

US EPA ARCHIVE DOCUMENT

their programs are approved) to track individual shipments of hazardous waste. RCRA places the initial burden of preparing the manifest, recordkeeping, and reporting on the generator. Other requirements placed upon the generator—proper packaging, labeling, placarding and marking—are essential in ensuring transportation of hazardous wastes in a manner which protects human health and the environment. Further, section 3004(2) requires facilities to comply with the manifest system established under section 3002 which assures that hazardous wastes are sent to permitted facilities. Therefore, the owner or operator of a facility who ships hazardous waste elsewhere is in a position analogous to the generator. It is his act which ought to trigger the application or regulatory controls designed to ensure the safe transportation of hazardous wastes. For this reason, EPA believes that it is entirely appropriate for the owner or operator to comply with the Part 262 requirements.

**IV. A. Interim Final Regulations**

EPA has determined that good cause exists to promulgate these amendments without prior notice and comment. They conform the regulations to their original intent, and ensure "cradle-to-grave" control over hazardous waste. The failure to explicitly include these requirements has caused substantial uncertainty and confusion in the regulated community. To prolong this confusion during the completion of formal rulemaking could result in substantial hardship on the regulated community.

In addition, there are compelling environmental reasons for EPA to undertake this procedural course. There are no explicit requirements without these amendments for persons who remove hazardous waste from storage facilities. This means that a substantial volume of hazardous waste which is otherwise subject to regulation may be shipped and handled without any regulatory controls. Based on the literal language of the regulations, as presently drafted, these wastes need not be manifested, nor properly labeled or packaged, nor sent to a proper treatment, storage or disposal facility. EPA has determined, however, that these requirements are necessary to protect human health and the environment. These requirements are equally necessary whether a generator initiates a shipment of hazardous waste or whether an owner or operator of a storage facility does so.

**V. Effective Date**

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions take effect six months after promulgation. The purpose of this requirement is to allow persons handling hazardous waste sufficient time to comply with major new regulatory requirements. For most facilities, EPA believes that these amendments conform the regulations to normal operating practices and therefore the amendments do not impose new obligations on these persons. The Agency does, however, recognize that certain facilities may have to take some time to bring their practice up to the new requirements. Because of the urgency of these amendments, however, EPA has decided to make these amendments effective immediately. Without such effect, as discussed in the preceding section, serious threat to human health and the environment exists.

**VI. Environmental, Economic and Regulatory Impacts**

For the most part, the economic, reporting and recordkeeping impacts of these amendments are minimal. The estimated impacts developed for the May 19 regulations included the majority of those impacts related to shipments of hazardous waste from treatment at the generator's facility were included in the calculations. The Agency is unable to estimate the cost and impact increase from these amendments but believes, for the reasons stated above, that the additional environmental benefits greatly outweigh the minimal burden placed on the regulated community.

Dated: December 22, 1980.  
Douglas M. Costle,  
*Administrator.*

Title 40 of the Code of Federal Regulations is amended as follows:

**PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE**

1. Add the following paragraph to § 262.10:

§ 262.10 Purpose, scope and applicability.

\* \* \* \* \*  
(f) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this Part. [Note: The provisions of § 262.34 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of § 262.34 only apply to owners or operators who are shipping

hazardous waste which they generated at that facility.]

**PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

2. Add the following paragraph to § 264.71:

§ 264.71 Use of the manifest system.

\* \* \* \* \*  
(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of Part 262 of this chapter. [Comment: The provisions of § 262.34 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of § 262.34 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.]

**PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

3. Add the following paragraph to § 265.71:

§ 265.71 Use of the manifest system.

\* \* \* \* \*  
(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of Part 262 of this chapter. [Comment: The provisions of § 262.34 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of § 262.34 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.]

[FR Doc. 80-40650 Filed 12-30-80; 8:45 am]  
BILLING CODE 6560-30-M

**40 CFR Parts 262, 263, 264, and 265 [SWH-FRL 1715-7]**

**Transportation of Hazardous Waste by Rail**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Interim final amendment and request for comments.

