160.6 (e)

¹⁰ Cal. Code Regs., title 22, § 66264.71(a)(1)

¹¹ 40 CFR § 262.20(a), and Cal. Code Regs., title 22, § 66262.20

¹² 40 CFR § 264.72 and Cal. Code Regs., title 22, § 66264.72

¹³ 40 CFR § 265.72 and Cal. Code Regs., title 22, § 66265.72

When preparing a new manifest, the designated facility must ensure that the correct information is included in the appropriate blocks of the manifest.

If the wastes or container residues are rejected to;

- the generator,
the designated facility **must** identify itself as the Generator / Offeror of the waste and list the generator as the designated facility in Item 8 of the new manifest.
- an alternate designated facility ,
the generator's information should be included in Items 1 and 5. The information for the alternate designated facility should be included in Item 8.
- Mail a legible copy of the manifest for rejected shipments to:

DTSC Generator Manifests
P.O Box 400
Sacramento, Ca 95812-3000

All new manifests that are prepared by the TSDf must include:

- The manifest tracking number from Item 4 of the original manifest on the Special Handling and Additional Information Block of the new manifest (Item 14).
- A notation by the designated facility that the shipment is a rejected waste or container residue rejection from a previous shipment.
- The manifest tracking number from Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).
- The correct DOT description, container types, quantity and volumes for the rejected load or residues in Items 9 through 13 of the manifest.

If the designated facility and generator cannot agree upon or locate an alternate facility to receive the wastes, the designated facility must return the wastes to the generator.

The designated facility must send the wastes to an alternate designated facility or the generator within 60 days of the rejection or as specified in the facility's permit.¹⁴ A copy of all manifests must be maintained for at least three years.

"Offeror" Defined

When preparing a new manifest, a designated facility that rejects all or part of a hazardous waste shipment is not the generator of the wastes, but is instead the "Offeror." As the "offeror," the designated facility is responsible for ensuring that the hazardous waste is properly prepared for shipment in accordance with 49 Code of Federal Regulations. The TSDf must also comply with regulations concerning manifest use, container condition and management, container packaging, labeling, marking, and placarding the rejected hazardous waste.

Disclaimer

This Fact Sheet provides general information regarding rejected loads. Consult the statutes and regulations before making any decision that may impact regulatory compliance. The text of the regulations and related information is available on DTSC's web site at <http://www.dtsc.ca.gov> and in www.leginfo.ca.gov/calaw.html under Health & Safety Code, Division 20, Chapter 6.5, Article 6 & www.calregs.com/ under Title 22, Division 4.5.

¹⁴ Cal. Code Regs., title 22, § 66264.72(d)(1)

THE REQUIREMENTS FOR REJECTED SHIPMENTS OF WASTES OR CONTAINER RESIDUES

Wastes arrive at a Designated Facility (Treatment Storage or Disposal Facility (TSDF))

TSDF Must Sign the manifest to acknowledge receipt of all wastes on the manifest or acknowledge that the materials identified in the discrepancy block were not received for management at the facility.

NOTE: TSDF must ensure that either the delivering transporter maintains custody of the waste or, if the transporter leaves the premises, provide for a secure temporary custody of the waste.



NO

TSDF REJECTED WASTES WHILE TRANSPORTER STILL ON SITE?

NOTE: TSDF must contact the Generator for instructions on forwarding the waste and ship the waste according to the generators instructions.

YES

FULL & PARTIAL REJECTION OR CONTAINER RESIDUES

The TSDF must prepare a new manifest for all rejected wastes and container residues in accordance with CCR § 66262.20; generator requirements and the applicable sections of CCR §66264.72 for permitted facilities; or CCR §66265.72 for interim status facilities.

The TSDF must send the wastes to an alternate TSDF or the generator within **60 days** of the rejection.

REJECTED TO:

ALTERNATE TSDF

PARTIAL REJECTION OR CONTAINER RESIDUES

A new manifest must be prepared by TSDF.

Note: Transporter must obtain a copy of the original manifest with the TSDF's signature, date and manifest tracking number of the new manifest, and a description of the rejection in item 18 of the original manifest.

GENERATOR

FULL REJECTION

The original manifest may be used for shipments that are rejected in their entirety, to ship the wastes to an alternate facility if identified on the manifest or the generator.

The TSDF must **complete the pertinent items of block 18**

Follow the requirements of

CCR § 66264.72 (f)(1)-(6) or CCR § 66265.72 (f)(1)-(6)

- Write the generator's ID number and name in Items 1 and 5 of the manifest.
- Write the name and ID number of the alternate TSDF facility in Item 8.
- Copy the manifest tracking number from Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest (Item 14) and indicate that the shipment is a waste or residue rejection from a previous shipment.
- Copy the manifest tracking number from item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).
- Write the DOT description, container types, quantity and volumes for the rejected load or residue in Items 9 - 13.
- Sign the Generators/ Offeror's Certification.

Follow the requirements of

CCR § 66264.72(f)(1)-(6) or CCR §66265.72 (f)(1)-(6)

- Write the TSDF's ID number in Item 1 and the name and mailing address in Item 5 of the new manifest.
- Write the name and ID number of the generator of the wastes as the designated facility in Item 8 of the new manifest.
- Copy the manifest tracking number from Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest (Item 14) and indicate that the shipment is a waste or residue rejection from a previous shipment.
- Copy the manifest tracking number from Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).
- Write the DOT description, container types, quantity and volumes for the rejected load or residues in Items 9 - 13.
- Sign the Generators/ Offeror's Certification.

A Generator receiving a shipment of rejected wastes.

MUST:

- Sign the Manifest acknowledging receipt and follow the procedures applicable to a designated facility. (Item 18 if original manifest, item 20 if new manifest)
- Segregate and label the rejected waste in a manner that indicates that it is rejected waste and include the date it was received by the generator.
- Ship rejected wastes to TSDF within **90 days**.
- NOT mix rejected wastes with other wastes or the shorter of the holding periods apply.
- Follow the instructions in either CCR §66264.72 (f)(1) through (f)(6) or 66265.72 (f)(1) through (f)(6).