

**0400-12-01-.04 REQUIREMENTS APPLICABLE TO TRANSFER FACILITIES AND PERMIT REQUIREMENTS AND STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE.**

## (1) General [40 CFR 263 Subpart A]

## (a) Scope [40 CFR 263.10]

1. These regulations establish standards which apply to persons transporting hazardous waste within Tennessee if the transportation requires a manifest under Rule 0400-12-01-.03.
2. Nothing in this rule shall exempt a transporter from his responsibilities under the rules and regulations of the U.S. Department of Transportation, the U.S. Department of Homeland Security, or the Tennessee Regulatory Commission.
3. 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.
4. A transporter of hazardous waste must also comply with Rule 0400-12-01-.03 if he:
  - (i) Transports hazardous waste into the state from a foreign country (except for the notification requirements of Rule 0400-12-01-.03(2)); or
  - (ii) Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.
5. A transporter of hazardous waste that is being imported from or exported to any other country for the purposes of recovery or disposal is subject to this paragraph and to all relevant requirements of paragraph (9) of Rule 0400-12-01-.03, including, but not limited to, parts (9)(d)4 and (9)(e)4 of Rule 0400-12-01-.03.
6. The regulations in this part do not apply to transportation during an explosives or munitions emergency response, conducted in accordance with Rule 0400-12-01-.05(1)(b)2.(vii)(I)IV. or (IV) or Rule 0400-12-01-.06(1)(b)2.(vii)(I)IV. or (IV) and Rule 0400-12-01-.07(1)(b)5.(i)(IV) or (iii).
7. Rule 0400-12-01-.09(13)(d) identifies how the requirements of this rule apply to military munitions classified as solid waste under Rule 0400-12-01-.09(13)(c).

## (b) Installation Identification Number and Transporter Permit [40 CFR 263.11]

1. A transporter must not transport hazardous waste which originates or terminates in Tennessee without having received an installation identification number and a transporter permit from the Department. Out-of-State transporters must obtain their installation identification numbers from their respective state agency or EPA, if appropriate.
2. A hazardous waste transfer facility shall not operate without having received an installation identification number from the Department.

## (c) Transfer Facility Requirements [40 CFR 263.12]

1. A hazardous waste transfer facility shall not operate without having received an installation identification number from the Department.

(Rule 0400-12-01-.04, continued)

2.
  - (i) The operator of a hazardous waste transfer facility shall maintain a log of all shipments of hazardous waste entering and leaving the facility.
  - (ii) The log required by subpart (i) of this part shall be developed by the owner or operator of the transfer facility and shall contain, at a minimum, the following information for each shipment:
    - (I) The date the shipment arrived;
    - (II) The generator's name and installation identification number;
    - (III) The manifest document number associated with the shipment;
    - (IV) The date the hazardous waste was shipped out of the transfer facility; and
    - (V) If the transporter mixes hazardous wastes by placing them into a single container at the transfer facility:
      - I. The item number(s) and letter(s) from the manifest document number(s) for all separately containerized wastes that are combined in the container; and
      - II. If the hazardous wastes mixed in the container have different U.S. DOT shipping descriptions, the new manifest number as required by part (a)4 of this paragraph.
  - (iii) The information required by subpart (ii) of this part shall be retained for a period of three years and made available for review by the Commissioner.
3. The operator of a hazardous waste transfer facility shall insure that the transfer facility's operations comply with the provisions of:
  - (i) Subparagraph (2)(g) of Rule 0400-12-01-.05, Personnel Training;
  - (ii) Paragraph (9) of Rule 0400-12-01-.05, Use and Management of Containers, except subparagraphs (9)(e) and (i) of Rule 0400-12-01-.05; and
  - (iii) Subparagraph (2)(e) of Rule 0400-12-01-.05, Security.
4. Except for the requirements of part 3 of this subparagraph, a transporter who stores manifested shipments of hazardous waste in containers meeting the independent requirements of subparagraph (4)(a) of Rule 0400-12-01-.03 at a transfer facility for a period of 10 days or less is not subject to regulation under Rules 0400-12-01-.05, 0400-12-01-.06, 0400-12-01-.07, and 0400-12-01-.10 with respect to the storage of those wastes.
5. In addition to the requirements of item (2)(ii)(V) of this subparagraph, when consolidating the contents of two or more containers with the same hazardous waste into a new container, or when combining and consolidating two different hazardous wastes that are compatible with each other, the transporter must mark its containers of 119 gallons or less with the following information:
  - (i) The words "Hazardous Waste"; and

(Rule 0400-12-01-.04, continued)

- (ii) The applicable EPA hazardous waste number(s) (hazardous waste codes) in paragraphs (3) and (4) of Rule 0400-12-01-.02, or in compliance with part (4)(c)3 of Rule 0400-12-01-.03.

