NEBRASKA ADMINISTRATIVE CODE

Title 128 - Department of Environmental Quality

Chapter 11 - REQUIREMENTS FOR TRANSPORTERS OF HAZARDOUS WASTE

001 These hazardous waste transporter requirements establish standards which apply to persons transporting hazardous waste within or through the State of Nebraska if such transportation requires a manifest as specified under this Chapter and Chapters 9 (Small Quantity Generators) and 10 (Large Quantity Generators) of these regulations. Certain hazardous wastes defined as and managed as universal wastes are transported according to Title 128, Chapter 25.

002 These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

003 A transporter shall also comply with Chapters 9 and 10, if the transporter:

003.01 Transports hazardous waste into Nebraska from outside the United States; or

003.02 Mixes hazardous wastes of different DOT shipping descriptions by placing them in a single container.

004 Prior to transporting hazardous waste, a transporter shall comply with Chapter 4, 003 through 004 notification and identification number).

005 A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of Chapter 10, 003.01A for a period of ten days or less is not subject to regulation with respect to the storage of those wastes. A transporter who stores hazardous waste for more than ten days must comply with the permit requirements of Chapters 12 through 15.

006 Transporter manifest procedures.

006.01 Manifest requirement. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with the requirements of Chapter 10, 002.

006.01A Exports. In the case of exports other than those subject to subpart H of 40 CFR Part 262, a transporter may not accept such waste from a primary exporter or other person if he knows the shipment does not conform to the EPA Acknowledgement of Consent; and unless, in addition to a manifest signed by the generator as provided in this section, the transporter shall also be provided with an EPA Acknowledgement of Consent which, except for shipments by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). For exports of hazardous waste subject to the requirements of subpart H of 40 CFR part 262, a transporter may not accept hazardous waste without a tracking document that includes all information required by 40 CFR 262.84.

006.02 Before transporting the hazardous waste, the transporter shall sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return a signed copy to the generator before leaving the generator's property.

006.03 The transporter must ensure that the manifest accompanies the hazardous waste. In the case of exports, the transporter must ensure that a copy of the EPA Acknowledgment of Consent also accompanies the hazardous waste.

006.04 A transporter who delivers a hazardous waste to another transporter or to the designated facility shall obtain the date of delivery and the hand written signature of that transporter or of the owner or operator of the designated facility on the manifest, shall retain one copy of the manifest in accordance with Section 007 of this Chapter, and shall give the remaining copies of the manifest to the accepting transporter or designated facility.

006.05 The requirements of Sections 006.03, 006.04, and 006.06, of this Chapter do not apply to water (bulk shipment) transporters if:

006.05A The hazardous waste is delivered by water (bulk shipment) to the designated facility; and

006.05B A shipping paper containing all the information required on the manifest (excluding the DEQ/EPA Identification Numbers, generator certification and signatures) and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste; and

006.05C The delivering transporter obtains the date of delivery and hand written signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and

006.05D 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

006.05E A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with Section 007 of this Chapter.

006.06 For shipments involving rail transportation, the following requirements apply instead of Sections 006.03, 006.04 and 006.05:

006.06A When accepting hazardous waste from a non-rail transporter, the initial rail transporter must:

006.06A1 Sign and date the manifest acknowledging acceptance of the hazardous waste;

006.06A2 Return a signed copy of the manifest to the non-rail transporter;

006.06A3 Forward at least three copies of the manifest to:

006.06A3(a) The next non-rail transporter, if any; or

006.06A3(b) The designated facility, if the shipment is delivered to that facility by rail; or

006.06A3(c) The last rail transporter designated to handle the waste in the United States.

006.06A3(d) Retain one copy of the manifest and rail shipping paper in accordance with Section 007 of this Chapter.

006.06B Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the DEQ/EPA Identification Numbers, generator certification, and signatures) and for exports, an EPA Acknowledgment of Consent, accompanies the hazardous waste at all times.

006.06C When delivering hazardous waste to the designated facility, a rail transporter must:

006.06C1 Obtain the date of delivery and hand written 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

006.06C2 Retain a copy of the manifest or signed shipping paper in accordance with Section 007 of this Chapter.

006.06D When delivering hazardous waste to a non-rail transporter, a rail transporter must:

006.06D1 Obtain the date of delivery and the signature of the next non-rail transporter on the manifest; and

006.06D2 Retain a copy of the manifest in accordance with Section 007 of this Chapter.

006.06E 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.

006.07 Transporters who transport hazardous waste out of the United States must:

006.07A Sign and date the manifest in the International Shipments block to indicate the date that the shipment left the United States;

006.07B Retain one copy in accordance with Section 007.01 of this chapter.

006.07C Return a signed copy of the manifest to the generator; and

006.07D Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

006.08 A transporter must not transport hazardous waste not properly labeled or hazardous waste containers which are leaking or appear to be damaged, since this material becomes the transporter's responsibility during transport.

006.09 The transporter shall deliver the entire quantity of hazardous waste accepted from a generator or a transporter to the designated facility listed on the manifest; or the alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or the next designated transporter; or the place outside the United States designated by the generator.

006.10 If the hazardous waste cannot be delivered in accordance with Section 006.09 of this chapter, 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.

006.10A If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain the following:

006.10A1 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 Section 007 of this chapter, 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 of the required information in 40 CFR Part 264.72(e)(1) through (6) or (f)(1) through (6), as incorporated by reference in Chapter 21, 005, or Part 265.72(e)(1) through (6) or (f)(1) through (6), as incorporated by reference in Chapter 22, 005.

006.10A2 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 Section 007 of this chapter, 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 40 CFR Part 264.72(e)(1) through (6), as incorporated by reference in Chapter 21, 005, or Part 265.72(e)(1) through (6), as incorporated by reference in Chapter 22, 005.

006.11 If a transporter has a discharge of hazardous waste the transporter will comply with Chapter 23 of these regulations and all other applicable laws and regulations.

006.12 A transporter transporting hazardous waste from a small quantity generator need not comply with the requirements of this Chapter provided that:

006.12A The waste is being transported pursuant to a reclamation agreement as provided for in Chapter 9, 007.06.

006.12B The transporter records, on a log or shipping paper, the following information for each shipment:

006.12B1 The name, address, and DEQ/EPA Identification Number of the generator of the waste;
006.12B2 The quantity of waste accepted;

006.12B3 All DOT required shipping information;

006.12B4 The date the waste is accepted; and

006.12C The transporter carries this record when transporting waste to the reclamation facility; and

006.12D The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

007 Recordkeeping.

007.01 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.

007.02 For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of a shipping paper containing all the information required in Section 006.05B of this Chapter, for a period of three years from the date the hazardous waste was accepted by the initial transporter.

007.03 For shipments of hazardous waste by rail within the United States:

007.03A The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required in Section 006.06B of this Chapter, for a period of three years from the date the hazardous waste was accepted by the initial transporter; and

007.03B 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.

Enabling Legislation: Neb. Rev. Stat. §81-1505(13)

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