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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 15@ Interim Status Standards for Owners and Operators of Hazardous Waste Transfer, Treatment, Storage, and Disposal Facilities

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Article 5@ Manifest System, Recordkeeping, and Reporting

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Section 66265.72@ Manifest Discrepancies

66265.72 Manifest Discrepancies

(a)

Manifest discrepancies are: (1) Significant differences (as defined by paragraph (b) of this section) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. (2) Rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept; or (3) Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in 40 Code of Federal Regulations section 261.7(b) or section 66261.7 of this division.

(1)

Significant differences (as defined by paragraph (b) of this section) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives.

(2)

Rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept; or

(3)

Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in 40 Code of Federal Regulations section 261.7(b) or section 66261.7 of this division.

(b)

Significant discrepancies in quantity are: For bulk waste, variations greater than 10 percent in weight; for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies 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 discrepancy in quantity or type, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Significant Discrepancy Reports should be mailed to: DTSC REPORT REPOSITORY
GENERATOR INFORMATION SERVICES SECTION P.O. BOX 806 SACRAMENTO, CA
95812-0806

(d)

(1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in 40 Code of Federal Regulations section 261.7(b) or section 66261.7 of this division, the facility 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, the facility may return the rejected waste or residue to the generator. The facility shall send the waste to the alternative facility or to the generator within the time frame specified in the permit or 60 days, whichever is shorter, of the

rejection or the container residue identification. The waste shall be managed consistent with any applicable permit conditions. The waste shall be handled consistent with the requirements of section 25200.19 of the Health and Safety Code. (2) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under this section, it shall ensure that either the delivering transporter retains custody of the waste, or, the facility 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 section.

(1)

Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in 40 Code of Federal Regulations section 261.7(b) or section 66261.7 of this division, the facility 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, the facility may return the rejected waste or residue to the generator. The facility shall send the waste to the alternative facility or to the generator within the time frame specified in the permit or 60 days, whichever is shorter, of the rejection or the container residue identification. The waste shall be managed consistent with any applicable permit conditions. The waste shall be handled consistent with the requirements of section 25200.19 of the Health and Safety Code.

(2)

While the facility is making arrangements for forwarding rejected wastes or residues to another facility under this section, it shall ensure that either the delivering transporter retains custody of the waste, or, the facility 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 section.

(e)

Except as provided in paragraph (e)(7) of this section, for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility is required to prepare a new manifest in accordance with section 66262.20, subsection (a) of this division or 40 Code of Federal Regulations section 262.20(a), if located out of state, and the following instructions: (1) Write the generator's EPA ID 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 EPA ID 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 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) of waste. (6) Sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation. (7) For full load rejections that are made while the transporter remains present at the facility, the facility 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 space. The facility shall retain a copy of this manifest for its 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 shall use a new manifest and comply with paragraphs (e)(1), (2), (3), (4), (5), and (6) of this section.

(1)

Write the generator's EPA ID 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 EPA ID 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 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) of waste.

(6)

Sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment,

that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.

(7)

For full load rejections that are made while the transporter remains present at the facility, the facility 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 space. The facility shall retain a copy of this manifest for its 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 shall use a new manifest and comply with paragraphs (e)(1), (2), (3), (4), (5), and (6) of this section.

(f)

Except as provided in paragraph (f)(7) of this section, for rejected wastes and residues that shall be sent back to the generator, the facility is required to prepare a new manifest in accordance with section 66262.20, subsection (a) of this division or 40 Code of Federal Regulations section 262.20(a), if located out of state, and the following instructions: (1) Write the facility's EPA ID 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 initial generator and the generator's U.S. EPA ID 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. 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) of waste. (6) Sign the Generator's/Officer's Certification to certify, as offeror of the shipment, that the waste has been 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 may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility shall retain a copy for its 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 shall use a new manifest and comply with paragraphs (f)(1), (2), (3), (4), (5), and (6) of this section.

(1)

Write the facility's EPA ID 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 initial generator and the generator's U.S. EPA ID 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. 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) of waste.

(6)

Sign the Generator's/Offeror's Certification to certify, as offeror of the shipment, that the waste has been 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 may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility shall retain a copy for its 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 shall use a new manifest and comply with paragraphs (f)(1), (2), (3), (4), (5), and (6) of this section.

(g)

If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in 40 Code of Federal Regulations section 261.7(b) or section 66261.7 of this division, after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility shall amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility

shall also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest, and shall re-sign and date the manifest to certify to the information as amended. The facility shall retain the amended manifest for at least three years from the date of amendment, and shall within 30 days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended. The facility shall submit a copy of the amended manifest within 30 days to the department at the address provided in section 66265.71, subsection (a)(2)(F).

(h)

Upon discovering a discrepancy involving a hazardous waste of concern, as defined in section 66261.111(a), and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c), the owner or operator shall attempt to reconcile the reportable quantity or difference with the waste generator or transporter. If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information: (1) Facility name and identification number; (2) Generator name and identification number; (3) Transporter(s) name(s), identification number(s), and, if available, transporter(s) registration number(s); (4) Manifest number; (5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of EPA Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes. For shipments initiated on and after September 5, 2006, waste information (Items 9b, 10, 11, 12, and 13 of the manifest), including proper shipping name, hazard class or division,

identification number, packing group, number of containers, container type (found in the manifest instructions of Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes; and (6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., on highway or roads, rail line, transfer station, truck stop, etc.).

(1)

Facility name and identification number;

(2)

Generator name and identification number;

(3)

Transporter(s) name(s), identification number(s), and, if available, transporter(s) registration number(s);

(4)

Manifest number;

(5)

Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of EPA Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes. For shipments initiated on and after September 5, 2006, waste information (Items 9b, 10, 11, 12, and 13 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (found in the manifest instructions of Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes; and

(6)

Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., on highway or roads, rail line, transfer station, truck stop, etc.).

(i)

If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (h), within 5 days after discovering the reportable quantity or difference, the owner or operator shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it, and a copy of the manifest at issue. (1) Owners or operators of facilities located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, or Imperial shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Chatsworth Regional Office, 9211 Oakdale Avenue, Chatsworth, CA 91311-6505. (2) Owners or operators of facilities located in any other county, or out of state, shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3200.

(1)

Owners or operators of facilities located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, or Imperial shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Chatsworth Regional Office, 9211 Oakdale Avenue, Chatsworth, CA 91311-6505.

(2)

Owners or operators of facilities located in any other county, or out of state, shall

submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3200.