

3745-65-71Use of manifest system.(A) Receipt of a shipment of hazardous waste accompanied by a manifest.

(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the owner's or operator's agent, shall sign and date the manifest as indicated in paragraph (A)(2) of this rule to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy block of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy block.

(2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner or operator, or the owner's or operator's agent, shall do all of the following:

(a) Sign and date, by hand, each copy of the manifest.

(b) Note any significant discrepancies [as described in paragraph (A) of rule 3745-65-72 of the Administrative Code] on each copy of the manifest.

[Comment: It is not the intent of Ohio EPA that the owner or operator of a facility whose procedures under paragraph (C) of rule 3745-65-13 of the Administrative Code include waste analysis shall perform that analysis before signing the manifest and giving the manifest to the transporter. Paragraph (C) of rule 3745-65-72 of the Administrative Code, however, requires reporting an unreconciled discrepancy discovered during later analysis.]

(c) Immediately give the transporter at least one copy of the manifest.

(d) Within thirty days after the delivery, send a copy of the manifest to the generator.

(e) Paper manifest submittal requirements are as follows:

(i) Options for compliance on June 30, 2018. Beginning on June 30, 2018, send the top copy (page 1) of any paper manifest and any paper continuation sheet to the U.S. EPA's e-manifest system for purposes of data entry and processing, or in lieu of submitting the paper copy to U.S. EPA, the owner or operator may transmit to the U.S. EPA system an image file of page 1 of the manifest and any continuation sheet, or both a data file and image file corresponding to page 1 of the manifest and any continuation sheet, within thirty days after the date of delivery. Submittals of copies to the e-manifest system

shall be made at the mailing address or electronic mail or submittal address specified at the e-manifest program website's directory of services. Beginning on June 30, 2021, U.S. EPA shall not accept mailed paper manifests from facilities for processing in e-manifest.

(ii) Options for compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the top copy (page 1) of the paper manifest and any paper continuation sheet to the e-manifest system for purposes of data entry and processing may be met by the owner or operator only by transmitting to the U.S. EPA system an image file of page 1 of the manifest and any continuation sheet, or by transmitting to the U.S. EPA system both a data file and the image file corresponding to page 1 of the manifest and any continuation sheet, within thirty days after the date of delivery. Submittals of copies to the e-manifest system shall be made to the electronic mail or submittal address specified at the e-manifest program website's directory of services.

(f) Retain at the facility a copy of each manifest for at least three years after the date of delivery.

(3) The owner or operator of a facility that receives hazardous waste subject to 40 C.F.R. Part 262 subpart H from a foreign source shall:

(a) Additionally list the relevant consent number from consent documentation supplied by U.S. EPA to the facility for each waste listed on the manifest, matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use a continuation sheet (U.S. EPA form 8700-22A).

(b) Send a copy of the manifest to U.S. EPA using the addresses listed in 40 C.F.R. 262.82(e) within thirty days after delivery until the facility can submit such a copy to the e-manifest system in accordance with paragraph (A)(2)(e) of this rule.

[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.]

(B) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information

required on the manifest (excluding the U.S. EPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner's or operators's agent, shall do all of the following:

(1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received.

(2) Note any significant discrepancies [as described in paragraph (A) of rule 3745-65-72 of the Administrative Code] in the manifest or shipping paper, (if the manifest has not been received) on each copy of the manifest or shipping paper.

[Comment: It is not the intent of Ohio EPA that the owner or operator of a facility whose procedures under paragraph (C) of rule 3745-65-13 of the Administrative Code include waste analysis shall perform that analysis before signing the shipping paper and giving the manifest to the transporter. Paragraph (C) of rule 3745-65-72 of the Administrative Code, however, requires reporting an unreconciled discrepancy discovered during later analysis.]

(3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received).

(4) Within thirty days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within thirty days after delivery) to the generator.

[Comment: Paragraph (C) of rule 3745-52-23 of the Administrative Code requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).]

(5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years after the date of delivery.

