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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 66265.71@ Use of Manifest System

66265.71 Use of Manifest System

(a)

(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the facility's agent, shall sign and date each copy of the manifest as indicated in paragraph (a)(2) of this section to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space. (2) If a facility receives a hazardous waste shipment accompanied by a manifest, including a facility located out of state, the owner, operator or the facility's agent shall: (A) sign and date, by hand, each copy of the manifest; (B) note any significant discrepancies in the manifest (as defined in section 66265.72, subsection (a)) on each copy of the manifest, and enter the most appropriate Hazardous Waste Report Management Method codes for each waste listed on the manifest from the list published in the most recent Hazardous Waste Report, Instructions and Forms (EPA Form 8700-13A/B) and shown in Appendix II of chapter 14. (C) immediately give the transporter at least one copy of the signed manifest; (D) within 30 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 from the date of delivery; (F) Through June 29, 2018, within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest used. The facility

manifest copy shall be submitted to the department for every shipment on a manifest when California is either the generator state or the destination state. The facility manifest copy shall be mailed to: DTSC FACILITY MANIFESTS P.O. BOX 3000 SACRAMENTO, CA 95812-3000; and (G) a facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state 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. (H) Paper manifest submission requirements are:

1. 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 e-Manifest 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 30 days of the date of delivery. Submissions of copies to the e-Manifest System shall be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, U.S. EPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System.
2. 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 e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page

1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest System shall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services. (l) 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 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 Code of Federal Regulations section 262.25(a).
2. Any requirement in title 22, division 4.5 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 title 22, division 4.5 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 title 22, division 4.5 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 its account on the 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.
5. No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this section if the owner or operator 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 owner or operator bears no responsibility. (J) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-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. (K) 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, 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 30 days of 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 send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System, and 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 from the date of delivery. (L) 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 its ink signature on this printed copy, the owner or operator shall retain this original copy among its records for at least 3 years from the date of delivery of the waste.

(M) 1. As prescribed in 40 Code of Federal Regulations section 265.1311, and determined in 40 Code of Federal Regulations section 265.1312, an owner or operator who is a user of the e-Manifest System shall be assessed a user fee by U.S. EPA for the submission and processing of each electronic and paper manifest. U.S. EPA shall update the schedule of user fees and publish them to the user community, as provided in 40 Code of Federal Regulations section 265.1313. 2. An owner or operator subject to user fees under this section shall make user fee payments in accordance with the requirements of 40 Code of Federal Regulations section 265.1314, subject to the informal fee dispute resolution process of 40 Code of Federal Regulations section 265.1316, and subject to the sanctions for delinquent payments under 40 Code of Federal Regulations section 265.1315. 3. An owner or operator shall submit to the e-Manifest System a final copy of the manifest for data processing purposes. (N) Electronic manifest signatures under this chapter shall meet the criteria described in 40 Code of Federal Regulations section 262.25(a). (O) 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) shown on the manifest. 1. Interested persons shall make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web based service provided in the e-Manifest System 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 the following

information: a. The Manifest Tracking Number and date of receipt by the facility of the original manifest(s) for which data are being corrected; b. The item number(s) of the original manifest that is the subject of the submitted correction(s); and c. For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission. 3. Each correction submission shall include a statement that the person submitting the corrections certifies that to the best of their knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete: a. The certification statement shall be executed with a valid electronic signature; and b. A batch upload of data corrections may be submitted under one certification statement. 4. Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will 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 e-Manifest System, certified by the respondent as specified in paragraph (O)3. of this section, and with notice of the corrections to other interested persons shown on the manifest. (3) The owner or operator of a facility that receives hazardous waste subject to 40 Code of Federal Regulations part 262, subpart H and article 8, chapter 12 of this division 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(s) (U.S. EPA Form 8700-22A); and (B) Send a copy of the manifest to U.S. EPA using the addresses listed in 40 Code of Federal Regulations section

262.82(e) and section 66262.82(e) within thirty (30) days of delivery until the facility can submit such a copy to the e-Manifest system per 40 Code of Federal Regulations section 265.71(a)(2)(v).

