

Subchapter 7: MANIFEST, REPORTING AND RECORDKEEPING REQUIREMENTS**§ 7-701 PURPOSE, SCOPE, APPLICABILITY**

This subchapter establishes requirements for the use of manifests by hazardous waste generators, transporters, and treatment, storage and disposal facilities to track the movement of hazardous waste from the point of generation to any intermediate points and finally to its ultimate point of disposition. This subchapter also establishes requirements for persons exporting or importing hazardous waste, for reporting and recordkeeping by generators and transporters, and for biennial reporting by generators and treatment, storage, and disposal facilities. Other reporting and recordkeeping requirements for treatment, storage, and disposal facilities are specified in subchapter 5.

§ 7-702 MANIFEST REQUIREMENTS FOR GENERATORS

- (a) (1) Unless otherwise specified in these regulations, a small or large quantity generator who transports or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a manifest on EPA Form 8700–22, and, if necessary, EPA Form 8700–22A, according to the instructions included in **Appendix V**.
 - (2) Any conditionally exempt generator that chooses to utilize a manifest for shipping hazardous waste must comply with the manifest instructions included in **Appendix V**.
 - (3) When completing a manifest, a generator shall use the EPA identification number that is assigned to the generator site at the time of shipment.
 - (4) Manifests may be obtained from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).
 - (5) Any small or large quantity generator shipping hazardous waste using a manifest is subject to the requirements of the tax assessed pursuant to **32 V.S.A. chapter 237**. When completing a manifest, a generator of waste subject to an alternative tax rate must use the appropriate tax code listed in **Appendix VI** in order for the Secretary to recognize the alternative rate.
- (b) Any generator who transports or offers for transport hazardous waste to a designated facility using a manifest shall:
 - (1) Designate on the manifest one facility that is permitted to handle the waste described on the manifest.

- (2) Obtain the initial transporter's name, signature, and date of acceptance on the manifest. Give the manifest to the transporter after retaining copies as described in **subsection (b)(5) of this section**.
- (3) Certify to one of the following statements in Item 15 of the manifest:
 - (A) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;" or
 - (B) "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."
- (4) Sign the manifest and otherwise complete each manifest as required under **§ 7-702(a)**.
- (5) Retain a signed copy of the manifest for at least three (3) years from the date of initial shipment or until receipt of a completed copy. A completed copy of the manifest must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
- (6) For shipments of hazardous waste made within the United States solely by water (bulk shipments only), send three copies of the manifest dated and signed in accordance with this section to:
 - (A) The owner or operator of the designated facility; or
 - (B) The last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.
- (7) For rail shipments of hazardous waste made within the United States which originate at the site of generation, send at least three copies of the manifest dated and signed in accordance with this section to:
 - (A) The next non-rail transporter; if any; or
 - (B) The designated facility if transported solely by rail; or
 - (C) The last rail transporter to handle the waste in the United States if exported by rail.

- (8) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, immediately either designate another facility or instruct the transporter to return the waste.
 - (9) Wait for confirmation of the shipment by the return of a completed copy of the manifest from the designated facility. All completed copies not returned by the facility within 35 days, or not returned by the foreign consignee within 60 days of the initial shipment, must be investigated and reported as provided in § 7-707.
 - (10) For each manifested shipment of hazardous waste, assure that a completed copy of each manifest is sent to the Secretary.
 - (11) For shipments of hazardous waste made to a designated facility in an EPA-authorized State which has not yet obtained authorization to regulate that particular waste as hazardous, assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.
 - (12) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are returned to the generator by the designated facility (following the procedures of **40 CFR §§ 264.72(f) or 265.72(f)**), the generator must:
 - (A) Sign either:
 - (i) Item 20 of the new manifest if a new manifest is used for the returned shipment; or
 - (ii) Item 18c of the original manifest if the original manifest is used for the returned shipment;
 - (B) Provide the transporter a copy of the manifest;
 - (C) Within 30 days of delivery of the rejected shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator; and
 - (D) Retain at the generator's site a copy of each manifest for at least three years from the date of delivery.
- (c) The requirements of this section do not apply to:
- (1) Hazardous waste produced by small quantity generators of greater than 220 pounds (100 kilograms) but less than 2,200 pounds (1,000 kilograms) in a calendar month where:
 - (A) The waste is reclaimed under a contractual agreement pursuant to which:

