

Chapter 853: LICENSING OF TRANSPORTERS OF HAZARDOUS WASTE

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Chapter 853: LICENSING OF TRANSPORTERS OF HAZARDOUS WASTE

SUMMARY: This ~~rule~~ Chapter establishes the requirements and procedures for obtaining a license to transport hazardous waste in the State of Maine.

1. **Legal Authority.** This ~~Chapter~~ rule is authorized by and adopted under 38 M.R.S.A., ~~Section~~ §§ 1301 through 1319-Y, et seq.
2. **Preamble.** It is the purpose of the Department of Environmental Protection (Department), consistent with legislative policy, to provide effective controls for the management of hazardous waste. This ~~rule~~ Chapter provides one such control by requiring that transporters of hazardous waste be licensed and by requiring, through licensing, that transporters comply with standards intended to protect the health, safety and welfare of the public and the environment.

Portions of this Chapter refer to federal regulations of the United States Environmental Protection Agency (EPA). Unless otherwise specified, the federal regulations referenced are those final regulations as amended up to July 1, 2019, as they appeared in volume 40 of the Code of Federal Regulations (C.F.R.) and are hereby incorporated by reference. Where specifically stated, the terms of a referenced federal regulation are hereby incorporated as terms of this Chapter, except that in regulations incorporated thereby, "EPA" shall mean "the Maine Department of Environmental Protection"; "Administrator", "Regional Administrator" and "Director" shall mean the Maine Board of Environmental Protection, the Commissioner of the Department of Environmental Protection or the Commissioner's designated representative, as applicable, and the references to terms or phrases including "treat", "store", or "dispose" shall mean "handle". In addition, where the terms of federal regulations hereby incorporated by reference differ from or are inconsistent with other terms of this Chapter or 06-096 C.M.R. chs. 850 – 860, the more stringent of the requirements shall apply. Other changes to regulations incorporated hereby are as expressly made in this Chapter.

NOTE: Other requirements for transporters appear in other rules of the Board dealing with specific aspects of Hazardous Waste Management. See, for example, ~~Chapter 857, Hazardous Waste Manifest Requirements, 06-096 C.M.R. ch. 857,~~ the provisions of which are separately effective and enforceable, independent of this ~~Chapter~~ rule.

3. Definitions

- A. **Conveyance.** "Conveyance" means any aircraft, watercraft, vehicle, or other machine used for transportation on land, water or in the air. For the requirement that a license be obtained the term includes only the cargo-carrying portion of a conveyance. For all other requirements the term includes the entire conveyance.
- B. **Department.** "Department" means the Department of Environmental Protection of the State of Maine.
- C. **License Certificate.** "License Certificate" means the document issued by the Department authorizing the transportation of hazardous wastes by a specific business, operator, ~~and/or~~ vehicle, or combination thereof. In the case of an operator or vehicle license certificate, the document may be certified by the appropriate seal as directed by the Commissioner of the Department.
- D. **Site.** "Site" means the same or geographically contiguous property which may be divided by a public or private right-of-way, provided that the entrance and exit between the properties is at a

crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which ~~he~~ that person controls and to which the public does not have access is also considered site property.

E. Transport. "Transport" means the movement of hazardous waste from the point of its generation to any intermediate points and finally to its point of ultimate disposition. Movement of hazardous waste on the site where it is generated or on the site of a licensed waste facility for hazardous waste is not "transport."

F. Transporter. "Transporter" means any person who transports hazardous waste in this state in any quantity. The term includes, without limitation, individuals who own, lease or otherwise control conveyances in which hazardous waste is transported, operators of such conveyances, and businesses regardless of size and form of business organization, which engage in transportation of hazardous waste.

"Business" includes persons who own, operate or otherwise control the business.

4. Prohibitions

A. No person shall:

(1) Function as a transporter without a transporter license issued by the Department;

NOTE: For certain PCB wastes, a transporter may be exempt from the requirement of being a licensed hazardous waste transporter. See Section 10 for PCB wastes.

