

3745-53-20**The manifest system and acceptance and handling of hazardous waste.****(A) Requirements for transporters prior to accepting hazardous waste.**

(1) Manifest requirement. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form (U.S. EPA form 8700-22, and if necessary, U.S. EPA form 8700-22A) signed in accordance with rule 3745-52-23 of the Administrative Code, or is provided with an electronic manifest that is obtained, completed, and transmitted in accordance with paragraph (A)(3) of rule 3745-52-20 of the Administrative Code, and signed with a valid and enforceable electronic signature as described in 40 C.F.R. 262.25.

(2) Exports. For exports of hazardous waste subject to 40 C.F.R. Part 262 subpart H, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this rule, as appropriate, and for exports occurring under the terms of a consent issued by U.S. EPA on or after December 31, 2016, a movement document that includes all information required by 40 C.F.R. 262.83(d).

[Comment: The exercise of foreign relations and international commerce powers is reserved to the federal government under the Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the United States is solely regulated by the federal government.]

(3) Compliance date for form revisions. The revised manifest form and procedures in 40 C.F.R. 260.10, 261.7, 263.20, and 263.21, had an effective date of September 5, 2006. The manifest form and procedures in 40 C.F.R. 260.10, 261.7, 263.20, and 263.21, in the 40 C.F.R. Parts 260 to 265, edition revised as of July 1, 2004, were applicable until September 5, 2006.

(4) Use of electronic manifest legal equivalence to paper forms for participating transporters. 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, carry, provide, give, use, or retain a manifest.

(a) 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).

- (b) 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 a copy of an electronic manifest is transmitted to the other person by submittal to the system.
 - (c) Any requirement in the hazardous waste rules for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that to the extent that the hazardous materials regulation on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with 49 C.F.R. 177.817, a hazardous waste transporter shall carry one printed copy of the electronic manifest on the transport vehicle.
 - (d) Any requirement in the hazardous waste rules for a transporter to keep or retain a copy of a manifest is satisfied by the retention of an electronic manifest in the transporter's account on the 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.
 - (e) No transporter may be held liable for the inability to produce an electronic manifest for inspection under this rule if that transporter can demonstrate that the inability to produce the electronic manifest is exclusively due to a technical difficulty with the U.S. EPA system for which the transporter bears no responsibility.
- (5) A transporter may participate in the electronic manifest system either by accessing the electronic manifest system from the transporter's own electronic equipment, or by accessing the electronic manifest system from the equipment provided by a participating generator, by another transporter, or by a designated facility.
- (6) Special procedures when electronic manifest is not available. If after a manifest has been originated electronically and signed electronically by the initial transporter, and the electronic manifest system becomes unavailable for any reason, then the transporter shall do the following:
- (a) The transporter in possession of the hazardous waste when the electronic manifest becomes unavailable shall reproduce sufficient copies of the printed manifest that is carried on the transport vehicle pursuant to

paragraph (A)(4)(c) of this rule, or obtain and complete another paper manifest for this purpose. The transporter shall reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for the files of the transporter and all subsequent waste handlers, plus two additional copies to be delivered to the designated facility with the hazardous waste.

(b) On each printed copy, the transporter shall include a notation in the special handling and additional description space (item 14) that the paper manifest is a replacement manifest for a manifest originated in the electronic manifest system, shall include (if not pre-printed on the replacement manifest) the manifest tracking number of the electronic manifest that is replaced by the paper manifest, and also shall include a brief explanation why the electronic manifest was not available to complete the tracking of the shipment electronically.

(c) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste shall ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy.

(d) From the point at which the electronic manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies shall be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.

(7) Special procedures for electronic signature methods undergoing tests. If a transporter using an electronic manifest 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 transporter shall sign the electronic manifest electronically and also sign with an ink signature the transporter acknowledgement of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with paragraph (A)(4)(c) of this rule. This printed copy bearing the generator's and transporter's ink signatures also shall be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner or operator of the designated facility has signed this printed manifest copy with the owner or operator of the designated facility's ink signature, the printed manifest copy shall be delivered to the designated facility with the waste materials.

(8) [Reserved.]

