

## How hazardous waste regulations may impact liquid waste transportation companies and how to avoid liability and potential fines



### Background:

Hazardous waste is waste that is dangerous or potentially harmful to human health or the environment. Hazardous wastes can be liquids, solids, gases, or sludges.

The Resource Conservation and Recovery Act (RCRA) requires all persons who handle hazardous waste to comply with applicable rules and regulations. Hazardous waste liability is strict liability so as a liquid waste transporter you may be liable for penalties if you inadvertently transport hazardous waste.

### What is hazardous waste?

Hazardous waste is divided into two major categories: characteristic hazardous waste and listed hazardous waste. Characteristic hazardous waste is one which is ignitable, corrosive, reactive, or toxic. Listed hazardous waste is one which is specifically listed in the regulations. These wastes are from specific sources, non-specific sources, or discarded chemical products. The legal definition for both of these categories of hazardous waste may be found at 40 CFR §261.3.

### What is a transporter of hazardous waste?

Transporters are individuals or entities that (knowingly or unknowingly) move hazardous waste from one site to another by highway, rail, water, or air. This includes transporting hazardous waste from a generator's site to a facility that can recycle, treat, store, or dispose the waste. Hazardous Waste Trans-

porter requirements can be found at 40 CFR §263, the Arizona Administrative Code R 18-8-263 and the Arizona Revised Statutes § 49-929.

### What rules apply to the transport and disposal of hazardous waste?

Transporter requirements include:

- Obtaining an EPA Identification Number and required fees from ADEQ
- Utilizing the Uniform Hazardous Waste Manifest system (see 40 CFR §263.20)
- Responding appropriately to hazardous waste discharges (see 40 CFR §263)
- Complying with all applicable DOT regulations (see 49 CFR Part 171-179)

### Obtaining an EPA Identification Number from ADEQ:

A transporter of hazardous waste must obtain an EPA identification number from the Arizona Department of Environmental Quality by filling out EPA form 8700-12. The completed form can be mailed or delivered to: ADEQ, Waste Programs Division, GIS and IT Unit, 1110 W. Washington St., Phoenix, AZ 85007. Transporters must also pay an annual registration fee of \$200. More information on obtaining an EPA Identification number and paying all applicable fees may be found in the Arizona Administrative Code R 18-8-263 and the Arizona Revised Statutes § 49-929.

### What is the Uniform Hazardous Waste Manifest system?

The Uniform Hazardous Waste Manifest System is a

set of forms, reports, and procedures designed to track hazardous waste from the point of generation until it reaches the location where it will be treated or disposed. The system allows the verification that the waste has been properly delivered and accounted for. The manifest is a formal paper document which contains information on the type and quantity of the waste being transported, instructions for handling the waste, and signature lines for all parties involved in the disposal process. The manifest is required by the Department of Transportation, the State of Arizona, and the EPA. More information on the Uniform Hazardous Waste Management system may be found in 40 CFR §263 and the Arizona Administrative Code R 18-8-263.

### What are the possible ramifications of illegally transporting hazardous waste?

A person who violates the hazardous waste management rules or regulations in Arizona may be subject to a civil penalty of up to \$25,000 for each day of violation. (see Arizona Revised Statute § 49-924)

### How do I protect myself from inadvertent illegal transportation of hazardous waste?

RCRA requires all persons who generate a waste to determine if that waste is a regulated Hazardous Waste. The generator should be able to provide you with documentation that a hazardous waste determination has been completed. When you are picking up any waste for transport you should verify this waste determination has been completed for the waste you are preparing to transport and that the determination is legitimate.

For additional information please contact ADEQ: Hazardous Waste Inspections and Compliance Unit  
Waste Programs Division

1110 W. Washington Street  
Phoenix, AZ 85007

(602) 771-4673 or

Toll free at (800) 234-5677 Ext. 771-4673

Hearing impaired person call

ADEQ's TDD line: (602) 771-4829

[www.azdeq.gov/environ/waste/index.html](http://www.azdeq.gov/environ/waste/index.html)