(1)

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

(2)

If a facility receives a hazardous waste shipment accompanied by a manifest, including a facility located out of state, the owner, operator or the facility's agent shall: (A) sign and date, by hand, each copy of the manifest; (B) note any significant discrepancies in the manifest (as defined in section 66265.72, subsection (a)) on each copy of the manifest, and enter the most appropriate Hazardous Waste Report Management Method codes for each waste listed on the manifest from the list published in the most recent Hazardous Waste Report, Instructions and Forms (EPA Form 8700-13A/B) and shown in Appendix II of chapter 14. (C) immediately give the transporter at least one copy of the signed manifest; (D) within 30 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 from the date of delivery; (F) Through June 29, 2018, within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest used. The facility manifest copy shall be submitted to the department for every shipment on a manifest when California is either the generator state or the destination state. The facility manifest copy shall be mailed to: DTSC FACILITY

MANIFESTS P.O. BOX 3000 SACRAMENTO, CA 95812-3000; and (G) a facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state 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. (H) Paper manifest submission requirements are: 1. 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 e-Manifest 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 30 days of the date of delivery. Submissions of copies to the e-Manifest System shall be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, U.S. EPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System. 2. 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 e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest System shall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services. (I) 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 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 Code of Federal Regulations section 262.25(a).
2. Any requirement in title 22, division 4.5 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 title 22, division 4.5 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 title 22, division 4.5 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 its account on the 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.
5. No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this section if the owner or operator 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 owner or operator bears no responsibility.

(j) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-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. (K) 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, 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 30 days of 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 send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System, and 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 from the date of delivery. (L) 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 its ink signature on this printed copy, the owner or operator shall retain this original copy among its records for at least 3 years from the date of delivery of the waste. (M) 1. As prescribed in 40 Code of Federal Regulations section 265.1311, and determined in 40 Code of Federal Regulations section 265.1312, an owner or operator who is a user of the e-Manifest System shall be assessed a user fee by U.S. EPA for

the submission and processing of each electronic and paper manifest. U.S. EPA shall update the schedule of user fees and publish them to the user community, as provided in 40 Code of Federal Regulations section 265.1313. 2. An owner or operator subject to user fees under this section shall make user fee payments in accordance with the requirements of 40 Code of Federal Regulations section 265.1314, subject to the informal fee dispute resolution process of 40 Code of Federal Regulations section 265.1316, and subject to the sanctions for delinquent payments under 40 Code of Federal Regulations section 265.1315. 3. An owner or operator shall submit to the e-Manifest System a final copy of the manifest for data processing purposes. (N) Electronic manifest signatures under this chapter shall meet the criteria described in 40 Code of Federal Regulations section 262.25(a). (O) 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) shown on the manifest. 1. Interested persons shall make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web based service provided in the e-Manifest System 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 the following information: a. The Manifest Tracking Number and date of receipt by the facility of the original manifest(s) for which data are being corrected; b. The item number(s) of the original manifest that is the subject of the submitted correction(s); and c. For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission. 3. Each correction submission shall include a statement that the person submitting the corrections certifies that to the best of their knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true,

accurate, and complete: a. The certification statement shall be executed with a valid electronic signature; and b. A batch upload of data corrections may be submitted under one certification statement. 4. Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will 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 e-Manifest System, certified by the respondent as specified in paragraph (O)3. of this section, and with notice of the corrections to other interested persons shown on the manifest.

(A)

sign and date, by hand, each copy of the manifest;

(B)

note any significant discrepancies in the manifest (as defined in section 66265.72, subsection (a)) on each copy of the manifest, and enter the most appropriate Hazardous Waste Report Management Method codes for each waste listed on the manifest from the list published in the most recent Hazardous Waste Report, Instructions and Forms (EPA Form 8700-13A/B) and shown in Appendix II of chapter 14.

(C)

immediately give the transporter at least one copy of the signed manifest;

(D)

within 30 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 from the date of delivery;

(F)

Through June 29, 2018, within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest used. The facility manifest copy shall be

submitted to the department for every shipment on a manifest when California is either the generator state or the destination state. The facility manifest copy shall be mailed to: DTSC FACILITY MANIFESTS P.O. BOX 3000 SACRAMENTO, CA 95812-3000; and

(G)

a facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state 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.

(H)

Paper manifest submission requirements are: 1. 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 e-Manifest 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 30 days of the date of delivery. Submissions of copies to the e-Manifest System shall be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, U.S. EPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System. 2. 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 e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the

e-Manifest System shall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services.

1.