(2) Permitting

- (a) Applicability - Each person who transports in Tennessee a hazardous waste that originates or terminates in Tennessee must have a valid hazardous waste transporter permit obtained from the Department in accordance with subparagraph (b) of this paragraph, and is subject to the requirements of subparagraphs (c) and (d) of this paragraph. This permit is not required if the hazardous waste shipment is passing through the State.

- (b) Obtaining a Permit

1. Any person who wishes to transport hazardous waste to or from locations within Tennessee must apply for and receive a hazardous waste transporter permit from the Department before beginning such transport operations. The transporter must submit the permit renewal form to the Department by December 31.
2. Application for or renewal of a permit shall consist of a written notification to the Department on forms provided by the Department. Such forms must be completed according to the instructions accompanying them. Information on the forms shall include, but not be limited to, the name, installation identification number, if previously issued, business address, telephone number of the transporter, and all applicable permit fees required under Rule 0400-12-01-.08(2)(a).
3.
  - (i) The Commissioner shall issue the permit within 15 days following his receipt of a new permit application (not a renewal), unless such application is by a person that (1) had previously held a permit that was terminated by the Commissioner for violation of the requirements of these rules, or (2) had been operating as a transporter in violation of the permit requirement of this paragraph. Such persons shall not be issued a permit unless and until they demonstrate, to the satisfaction of the Commissioner, their willingness and capability to comply with the Act and these rules.
  - (ii) The Commissioner shall issue the permit for a renewal by January 31 following his receipt of the permit renewal application, unless such application is by a person that (1) had previously held a permit that was terminated by the Commissioner for violation of the requirements of these rules, or (2) had been operating as a transporter in violation of the permit requirement of this paragraph. Such persons shall not be issued a permit unless and until they demonstrate, to the satisfaction of the Commissioner, their willingness and capability to comply with the Act and these rules.

4. Transporter permits shall not be transferable.

- (c) Permit Duration/Renewal/Termination

1. Unless terminated as set forth in part 3. of this subparagraph, transporter permits shall remain in effect until January 31 of the following calendar year.
2. Unless he has initiated termination proceedings as set forth in part 3 of this subparagraph, the Commissioner shall automatically renew each transporter

(Rule 0400-12-01-.04, continued)

permit for another year upon his timely receipt of the annual maintenance fee required under Rule 0400-12-01-.08(3)(a).

3. (i) The Commissioner shall terminate a transporter permit within 10 days of receiving a request from the transporter to do so.
- (ii) The Commissioner, after notifying the transporter and providing him with the opportunity to be heard on the matter, may by order terminate the permit of any transporter upon his violation of one or more of the applicable requirements of this Chapter or Chapter 0400-15-01.

(d) General Requirements

1. The permit shall be issued with an installation identification number as required under subparagraph (1)(b) of this rule. This number must be included on all manifests and other official documents and on correspondence between the transporter and the Department.
2. Transporters shall maintain a copy of their permit application on file, and shall notify the Department in writing within 30 days of any changes in the information submitted or of cessation of hazardous waste transportation services in this state.
3. A motor vehicle transporter shall have a copy of his permit with him and available for inspection whenever he picks up, transports, or delivers a shipment of hazardous waste in Tennessee; and shall provide the generator/shipper/transfer facility operator with the opportunity to inspect that permit if so requested.

(3) Compliance With the Manifest System and Recordkeeping [40 CFR 263 Subpart B]

(a) The Manifest System [40 CFR 263.20]

1. (i) Manifest requirement.

A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form (EPA Form 8700-22, and if necessary, EPA Form 8700-22A) signed in accordance with the requirements of subparagraph (3)(d) of Rule 0400-12-01-.03, or is provided with an electronic manifest that is obtained, completed, and transmitted in accordance with subpart (3)(a)1.(iii) of Rule 0400-12-01-.03, and signed with a valid and enforceable electronic signature as described in subparagraph (3)(f) of Rule 0400-12-01-.03.

- (ii) Exports.

For exports of hazardous waste subject to the requirements of paragraph (9) of Rule 0400-12-01-.03, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this paragraph, as appropriate, and for exports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by part (9)(d)4 of Rule 0400-12-01-.03.

- (iii) Compliance date for form revisions.