(C) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with Chapter 3745-52 of the Administrative Code. Rules 3745-52-15, 3745-52-16, and 3745-52-17 of the Administrative Code are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, rules 3745-52-15, 3745-52-16, and 3745-52-17 of the Administrative Code apply only to owners or operators who are shipping hazardous waste which is generated at that facility or operating as a large quantity generator consolidating hazardous waste

from very small quantity generators under paragraph (F) of rule 3745-52-17 of the Administrative Code.

(D) Pursuant to 40 C.F.R. 262.84(d)(2)(xv), within three working days after the receipt of a shipment subject to 40 C.F.R. Part 262 subpart H, the owner or operator of a facility shall provide a copy of the movement document bearing all required signatures to the exporter; to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively; and on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's waste import export tracking system (WIETS), or the successor system. The original signed copy of the movement document shall be maintained at the facility for at least three years after the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on U.S. EPA's WIETS, or the successor system, provided that copies are readily available to view and produce if requested by any U.S. EPA or Ohio EPA inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this rule if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with U.S. EPA's WIETS, or the successor system, for which the owner or operator of a facility bears no responsibility.

(E) An owner or operator of a facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated by U.S. EPA) as hazardous wastes under the consignment state's hazardous waste program. Owners or operators of facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

(F) 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 the paper manifest form, 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 for the owner or operator of a facility 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.

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

- (3) 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.
- (4) Any requirement in the hazardous waste rules for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's electronic manifest copies in the facility'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.
- (5) No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this rule if the owner or operator 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 owner or operator bears no responsibility.
- (G) An owner or operator may participate in the electronic manifest system either by accessing the electronic manifest system from the owner's or operator's electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the owner's or operator's site by the transporter who delivers the waste shipment to the facility.
- (H) Special procedures applicable to replacement manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, all of the following procedures apply to the delivery of the hazardous waste by the final transporter:
- (1) Upon delivery of the hazardous waste to the designated facility, the owner or operator shall sign and date each copy of the paper replacement manifest by hand in item 20 (designated facility certification of receipt) and note any discrepancies in item 18 (discrepancy indication space) of the paper replacement manifest.
  - (2) The owner or operator of the facility shall give back to the final transporter one copy of the paper replacement manifest.
  - (3) Within thirty days after delivery of the waste to the designated facility, the owner or operator of the facility shall send one signed and dated copy of the paper replacement manifest to the generator, and shall send an additional signed and dated copy of the paper replacement manifest to the electronic manifest system.

- (4) The owner or operator of the facility shall retain at the facility one copy of the paper replacement manifest for at least three years after the date of delivery.
- (I) Special procedures applicable to electronic signature methods undergoing tests. If an owner or operator 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 owner or operator shall also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing the owner or operator's ink signature on this printed copy, the owner or operator shall retain this original copy in the owner or operator's records for at least three years after the date of delivery of the waste.
- (J) Imposition of user fee for electronic manifest use.
- (1) As prescribed in 40 C.F.R. 265.1311 and determined in 40 C.F.R. 265.1312, an owner or operator who is a user of the electronic manifest system shall be assessed a user fee by U.S. EPA for the submittal and processing of each electronic and paper manifest. U.S. EPA shall update the schedule of user fees and publish these updates to the user community, as provided in 40 C.F.R. 265.1313.
- (2) An owner or operator subject to user fees under this rule shall make user fee payments in accordance with 40 C.F.R. 265.1314, subject to the informal fee dispute resolution process of 40 C.F.R. 265.1316, and subject to the sanctions for delinquent payments under 40 C.F.R. 265.1315.
- (K) Electronic manifest signatures. Electronic manifest signatures shall meet the criteria described in 40 C.F.R. 262.25.
- (L) Post-receipt manifest data corrections. After owners and operators of 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) shown on the manifest.
- (1) Interested persons shall make all corrections to manifest data by electronic submittal, either by directly entering corrected data to the web based service provided in e-manifest for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.
- (2) Each correction submission shall include all of the following information:

