



FILED

1985 AUG -6 PM 4: 34

WEST VIRGINIA DEPARTMENT OF HIGHWAYS

1900 Washington Street, East  
Charleston, West Virginia  
25305

SECRETARY OF STATE

WILLIAM S. RITCHIE, JR.  
COMMISSIONER

ARCH A. MOORE, JR.  
GOVERNOR

August 5, 1985

NOTICE OF EMERGENCY RULE

RULE TITLE: Transportation of Hazardous Wastes by Highway Transporters,  
Series VII

The attached rule is filed as an Emergency Rule. The facts and circumstances constituting the emergency are as follows:

This Emergency Rule is being filed in order to comply with the Code of Federal Regulations, 40 CFR Parts 260 thru 270 as published in the July 15, 1985 "Federal Register". The established compliance deadline for this regulation is August 5, 1985.

W. S. Ritchie, Jr., Commissioner  
West Virginia Department of Highways

EQUAL OPPORTUNITY EMPLOYER

EMERGENCY  
WEST VIRGINIA LEGISLATIVE RULES  
COMMISSIONER OF HIGHWAYS

FILED  
1985 AUG -6 PM 4:34  
SECRETARY OF STATE

CHAPTER 20-5E  
SERIES VII

Title: Transportation of Hazardous Wastes by Highway Transporters

---

Section 1. General

1.01. Scope. -- These legislative rules and regulations apply to all persons transporting hazardous waste by vehicle upon the roads and highways of this State if the transportation requires a manifest under Section 6 of the regulations of the Department of Natural Resources implementing the State Hazardous Waste Management Act or if the transportation requires a manifest under the provisions of 40 CFR Part 262, and 263. These regulations do not apply to on-site movements of hazardous waste by generators or by owners and/or operators of hazardous waste facilities that have been issued permits under the appropriate State or Federal law.

1.02. Authority. -- These legislative rules and regulations are promulgated by the West Virginia Department of Highways pursuant to the authority of West Virginia Code §20-5E-7(a) (Hazardous Waste Management Act of 1981). They are to be administered by the Highway Services Division, 1900 Washington Street, East, Charleston, West Virginia 25305; Telephone (304) 348-3338.

1.03. Filing Date. -- August 6, 1985

1.04. Effective Date. -- August 6, 1985

1.05. Enforcement. -- The Commissioner of Highways delegates the enforcement authority granted to him in the Hazardous Waste Management Act to the Highway Services Division as identified in the above section.

EMERGENCY

Department of Highways  
Leg. Rule, 20-5E  
Series VII, Sec. 3.02

transporter or to the designated facility must:

(1) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and,

(2) Retain one copy of the manifest in accordance with Section 4; and,

(3) Give the remaining copies of the manifest to the accepting transporter or designated facility.

3.03. Transporting Waste from Small Quantity Generators. -- Transporters who accept Hazardous Waste from Generators who produce between 100 kg and 1000 kg per month are only subject to the following regulations unless they are transporting acutely Hazardous Waste as regulated in 3.1.4 e of the West Virginia Department of Natural Resources Hazardous Waste Regulations:

(1) Transporters shall not accept hazardous waste from small quantity generators unless the initial transporter is provided with a Uniform Hazardous Waste Manifest that must accompany the shipment. The information on the manifest must include:

(a) The generators name, address, and signature.

(b) The name and address of the facility designated to receive the hazardous waste.

(c) The DOT description of the waste, including the proper shipping name, hazard classification, and the "UN" or "NA" identification number.

(d) The number and type of containers.

(e) The total quantity of hazardous waste being transported.

(2) Each container will be properly marked, labeled, and meet all DOT specifications.

(3) Comply with Section 4 of these regulations with reference to recordkeeping requirements.

EMERGENCY

Department of Highways  
Leg. Rule, 20-5E  
Series VII, Sec. 3.03

(4) Comply with Section 5.01 of these regulations with reference to transportation requirements.

(5) Comply with Section 6 of these regulations with reference to discharge of Harardous Waste.

31031

3.04.

Transfers to Foreign Consignees - Required Information. --

Transporters who transport hazardous wastes out of the United States must:

(1) Indicate on the manifest the date the hazardous waste left the United States, and,

(2) Sign the manifest and retain one copy in accordance with Section 4; and,

(3) Return a signed copy of the manifest to the generator.

31041

3.05.

Destination. --

(1) The highway transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:

(a) The designated facility listed on the manifest; or,

(b) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or,

(c) The next designated transporter; or,

(d) The place outside the United States designated by the generator.

(2) If the hazardous waste cannot be delivered in accordance with paragraph (a) of this section, the highway transporter must contact the generator for further direction and must revise the manifest according to the generator's instructions.