NOTE: For universal wastes, a transporter may be exempt from the licensing requirements. See Section 11 of this ~~e~~Chapter for universal waste transporter requirements.

(2) Function as a transporter without a transporter identification number;

(a) The identification number ~~shall~~ must be comprised of the identification number assigned to the transporter by the U.S. Environmental Protection Agency (EPA) ~~and/or the Department, including any state-only identifying number or letter as may be assigned by the Department;~~

NOTE: A transporter may obtain an EPA identification number by applying, using EPA Form 8700-12, to the:

~~_____ EPA Administrator
 _____ U.S. Environmental Protection Agency - Region I
 _____ John F. Kennedy Federal Building
 _____ Boston, Massachusetts 02203
 _____ Hazardous Waste Program
 _____ Maine DEP
 _____ 17 State House Station
 _____ Augusta, ME 04333-0017~~

- (3) Own, lease or otherwise control, or operate a conveyance in which hazardous waste is transported unless the conveyance is covered by a transporter license issued by the Department;
 - (4) Give custody or possession of a hazardous waste to a transporter unless the transporter holds a transporter license issued by the Department;
 - (5) Take or accept hazardous waste from a transporter unless the transporter holds a transporter license issued by the Department;
 - (6) Mix hazardous wastes of different DOT shipping descriptions by placing them into a single container except at the site of generation prior to transport or at a facility specifically licensed for that activity;
 - (7) Remove hazardous waste from the container in which it was placed once it has been manifested and moved from the site of generation until it is accepted at the destination facility unless specifically authorized to do so by the Commissioner.
- B.** No person to whom a transporter license has been issued by the Department shall transport hazardous waste except in accordance with ~~his~~the license and the requirements of this ~~Chapter~~rule.
- C.** No person shall transport hazardous waste in any manner which could endanger public health, safety or welfare or the environment:
- (1) Failure to hold a transporter license as required by this ~~Chapter~~rule is prima facie evidence of endangerment.
 - (2) Possession of a transporter license issued by the Department under this ~~Chapter~~rule shall not be a defense to a violation of this ~~Chapter~~rule nor to any other violation of law or rule.
- D.** No person shall transport foodstuffs for human or animal consumption in a conveyance in which hazardous waste has been or is being transported in bulk, nor in a conveyance in which hazardous waste has been or is being transported in containers if the foodstuffs might come in contact with hazardous waste.
- E.** No person to whom a transporter license has been issued by the Department shall transport hazardous waste to a waste facility other than a facility for hazardous waste which is authorized to handle the waste under a State program, and if applicable, the federal hazardous waste regulatory program.
- F.** No transporter shall transport universal waste to other than a central accumulation facility, a consolidation facility, an authorized recycling facility, or in the case of ballasts and the residues from mercury spill kits to an approved treatment or disposal facility that meets the criteria of Section 4(E).

5. Applications

- A.** Application for a transporter license ~~shall~~must be made on a form obtained from the Department.
- B.** An applicant shall include in ~~his~~the application the following information:

- (1) Name, residence and, if applicable, business address and telephone number of the applicant;

If the applicant is a business, the name(s), address(es) and telephone number(s) of the owner(s), operator(s) or person(s) otherwise in control of the business ~~shall~~must also be given;

- (2) For a business: the address and telephone number of each location of the business, including out-of-state locations and affiliates;
- (3) Specification of hazardous wastes routinely or usually transported, including the source and destination of each such waste. Such specification ~~shall~~must be updated by reports as required by this ~~Chapter~~rule;
- (4) Name, address and telephone number of persons to be contacted and who are authorized to act in an emergency;
- (5) For each conveyance to be covered by a license: its identification, by year, make, serial number, registration number, other identifying number, letter or mark; identification of type of hazardous waste carried; capacity in appropriate units; and location(s) at which ordinarily kept;
- (6) For each operator to be covered by a license: ~~his~~the operator name, and license numbers and state of issuance of all ~~operators'~~ licenses held by the operator for operation of any type of conveyance;
- (7) Certification by the applicant that ~~he~~the applicant is familiar with and will comply with the standard conditions set forth in Section 8 of this ~~Chapter~~rule and with such special conditions as may be attached to ~~his~~the license, and, by each operator to be covered by a license, the same certification;
- (8) Signature of the applicant or, for a business, signature of the person authorized to sign;
- (9) A certificate of liability insurance covering the licensed activity in an amount appropriate for ~~his~~the license activity and for the risk involved. ~~In no event, h~~ However, ~~shall~~ the limit of liability must not be less than \$500,000;
- (10) ~~His~~The transporter identification number; and
- (11) ~~Such~~ other information including safety histories and training programs as the Department may determine to be necessary.

