

New Manifest Rule Questions and Answers

1. When does Ohio intend to adopt this rule?

Answer: In the Spring of 2007.

Regardless of when the state adopts the rule, the revised manifest form must be used Ohio on September 5, 2006 unless the shipment of hazardous waste is already in transit. Implementation and enforcement of the revised manifest in an authorized state will be based solely on federal hazmat law, rather than RCRA authority, until the state obtains U.S. EPA authorization for the program revisions included in the manifest rule. In Ohio, the Public Utilities Commission of Ohio (PUCO) will enforce the revised manifest form.

While the revised manifest will initially be implemented in all states under the hazardous materials authorities, the revised manifest requirements will be implemented in the states as RCRA requirements as well, depending upon a state's authorization status and its progress in revising its laws and obtaining approval from EPA for these manifest program revisions.

The rest of the associated hazardous waste rules not tied directly to the use of the manifest (e.g., management of rejected loads) will not be effective in Ohio until adopted by Ohio EPA

2. Where can I obtain blank manifest forms?

Answer: Blank manifest forms can only be obtained from printers approved by U.S. EPA to print the forms. U.S. EPA maintains a list of approved printers on their website at:

<http://www.epa.gov/epaoswer/hazwaste/gener/manifest/registry/index.htm>

3. Will a permitted hazardous waste treatment, storage and disposal facility (TSDF) be able to use the option of sending electronic mail with attached files containing images of the completed and signed manifest to the generator?

Answer: The new rule requires that the TSDF sign each copy by hand and return that copy to the generator. The TSDF may send an electronic copy, but it must also send the originally signed copy to the generator.

4. Will Ohio EPA change the manifest rules to require TSDF's to send a copy of the signed manifest to the Agency?

Answer: No. Ohio EPA's hazardous waste rules cannot be more stringent than U. S. EPA's rules unless otherwise required by Ohio law. The federal manifest rule does not require that a copy of the signed manifest be sent

to the regulatory agency therefore, such a requirement will not be added to Ohio EPA's hazardous waste rules.

5. If Ohio EPA does not receive a completed copy of the manifest from the TSDf, how will it know if the generator and TSDf used the same waste management code(s)?

Answer: With regards to the use of the management method codes, the manifest rule requires the designated TSDf, not the generator, to enter the waste management codes on the manifest. So there shouldn't be an issue regarding the accuracy of management codes on the manifests. The generator will know how the waste was managed when he receives the signed manifest from the TSDf and this information is to be used to complete the hazardous waste annual report (if applicable). DHWM spot checks reported management method codes by comparing the codes reported by generators on their annual reports with the codes reported by the TSDfs.

6. How will the agency match method codes on manifests to annual reports?

Answer: Ohio EPA does not collect manifest data, so our evaluation of the annual report data will not include a comparison with manifest data.

7. Can the TSDf sign the manifest without the method codes? Can the assignment of the method codes occur at a later date but before returning the return-to-generator copy and state copy- e.g. after fingerprint sampling?

Answer: While it is not addressed in the text of the rules, the instructions in the new manifest rule indicate that the TSDf should enter a management method code before signing the certification of receipt.

8. The new manifest has a spot for an emergency response phone number, however, if the phone number is different for different lines, what number goes in the top spot?

Answer: Box 3 is only to be filled in if the emergency number covers all waste listed on the manifest. If different numbers are used for different wastes, that emergency number must follow the waste description in Item 9b.

9. Will Ohio have any restrictions on the use of continuation pages?

Answer: We will not restrict the use of the continuation page.

10. The new manifest form includes space for six applicable waste codes per waste stream. What if my waste stream carries more than six waste codes; how do I include the other applicable waste codes?

Answer: As stated in the *Federal Register* and the manifest instructions, there will be a limit of 6 codes per waste stream in Item 13. If the generator really believes there is a need to provide more than six waste codes, the codes may be entered in Item 14 - Special Handling and Additional Information. However, this is not necessary and discouraged by U.S. EPA.

11. Is Ohio EPA ready to manage electronic manifests? The Nationally Standardized Manifest Rule is a precursor to the promulgation of e-manifest rules.

Answer: When U. S. EPA proposes draft e-manifest rules, Ohio EPA will review them. It is premature to make any pronouncements at this time.

12. The rule allows for staging of rejected material up to 60 days. Can generators and TSDF's now exceed storage capacities and times by staging the rejected materials?