- (i) The type of waste and frequency of shipments are specified in the agreement; and
 - (ii) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and
- (B) The generator maintains a copy of the reclamation agreement in his or her files for a period of at least three (3) years after termination or expiration of the agreement; and
- (2) The transport of hazardous waste on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Nevertheless, the generator or transporter must comply with the requirements for transporters set forth in **§ 7-105(a)** in the event of a discharge of hazardous waste or release of hazardous material on a public or private right-of-way.
 - (3) Hazardous waste produced by conditionally exempt generators when such waste is:
 - (A) Offered to a certified solid waste management facility that is allowed to accept such waste under the terms of its certification; or the operator of a collection event authorized by the Secretary to accept conditionally exempt generator waste;
 - (B) Transported by a transporter that possesses a permit to transport hazardous waste in Vermont; and
 - (C) Delivered to a hazardous waste treatment, storage or disposal facility as allowed under **§ 7-306(c)(2)(A)**; or a solid waste management facility as allowed under **§ 7-306(c)(2)(B)**.

§ 7-703 MANIFEST REQUIREMENTS FOR TRANSPORTERS

- (a) Unless otherwise specified in these regulations, a transporter may only accept hazardous waste from a generator if the transporter is provided with a manifest signed in accordance with the requirements of **§ 7-702**.
- (b) Any transporter of a shipment of hazardous waste for which a manifest is required shall comply with the following:
 - (1) Prior to accepting the shipment, check for discrepancies between the manifest and the wastes being offered for shipment. A transporter shall not accept a shipment if discrepancies exist.

- (2) Before transporting the shipment, ensure that the manifest has been signed and completed by the generator as required by **§ 7-702(b)**;
 - (3) Sign and date the manifest and return a signed copy of the manifest to the generator before leaving the site with the shipment;
 - (4) Ensure that the manifest accompanies the shipment at all times;
 - (5) Deliver the entire quantity of hazardous waste accepted for transport and the manifest to:
 - (A) The designated facility listed on the manifest; or
 - (B) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or
 - (C) The next designated transporter; or
 - (D) The place outside the United States designated by the generator.
 - (6) If the hazardous waste cannot be delivered in accordance with **subsection (5) of this section** because of an emergency condition other than rejection of the waste by the designated facility, contact the generator for further directions and revise the manifest according to the generator's instructions.
 - (7) If hazardous waste is rejected by the designated facility while on the facility's premises, comply with the requirements of **40 CFR § 263.21(b)(2)**.
 - (8) Upon delivering the hazardous waste shipment to another transporter or to the designated facility:
 - (A) Obtain the date of delivery and the handwritten signature of the transporter or the owner or operator of the designated facility after such person has had an opportunity to inspect the shipment for discrepancies; and
 - (B) Retain one copy of the manifest in accordance with **§ 7-710** and give the remaining copies of the manifest to the accepting transporter or designated facility.
- (c) A transporter transporting hazardous waste from a small quantity generator who generates greater than 220 pounds (100 kilograms) but less than 2,200 pounds (1,000 kilograms) of hazardous waste in a calendar month need not comply with the requirements of **§ 7-703** when:
- (1) The waste is being transported pursuant to a reclamation agreement as provided in **§ 7-702(c)(1)**; and

- (2) The transporter records on a log or shipping paper, the following information for each shipment:
 - (A) The name, address and EPA identification number of the generator of the waste;
 - (B) The quantity of waste accepted;
 - (C) All DOT-required shipping information;
 - (D) The date the waste is accepted; and
- (3) The records required under **subsection (2) of this section** accompany the waste shipment to the reclamation facility; and
- (4) The transporter retains a copy of the reclamation agreement and the records required under **subsection (c)(2) of this section** for a period of at least three (3) years after termination or expiration of the agreement.
- (d) A water (bulk shipment) transporter need not comply with §§ 7-703(b)(4) and (6) provided the transporter complies with 40 CFR § 263.20(e). Any person utilizing this exemption need not comply with §§ 7-710(b), (c) and (e).
- (e) For shipments involving rail transportation, the requirements of §§ 7-703(b)(4) and (6) do not apply provided the shipment complies with 40 CFR § 263.20(f). Any person utilizing this exemption need not comply with §§ 7-710(b), (c) and (e).