C. A transporter who is an operator of a conveyance and who owns or leases the conveyance or conveyance(s) which ~~the transporter~~he operates may apply for a transporter license to cover ~~himself~~the transporter as an operator and such conveyance(s). Where such an application is made and a single license issued, a license certificate must be obtained from the Department for the operator and for each conveyance covered by the license. The requirements of this ~~Chapter~~rule apply to the entire license, to the operator(s) and to the conveyances and/or to the operator and/or to the separate conveyances covered by the license, as applicable.

D. A transporter which is a business that engages in transportation of hazardous waste may apply for a transporter license to cover all locations of the business, all conveyances owned, leased or otherwise controlled by the business and used for transportation of hazardous waste, and all operators of such conveyances employed by the business. Where such an application is made and

a single license issued, a license certificate must be obtained from the Department for each business location, each conveyance and each operator covered by the license. The requirements of this Chapter~~rule~~ apply to the entire license, and/or to the separate business locations, ~~and/or to the separate conveyances, and/or to the separate operators covered by the license, as applicable.~~

- E. The application ~~shall~~must be filed with the Department.
- F. Application for renewal of a license ~~shall~~must be made no sooner than 90 days prior to the date of its expiration and ~~shall~~must be made on forms provided by the Department. A copy of a prior application may be submitted as the renewal application providing there has been no change(s) in the information included therein or required by this Chapter~~rule~~. The applicant shall accompany that copy with a letter, signed and dated by the applicant, that states there have been no changes.
- G. An applicant or licensee shall immediately notify the Department of any change in circumstance or situation which changes or will change any information stated on ~~his~~the application. Any oral notification ~~shall~~must be followed by written notification to the Department within ten (10) days.
- H. Operators or conveyances which are no longer employed by or owned, leased, or otherwise controlled by the licensee are no longer covered by the license and shall not transport or be used to transport hazardous waste.

Any license certificate issued to those operators or conveyances ~~must~~shall be returned to the Department within 10 days of the date of the change.

6. Fees

- A. An application fee of \$100.00 ~~must~~shall accompany each application for an initial or renewal license. When an applicant is applying for a license covering more than one conveyance, ~~and/or more than one operator, and/or more than one business location of a business,~~ an additional fee of \$50.00 for each additional conveyance, operator or location ~~must~~shall accompany the application.
- B. Application fees for additional conveyances, operators, or business locations ~~may~~shall be reduced to \$25.00 if the date of issuance of any license certificate is within six months of the expiration date of the license.
- C. Application fees are non-refundable.
- D. On a quarterly basis the licensee shall pay the transportation fee and submit reports to the Department as required by 38 M.R.S.A. ~~§Section~~ 1319-I. This license remains effective only if the report has been filed and the transportation fee has been paid. If no activity has occurred during the quarterly report period, the licensee shall so designate the lack of activity on the report form and forward it to the Department.

7. Licenses

- A. If an application is complete and the granting of the license will not cause or contribute to a violation of law or rule, and the applicant has not misrepresented any facts in its application, the Department may issue a license, with or without special conditions.