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 e-Manifest 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 30 days of the date of delivery. Submissions of copies to the e-Manifest System shall be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, U.S. EPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System.

2.

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 e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest System shall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services.

(I)

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 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 Code of Federal Regulations section 262.25(a). 2. Any requirement in title 22, division 4.5 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 title 22, division 4.5 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 title 22, division 4.5 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 its account on the 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. 5. No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this section if the owner or operator 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 owner or operator bears no responsibility.

1.

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

2.

Any requirement in title 22, division 4.5 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 title 22, division 4.5 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 title 22, division 4.5 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 its account on the 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.

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No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this section if the owner or operator 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 owner or operator bears no responsibility.

(J)

An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-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.

(K)

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, 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 30 days of 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 send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System, and 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 from the date of delivery.

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 30 days of 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 send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System, and

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 from the date of delivery.

(L)

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 its ink signature on this printed copy, the owner or operator shall retain this original copy among its records for at least 3 years from the date of delivery of the waste.

(M)

1. As prescribed in 40 Code of Federal Regulations section 265.1311, and determined in 40 Code of Federal Regulations section 265.1312, an owner or operator who is a user of the e-Manifest System shall be assessed a user fee by U.S. EPA for the submission and processing of each electronic and paper manifest. U.S. EPA shall update the schedule of user fees and publish them to the user community, as provided in 40 Code of Federal Regulations section 265.1313. 2. An owner or operator subject to user fees under this section shall make user fee payments in accordance with the requirements of 40 Code of Federal Regulations section 265.1314, subject to the informal fee dispute resolution process of 40 Code of Federal Regulations section 265.1316, and subject to the sanctions for delinquent payments under 40 Code of Federal Regulations section 265.1315. 3. An owner or operator shall submit to the e-Manifest System a final copy of the manifest for data processing purposes.

1.

As prescribed in 40 Code of Federal Regulations section 265.1311, and determined in 40 Code of Federal Regulations section 265.1312, an owner or operator who is a user of the e-Manifest System shall be assessed a user fee by U.S. EPA for the submission and processing of each electronic and paper manifest. U.S. EPA shall update the schedule of user fees and publish them to the user community, as provided in 40 Code of Federal Regulations section 265.1313.

2.

An owner or operator subject to user fees under this section shall make user fee payments in accordance with the requirements of 40 Code of Federal Regulations section 265.1314, subject to the informal fee dispute resolution process of 40 Code of Federal Regulations section 265.1316, and subject to the sanctions for delinquent payments under 40 Code of Federal Regulations section 265.1315.

3.

An owner or operator shall submit to the e-Manifest System a final copy of the manifest for data processing purposes.

(N)

Electronic manifest signatures under this chapter shall meet the criteria described in 40 Code of Federal Regulations section 262.25(a).

(O)

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) shown on the manifest. 1. Interested persons shall make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web based service provided in the e-Manifest System 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 the following information: a. The Manifest Tracking Number and date of receipt by the facility of the original manifest(s) for which data are being corrected; b. The item number(s) of the original manifest that is the subject of the submitted correction(s); and c. For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission. 3. Each correction submission shall include a statement that the person submitting the corrections certifies that to the best of their knowledge or belief, the

corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete: a. The certification statement shall be executed with a valid electronic signature; and b. A batch upload of data corrections may be submitted under one certification statement. 4. Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will 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 e-Manifest System, certified by the respondent as specified in paragraph (O)3. of this section, and with notice of the corrections to other interested persons shown on the manifest.

1.

Interested persons shall make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web based service provided in the e-Manifest System 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 the following information: a. The Manifest Tracking Number and date of receipt by the facility of the original manifest(s) for which data are being corrected; b. The item number(s) of the original manifest that is the subject of the submitted correction(s); and c. For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.

a.

The Manifest Tracking Number and date of receipt by the facility of the original manifest(s) for which data are being corrected;

b.

The item number(s) of the original manifest that is the subject of the submitted correction(s); and

c.

For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.

3.

Each correction submission shall include a statement that the person submitting the corrections certifies that to the best of their knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete: a. The certification statement shall be executed with a valid electronic signature; and b. A batch upload of data corrections may be submitted under one certification statement.

a.

The certification statement shall be executed with a valid electronic signature; and

b.

A batch upload of data corrections may be submitted under one certification statement.

4.

Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will 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 e-Manifest System, certified by the respondent as specified in paragraph (O)3. of this section, and with notice of the corrections to other interested persons shown on the manifest.

(3)

The owner or operator of a facility that receives hazardous waste subject to 40 Code of Federal Regulations part 262, subpart H and article 8, chapter 12 of this division 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(s) (U.S. EPA Form 8700-22A); and (B) Send a copy of the manifest to U.S. EPA using the addresses listed in 40 Code of Federal Regulations section 262.82(e) and section 66262.82(e) within thirty (30) days of delivery until the facility can submit such a copy to the e-Manifest system per 40 Code of Federal Regulations section 265.71(a)(2)(v).

(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(s) (U.S. EPA Form 8700-22A); and

(B)

Send a copy of the manifest to U.S. EPA using the addresses listed in 40 Code of Federal Regulations section 262.82(e) and section 66262.82(e) within thirty (30) days of delivery until the facility can submit such a copy to the e-Manifest system per 40 Code of Federal Regulations section 265.71(a)(2)(v).

(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 Identification Numbers, generator's certification, and signatures), the owner or operator, or the facility's agent, shall: (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 defined in section 66265.72(a) in the manifest or shipping paper (if the manifest has not

been received) on each copy of the manifest or shipping paper; (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 30 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 30 days after delivery) to the generator; (5) within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest or shipping paper (if the manifest has not been received) used; and (6) 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 from the date of delivery.

(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 defined in section 66265.72(a) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

(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 30 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 30 days after delivery) to the generator;

(5)

within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest or shipping paper (if the manifest has not been received) used; and

(6)

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 from 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 the requirements of chapter 12 of this division.

(d)

As per 40 Code of Federal Regulations section 262.84(d)(2)(xv) and section 66262.84(d)(2)(O), within three (3) working days of the receipt of a shipment subject to 40 Code of Federal Regulations part 262, subpart H and article 8, chapter 12 of this division, the owner or operator of a facility shall provide a copy of the movement document bearing all required signatures to the foreign exporter; to the competent authorities of the countries of export and transit that control the shipment as an export and transit 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 its successor system. The original copy of the movement document shall be maintained at the facility for at least three (3) years from 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 Waste Import Export Tracking System (WIETS), or its successor system, provided that copies are readily available for viewing and production if requested by any

U.S. EPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section 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 Waste Import Export Tracking System (WIETS), or its successor system, for which the owner or operator of a facility bears no responsibility.

(e)

Whenever hazardous waste is received by a facility from a transporter in a vehicle or bulk container that will be removed from the facility after emptying, the transporter shall determine by inspection whether the vehicle or bulk container is empty pursuant to section 66261.7 prior to the removal of the vehicle or bulk container from the facility.

(f)

As per 40 Code of Federal Regulations section 262.84(d)(2)(xv) and section 66262.84(d)(2)(O), within three (3) working days of the receipt of a shipment subject to 40 Code of Federal Regulations part 262, subpart H and article 8, chapter 12 of this division, the owner or operator of a facility shall provide a copy of the movement document bearing all required signatures to the foreign 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 its successor system. The original copy of the movement document shall be maintained at the facility for at least three (3) years from 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 Waste Import Export Tracking System (WIETS), or its successor system, provided that copies are readily available for viewing and production if requested by any U.S. EPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section 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 Waste Import Export Tracking System (WIETS), or its successor system, for which the owner or operator of a facility bears no responsibility.

(g)

Whenever hazardous waste is received by a facility from a transporter in a vehicle or bulk container that will be removed from the facility after emptying, the transporter shall determine by inspection whether the vehicle or bulk container is empty pursuant to section 66261.7 prior to the removal of the vehicle or bulk container from the facility.

(h)

If a vehicle or bulk container cannot be rendered empty pursuant to section 66261.7 by equipment and methods available at the facility, the transporter shall follow the procedure in subsection (b) of section 66263.21. If the vehicle or bulk container is not empty, the transporter shall not move the vehicle or bulk container without the designated facility preparing a new manifest for container residues pursuant to section 66265.72 or 40 Code of Federal Regulations section 265.72, if located out of state.

(i)

The provisions of section 66262.15, 66262.16 or 66262.17 are applicable to the onsite accumulation of hazardous wastes by generators. Therefore, the

provisions of section 66262.15, 66262.16 or 66262.17 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.