§ 7-704 MANIFEST REQUIREMENTS FOR DESIGNATED FACILITIES

- (a) If a facility receives hazardous waste accompanied by a manifest, the owner, operator or his/her agent must sign and date the manifest as indicated in **subsection (b) 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.
- (b) An owner or operator of a designated facility who accepts a shipment of hazardous waste for which a manifest is required shall comply with the following:
 - (1) Perform an inspection upon receipt of each shipment of hazardous waste, comparing the description appearing on the manifest and the waste actually received, noting any significant discrepancies, as defined in **subsection (g) of this section** on the manifest in the space provided. Any significant discrepancies shall be noted on each copy of the manifest and immediately reported to the Secretary as provided by **subsection (g) of this section**;

- (2) Sign and date, by hand, each copy of the manifest to certify that the hazardous waste covered by the manifest was received;
 - (3) Immediately give the transporter at least one copy of the manifest;
 - (4) Immediately send the appropriate completed copy of the manifest to:
 - (A) The Secretary if the waste was generated in Vermont; or
 - (B) The appropriate state authority if the waste was generated in a state other than Vermont and that state requires a completed copy of the manifest;
 - (5) Immediately send the appropriate completed copy of the manifest to the appropriate state or federal authority for the state where the facility is located;
 - (6) Within 30 days of delivery, send a copy of the manifest to the generator;
 - (7) Retain at the facility a copy of each manifest for at least three years from the date of delivery.
- (c) If a facility receives hazardous waste imported from a foreign source, the receiving facility must mail a copy of the manifest and documentation confirming EPA's consent to the import of hazardous waste to the following address within thirty (30) days of delivery: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.
- (d) 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 EPA identification numbers, generator's certification, and signatures), the owner or operator, or his agent, shall comply with **40 CFR § 264.71(b)** or **40 CFR § 265.71(b)**, as applicable.
- (e) Within three working days of the receipt of a shipment subject to **40 CFR part 262, subpart H**, the owner or operator of the facility must 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), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and to competent authorities of all other concerned countries. The original copy of the movement document must be maintained at the facility for at least three years from the date of signature.
- (f) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated by Vermont) as hazardous wastes under its state hazardous waste program. Facilities must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

(g) Manifest discrepancies

(1) Manifest discrepancies are:

- (A) Significant differences (as defined by **subsection (g)(2) of this section**) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives;
- (B) Rejected wastes, which may be a full or partial shipment of hazardous waste that the designated facility cannot accept; or
- (C) Container residues, which are residues that exceed the quantity limits for “empty” containers set forth in **§ 7-203(j)**.

(2) Significant differences 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 differences 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.

(3) Upon discovering a significant difference in quantity or type, the facility owner or operator must 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 must immediately submit to the Secretary a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(4) For any rejected wastes, or container residues described in **subsection (g)(1)(C) of this section**, the facility shall comply with the applicable requirements of **40 CFR §§ 264.72(d) through (g)** and **40 CFR §§ 265.72(d) through (g)**.

(h) If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described by **40 CFR §263.20(e)** for water (bulk shipment) transporters, and if the waste is not excluded from the manifest requirement, then the owner or operator must prepare and submit a letter to the Secretary within 15 days after receiving the waste. The unmanifested waste report must contain the following information:

- (1) The EPA identification number, name and address of the facility;
- (2) The date the facility received the waste;
- (3) The EPA identification number, name and address of the generator and the transporter, if available;

- (4) A description and the quantity of each unmanifested hazardous waste the facility received;
- (5) The method of treatment, storage, or disposal for each hazardous waste;
- (6) The certification signed by the owner or operator of the facility or his authorized representative; and,
- (7) A brief explanation of why the waste was unmanifested, if known.

