

3745-53-21

Compliance with the manifest.

(A) ~~The~~ Except as provided in paragraph (B) of this rule, the transporter ~~must~~ shall deliver the entire quantity of hazardous waste which ~~he~~ the transporter has accepted from a generator or transporter to any of the following:

- (1) The designated facility listed on the manifest;.
- (2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery;.
- (3) The next designated transporter; ~~or~~.
- (4) The place outside the United States designated by the generator.

(B) Exceptions to delivery to specified locations.

(1) Emergency condition. If the hazardous waste cannot be delivered in accordance with paragraph ~~(A)~~(A)(1), (A)(2), or (A)(4) of this rule because of an emergency condition other than rejection of the waste by the designated facility or alternate designated facility, then the transporter ~~must~~ shall contact the generator for further directions and ~~must~~ shall revise the manifest according to the generator's instructions.

(2) Transporters without agency authority. If the hazardous waste is not delivered to the next designated transporter in accordance with paragraph (A)(3) of this rule, and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter shall contact the generator for further instructions prior to making any revisions to the transporter designations on the manifest. The current transporter may thereafter make such revisions if:

(a) The hazardous waste is not delivered in accordance with paragraph (A)(3) of this rule because of an emergency condition; or

(b) The current transporter proposes to change the transporter designated on the manifest by the generator, or to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety; and

(c) The generator authorizes the revision.

(3) Transporters with agency authority. If the hazardous waste is not delivered to the next designated transporter in accordance with paragraph (A)(3) of this rule, and the current transporter has authorization from the generator

to act as the generator's agent, then the current transporter may change the transporter designated on the manifest, or add a new transporter, during transportation without the generator's prior, explicit approval, provided that all of the following are met:

(a) The current transporter is authorized by a contractual provision that provides explicit agency authority for the transporter to make such transporter changes on behalf of the generator.

(b) The transporter enters in item 14 of each manifest for which such a change is made, the following statement of the transporter's agency authority: "contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator's behalf."

(c) The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

(4) Generator liability. The grant by a generator of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under paragraph (B)(3) of this rule does not affect the generator's liability or responsibility to comply with any applicable requirement under Chapter 3745. of the Revised Code, or grant any additional authority to the transporter to act on behalf of the generator.

~~(2)~~(C) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter ~~must~~shall obtain the following:

~~(a)~~(1) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the ~~"Discrepancy"~~discrepancy block of the original manifest. The transporter ~~must~~shall retain a copy of this manifest in accordance with rule 3745-53-22 of the Administrative Code, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning ~~it~~the rejected part of the shipment or regulated container residue to the generator, the transporter ~~must~~shall obtain a new manifest to accompany the shipment, and the new manifest ~~must~~shall include all of the information required in either paragraphs (E)(1) to (E)(6) or (F)(1) to (F)(6) of

rule 3745-54-72 of the Administrative Code or paragraphs (E)(1) to (E)(6) or (F)(1) to (F)(6) of rule 3745-65-72 of the Administrative Code.

- (b)(2) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the "~~Discrepancy~~" discrepancy block of the manifest, and the name, address, ~~phone~~ telephone number, and U.S. EPA identification number for the alternate facility or generator to whom the shipment ~~must~~ shall be delivered. The transporter ~~must~~ shall retain a copy of the manifest in accordance with rule 3745-53-22 of the Administrative Code, and give a copy of the manifest ~~containing~~ that contains this information to the rejecting designated facility. If the original manifest is not used, then the transporter ~~must~~ shall obtain a new manifest for the shipment and comply with either paragraphs (E)(1) to (E)(6) of rule 3745-54-72 of the Administrative Code or paragraphs (E)(1) to (E)(6) of rule 3745-65-72 of the Administrative Code.

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Certification

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