

3745-54-72

Manifest discrepancies.

(A) Manifest discrepancies are:

- (1) Significant differences [as 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~~provided in paragraph (B) of rule 3745-51-07 of the Administrative Code.

(B) Significant differences in quantity are: ~~For~~, 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~~shall 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~~shall immediately submit to the director a letter describing the discrepancy and the attempts to reconcile ~~it~~the discrepancy, 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~~provided in paragraph (B) of rule 3745-51-07 of the Administrative Code, the owner or operator ~~must~~shall 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 is impossible to locate, the owner or operator may return the rejected waste or residue to the generator. The owner or operator ~~must~~shall 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~~the owner or operator shall ensure that ~~either~~ the delivering transporter retains custody of

the waste, or; the owner or operator ~~must~~shall 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 owner or operator 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 for 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 (U.S. DOT) 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)~~volumes of waste.
- (6) Sign the "Generator's/Offeror's Certification" to certify, as the offeror of the shipment, that the waste ~~has been~~is 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 owner or operator 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~~ owner or operator shall retain a copy of this manifest for ~~its~~ the facility's 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~~ the owner or operator shall 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~~ shall be sent back to the generator, the facility owner or operator 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 DOT 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)~~ volumes of waste.
 - (6) Sign the "Generator's/Offerrer's Certification" to certify, as offeror of the shipment, that the waste ~~has been~~ is 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 owner or operator 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~~ owner or operator shall retain a copy for ~~its~~ the facility's 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~~ owner or operator shall 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~~ owner or operator also shall comply with the exception reporting requirements in paragraph (A) of rule 3745-52-42 of the Administrative Code.
- (G) If ~~a facility~~ an owner or operator rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers ~~set forth~~ provided in paragraph (B) of rule 3745-51-07 of the Administrative Code after ~~it~~ the owner or operator has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the ~~facility must~~ owner or operator shall amend ~~its~~ the facility's copy of the manifest to indicate the rejected wastes or residues in the "Discrepancy" block of the amended manifest. The ~~facility must~~ owner or operator also shall 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~~ owner or operator shall retain the amended manifest for at least three years ~~from~~ after the date of amendment, and ~~must~~, within thirty days, shall send a copy of the amended manifest to the transporter and to the generator that received copies prior to ~~their being amended~~ the manifest's ~~amedndment~~.

[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: 9/29/2021

Five Year Review (FYR) Dates: Exempt

CERTIFIED ELECTRONICALLY

Certification

09/14/2021

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 04/15/1981, 02/16/2009, 09/05/2010, 03/17/2012