



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JOHN ELIAS BALDACCI
GOVERNOR

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ACTING COMMISSIONER

To: Hazardous Waste and Waste Oil Transporters
From: Division of Oil and Hazardous Waste Facilities Regulation, DEP
Dates: March 14, 2007
RE: Hazardous waste and waste oil quarterly report forms
Household hazardous waste - hazardous waste fee and manifests
Hazardous Waste Oil with over 4000 ppm halogens due to chlorinated paraffins

In response to questions posed to the Department and in an effort to ensure that all licensed transporters are fully informed regarding the Department's policies or position on important issues, the Department is issuing the following information to Maine licensed hazardous waste and waste oil transporters:

Hazardous waste and waste oil quarterly report forms: On July 11, 2006, the Department mailed a letter notifying you of the change in Maine's hazardous waste and waste oil fees that became effective on August 23, 2006. The letter also included new quarterly report forms for your use. As a result of some questions we received after that mailing, the Department has modified the quarterly report forms. The most significant change on the Quarterly Report Form for Transporters of Waste Oil was a clarification of the percentage of water that qualifies 'oily water' for the reduced fee and the inclusion of notations for the method used by transporters or generators in calculating the percentage of water. The records tracking water content can be kept either electronically or as hard copy and must be retained for a period of 3 years. The new forms are included with this letter and are also available on the Department's website at: <http://www.maine.gov/dep/rwm/transpininstall/hazwastetransa.htm>.

Household hazardous waste - hazardous waste fee and manifests: We were also asked if household hazardous waste (HHW) collections needed to be documented on a hazardous waste manifest and if the hazardous waste transportation fee needs to be paid. Household hazardous waste collected at HHW collection events, HHW collection facilities, or other similar types of collections must be transported by a licensed hazardous waste transporter to a facility licensed to handle hazardous waste and *documented on a hazardous waste manifest*. This is based upon the Solid Waste Management Rules for household hazardous waste collection events which reference the hazardous waste rules. HHW collected and transported as described above is *not* subject to the hazardous waste transportation fees under 38 MRSA Section 1318-I. Waste codes should be included on the manifest. The fact that the waste is from a HHW collection should be noted in Box 14 of the manifest. Hazardous waste generated by business should not be collected at HHW collection events. These hazardous wastes are subject to fees.

New Hazardous Waste Manifest – photocopies: On September 6, 2006, the new federally-mandated 6-part hazardous waste manifest became effective. Maine Rules currently require the generator to mail a photocopy of the Generator’s Initial Copy to the Department within 7 days of the initiation of a hazardous waste shipment. Some transporters are mailing a photocopy of the Generator’s Initial copy as a service to its customers. The Department will allow this and accept them. The Department has posted guidance for the new manifest on our website at

<http://www.maine.gov/dep/rwm/hazardouswaste/guidanceuniform.htm>

Hazardous Waste Oil with over 4000 ppm halogens due to chlorinated paraffins that are federally-exempt: Used oil containing >4000 ppm total halogens due to chlorinated paraffins, that through testing have overcome the federal rebuttable presumption found in 40 CFR 279.44 or are otherwise federally-exempt, are regulated as hazardous waste in Maine pursuant to the Waste Oil Management Rules, Chapter 860.4(D). Since the used oil is hazardous waste in Maine, its shipment must be documented on a hazardous waste manifest. If no DOT shipping name applies then "State of Maine regulated hazardous waste" may be used. Otherwise the waste should be identified as “State of Maine regulated” in Box 14 of the uniform hazardous waste manifest. If desired, the phrase "federally exempt" may be added to the waste description or in Box 14 of the uniform hazardous waste manifest as long as it is also identified as "State of Maine regulated hazardous waste". The Department is designating a unique waste code, M003, for oils that contain more than 4000 ppm halogens but are federally exempt because they do not contain F-listed halogenated solvents. The manifest should have the appropriate codes for both the destination state and generator state. For example, M003 and CR02 should be on manifests bound for Connecticut and M003 and NH01 for New Hampshire, etc.

For other waste oils which exceed other Maine waste oil parameters such that they are hazardous wastes per Chapter 860, they should use the code that corresponds to the contaminant under the Maine Hazardous Waste Management Rules. In summary, the waste codes would be as follows:

>49 ppm PCBs	M002
>18 ppm Arsenic	D004
>10 ppm Cadmium	D006
>35 ppm Chromium	D007
>1000 ppm Lead	D008
>4000 ppm Halogens	F001 or F002 (for hazardous waste oils with F-listed solvents)
>4000 ppm Halogens	M003 (for hazardous waste oils without F-listed solvents, federally-exempt)
< 100° F Flash Point	D001

Those oils that do not meet the standards for off-specification waste oil as defined in Maine’s Waste Oil Management Rules are considered a hazardous waste in Maine and are subject to the hazardous waste transportation fees under 38 MRSA Section 1318-I. If they are federally exempt, you may follow the guidance above for completing the shipping name and additional description fields on a hazardous waste manifest.

If you should need further information please do not hesitate to contact Cherrie Plummer or John Dunlap at 207-287-2651.

Sincerely,

Cherrie Plummer, Environmental Specialist
Division of Oil and Hazardous Waste Facilities Regulation
Bureau of Remediation and Waste Management

Attachments: Quarterly report forms for transporters of hazardous waste and waste oil

cc: Scott Whittier, Director, Division of Oil & Hazardous Waste Facilities Regulation