

3745-54-71

Use of manifest system.**(A) Receipt of a shipment of hazardous waste accompanied by a manifest.**

(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator or ~~his~~the owner's or operator's agent ~~must~~shall sign and date the manifest, as indicated in paragraphs (A)(2) to (A)(2)(e) of this rule, to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the discrepancy space of the manifest.

(2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner or operator or ~~his~~the owner's or operator's agent ~~must~~shall do all of the following:

(a) Sign and date, by hand, each copy of the manifest~~;~~.

(b) Note any discrepancies [as described in paragraphs (A) and (B) of rule 3745-54-72 of the Administrative Code] on each copy of the manifest~~;~~.

[Comment: It is not the intent of Ohio EPA that the owner or operator of a facility whose procedures under paragraph (C) of rule 3745-54-13 of the Administrative Code include waste analysis ~~must~~shall perform that analysis before signing the manifest and giving ~~it~~the manifest to the transporter. Paragraph (B) of rule 3745-54-72 of the Administrative Code, however, requires reporting an unreconciled discrepancy discovered during later analysis.]

(c) Immediately give the transporter at least one copy of the manifest~~;~~.

(d) Within thirty days after delivery, send a copy of the manifest to the generator~~;~~and.

(e) Retain at the facility a copy of each manifest for at least three years after the date of delivery.

(3) If a facility receives hazardous waste imported from a foreign source, the receiving facility ~~must~~shall mail a copy of the manifest and documentation confirming U.S. EPA's consent to the import of hazardous waste to the following address within thirty days after delivery: "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), ~~U.S.~~United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC" 20460."

[Comment: The exercise of foreign relations and international commerce powers is reserved to the federal government under the Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the ~~U.S.~~United States is solely regulated by the federal government.]

(B) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest, excluding the U.S. EPA identification numbers, generator's certification, and signatures, the owner or operator, or ~~his~~the owner's or operator's agent, must shall do all of the following:

- (1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received~~;~~.
- (2) Note any significant discrepancies [as described in paragraphs (A) and (B) of rule 3745-54-72 of the Administrative Code] in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper~~;~~.

[Comment: It is not the intent of Ohio EPA that the owner or operator of a facility whose procedures under paragraph (C) of rule 3745-54-13 of the Administrative Code include waste analysis ~~must~~shall perform that analysis before signing the shipping paper and giving ~~it~~the shipping paper to the transporter. Paragraph (B) of rule 3745-54-72 of the Administrative Code, however, requires reporting an unreconciled discrepancy discovered during later analysis.]

- (3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper if the manifest has not been received~~;~~.
- (4) Within thirty days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within thirty days after delivery) to the generator; however, if the manifest has not been received within thirty days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator~~; and~~.

[Comment: Paragraph (C) of rule 3745-52-23 of the Administrative Code requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).]

(5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years after the date of delivery.

(C) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility ~~must~~shall comply with ~~the requirements of~~ Chapter 3745-52 of the Administrative Code.

[Comment: ~~The provisions of rule~~Rule 3745-52-34 of the Administrative Code ~~are~~is applicable to the on-site accumulation of hazardous wastes by generators. Therefore, ~~the provisions of rule 3745-52-34 of the Administrative Code only apply~~applies only to owners or operators who are shipping hazardous waste which ~~they~~is generated at that facility.]

(D) Within three working days after the receipt of a shipment subject to 40 CFR Part 262 subpart H, the owner or operator of a facility ~~must~~shall provide a copy of the movement document bearing all required signatures to the exporter, to the "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), ~~U.S.~~United States Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC" 20460, and to competent authorities of all other concerned countries. The original signed copy of the movement document ~~must~~shall be maintained at the facility for at least three years after the date of signature.

(E) A facility ~~must~~shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated by U.S. EPA) as hazardous wastes under ~~its state~~the consignment state's hazardous waste program. Facilities ~~must~~shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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Certification

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Date

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