- B. A license under this ~~Chapter rule~~ is issued on the basis of information supplied in the application and is valid only so long as that information remains accurate. Where the Department has been notified of a change in the information, the license remains valid notwithstanding the change, so long as any additional or different terms and conditions of the license necessitated by the changed information are complied with.
- C. A license under this ~~Chapter rule~~ is issued only to and for persons, conveyances, locations and activities as specified in the license and is non-transferable.
- D. A license or renewal of a license granted under this ~~Chapter rule~~ is valid for one calendar year beginning with the date of issuance. Business location license certificates, conveyance license certificates and operator license certificates issued with the initial license or added thereafter as provided by this ~~Chapter rule~~ shall also expire on the date the license expires.
- E. A conveyance in which hazardous waste is transported may be inspected at any time for compliance with the standards set forth in Section 8 of this ~~Chapter rule~~, for compliance with any special conditions attached to that license, and for adequacy for safe transportation of hazardous waste. Inspection may be made by a public safety officer or any authorized representative of the Department. A conveyance found to be not in compliance with this ~~Chapter rule~~ or otherwise unsafe ~~must~~ shall not thereafter be operated except under the direction of a public safety officer or an authorized representative of the Department.
- F. The transporter license certificate, or certified copy thereof obtained from the Department, covering an operator of a conveyance in which hazardous waste is transported must be in the immediate possession of the operator when ~~the operator~~ is engaged in such activity and must be made available for inspection upon demand by any public safety officer or authorized representative of the Department. The transporter license certificate, or certified copy thereof obtained from the Department, covering such a conveyance must be with the conveyance when the conveyance is used in such activity and must be made available for inspection upon demand by any public safety officer or authorized representative of the Department. The transporter license certificate, or certified copy thereof obtained from the Department, covering a business must be prominently displayed at each location of the business.
- G. Any person may request a temporary emergency transporter license because of an emergency condition that requires that hazardous waste be transported within a time not permitting issuance of a regular license.
- (1) The written application or oral advice (followed by written application) must include the nature of the emergency condition, its expected duration, identify all types and quantities of hazardous waste to be transported, the origin, destination and route of transportation, the name of the operator, and the conveyance to be used for transporting the hazardous waste. Any oral advice must be followed by a written application within three (3) days of the oral advice.
 - (2) If the oral advice ~~and~~ or written application demonstrates, in the judgment of the Commissioner, that an emergency exists which poses an imminent and substantial endangerment to human health or safety or to the environment and which requires transportation of the hazardous waste and that such transportation will not itself create or threaten imminent and substantial endangerment to human health or safety or to the environment, ~~he~~ the Commissioner may issue a temporary emergency transporter license. The license:

- (a) may be oral; if so, it ~~may~~ shall be followed within 5 days by a written emergency permit;
- (b) ~~may~~ shall be only for the duration of the emergency;
- (c) ~~may~~ shall describe the activity for which it is issued, to whom it is issued, and the operator and conveyance covered by it;
- (d) ~~may~~ shall incorporate to the extent possible and not inconsistent with the emergency situation all applicable requirements of this ~~Chapter~~ rule and ~~Chapter 06-096 C.M.R. ch. 857~~; and
- (e) may be terminated by the Commissioner at any time.

In addition, the transporter who transports or delivers hazardous waste under a temporary emergency transporter license shall file a written report with the Department giving such information as the Department may require within seven (7) days of transporting or delivering hazardous waste.