**SUMMARY:** Regulations promulgated in May 1980, established requirements for the transportation of hazardous waste by rail 45 FR 33150 (May 19, 1980). The

amendments published today change the regulations to allow in certain instances shipments of hazardous waste to be transported by rail transporters without a manifest, provided the shipment is accompanied by certain information on the manifest; to require under certain circumstances initial rail transporters to forward copies of the manifest to the next non-rail transporter or the designated facility; to clarify signature requirements of the manifest and rail shipping paper; and to eliminate recordkeeping requirements for intermediate rail transporters.

**DATES:** Effective date: December 31, 1980. Comment date: This amendment is promulgated as an interim final rule. The Agency will accept comments on it until March 2, 1981.

**ADDRESSES:** Comments on the amendment should be sent to Docket Clerk [Docket No. 3003-Railroads], Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** For general information contact Rolf P. Hill or Carolyn Barley (202) 755-9150, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M. Street, SW, Washington, DC 20460. for information on implementation, contact:

Region I, Dennis Huebner, Chief, Radiation, Waste Management Branch, John F. Kennedy Building, Boston, Massachusetts 02203, (617) 223-5777

Region II, Dr. Ernest Regna, Chief, Solid Waste Branch, 26 Federal Plaza, New York, New York 10007, (212) 264-0504/5

Region III, Robert L. Allen, Chief, Hazardous Materials Branch, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-0980

Region IV, James Scarbrough, Chief, Residuals Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365, (404) 881-3016

Region V, Karl J. Klepitsch, Jr., Chief, Waste Management Branch, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6148

Region VI, R. Stan Jorgensen, Acting Chief, Solid Waste Branch, 1201 Elm Street, First International Building, Dallas, Texas 75270, (214) 787-2645

Region VII, Robert L. Morby, Chief, Hazardous Materials Branch, 324 E. 11th Street, Kansas City, Missouri 64106, (816) 374-3307

Region VIII, Lawrence P. Gazda, Chief, Waste Management Branch, 1860 Lincoln Street, Denver, Colorado 80203, (303) 837-2221

Region IX, Arnold R. Den, Chief, Hazardous Materials Branch, 215

Fremont Street, San Francisco, California 94105, (415) 556-4606  
Region X, Kenneth D. Feigner, Chief, Waste Management Branch, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 442-1260

#### I. Authority

These amendments are issued under the authority of Sections 2002(a), 3002, 3003, 3004, 3005 and 3006 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 as amended (RCRA), 42, U.S.C. 6912(a), 6921, 6922, 6923, 6924, 6925 and 6926.

#### II. Background

On February 26, 1980 and May 19, 1980, EPA promulgated regulations establishing a federal hazardous waste management system. 45 FR 12722 (February 26, 1980) 45 FR 33066 (May 19, 1980). A central feature of this program is a manifest system which is designed to track shipments of hazardous waste from the point of generation through ultimate disposition. Parts 262, 263, 264 and 265 contain requirements for the transportation of hazardous waste and the use of an accompanying manifest.

The regulations set special requirements when hazardous waste is delivered to a hazardous waste management facility by rail. Recognizing that railroads had sophisticated computerized tracking and information systems, the regulations allow railroads to use a shipping paper rather than a manifest and waive signature requirements between intermediate rail carriers.

Since the promulgation of the regulations, representatives of the rail industry have contended that EPA did not go far enough and that special requirements were also necessary for intermodal shipments of hazardous waste (i.e. those which involve both railroads and other types of transportation). It was the position of the rail industry that the manifest system, if applied without adjustment to intermodal shipments, would so disrupt the normal operating practices of railroads as to effectively prevent the use of this method of transportation. Several railroads have indicated that they would refuse all shipments of hazardous waste.

EPA had no intention of discouraging rail transportation of hazardous wastes. The original regulations limited rail transportation requirements to shipments delivered to facilities by rail because the Agency believed that it was essential that non-rail transporters comply with all the requirements of the manifest system. Unlike railroads, these

transporters may not have established tracking and information systems. In discussions with the rail industry EPA was able to devise a workable system which would facilitate intermodal rail transportation without undermining the operation of the manifest system or jeopardize protection to human health or the environment.

The amendments promulgated today establish a system which allows intermodal transportation involving railroads without the need for a manifest accompanying the waste during the rail portion of the shipment; ensures that non-rail transporters carry a manifest; and imposes no increased burden upon any person involved in the transportation of hazardous waste. EPA believes that these minor changes in the regulations achieve a practical solution to this problem without any sacrifice to the objectives underlying the manifest system.

