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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 12@ Standards Applicable to Generators of Hazardous Waste

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Article 2@ The Manifest

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Section 66262.24@ Use of the Electronic Manifest

66262.24 Use of the Electronic Manifest

(a)

Electronic manifests that are obtained, completed, and transmitted in accordance with 40 Code of Federal Regulations section 262.20(a)(3), and used in lieu of 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 this chapter to obtain, complete, sign, provide, use, or retain a manifest. (1) Any requirement in title 22, division 4.5 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 Code of Federal Regulations section 262.25(a). (2) Any requirement in title 22, division 4.5 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 submission to the e-Manifest System as provided in section 25160.01(a) and section 25160.01(b) of the Health and Safety Code. (3) Any requirement in title 22, division 4.5 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 for viewing and production if requested by any U.S. EPA or authorized state inspector. (4) No generator may be held liable for the inability to produce an electronic manifest for inspection under this section if the generator can demonstrate that

the inability to produce the electronic manifest is due exclusively to a technical difficulty with the e-Manifest System for which the generator bears no responsibility.

(1)

Any requirement in title 22, division 4.5 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 Code of Federal Regulations section 262.25(a).

(2)

Any requirement in title 22, division 4.5 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 submission to the e-Manifest System as provided in section 25160.01(a) and section 25160.01(b) of the Health and Safety Code.

(3)

Any requirement in title 22, division 4.5 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 for viewing and production if requested by any U.S. EPA or authorized state inspector.

(4)

No generator may be held liable for the inability to produce an electronic manifest for inspection under this section if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the e-Manifest System for which the generator bears no responsibility.

(b)

A generator may participate in the e-Manifest System either by accessing the

e-Manifest System from its own electronic equipment, or by accessing the e-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)

A generator may use an electronic manifest for the tracking of waste shipments involving any hazardous waste only if it is 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 that: (1) A generator may sign by hand and retain a paper copy of the electronic 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.

(1)

A generator may sign by hand and retain a paper copy of the electronic 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 provisions of section 25160(d)(1) of the Health and Safety Code on shipping papers for carriage by public highway requires transporters of hazardous materials to supply a paper document for compliance with 49 Code of Federal Regulations section 177.817, a generator originating an electronic manifest shall also 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, and the e-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 (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 the requirements of 40 Code of Federal Regulations section 262.23.

(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 shall also sign with an ink signature the generator/offeree certification on the printed copy of the manifest provided under paragraph (d) of this section.

(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 40 Code of Federal Regulations section 264.71 (I), which applies to corrections made to either paper or electronic manifest records.