- (9) Post-receipt manifest data corrections. After the owner or operator of designated 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. Transporters 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.
- (B) Before transporting the hazardous waste, the transporter shall sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return a signed copy to the generator before leaving the generator's property.
- (C) The transporter shall ensure that the manifest accompanies the hazardous waste. In the case of exports occurring under the terms of a consent issued by U.S. EPA to the exporter on or after December 31, 2016, the transporter shall ensure that a movement document that includes all information required by 40 C.F.R. 262.83(d) also accompanies the hazardous waste. In the case of imports occurring under the terms of a consent issued by U.S. EPA to the country of export or the importer on or after December 31, 2016, the transporter shall ensure that a movement document that includes all information required by 40 C.F.R. 262.84(d) also accompanies the hazardous waste.
- (D) A transporter who delivers a hazardous waste to another transporter or to the designated facility shall do all of the following:
- (1) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest.
 - (2) Retain one copy of the manifest in accordance with rules 3745-53-22 of the Administrative Code.
 - (3) Give the remaining copies of the manifest to the accepting transporter or designated facility.
- (E) Paragraphs (C), (D), and (F) of this rule do not apply to water (bulk shipment) transporters if the following occur:
- (1) The hazardous waste is delivered by water (bulk shipment) to the designated facility.
 - (2) A shipping paper that contains all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent

issued by U.S. EPA on or after December 31, 2016, a movement document that includes all information required by 40 C.F.R. 262.83(d) or 262.84(d) accompanies the hazardous waste.

(3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper.

(4) The person who delivers the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards the manifest to the designated facility.

(5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with rule 3745-53-22 of the Administrative Code.

(F) For shipments that involve rail transportation, paragraphs (C), (D) and (E) of this rule do not apply and the following requirements do apply:

(1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter shall do the following:

(a) Sign and date the manifest acknowledging acceptance of the hazardous waste.

(b) Return a signed copy of the manifest to the non-rail transporter.

(c) Forward at least three copies of the manifest to one of the following:

(i) The next non-rail transporter, if any.

(ii) The designated facility, if the shipment is delivered to that facility by rail.

(iii) The last rail transporter designated to handle the waste in the United States.

(d) Retain one copy of the manifest and rail shipping paper in accordance with rule 3745-53-22 of the Administrative Code.

(2) Rail transporters shall ensure that a shipping paper that contains all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent issued by U.S. EPA on or after December 31, 2016,

a movement document that includes all information required by 40 C.F.R. 262.83(d) or 262.84(d) accompanies the hazardous waste at all times.

[Comment: Intermediate rail transporters are not required to sign the manifest, movement document, or shipping paper.]

(3) When delivering hazardous waste to the designated facility, a rail transporter shall do the following:

(a) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility).

(b) Retain a copy of the manifest or signed shipping paper in accordance with rule 3745-53-22 of the Administrative Code.

(4) When delivering hazardous waste to a non-rail transporter a rail transporter shall do the following:

(a) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest.

(b) Retain a copy of the manifest in accordance with rule 3745-53-22 of the Administrative Code.

(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter.

(G) Transporters who transport hazardous waste out of the United States shall do all of the following:

(1) Sign and date the manifest in the international shipments block to indicate the date that the shipment left the United States.

(2) Retain one copy in accordance with paragraph (D) of rule 3745-53-22 of the Administrative Code.

(3) Return a signed copy of the manifest to the generator.

(4) For paper manifests only:

(a) Send a copy of the manifest to the e-manifest system in accordance with the allowable methods specified in paragraph (A)(2)(e) of rule 3745-54-71 of the Administrative Code.

(b) For shipments initiated prior to December 31, 2017 [the automated export system filing compliance date], when instructed by the exporter to do so, give a copy of the manifest to a U.S. customs official at the point of departure from the United States.

(H) A transporter transporting hazardous waste from a generator who generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month need not comply with the requirements of this rule or rule 3745-53-22 of the Administrative Code provided that all of the following requirements are met:

(1) The waste being transported pursuant to a reclamation agreement as provided for in paragraph (E) of rule 3745-52-20 of the Administrative Code.

(2) The transporter records, on a log or shipping paper, all of the following information for each shipment:

(a) The name, address, and U.S. EPA identification number of the generator of the waste.

(b) The quantity of waste accepted.

(c) All department of transportation required shipping information.

(d) The date the waste is accepted.

(3) The transporter carries this record when transporting waste to the reclamation facility.

(4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

[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

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TO BE RESCINDED

3745-53-20 **Acceptance and handling of hazardous waste and the manifest system.**

(A) Manifest requirement. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with rule 3745-52-23 of the Administrative Code.

(B) Imports and exports. Imports and exports of hazardous waste are subject to 40 CFR Part 262 subpart H.

[Comment 1: The exercise of foreign relations and international commerce powers is reserved to the federal government under the Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the United States is solely regulated by the federal government.]

[Comment 2: 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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