(Rule 0400-12-01-.04, continued)

The revised Manifest form and procedures in subparagraph (2)(a) of Rule 0400-12-01-.01, subparagraph (1)(g) of Rule 0400-12-01-.02, this subparagraph and subparagraph (b) of this paragraph had an effective date of September 5, 2006. The Manifest form and procedures in subparagraph (2)(a) of Rule 0400-12-01-.01, subparagraph (1)(g) of Rule 0400-12-01-.02, this subparagraph and subparagraph (b) of this paragraph, contained in the Rules 0400-12-01-.01 through 0400-12-01-.06, in effect as of July 1, 2004, were applicable until September 5, 2006.

- (iv) Use of electronic manifest-legal equivalence to paper forms for participating transporters.

Electronic manifests that are obtained, completed, and transmitted in accordance with subpart (3)(a)1.(iii) of Rule 0400-12-01-.03, and used in accordance with this subpart in lieu of EPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, carry, provide, give, use, or retain a manifest.

- (I) Any requirement in these regulations to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of subparagraph (3)(f) of Rule 0400-12-01-.03.
- (II) Any requirement in these regulations to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person by submission to the system.
- (III) Any requirement in these regulations for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that to the extent that the Hazardous Materials regulation on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with 49 CFR 177.817, a hazardous waste transporter must carry one printed copy of the electronic manifest on the transport vehicle.
- (IV) Any requirement in these regulations for a transporter to keep or retain a copy of a manifest is satisfied by the retention of an electronic manifest in the transporter's account on the e-Manifest system, provided that such copies are readily available for viewing and production if requested by any EPA inspector or the Commissioner.
- (V) No transporter may be held liable for the inability to produce an electronic manifest for inspection under this paragraph if that transporter can demonstrate that the inability to produce the electronic manifest is exclusively due to a technical difficulty with the EPA system for which the transporter bears no responsibility.

(Rule 0400-12-01-.04, continued)

- (v) A transporter may participate in the electronic manifest system either by accessing the electronic manifest system from the transporter's own electronic equipment, or by accessing the electronic manifest system from the equipment provided by a participating generator, by another transporter, or by a designated facility.
- (vi) Special procedures when electronic manifest is not available.

If after a manifest has been originated electronically and signed electronically by the initial transporter, and the electronic manifest system should become unavailable for any reason, then:

- (I) The transporter in possession of the hazardous waste when the electronic manifest becomes unavailable shall reproduce sufficient copies of the printed manifest that is carried on the transport vehicle pursuant to item (iv)(III) of this part, or obtain and complete another paper manifest for this purpose. The transporter shall reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste.
  - (II) On each printed copy, the transporter shall include a notation in the Special Handling and Additional Description space (Item 14) that the paper manifest is a replacement manifest for a manifest originated in the electronic manifest system, shall include (if not pre-printed on the replacement manifest) the manifest tracking number of the electronic manifest that is replaced by the paper manifest, and shall also include a brief explanation why the electronic manifest was not available for completing the tracking of the shipment electronically.
  - (III) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste must ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy.
  - (IV) From the point at which the electronic manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies shall be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.
- (vii) Special procedures for electronic signature methods undergoing tests.

If a transporter using an electronic manifest signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the transporter shall sign the electronic manifest electronically and also sign with an ink signature the transporter acknowledgement of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with item (iv)(III) of this part. This printed copy bearing the generator's and transporter's ink signatures shall also be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner or operator of the designated facility has signed this printed manifest copy with its ink signature, the

(Rule 0400-12-01-.04, continued)

printed manifest copy shall be delivered to the designated facility with the waste materials.

- (viii) Reserved.
  - (ix) Post-receipt manifest data corrections. After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. Transporters may participate electronically in the post-receipt data corrections process by following the process described in part (5)(b)12 of Rule 0400-12-01-.06, which applies to corrections made to either paper or electronic manifest records.
2. Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter must return a signed copy to the generator before leaving the generator's property
  3. The transporter must ensure that the manifest accompanies the hazardous waste. In the case of exports occurring under the terms of a consent issued by EPA to the exporter on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by part (9)(d)4 of Rule 0400-12-01-.03 also accompanies the hazardous waste. In the case of imports occurring under the terms of a consent issued by EPA to the country of export or the importer on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by part (9)(e)4 of Rule 0400-12-01-.03 also accompanies the hazardous waste.
  4. A transporter who delivers a hazardous waste to another transporter or to the designated facility must:
    - (i) 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
    - (ii) Retain one copy of the manifest in accordance with subparagraph (c) of this paragraph; and
    - (iii) Give the remaining copies of the manifest to the accepting transporter or designated facility.
  5. The requirements of parts 3., 4., and 6. of this subparagraph do not apply to water (bulk shipment) transporters if:
    - (i) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and
    - (ii) A shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by part (9)(d)4 of Rule 0400-12-01-.03 or part (9)(e)4 of Rule 0400-12-01-.03 accompanies the hazardous waste; and