EPA has not extended today's amendments to include transportation of bulk shipments by water, which in the original regulations were treated in a manner similar to the railroads. EPA has not received information indicating that that the manifest requirements are not working in these situations. Therefore, with the exception of the change regarding international shipment, the changes made today concern only the manifest requirements for railroads.

#### III. Interim Final Amendments

##### A. Shipments Delivered to Facilities by Rail

One substantive change and several minor wording changes have been made in the manifest requirements when the shipment is delivered to the designated facility by rail. If a railroad picks up the hazardous waste at the generator's site, or if a non-rail transporter delivers the shipment to a rail transporter, the railroad must sign the manifest, return a copy to the generator or non-rail transporter, and ensure that a shipping paper containing the essential manifest information accompanies the waste. Signatures between intermediate rail transporters are not required. The generator must send copies of the manifest to the designated facility if the railroad picks up the shipment at the generator's facility. When a rail transporter receives a shipment from a non-rail transporter this amendment requires the initial rail carrier (rather than the non-rail transporter as required in the May 19, regulations) to forward the manifest to the designated facility or next non-rail transporter. In this situation it appears that the rail transporter is better situated to take the

steps necessary to forward the manifest. The transfer of the waste occurs typically at a rail yard or terminal where the rail transporter has the personnel and facilities to ensure transmittal of the manifest.

Upon delivery of the waste to the facility, the manifest or shipping paper (if the manifest has not arrived) must be signed. The owner or operator of the hazardous waste management facility must return the manifest or signed shipping paper to the generator and also retain copies of the manifest and the shipping paper (if it has been signed in lieu of the manifest at the time of delivery).

A change in the recordkeeping requirements has been made. Intermediate rail transporters are not required to retain a copy of the manifest or shipping paper; the recordkeeping requirements are keyed to the initial and final rail transporter. The existing recordkeeping practices of the rail industry include detailed interchange information which track the movement of individual railcars. This information will enable EPA, if necessary, to determine where and when transfers between rail transporters occurred. Because of the adequacy of existing practices in the industry, EPA has determined that intermediate rail transporters do not need to physically retain a copy of the shipping paper. The initial and final rail transporters, however, play more important roles in the transportation of these shipments, including signing and dating the manifest, and the regulations maintain responsibilities on them. It appears appropriate, therefore, for the recordkeeping requirements of the original regulations to remain applicable to them.

#### *B. Intermodal Transportation of Hazardous Waste*

The regulations, as amended today, recognize that shipments of wastes may involve different types of transportation and that the special requirements for rail transportation should apply in these situations. The regulations have been accordingly adjusted to take into account situations in which the final transportation is not by railroad.

The only difference in this case is that the amendments require the manifest to be forwarded to the next non-rail transporter designated on the manifest. The amended regulations allow the rail transporter to transfer the waste shipment to non-rail transporters without having carried the manifest with the waste shipment. At this time, however, the manifest must be signed and dated by both transporters. This

means, of course, that the non-rail transporter must have received the manifest from either the generator or the initial rail transporter before accepting the waste. The Agency remains convinced that the manifest, rather than the shipping paper, is essential for the transportation of hazardous waste by means other than rail. The manifest, signed by all appropriate parties, must accompany all non-rail transportation of hazardous waste.

Once a non-rail transporter accepts the waste shipment with the manifest, the general manifest requirements of Part 262 apply and the manifest becomes the operative document. The non-rail transporter must deliver the shipment to the next designated person, obtain the signature and date of that person and retain a copy of the manifest.

#### *C. Signature Requirements for Owners and Operators of Hazardous Waste Management Facilities*

One minor change has been made in the Part 264 and 265 regulations applicable to owners and operators of hazardous waste management facilities. Sections 264.71(b) and 265.71(b) of the May 19, 1980, regulations required the owner or operator of the facility to sign and date the shipping paper, note discrepancies on this document, and return a copy of the shipping paper to the transporter. These regulations were keyed to the situation in which the facility had not received the manifest from the generator. EPA intended, however, that if the manifest has been received, it would be used. The regulations have been amended to clarify this.

