

3745-65-72

Manifest discrepancies.

(A) Manifest discrepancies are:

- (1) Significant differences [as ~~defined by~~ described in paragraph (B) of this rule] between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives;
- (2) Rejected wastes, which may be a full or partial shipment of hazardous waste that the treatment, storage, or disposal facility cannot accept; or
- (3) Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in paragraph (B) of rule 3745-51-07 of the Administrative Code.

(B) Significant differences in quantity are: For bulk waste, variations greater than ten per cent in weight; for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant differences in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

(C) Upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within fifteen days after receiving the waste, the owner or operator must immediately submit to the director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(D)

- (1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in paragraph (B) of rule 3745-51-07 of the Administrative Code, the owner or operator must consult with the generator prior to forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the owner or operator may return the rejected waste or residue to the generator. The owner or operator must send the waste to the alternative facility or to the generator within sixty days after the rejection or the container residue identification.

- (2) While the owner or operator is making arrangements for forwarding rejected wastes or residues to another facility under this rule, he must ensure that either the delivering transporter retains custody of the waste, or the owner or operator must provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under paragraph (E) or (F) of this rule.
- (E) Except as provided in paragraph (E)(7) of this rule, for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility is required to prepare a new manifest in accordance with paragraph (A) of rule 3745-52-20 of the Administrative Code and the following instructions:
- (1) Write the generator's U.S. EPA identification number in item 1 of the new manifest. Write the generator's name and mailing address in item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space in item 5.
 - (2) Write the name of the alternate designated facility and the facility's U.S. EPA identification number in the "Designated Facility" block (item 8) of the new manifest.
 - (3) Copy the manifest tracking number found in item 4 of the old manifest to the "Special Handling and Additional Information" block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.
 - (4) Copy the manifest tracking number found in item 4 of the new manifest to the manifest reference number line in the "Discrepancy" block of the old manifest (item 18a).
 - (5) Write the U.S. department of transportation description for the rejected load or the residue in item 9 ("U.S. DOT Description") of the new manifest and write the container types, quantity, and volume(s) of waste.
 - (6) Sign the generator's/offeror's certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked, and labeled, and is in proper condition for transportation, and mail a signed copy of the manifest to the generator identified in item 5 of the new manifest.

- (7) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing item 18b of the original manifest and supplying the information on the next destination facility in the "Alternate Facility" block. The facility must retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility must use a new manifest and comply with paragraphs (E)(1) to (E)(6) of this rule.
- (F) Except as provided in paragraph (F)(7) of this rule, for rejected wastes and residues that must be sent back to the generator, the facility is required to prepare a new manifest in accordance with paragraph (A) of rule 3745-52-20 of the Administrative Code and the following instructions:
- (1) Write the facility's U.S. EPA identification number in item 1 of the new manifest. Write the facility's name and mailing address in item 5 of the new manifest. If the mailing address is different from the facility's site address, then write the facility's site address in the designated space for item 5 of the new manifest.
 - (2) Write the name of the initial generator and the generator's U.S. EPA identification number in the "Designated Facility" block (item 8) of the new manifest.
 - (3) Copy the manifest tracking number found in item 4 of the old manifest to the "Special Handling and Additional Information" block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment,
 - (4) Copy the manifest tracking number found in item 4 of the new manifest to the manifest reference number line in the "Discrepancy" block of the old manifest (item 18a),
 - (5) Write the U.S. department of transportation description for the rejected load or the residue in item 9 ("U.S. DOT Description") of the new manifest and write the container types, quantity, and volume(s) of waste.
 - (6) Sign the generator's/offeror's certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked, and labeled, and is in proper condition for transportation,

- (7) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing item 18a and item 18b of the manifest and supplying the generator's information in the "Alternate Facility" block. The facility must retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility must use a new manifest and comply with paragraphs (F)(1) to (F)(6) and (F)(8) of this rule.
- (8) For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in paragraph (A) of rule 3745-52-42 of the Administrative Code.
- (G) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for empty containers set forth in paragraph (B) of rule 3745-51-07 of the Administrative Code after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of the manifest to indicate the rejected wastes or residues in the "Discrepancy" block of the amended manifest. The facility must also copy the manifest tracking number from item 4 of the new manifest to the "Discrepancy" block of the amended manifest, and must re-sign and date the manifest to certify to the information as amended. The facility must retain the amended manifest for at least three years from the date of amendment, and must within thirty days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended.

[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

03/06/2012

Date

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