- 8. Standard Conditions.** All licenses issued under this ~~Chapter~~ rule are subject to the following standard conditions:
- A.** A licensee shall hold all other local (as they relate to Maine business locations), state and federal permits, licenses and certifications as are necessary for the activity licensed hereunder, and shall comply with all state and federal law and rules applicable to ~~his~~ the license activity.
 - B.** A licensee shall have in force at all times liability insurance coverage with limitation of liability appropriate for ~~his~~ the license activity and for the risk involved.
 - C.** A licensee shall comply with all applicable state and federal requirements regarding the use of a manifest for transportation of hazardous wastes including the requirements of 06-096 C.M.R. ch. 857; and comply with 40 C.F.R. Part 262 Subpart H and 40 C.F.R. §§ 263.20(a)(2) and 263.20(g) regarding the transboundary movement of hazardous waste.
 - D.** A licensee shall comply with all state and federal inspection and training requirements as may from time to time be applied by law or rule to ~~his~~ the license activity.
 - E.** In the event of a discharge of hazardous waste in any amount during transportation, the licensee shall take immediate appropriate action to protect public health and safety and the environment and shall immediately report the discharge to the Maine Department of Public Safety (State Police) by calling 1-800-452-4664 or (207) ~~624-707600~~ and, where required, shall report as provided in ~~Chapter 06-096 C.M.R. ch. 857, §§~~ ~~Section 8(F)(3)-(6)~~ of the Department's rules.
 - F.** A licensee who is the owner or lessee of a licensed conveyance or the owner or operator of a licensed business shall have a plan for the cleanup of discharges of hazardous wastes which ~~he~~ ~~the licensee or his~~ the licensee's business transports and shall have the capability to carry out such a plan. The plan ~~must~~ shall include the emergency telephone numbers in Section 8(E) of this ~~Chapter~~ above. The operator of a conveyance shall be familiar with the cleanup plan for the conveyance and for the wastes in the conveyance which ~~he~~ the licensee is operating and shall be capable of carrying out ~~his~~ the applicable parts ~~in~~ of the plan. A copy of such plan ~~must~~ shall be in the possession of the operator of a conveyance during the transportation of hazardous waste.

- G.** A licensee shall not accept for transport or transport hazardous wastes which are unlabeled or which are in damaged, bulging, leaking, unsuitable or otherwise unsafe containers, nor accept for transport or transport any wastes which are incompatible with each other such that a danger to public health or safety or the environment could result from their being transported together.
- H.** It is the duty of a licensee to ensure that ~~his~~the license activity be carried out in safety and without creating or threatening danger to public health or safety. A licensee shall ensure that all of ~~his~~the methods, equipment and personnel are adequate and capable to this end.
- I.** A licensee agrees ~~that he will~~to provide to the Department and to public safety agencies all information necessary for response to emergency situations involving license activity and ~~that he will~~to assist the Department in obtaining compliance with this Chapter~~rule~~.
- J.** A licensee shall be considered a generator of hazardous waste and shall comply with the requirements of ~~Chapter 06-096 C.M.R. ch. 851~~ of the Hazardous Waste Management Rules if ~~he~~the licensee :
- (~~1~~) ~~T~~ransports hazardous waste into or through the State of Maine from a foreign country.

9. Suspension or Revocation

- A.** The Department may seek suspension or revocation of a license or license certificate for any violation of applicable law or rule or of any term or condition of the license itself.
- B.** Suspension or revocation may be sought as to any or all locations, conveyances or operators covered by the license.
- C.**(~~1~~) Where a license covers more than one operator, ~~and/or~~ conveyance, ~~and/or~~ location and if two or more license suspensions of operator(s), conveyance(s), ~~and/or~~ location(s) covered thereunder occur in any combination (e.g., operator and conveyance, conveyance and location, operator and location, etc.) within a calendar year, the Department ~~shall~~will seek revocation of the entire license.
- D.** The Department ~~shall~~will seek revocation of any license which is suspended within 18 months of its prior suspension or revocation.
- E.** A licensee whose license has been revoked may not reapply for a license until the condition(s) or violation(s) which led to the revocation have been eliminated.
- F.** Prior revocation of a license issued pursuant to this Chapter~~rule~~ or of any other license, permit, certification or other approval for the handling of a hazardous waste issued by this or any other state or by a federal agency shall constitute prima facie evidence that issuance of a license under this Chapter~~rule~~ would cause or contribute to a violation of law or rule [Refer to Section 7(A) of this Chapter~~rule~~]. This evidence may be overcome by evidence of changed conditions or circumstances presented to the Department of Environmental Protection by the applicant, which evidence is sufficient, in the Department's judgment, to warrant a finding that, the previous revocation notwithstanding, the license should be granted.