#### *D. International Shipments*

The May 19, 1980 regulations required that transporters who ship hazardous waste out of the United States to sign and date the manifest, return a copy to the generator, and retain a copy of the manifest. For rail and water (bulk) shipment, however, the regulations established no mechanism to ensure that the rail or water bulk transporter had a copy of the manifest. These transporters, if not the initial transporter, are required to have a shipping paper but the manifest does not have to accompany the shipment. The regulations have been amended to require the generator (or the initial rail transporter if the waste is delivered to the railroad) to forward copies of the manifest to the last rail or water bulk transporter to handle the waste shipment in the United States.

#### *E. State Program Requirements*

Part 123 of the May regulations specifies certain requirements that a State program must meet in order to obtain interim authorization and final authorization under section 3008 of RCRA. Specific sections of Parts 262 and 263 related to rail transportation were cited. These amendments to Part 262 and 263 added new provisions. Part 123 has therefore been amended to correctly cite these new provisions. This action, which is simply a change in the sections cited, does not place any additional burden on States seeking interim or final authorization.

#### *F. Department of Transportation Amendments*

The May regulations concerning the transportation of hazardous waste resulted from a joint rulemaking effort with the Department of Transportation (DOT). EPA adopted certain DOT regulations and DOT revised its hazardous materials transportation regulations to encompass the transportation of hazardous waste.

These amendments to the May regulations, in order to be fully implemented, require DOT to amend its regulations. DOT has indicated that it plans to publish corresponding amendments to its regulations in the near future.

#### **IV. Effective Date**

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions thereto take effect six months after promulgation. The purpose of this requirement is to allow persons handling hazardous waste sufficient lead time to prepare to comply with major new regulatory requirements. The amendment promulgated today, however, reduces and simplifies the existing requirements applicable to rail transporters. In addition the Agency believes that an effective date six months after promulgation would cause substantial and unnecessary disruption in the implementation of the regulations and would not be in the public interest. The regulatory provisions that these amendments modify took effect on November 19, 1980. In the absence of the effectuation of these amendments, rail transportation of hazardous wastes would be severely disrupted. The Agency has decided, that without these changes, the rail industry would be unduly burdened with no additional protection afforded to human health or the environment. Therefore, this amendment is effective immediately.

**V. Promulgation in Interim Final Form**

These amendments make the practical operation of the manifest system possible in situations involving rail and non-rail transportation of hazardous waste. They will prevent the disruption of rail transportation by relieving the rail industry from complying with impractical requirements. They do not, in any appreciable manner, reduce the protection of human health and the environment, nor do they change the essential features of the manifest system.

Although the Agency would prefer to engage in formal rulemaking prior to the promulgation of these amendments, it believes that good cause exists to waive these procedures. (See 5 U.S.C. 553(b)(B)). Without immediate promulgation, substantive hardship would be imposed on all sectors of the regulated community, particularly upon generators dependent on railroads to transport their hazardous waste to proper hazardous waste management facilities. The changes are, furthermore, the outgrowth of extensive, and ongoing, discussions with the rail industry. The amendments, although promulgated without formal prior opportunity to comment, do reflect substantial consideration of the position of one central portion of the regulated community.

**VI. Regulatory Impacts**

The effect of these amendments is to reduce the overall costs, economic impacts, and recordkeeping requirements of EPA's hazardous waste management regulations. This is principally achieved by removing the recordkeeping requirements for intermediate rail transporters. The Agency is unable to estimate these cost and impact reductions. The Agency believes, however, that the protection of human health and the environment of these regulations is not reduced by these amendments.

Dated: December 22, 1980.

Douglas M. Costle,  
Administrator.

Title 40 CFR is amended as follows:

**PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE**

1. Paragraph (c) of § 262.23(c) is revised to read as follows:

**§ 262.23 [Amended]**

(c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator

must send three copies of the manifest dated and signed in accordance with this section to the owner or operator of 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. A new § 262.23(d), is added to read as follows:

(d) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this section to:

- (i) The next non-rail transporter, if any; or
- (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. The note following § 262.23, is changed to read as follows:

Note.—See § 263.20(e) and (f) for special provisions for rail or water (bulk shipment) transporters.