(Rule 0400-12-01-.04, continued)

- (iii) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and
  - (iv) 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
  - (v) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with subparagraph (c) of this paragraph.
- 6. For shipments involving rail transportation, the requirements of parts 3, 4, and 5 do not apply and the following requirements do apply:
  - (i) 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:
      - I. The next non-rail transporter, if any; or
      - II. The designated facility, if the shipment is delivered to that facility by rail; or
      - III. 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 subparagraph (c) of this paragraph.
  - (ii) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification number, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by part (9)(d)4 of Rule 0400-12-01-.03 or part (9)(e)4 of Rule 0400-12-01-.03 accompanies the hazardous waste at all times.

(Note: Intermediate rail transporters are not required to sign the manifest, movement document, or shipping paper.)
  - (iii) 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



(Rule 0400-12-01-.04, continued)

- (II) Retain a copy of the manifest or signed shipping paper in accordance with subparagraph (c) of this paragraph.
  - (iv) 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 subparagraph (c) of this paragraph.
  - (v) 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.
- 7. Transporters who transport hazardous waste out of the United States must:
  - (i) Sign and date the manifest in the International Shipments block to indicate the date that the shipment left the United States; and
  - (ii) Retain one copy in accordance with part (c)4. of this subparagraph; and
  - (iii) Return a signed copy of the manifest to the generator; and
  - (iv) For paper manifests only,
    - (I) Send a copy of the manifest to the e-Manifest system in accordance with the allowable methods specified in item (5)(b)1(ii)(V) of Rule 0400-12-01-.06; and
    - (II) For shipments initiated prior to the AES filing compliance date, when instructed by the exporter to do so, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.
- 8. A transporter transporting hazardous waste from a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month need not comply with the requirements of this subparagraph or those of subparagraph (c) of this paragraph provided that:
  - (i) The waste is being transported pursuant to a reclamation agreement as provided for in Rule 0400-12-01-.03(3)(a)5.;
  - (ii) The transporter records, on a log or shipping paper, the following information for each shipment:
    - (I) The name, address, and U.S. Installation Identification Number of the generator of the waste;
    - (II) The quantity of waste accepted;
    - (III) All DOT-required shipping information;
    - (IV) The date the waste is accepted; and

(Rule 0400-12-01-.04, continued)

- (iii) The transporter carries this record when transporting waste to the reclamation facility; and
  - (iv) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.
- (b) Compliance with the Manifest [40 CFR 263.21]
  - 1. Except as provided in part 2 of this subparagraph, the transporter must deliver the entire quantity of hazardous waste which the transporter has accepted from a generator or a transporter to:
    - (i) The designated facility listed on the manifest; or
    - (ii) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or
    - (iii) The next designated transporter; or
    - (iv) The place outside the United States designated by the generator.
  - 2.
    - (i) Emergency condition. If the hazardous waste cannot be delivered in accordance with subpart 1(i), (ii), or (iv) of this subparagraph because of an emergency condition other than rejection of the waste by the designated facility or alternate designated facility, then the transporter must contact the generator for further instructions and must revise the manifest according to the generator's instructions.
    - (ii) Transporters without agency authority. If the hazardous waste is not delivered to the next designated transporter in accordance with subpart 1(iii) of this subparagraph, and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter must contact the generator for further instructions prior to making any revisions to the transporter designations on the manifest. The current transporter may thereafter make such revisions if:
      - (I) The hazardous waste is not delivered in accordance with subpart 1(iii) of this subparagraph because of an emergency condition; or
      - (II) The current transporter proposes to change the transporter(s) designated on the manifest by the generator, or to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety; and
      - (III) The generator authorizes the revision.
    - (iii) Transporters with agency authority. If the hazardous waste is not delivered to the next designated transporter in accordance with subpart 1(iii) of this subparagraph, and the current transporter has authorization from the generator to act as the generator's agent, then the current transporter may change the transporter(s) designated on the manifest, or add a new transporter, during transportation without the generator's prior, explicit approval, provided that:

(Rule 0400-12-01-.04, continued)

- (I) The current transporter is authorized by a contractual provision that provides explicit agency authority for the transporter to make such transporter changes on behalf of the generator;
  - (II) The transporter enters in Item 14 of each manifest for which such a change is made, the following statement of its agency authority:

“Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator’s behalf;” and
  - (III) The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.
  - (iv) Generator liability. The grant by a generator of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under subpart 2(iii) of this subparagraph does not affect the generator’s liability or responsibility for complying with any applicable requirement under Chapter 0400-12-01, or grant any additional authority to the transporter to act on behalf of the generator.
3. 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:
- (i) 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 subparagraph (c) of this paragraph 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 information required in subparts (5)(c)5(i) through (vi) of Rule 0400-12-01-.06, or subparts 6(i) through (vi) of Rule 0400-12-01-.06 or subparts (5)(c)5(i) through (vi) of Rule 0400-12-01-.05 or subparts 6(i) through (vi) of Rule 0400-12-01-.05.
  - (ii) 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 subparagraph (c) of this paragraph 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 subparts (5)(c)5(i) through (vi) of Rule 0400-12-01-.06 or subparts (5)(c)5(i) through (vi) of Rule 0400-12-01-.05.
- (c) Recordkeeping [40 CFR 263.22]

(Rule 0400-12-01-.04, continued)

1. A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, 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.
2. 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 required in subpart (a)5.(ii) of this paragraph for a period of three years from the date the hazardous waste was accepted by the initial transporter.
3. 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 subpart (a)6.(ii) of this paragraph 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.)

4. A transporter who transports hazardous waste out of the United States must keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.
  5. The periods of retention referred to in this subparagraph are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator/Commissioner.
  6. Any person who holds or has held a transporter permit in Tennessee pursuant to paragraph (2) of this rule must furnish upon request, and make available at all reasonable times for inspection, by any officer, employee, or representative of the Department who is duly designated by the Commissioner, all records required under this subparagraph.
  7. A transfer facility must maintain an operating record or log to demonstrate its compliance with the 10-day storage limit for hazardous waste as set forth in subparagraph (1)(c) of this rule.
- (d) Reserved
- (e) Reserved
- (f) Electronic manifest signatures [40 CFR 263.25]
1. Electronic manifest signature shall meet the criteria described in subparagraph (3)(f) of Rule 0400-12-01-.03.
  2. Reserved

(Rule 0400-12-01-.04, continued)

(4) Hazardous Waste Discharges [40 CFR 263 Subpart C]

(a) Immediate Action [40 CFR 263.30]

1. In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect public health and the environment (e.g., notify local authorities, dike the discharge area).
2. If a discharge of hazardous waste occurs during transportation and an official (State or local government or a Federal Agency) acting within the scope of his official responsibilities determines that immediate removal of the waste is necessary to protect public health or the environment, that official may authorize the removal of the waste by transporters who do not have installation identification numbers and without the preparation of a manifest.
3. A transporter who has discharged hazardous waste in Tennessee must immediately telephone the 24-hour toll-free number of the Tennessee Emergency Management Agency, which is 800-262-3300 for in-state callers or 800-258-3300 for out-of-state callers, and furnish the following information:
  - (i) Name of person reporting the spill;
  - (ii) Name and address of transporter involved;
  - (iii) Name and address of generator;
  - (iv) Telephone number where reporter can be contacted;
  - (v) Date, time, and location of incident (indicate pollution of land, water, air, or public water supply, if known);
  - (vi) Type of incident (e.g., fire, spillage);
  - (vii) Description (including hazard class) and quantity of hazardous waste involved, to the extent available;
  - (viii) Type of transport vehicle and mode; and
  - (ix) The extent of injuries, if any.

(Note: Under DOT regulations (49 CFR 171.15 and 171.16), the transporter may also be required to give notice to the National Response Center at 800-424-8802 or 202-426-2675 and report in writing to DOT.)

4. An air, rail, highway, or water transporter who has discharged hazardous waste must report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.

(Note: A copy of the U.S. Department of Transportation (DOT) form F5800.1 shall suffice for this report provided that it is properly completed and supplemented as necessary to include all information required by this paragraph.)

(Rule 0400-12-01-.04, continued)

5. A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 (as that Federal regulation exists on the effective date of these rules) for oil and hazardous substances.

(b) Discharge Clean Up [40 CFR 263.31]

1. A transporter must clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by Federal, State, or local officials so that the hazardous waste discharge no longer presents a hazard to public health or the environment.

**Authority:** T.C.A. §§ 4-5-201, et seq., and 68-212-101, et seq. **Administrative History:** Original rule filed June 19, 2012; effective September 17, 2012. Rule was renumbered from 1200-01-11-.04 which was repealed. Amendment filed August 7, 2013; effective November 5, 2013. Amendments filed November 12, 2014; effective February 10, 2015. Amendments filed July 10, 2015; effective October 8, 2015. Amendments filed February 12, 2021; effective May 13, 2021. Amendments filed March 5, 2021; effective June 3, 2021.