

3745-52-24

**Use of the electronic manifest.**

(A) Legal equivalence to paper manifests. Electronic manifests that are obtained, completed, and transmitted in accordance with paragraph (A)(3) of rule 3745-52-20 of the Administrative Code, and used in accordance with this rule in lieu of U.S. 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 the hazardous waste rules to obtain, complete, sign, provide, use, or retain a manifest.

(1) Any requirement in the hazardous waste rules 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 40 C.F.R. 262.25(a).

(2) Any requirement in the hazardous waste rules to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submittal to the electronic manifest system.

(3) Any requirement in the hazardous waste rules for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the national e-manifest system, provided that such copies are readily available to view and produce if requested by any U.S. EPA or Ohio EPA inspector.

(4) No generator may be held liable for the inability to produce an electronic manifest for inspection under this rule if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the generator bears no responsibility.

(B) A generator may participate in the electronic manifest system either by accessing the electronic manifest system from the generator's own electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

(C) Restriction on use of electronic manifests. A generator may use an electronic manifest for the tracking of waste shipments involving any hazardous waste only if known at the time the manifest is originated that all waste handlers named on the manifest participate in the use of the electronic manifest, except as follows:

(1) A generator may sign by hand and retain a paper copy of the manifest signed by hand by the initial transporter, in lieu of executing the generator copy

electronically, thereby enabling the transporter and subsequent waste handlers to execute the remainder of the manifest copies electronically.

(2) [Reserved.]

(D) Requirement for one printed copy. To the extent the hazardous materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 C.F.R. 177.817, a generator who originates an electronic manifest also shall provide the initial transporter with one printed copy of the electronic manifest.

(E) Special procedures when electronic manifest is unavailable. If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator shall obtain and complete a paper manifest and, if necessary, a continuation sheet (U.S. EPA forms 8700-22 and 8700-22A) in accordance with the manifest instructions, and use these paper forms from this point forward in accordance with rule 3745-52-23 of the Administrative Code.

(F) Special procedures for electronic signature methods undergoing tests. If a generator has prepared an electronic manifest for a hazardous waste shipment, and 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 generator also shall sign with an ink signature the generator or offeror certification on the printed copy of the manifest provided under paragraph (D) of this rule.

(G) [Reserved.]

(H) 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. Generators may participate electronically in the post-receipt data corrections process by following the process described in paragraph (L) of rule 3745-54-71 of the Administrative Code, which applies to corrections made to either paper or electronic manifest records.

[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."]

Effective: 10/5/2020

Five Year Review (FYR) Dates: Exempt

CERTIFIED ELECTRONICALLY

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Certification

09/21/2020

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Date

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