§ 7-705 EXPORTS OF HAZARDOUS WASTE

- (a) The export of any waste defined as hazardous in **40 CFR Part 261** is prohibited unless:
 - (1) The primary exporter submits a notification in accordance with this section;
 - (2) The receiving country has consented to accept the hazardous waste;
 - (3) A copy of the “**EPA Acknowledgment of Consent**” (defined in **§ 7-103** of these regulations) accompanies the shipment in accordance with this section; and
 - (4) The hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the EPA Acknowledgement of Consent.
- (b) Primary exporters

Each primary exporter of a waste, which is defined as hazardous in **40 CFR Part 261**, shall comply with the following requirements:

- (1) A primary exporter of hazardous waste shall notify EPA of an intended export before such waste is scheduled to leave the United States. A complete notification shall be submitted sixty (60) days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a twelve (12) month or lesser period. The notification must be in writing, signed by the primary exporter and include the following information:
 - (A) Name, mailing address, telephone number and EPA identification number of the primary exporter;
 - (B) By consignee, for each hazardous waste type:
 - (i) A description of the hazardous waste and the EPA hazardous waste code, U.S. DOT proper shipping name, hazard class and identification number (UN/NA) for each hazardous waste as identified in **49 CFR Parts 171 through 177**;

- (ii) The estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported;
 - (iii) The estimated total quantity of the hazardous waste in units as specified in the instructions to the uniform hazardous waste manifest;
 - (iv) All points of entry to and departure from each foreign country through which the hazardous waste will pass;
 - (v) A description of the means by which each shipment of the hazardous waste will be transported (e.g., mode of transportation vehicle, type(s) of container);
 - (vi) A description of the manner in which the hazardous waste will be treated, stored or disposed of in the receiving country;
 - (vii) The name and site address of the consignee and any alternate consignee; and
 - (viii) The name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in such country and the nature of its handling while there.
- (2) Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW., Washington, DC 20004. In both cases, the following shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export."
- (3) Except for changes to the telephone number in **subsection (b)(1)(A) of this section**, changes to **subsection (b)(1)(B)(v) of this section**, and decreases in the quantity indicated pursuant to **subsection (b)(1)(B)(iii) of this section**, when the conditions are specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous waste specified in the original notification), the primary exporter must provide EPA with a written renotification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to **subsection (b)(1)(B)(viii) of this section** and in the ports of entry to and departure from transit countries pursuant to **subsection (b)(1)(B)(iv) of this section**) has been obtained and the primary exporter receives an EPA

Acknowledgement of Consent reflecting the receiving country's consent to the changes.

- (4) Upon request by EPA, a primary exporter shall furnish to EPA any additional information that a receiving country requests in order to respond to a notification.
- (5) In conjunction with the Department of State, EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification that EPA determines satisfies the requirements of **subsection (b)(1) of this section**. Where a claim of confidentiality is asserted with respect to any notification information required by **subsection (b)(1) of this section**, EPA may find the notification not complete until any such claim is resolved in accordance with **40 CFR § 260.2**.
- (6) Where the receiving country consents to the receipt of the hazardous waste, EPA will forward an EPA Acknowledgement of Consent to the primary exporter for purposes of **subsection (b)(7)(H) of this section**. Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, EPA will notify the primary exporter in writing. EPA will also notify the primary exporter of any responses from transit countries.
- (7) The manifest requirements of **§ 7-702** must be complied with except that:
 - (A) In lieu of the name, site address and EPA identification number of the designated permitted facility, the primary exporter must enter the name and site address of the consignee;
 - (B) In lieu of the name, site address, and EPA identification number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate consignee;
 - (C) In the International Shipments block of the manifest, the primary exporter must check the export box and enter the point of exit (city and State) from the United States;
 - (D) The following statement must be added to the end of the first sentence of the certification set forth in item 16 of the uniform hazardous waste manifest form: "and conforms to the terms of the attached EPA Acknowledgement of Consent;"
 - (E) The primary exporter may obtain the manifest from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers);
 - (F) The primary exporter must require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies (as defined in **40 CFR § 264.72(a)** and **40 CFR § 265.72(a)**),

between the manifest and the shipment. A copy of the manifest signed by such facility may be used to confirm delivery of the hazardous waste.