10. Persons not required to obtain a license

- A. A person may transport PCBs which are contained in a totally enclosed manner in PCB equipment without using a licensed hazardous waste transporter provided that the PCBs are not discarded or intended to be discarded. In addition, a person who discharges or suffers a discharge of PCBs or who generates PCB contaminated material as a result of routine servicing of off-site PCB containing equipment may transport that PCB waste to an instate facility with an approved PCB management plan or to a Maine hazardous waste facility licensed to handle PCBs without using a licensed hazardous waste transporter provided that the facility is under the control of the entity who has care or custody of or who owns the PCB waste.
- B. A person may transport universal wastes via a common carrier without using a licensed hazardous waste transporter provided the transporter complies with the requirements of Section 11.

NOTE: Transporters of universal waste ~~must~~ shall also comply with the handler requirements of ~~Chapter 06-096 C.M.R. ch. 850,~~ § 3(A)(13)(c).

- C. In exceptional circumstances, where required to protect human health, safety or the environment, the Commissioner may give permission to a transporter of hazardous waste to transport or deliver hazardous waste with a temporary emergency transporter license pursuant to Section 7(G) of this Chapter or without issuance of a temporary emergency transporter license. In all such cases, the transporter who transports or delivers the waste shall file a written report with the Department giving such information as the Department may require, within seven (7) days of transporting or delivering hazardous waste.

11. Universal Waste Transporter Requirements

- A. A transporter shall not mix universal wastes of different DOT shipping descriptions by placing them into a single container.
- B. A transporter shall not remove universal waste from the container in which it was placed once it is moved from the site of generation until it is accepted at the central accumulation facility or destination facility, unless specifically authorized to do so by the Commissioner.
- C. A transporter shall not transport universal waste in any manner which could endanger public health, safety or welfare or the environment,
- D. A transporter shall not transport foodstuffs for human or animal consumption in a conveyance in which universal waste has been or is being transported if the foodstuffs might come in contact with the universal waste.

NOTE: The Department discourages the transport of foodstuffs in the same conveyance with universal wastes.

- E. A transporter shall not transport universal waste to a waste facility other than a facility for universal waste which is authorized to handle the waste under a State program, and if applicable the federal hazardous waste regulatory program, and which is one of the types of facilities referenced in ~~850.3(A)(13)(e)(ii)~~ 06-096 C.M.R. ch. 858, § 5(B).
- F. A conveyance in which universal waste is transported may be inspected at any time for compliance with the applicable standards set forth in these rules and for adequacy for safe transportation of universal waste. Inspection may be made by a public safety officer or any authorized representative

of the Department. A conveyance found to be not in compliance with this ~~Chapter~~rule or otherwise unsafe ~~must~~shall not thereafter be operated except under the direction of a public safety officer or an authorized representative of the Department, or until corrective actions are taken to correct the problem to the Department's satisfaction.

- G. A transporter shall hold all other local, state and federal permits, licenses and certifications as are necessary for the universal waste activity as they relate to business conducted in Maine, and shall comply with all state and federal law and rules applicable to its license activity.
- H. A transporter shall have in force at all times liability insurance coverage with limitation of liability appropriate for the transporting of universal waste and the risk involved, but in no case less than \$1,000,000 annual aggregate on coverage. Municipalities, state and federal governments, and small universal waste generators are exempt from the liability insurance requirement.
- I. A transporter shall comply with all applicable state and federal requirements regarding the use of a manifest, bill of lading, or when applicable log for transportation of universal waste.
- J. A transporter shall comply with all state and federal inspection and training requirements as may from time to time be applied by law or rule to its license activity.
- K. A transporter shall have a plan for the types of wastes transported and be capable of carrying out the plan, for the clean up of discharges of universal waste. The plan ~~shall~~must include the requirements of ~~Chapter 06-096 C.M.R. ch. 8580, §§ 7(G) and 7(H)~~Section 3(A)13(e)(viii) and (ix) as well as the emergency telephone number for reporting spills to the Maine Department of Public Safety (State Police). The conveyance operator shall be familiar with the clean up plan and the types of wastes being carried on the vehicle, shall be capable of carrying out the plan, and shall have a copy of the clean up plan in his/her possession. The transporter shall provide to the Department and to public safety agencies all information necessary for response to emergency situations involving universal waste activity. In the event of a discharge of universal waste during transportation which releases universal wastes from the primary container, the transporter shall implement its clean-up plan taking immediate appropriate action to protect public health and safety and the environment and shall immediately report the discharge to the Maine Department of Public Safety by calling, 1-800-452-4664, or (207) 624-707600 and ~~where required, shall report as provided in~~comply with the provisions of 06-096 C.M.R. ch. Chapter 857, §Section 8(FJ)(3)-(6) of the Department's rules.

