

3745-53-20

Acceptance and handling of hazardous waste and the manifest system.

(A)

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

(2) Exports.

(a) In the case of exports other than those subject to 40 CFR ~~262.80 to 40 CFR 262.89~~ Part 262 subpart H, a transporter may not accept such waste from a "primary exporter" or other person if he knows the shipment does not conform to the ~~U.S. EPA "Acknowledgment"~~ "EPA Acknowledgement of Consent"; and

[Comment: The terms "primary exporter" and "EPA Acknowledgement of Consent" are defined in 40 C FR 262.51.]

(b) Unless, in addition to a manifest signed by the generator as provided in this rule, the transporter must also be provided with a ~~U.S. EPA "Acknowledgment"~~ "EPA Acknowledgement of Consent" which, except for shipments by rail, is attached to the manifest [or shipping paper for exports by water (bulk shipment)]. For exports of hazardous waste subject to the requirements of 40 CFR ~~262.80 to 40 CFR 262.89~~ Part 262 subpart H, a transporter may not accept hazardous waste without a tracking document that includes all information required by 40 CFR 262.84.

[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 U.S. is solely regulated by the federal government.]

(3) Reserved.

(B) Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter must return a signed copy of the manifest to the generator before leaving the generator's property.

- (C) The transporter must ensure that the manifest accompanies the hazardous waste. In the case of exports, the transporter must ensure that a copy of the ~~U.S. EPA "Acknowledgment"~~ EPA Acknowledgement of Consent" also accompanies the hazardous waste.

[Comment: 49 CFR 177.817 requires that the hazardous waste manifest be carried in a manner that makes it easily accessible to authorities in the event of an accident or inspection. Specifically, the hazardous waste manifest must be clearly distinguishable from any other shipping papers by being tabbed or appearing first.

In addition the manifest must be stored in the following manner: When the driver is at the vehicle's controls, the shipping paper must be within his immediate reach while he is restrained by the lap belt, and be either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle. When the driver is not at the vehicle's controls, the shipping paper must be in a holder which is mounted to the inside of the door on the driver's side of the vehicle, or on the driver's seat in the vehicle.

When the vehicle is a train, a member of the crew ~~shall~~must maintain the manifest in his possession. When the vehicle is other than a motor vehicle or train, the operator of the vehicle must maintain the manifest in a readily accessible location determined by the operator.]

- (D) A transporter who delivers a hazardous waste to another transporter or to the designated facility must:
- (1) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and
 - (2) Retain one copy of the manifest in accordance with rule 3745-53-22 of the Administrative Code; and
 - (3) Give the remaining copies of the manifest to the accepting transporter or designated facility.
- (E) The requirements of paragraphs (C), (D), and (F) of this rule do not apply to water (bulk shipment) transporters if:
- (1) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and
 - (2) A shipping paper containing all the information required on the manifest

(excluding the U.S. EPA identification numbers, generator certification, and signatures) and, for exports, a ~~U.S. EPA "Acknowledgment"~~ "EPA Acknowledgement of Consent" accompanies the hazardous waste; and

- (3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and
 - (4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and
 - (5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with rule 3745-53-22 of the Administrative Code.
- (F) For shipments involving rail transportation, the requirements of paragraphs (C), (D), and (E) of this rule do not apply and the following requirements do apply:
- (1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter must:
 - (a) Sign and date the manifest acknowledging acceptance of the hazardous waste;
 - (b) Return a signed copy of the manifest to the non-rail transporter;
 - (c) Forward at least three copies of the manifest to:
 - (i) The next non-rail transporter, if any; or
 - (ii) The designated facility, if the shipment is delivered to that facility by rail; or
 - (iii) The last rail transporter designated to handle the waste in the United States.
 - (d) Retain one copy of the manifest and rail shipping paper in accordance with rule 3745-53-22 of the Administrative Code.

- (2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the U.S. EPA identification numbers, generator certification, and signatures) and, for exports ~~a U.S. EPA "Acknowledgment"~~ "EPA Acknowledgement of Consent" accompanies the hazardous waste at all times.

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

- (3) When delivering hazardous waste to the designated facility, a rail transporter must:
- (a) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and
 - (b) Retain a copy of the manifest or signed shipping paper in accordance with rule 3745-53-22 of the Administrative Code.
- (4) When delivering hazardous waste to a non-rail transporter, a rail transporter must:
- (a) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and
 - (b) Retain a copy of the manifest in accordance with rule 3745-53-22 of the Administrative Code.
- (5) Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.

(G) Transporters who transport hazardous waste out of the United States must:

- (1) Sign and date the manifest in the "International Shipments" block to indicate the date that the shipment left the United States; and
- (2) Retain one copy in accordance with paragraph (D) of rule 3745-53-22 of the Administrative Code; and
- (3) Return a signed copy of the manifest to the generator; and

- (4) Give a copy of the manifest to a U.S. customs official at the point of departure from the U.S.
- (H) A transporter transporting hazardous waste from a generator who generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month need not comply with the requirements of this rule or those of rule 3745-53-22 of the Administrative Code provided that:
- (1) The waste is being transported pursuant to a reclamation agreement as provided for in paragraph (E) of rule 3745-52-20 of the Administrative Code;
 - (2) The transporter records, on a log or shipping paper, the following information for each shipment:
 - (a) The name, address, and U.S. EPA identification number of the generator of the waste;
 - (b) The quantity of waste accepted;
 - (c) All U.S. department of transportation required shipping information;
 - (d) The date the waste is accepted; and
 - (3) The transporter carries this record when transporting waste to the reclamation facility; and
 - (4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

~~[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]~~

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Certification

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Date

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