Answer: No. Except for the provisions for using the new manifest, the rest of the rule is not effective in Ohio until Ohio EPA adopts the new rules. The use of the new manifest is required on September 5, 2006 regardless whether Ohio EPA has adopted the rule or not.

The new rule allows the TSDF to stage a rejected waste for up to 60 days while waste discrepancies and transportation arrangements are completed. Until a TSDF modifies its permit, the staging time will be the same as any existing staging time in their current permit. The permit will address whether the staged waste is included in the TSDF's on-site storage capacity.

Once Ohio EPA adopts the rule, a generator will be allowed, pursuant to new provisions in the generator accumulation rule, to accumulate the rejected waste for either 90 or 180 days depending on the amount of hazardous waste that is on-site in that calendar month.

13. A new manifest must be created by the TSDF when rejected hazardous waste is shipped to an alternate TSDF or back to the generator. The generator listed on the original manifest would be listed as the generator on the new manifest. However, in Item 5 of the new manifest, the designated facility (either alternate TSDF or generator) and site address would be listed. If the waste is being shipped to another TSDF, this could lead to confusion over the generator name and TSDF address.

Answer: It shouldn't. The Offeror (i.e., rejecting TSDF) will provide the name/address of the waste's generator and the name/address of the designated facility to receive the waste on the new manifest. This approach is no different than how manifests are currently filled out.

14. If a rejected load of hazardous waste is sent back to the generator, then that generator becomes the designation facility. In such cases, how does the generator characterize (i.e., describe) the rejected material on the manifest?

Answer If the cause of the hazardous waste having been rejected is that it was improperly characterized, the TSDF will need to work with the generator to re-evaluate the waste and properly characterize it prior to shipping the waste off-site.

15. What copy of the manifest if any does the designation facility keep for partially rejected loads?

Answer: The rejecting TSDF signs the original manifest with a discrepancy noted for the rejected waste. The TSDF maintains a copy of that manifest (indicating

the discrepancy) and returns a copy to the generator. When the TSDF sends the rejected hazardous waste to another designated TSDF or back to the generator, it will prepare a new manifest for the shipment.

16. Will the TSDF that rejects hazardous waste receive a copy of the new manifest back from the alternate designated facility or the generator upon receipt? If not, how will the rejecting TSDF know if the hazardous waste was received by the alternate TSDF or the generator?

Answer No. For partially rejected loads the rejecting TSDF will prepare a new manifest signing it as an Offerer and providing the generator's name and mailing address in Item 5. The alternate designated TSDF will send a copy of the manifest to the generator listed on the manifest. A generator who receives a rejected load only needs to sign the manifest upon receipt. There is no requirement for the designated facility to send a copy of the manifest to the rejecting TSDF. The rejecting TSDF could follow up with the generator or the designated facility to confirm the hazardous waste was received.

17. What method code would the TSDF place on the original manifest for hazardous wastes the TSDF rejects or returned to the generator?

Answer The management method code for rejected shipments will be H141, storage/transfer.

18. It is not uncommon for the weight of a hazardous waste shipment to be estimated. The new rules do not allow for estimates. How should weights be determined?

Answer: The instructions suggest that the quantities be based on actual measurements or reasonably accurate estimates of actual quantities shipped. If weights are based on a calculation using actual volumes and specific gravity, it should be reasonably easy to measure the specific gravity of the waste to improve the accuracy of the weight calculation. Quantities can be reported in volume also.

19. What if there is a change in a method code after the annual report is completed? Must the annual report be revised?

Answer: Yes, if the management method code is found to be incorrect after the annual report is submitted to Ohio EPA, while not required by rule, the TSDF **should** inform the generator and **should** send an e-mail to Ohio EPA's Annual Report Coordinator and provide the pertinent information. The change should also be noted in the TSDF operating record.

20. Will there be an Ohio EPA contact for the new manifest rule for the regulated community to contact if we have questions?

Answer: You can contact anyone in the DHWM-Regulatory Services Unit at (614) 644-2917 with any questions you have. We will also be doing an information session for TSDF's on this rule just before the rule becomes effective.

21. If my hazardous waste is shipped prior to September 5, 2006 on the old manifest and is still

in transit on September 5, am I in violation of the new manifest rule?

Answer: No. The transportation of such a hazardous waste shipment can be completed using the old manifest form. There is no need to complete a new manifest mid-transit and no violation has occurred.