- (G) In lieu of the requirements of § 7-702(b)(8), where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter must:
 - (i) Renotify EPA of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with § 7-705(b)(3) and obtain an EPA Acknowledgement of Consent prior to delivery; or
 - (ii) Instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and
 - (iii) Instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.
- (H) The primary exporter must attach a copy of the EPA Acknowledgement of Consent to the shipment to the manifest that must accompany the hazardous waste shipment. The primary exporter must assure that the hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the EPA Acknowledgement of Consent. For exports by rail or water (bulk shipment), the primary exporter must provide the transporter with an EPA Acknowledgement of Consent which must accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter must attach the copy of the EPA Acknowledgement of Consent to the shipping paper.
- (I) The primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with § 7-705(c)(3)(D).

(c) Transporters

In addition to the requirements of § 7-703, a transporter transporting hazardous waste for export shall:

- (1) For shipments other than those subject to **Subpart H of 40 CFR Part 262**, not accept such waste from a primary exporter or other person if the transporter knows the shipment does not conform to the EPA Acknowledgement of Consent; and unless, in addition to a manifest signed by the generator as provided in this section, the transporter shall also be provided with an EPA Acknowledgment 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 **Subpart H of 40 CFR Part 262**, a transporter may not accept hazardous waste

without a tracking document that includes all information required by **40 CFR § 262.84**.

- (2) Ensure that a copy of the EPA Acknowledgement of Consent accompanies the hazardous waste.
- (3) Do the following if transporting the hazardous waste out of the country:
 - (A) Indicate in the International Shipments block of the manifest the date that the shipment left the United States;
 - (B) Sign the manifest and retain one copy in accordance with **§ 7-710(c)**;
 - (C) Return a signed copy of the manifest to the generator; and
 - (D) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.
- (d) International agreements
 - (1) Any person who exports hazardous waste subject to the manifest requirements of this subchapter, or universal waste subject to the management standards of **subchapter 9**, to designated member countries of the Organization for Economic Cooperation and Development (OECD) as defined in **40 CFR §§ 262.58(a)(1) and (2)** for purposes of recovery is subject to the requirements of **40 CFR Part 262 Subpart H** (Transfrontier Shipments of Hazardous Waste for Recovery within the OECD). The export requirements of this section do not apply.
 - (2) Any person who exports hazardous waste to: a designated OECD member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the export requirements of this section.

§ 7-706 IMPORTS OF HAZARDOUS WASTE

- (a) Any person who imports hazardous waste from a foreign country into Vermont is a generator and must comply with the generator requirements of **subchapter 3** and the special requirements of this section.
- (b) When importing hazardous waste a person must meet all the requirements of **§ 7-702(b)(1)** for the manifest except that:
 - (1) In place of the generator's name, address and EPA identification number, the name and address of the foreign generator and the importer's name, address and EPA identification number must be used.

- (2) In place of the generator's signature on the certification statement, the U.S. importer or his or her agent must sign and date the certification and obtain the signature of the initial transporter.
 - (3) A person who imports hazardous waste may obtain the manifest form from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).
 - (4) In the International Shipments block, the importer must check the import box and enter the point of entry (city and State) into the United States.
 - (5) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with **§7-704(c)**.
- (c) International agreements
- (1) Any person who imports hazardous waste subject to the manifest requirements of this subchapter, or universal waste subject to the management standards of **subchapter 9**, from designated member countries of the Organization for Economic Cooperation and Development (OECD) as defined in **40 CFR §§ 262.58(a)(1) and (2)** for purposes of recovery is subject to the requirements of **40 CFR Part 262 Subpart H** (Transfrontier Shipments of Hazardous Waste for Recovery within the OECD). The import requirements of this section do not apply.
 - (2) Any person who imports hazardous waste from: a designated OECD member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the import requirements of this section.

§ 7-707 EXCEPTION REPORTING

- (a) Each generator who does not receive a completed copy of the manifest
 - (1) from the designated facility within 35 days, or
 - (2) from the foreign consignee within 60 days,

of the initial shipment must take all actions necessary to locate the shipment and manifest, including contacting the designated transporter and designated facility.
- (b) Each generator who does not receive a completed copy of the manifest from the designated facility within 45 days of the initial shipment must immediately submit an exception report to the Secretary. The report must include a legible copy of the manifest and a cover letter signed by the generator or his or her authorized representative explaining the efforts taken to locate the waste and results of those efforts.