NOTE: The Department will make available for small universal waste generators a generic clean up plan.

- L. A transporter shall not accept for transport or transport universal wastes which are unlabeled or which are in damaged, bulging, leaking, unsuitable or otherwise unsafe containers, nor accept for transport or transport any wastes which are incompatible with each other such that a danger to public health or safety or the environment could result from their being transported together.
- M. It is the duty of the transporter to ensure that the transportation be carried out in safety and without creating or threatening danger to public health or safety.
- N. The transporter shall assist the Department in obtaining compliance with this ~~Chapter~~rule.
- O. A transporter shall comply with the export and import requirements of ~~Chapter 857~~06-096 C.M.R. ch. 857, and with 40 C.F.R. Part 262 Subpart H and 40 C.F.R. §§ 263.20(a)(2) and 263.20(g).

NOTE: Transporters may only send universal wastes to a recycling facility, a consolidation facility, or a central accumulation facility for universal wastes, except for ballasts and the residues from mercury spill kits which may go to a properly approved treatment, storage or disposal facility.

- P.** A transporter shall be considered a generator of universal waste and shall comply with the requirements of ~~Chapter 06-096 C.M.R. ch. 851~~ if the transporter transports universal waste into or through the State of Maine from a foreign country.
- Q.** A transporter shall comply with all applicable U.S. Department of Transportation (DOT) regulations in 49 C.F.R. ~~Parts~~ 171 through 180 for the transport of any universal wastes that meets the definition of hazardous materials in 49 C.F.R. § 171.8. Some universal waste materials are regulated by the ~~Department of Transportation~~ DOT as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 C.F.R. § 173.2. When using the Recyclable Hazardous Materials Uniform Bill of Lading, the universal wastes may not be described by the DOT proper shipping name: "hazardous waste, (l) or (s), n.o.s.", nor may the hazardous material's proper shipping name be modified by adding the word "waste".

NOTE: The label placed on a universal waste container by a generator can use the word "waste". It is the shipping document that cannot use the word "waste". Use of the term "waste" on a generator's label means that the material is regulated as a universal waste by the State of Maine, but does not mean that it is necessarily regulated by DOT as a hazardous material. Whether or not any particular material is regulated by DOT as a hazardous material is determined in accordance with the DOT regulations and should be set forth on the shipping document.

NOTE: ~~In 2008, The Department has approved an alternative form entitled “Maine Recyclable Material Uniform Bill of Lading.” For shipments of universal wastes, this alternative form should be used in place of the previously-approved “Recyclable Hazardous Material Uniform Bill of Lading”. This The Maine Recyclable Material Uniform Bill of Lading alternative form, with removal of the word “Hazardous” from its title, is designed to be utilized approved for these documenting shipments of Maine universal wastes which are not DOT regulated hazardous materials, as well as for any universal wastes that are hazardous materials. Since the new form is an approved alternative to the Recyclable Hazardous Material Uniform Bill of Lading, use of the alternative form will satisfy all requirements set out in the State of Maine Hazardous Waste Management Rules regarding use of the Recyclable Hazardous Material Uniform Bill of Lading.~~

AUTHORITY:	38 M.R.S.A. §§ 1301 <u>through 1319-Y</u> <i>et seq.</i>
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AMENDED:	November 3, 2002 - filing 2002-416
MINOR CORRECTIONS:	July 23, 2008 – informational notes added at the end of Section 11