



Enforcement Alert

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

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Hazardous Waste Generators Required To Use New Federal Manifest

Who is affected by this initiative?

Any company/business that generates hazardous waste (based on either the exhibition of characteristics such as ignitability, corrosivity, reactivity or because the waste is listed in the Code of Federal Regulations as a hazardous waste) and is required or chooses to use a hazardous waste manifest for shipment of waste offsite for treatment or disposal.

What has changed?

On March 4, 2005, the United States Environmental Protection Agency (USEPA) adopted significant changes to its Uniform Hazardous Waste Manifest regulations, the manifest form, and continuation sheet forms used to track hazardous waste from a generator's site to the site of its disposition. This Federal rule, which becomes effective on September 5, 2006, adopts new procedures for tracking hazardous wastes that destination facilities reject, wastes consisting of residues from non-empty hazardous waste containers, and wastes entering or leaving the United States. The rule also standardizes the content and appearance of the manifest form that provides a complete paper trail of a waste's progress from a generator through a treatment, storage, and disposal facility (TSDF). Also, the new standardized Federal manifest form contains six copies as opposed to the current manifest form the Department uses that contains eight copies.

Current DEP Manifest Form	New Federal Manifest Form
Original: TSDF to Destination State	Page 1(top copy): "Designated facility to destination State (if required)"
Copy 2: TSDF to Generator State	Page 2: "Designated facility to generator State (if required)"
Copy 3: TSDF to Generator Copy	Page 3: "Designated facility to generator"
Copy 4: TSDF Copy	Page 4: "Designated facility's copy"
Copy 5: Transporter Copy	Page 5: "Transporter's copy"
Copy 6: Generator to Destination State*	Page 6 (bottom copy): "Generator's initial copy"
Copy 7: Generator to Generator State*	
Copy 8: Generator Copy	

* Copies not included as part of Federal manifest form

What is DEP doing?

- 1. Changing manifest forms** - As an authorized state for the Federal Resource Conservation and Recovery Act (RCRA) program, New Jersey is not generally required to implement new Federal regulations that could be considered less stringent than the state's current regulations. However, the Federal hazardous waste manifest system is not governed by this policy, but subject to a special Federal program consistency requirement which obligates all states to maintain consistency with the Federal manifest system regardless of any stringency issues. Therefore, the Department must adopt this new Federal manifest and amend New Jersey's hazardous waste regulations accordingly.
- 2. No longer requiring submittal of generator copies** - In view of the fact that the "generator" copies (Copy 6 and Copy 7 of the current DEP form) are not part of the new Federal manifest, effective September 5, 2006, these copies will not be required to be submitted to the Department.
- 3. Changing submittal postmark requirements** - At present, the Department's hazardous waste regulations require copies of the TSDF to Destination State and TSDF to Generator State (copy 1 and 2, respectively)

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to be postmarked by the next business day. The Department intends to revise this provision in a future rulemaking to allow these copies to be postmarked within 10 days of waste receipt.

What should I do?

- 1. Order Federal manifest forms now so you can be in compliance on September 5, 2006.** You may use the existing manifest forms until September 4, 2006. The new Federal forms must be used starting on September 5, 2006. You will need to obtain the new manifests from a supplier approved by the USEPA; the Department will not distribute them. For an up-to-date list of all approved manifest printers, please see the following link:
<http://www.epa.gov/epaoswer/hazwaste/gener/manifest/registry/printers.htm>
- 2. Complete the Federal manifest form according to instructions.** In *Item 13. Waste Codes* you are instructed to enter up to six federal and state waste codes to describe each waste stream identified in *Item 9 U.S. DOT Description*. Note that New Jersey does not have State specific waste codes so you need only enter the federal waste codes that are most representative of the properties of the waste. For complete instructions, please see the following link:
<http://www.epa.gov/epaoswer/hazwaste/gener/manifest/registry/man-inst.pdf>
- 3. Submit the Designated Facility to Destination State and Designated Facility to Generator State copies (copy 1 and 2, respectively) of the new manifest to:**

New Jersey Department of Environmental Protection
Compliance & Enforcement
Bureau of Hazardous Waste & UST Compliance and Enforcement
Mail Code 09-03, PO Box 420
Trenton, NJ 08625-0420

Who should I contact with questions?

Compliance & Enforcement/Bureau of Solid & Hazardous Waste Regulation
Manifest and Medical Waste Generator Unit

(609) 292-7081

Where can I get more information?

The following web sites can be accessed for additional information:

Bureau of Solid & Hazardous Waste Regulation
Manifest and Medical Waste Generator Unit
<http://www.nj.gov/dep/dshw/hwr/manfstmw/mmwgru.htm>

Federal Rule revisions of the Uniform Hazardous Waste Manifest Regulations
<http://www.epa.gov/epaoswer/hazwaste/gener/manifest/mods.htm>

USEPA – Manifest Registry:
<http://www.epa.gov/epaoswer/hazwaste/gener/manifest/registry/index.htm>

State manifest requirements:
<http://www.epa.gov/epaoswer/hazwaste/gener/manifest/registry/states.htm>

Visit the following Web site for general information:

Contact NJDEP: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.