- (a) The manifest tracking number and date of receipt by the facility of the original manifest for which data are being corrected.
  - (b) The item number of the original manifest that is the subject of the submitted correction.
  - (c) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submittal.
- (3) Each correction submittal shall include a statement that the person submitting the corrections certifies that to the best of the person submitting the corrections' knowledge or belief, the corrections that are included in the submittal shall cause the information reported about the previously received hazardous wastes to be true, accurate, and complete including both of the following:
  - (a) The certification statement shall be executed with a valid electronic signature.
  - (b) A batch upload of data corrections may be submitted under one certification statement.
- (4) Upon receipt by the system of any correction submittal, other interested persons shown on the manifest shall be provided electronic notice of the submitter's corrections.
- (5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the system, certified by the respondent as specified in paragraph (L)(3) of this rule, and with notice of the corrections to other interested persons shown on the manifest.

[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."]

Replaces: 3745-65-71 rescinded  
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CERTIFIED ELECTRONICALLY

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Certification

09/21/2020

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Date

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## TO BE RESCINDED

3745-65-71            **Use of manifest system.**

## (A) Receipt of a shipment of hazardous waste accompanied by a manifest.

(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the owner's or operator's agent, shall sign and date the manifest as indicated in paragraph (A)(2) of this rule to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the "Discrepancy" block of the manifest, or that the hazardous waste was rejected as noted in the "Manifest Discrepancy" block.

(2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner or operator, or the owner's or operator's agent, shall do all of the following:

(a) Sign and date, by hand, each copy of the manifest.

(b) Note any significant discrepancies [as described in paragraphs (A) and (B) of rule 3745-65-72 of the Administrative Code] on each copy of the manifest.

[Comment: It is not the intent of Ohio EPA that the owner or operator of a facility whose procedures under paragraph (C) of rule 3745-65-13 of the Administrative Code include waste analysis shall perform that analysis before signing the manifest and giving the manifest to the transporter. Paragraph (B) of rule 3745-65-72 of the Administrative Code, however, requires reporting an unreconciled discrepancy discovered during later analysis.]

(c) Immediately give the transporter at least one copy of the manifest.

(d) Within thirty days after the delivery, send a copy of the manifest to the generator.

(e) Retain at the facility a copy of each manifest for at least three years after the date of delivery.

(3) If a facility receives hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest and documentation confirming U.S. EPA's consent to the import of hazardous waste to the following address within thirty days after delivery: "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division

(2254A), United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC" 20460.

[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.]

(B) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the U.S. EPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner's or operators's agent, shall do all of the following:

- (1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received.
- (2) Note any significant discrepancies [as described in paragraphs (A) and (B) of rule 3745-65-72 of the Administrative Code] in the manifest or shipping paper, (if the manifest has not been received) on each copy of the manifest or shipping paper.

[Comment: It is not the intent of Ohio EPA that the owner or operator of a facility whose procedures under paragraph (C) of rule 3745-65-13 of the Administrative Code include waste analysis shall perform that analysis before signing the shipping paper and giving the manifest to the transporter. Paragraph (B) of rule 3745-65-72 of the Administrative Code, however, requires reporting an unreconciled discrepancy discovered during later analysis.]

- (3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received).
- (4) Within thirty days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within thirty days after delivery) to the generator.

[Comment: Paragraph (C) of rule 3745-52-23 of the Administrative Code requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).]

(5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years after the date of delivery.

(C) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with Chapter 3745-52 of the Administrative Code.

[Comment: Rule 3745-52-34 of the Administrative Code is applicable to the on-site accumulation of hazardous wastes by generators. Therefore, rule 3745-52-34 of the Administrative Code applies only to owners or operators who are shipping hazardous waste which is generated at that facility.]

(D) Within three working days after the receipt of a shipment subject to 40 CFR Part 262 subpart H, the owner or operator of a facility shall provide a copy of the movement document bearing all required signatures to the exporter, to the "Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), United States Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC" 20460, and to competent authorities of all other concerned countries. The original signed copy of the movement document shall be maintained at the facility for at least three years after the date of signature.

(E) A facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated by U.S. EPA) as hazardous wastes under the consignment state's hazardous waste program. Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

[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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