**PART 263—STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE**

4. Section 263.20(e) introductory text, (1), (4) and (5), is revised to read as follows:

**§ 263.20 [Amended]**

(e) The requirements of paragraph (c), (d) and (f) of this section do not apply to water (bulk shipment) transporters if:

- (1) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and

(4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with § 263.22.

5. A new § 263.20(f) is added to read as follows and remaining paragraph (f) of § 263.20 is renumbered as paragraph (g):

(f) For shipments involving rail transportation, the requirements of paragraphs (c), (d) and (e) do not apply and the following requirements do apply:

(1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter must:

- (i) Sign and date the manifest acknowledging acceptance of the hazardous waste;
- (ii) Return a signed copy of the manifest to the non-rail transporter;
- (iii) Forward at least three copies of the manifest to:

- (A) The next non-rail transporter, if any; or,
- (B) The designated facility, if the shipment is delivered to that facility by rail; or
- (C) The last rail transporter designated to handle the waste in the United States;

(iv) Retain one copy of the manifest and rail shipping paper in accordance with § 263.22.

(2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) accompanies the hazardous waste at all times.

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

(3) When delivering hazardous waste to the designated facility, a rail transporter must:

- (i) 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

(ii) Retain a copy of the manifest or signed shipping paper in accordance with § 263.22.

(4) When delivering hazardous waste to a non-rail transporter a rail transporter must:

- (i) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and
- (ii) Retain a copy of the manifest in accordance with § 263.22.

(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.

6. § 263.22(b) introducing text is amended to read as follows:

**§ 263.22 [Amended]**

(b) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of the shipping paper containing all the information \* \* \*

7. A new § 263.22(c) is added to read as follows and paragraph (c) and (d) of

§ 263.22 are re-numbered as paragraphs (d) and (e), respectively.

(c) For shipments of hazardous waste by rail within the United States:

(i) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required in § 263.20(f)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter; and

(ii) The final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

Note.—Intermediate rail transporters are not required to keep records pursuant to these regulations.

**PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

8. Section 264.71(b) introductory text, (2) and (4) are amended and (1), (3), and (5) are revised as follows:

**§ 264.71 [Amended]**

(b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest

(1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) Note any significant discrepancies (as defined in § 264.72(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper.

(3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

(4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and

(5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of

delivery) for at least three years from the date of delivery.

**PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

9. Section 265.71(b) introductory text, (2) and (4) are amended and (1), (3), and (5) are revised as follows:

**§ 265.71 [Amended]**

(b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest

(1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) Note any significant discrepancies (as defined in § 265.72(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper

(3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

(4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and

(5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

**PART 123—STATE PROGRAM REQUIREMENTS**

10. Revise § 123.34(f)(3) to read as follows:

**123.34 [Amended]**

(3) Ensure that all wastes offered for transportation are accompanied by the manifest, except in the case of shipments by rail or water specified in 40 CFR §§ 262.23 (c) and (d) and §§ 262.20 (e) and (f). The State program shall provide requirements for shipments by rail or water equivalent to those under 40 CFR §§ 262.23 (c) and (d) and §§ 263.20 (e) and (f).

11. Revise § 123.35(c) to read as follows:

**§ 123.35 [Amended]**

(c) The State must require the transporter to carry the manifest during transport, except in the case of shipments by rail or water specified in 40 CFR 263.20 (e) and (f) and to deliver waste only to the facility designated on the manifest. The State program shall provide requirements for shipments by rail or water equivalent to those under 40 CFR §§ 263.20 (e) and (f).

12. Revise § 123.128(b)(7)(ii) to read as follows:

**§ 123.128 [Amended]**

(b) \* \* \*

(7) \* \* \*

(ii) The manifest accompany all wastes offered for transport, except in the case of shipments by rail or water specified in § 262.23 (c) and (d) and § 263.20 (e) and (f); and

13. Revise § 123.128(c)(5) to read as follows:

**§ 123.128 [Amended]**

(c) \* \* \*

(5) The State program must require that transporters carry the manifest with all shipments, except in the case of shipments by rail or water specified in 40 CFR 263.20 (e) and (f).

[FR Doc. 80-40651 Filed 12-30-80; 8:45 am] BILLING CODE 6550-30-M