- (c) A primary exporter must immediately file an exception report with the Secretary and the EPA Administrator at the addresses listed under § 7-705(b)(2) if:
 - (1) He or she has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within forty-five (45) days from the date it was accepted by the initial transporter;
 - (2) Within ninety (90) days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the consignee that the hazardous waste was received;
 - (3) The waste is returned to the United States.
- (d) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedures of **40 CFR §§ 264.72(e)(1) through (6) or 40 CFR §§ 265.72(e)(1) through (6)**), the generator must comply with the requirements of paragraph (a) or (b) of this section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of **subsections (a) or (b) of this section** for a shipment forwarding such waste to an alternate facility by a designated facility:
 - (1) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility, and
 - (2) The 35/45/60-day timeframes begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

§ 7-708 ANNUAL & BIENNIAL REPORTS

- (a) Every large quantity generator shall submit a biennial report, on **USEPA Form 8700-13A** provided by the Secretary. The report shall be submitted on or before March 1 of each even numbered year and shall describe all hazardous waste activity in the previous calendar year. The report shall accurately describe the composition, quantity, and destination of each hazardous waste stream generated and shall include a compilation of the data contained in all manifests prepared in such year.
- (b) Every designated facility shall submit a biennial report on **USEPA Form 8700-13B** provided by the Secretary. The report shall be submitted on or before March 1 of each even numbered year and shall describe all hazardous waste activity in the previous calendar year. The report shall accurately describe the composition, quantity, and management of each hazardous waste stream treated, stored, recycled, or disposed of, and shall include a compilation of the data contained in all manifests prepared in such year.

- (c) Exports of hazardous waste shall be reported by the primary exporter to EPA annually in accordance with **40 CFR § 262.56**.
- (d) A transporter of either hazardous waste or used oil shall report annually to the Secretary as required in **§ 7-406(d)(5)**.
- (e) All generators of hazardous waste shall register with the Secretary, renew the registration annually, and pay the hazardous waste generator registration fee specified in **3 V.S.A. § 2822**. Initial registration shall be made by submitting a completed **Vermont Hazardous Waste Handler Site ID Form** (see **§ 7-104(a)**). Subsequent updates may be made by completing the form provided annually by the Secretary.

§ 7-709 ADDITIONAL REPORTING

The Secretary may require any generator, transporter or facility to submit such additional information as he or she deems necessary to implement and manage a hazardous waste program under these regulations.

§ 7-710 RECORDKEEPING

- (a) All generators shall keep the following records for the specified time periods:
 - (1) A copy of each biennial report and manifest exception report for at least three (3) years from the due date of the report; and
 - (2) A copy of any test result, waste analysis or other determination made under **§ 7-303** for at least three (3) years from the date the waste was last sent to an on-site or off-site treatment, storage or disposal facility.
- (b) All generators and transporters shall keep a copy of each manifest signed by the generator, transporter and designated facility for at least three (3) years from the date that the waste involved was accepted by the transporter except for:
 - (1) Water (bulk shipment) transporters who shall comply with **40 CFR § 263.22(b)**;
 - (2) Rail transporters who shall comply with **40 CFR § 263.22(c)**; and
 - (3) Initial transporters that deliver waste to a next designated transporter that shall retain a copy of the manifest which has been signed by the generator and next designated transporter.
- (c) A transporter who transports hazardous waste out of the United States must keep a copy of the manifest, indicating that the hazardous waste left the United States, for a period of three (3) years from the date the hazardous waste was accepted by the initial transporter.

- (d) For all exports a primary exporter must:
 - (1) Keep a copy of each notification of intent to export for a period of at least three (3) years from the date the hazardous waste was accepted by the initial transporter;
 - (2) Keep a copy of each EPA Acknowledgement of Consent for a period of at least three (3) years from the date the hazardous waste was accepted by the initial transporter;
 - (3) Keep a copy of each confirmation of delivery of the hazardous waste from the consignee for at least three (3) years from the date the hazardous waste was accepted by the initial transporter; and
 - (4) Keep a copy of each annual report for a period of at least three years from the due date of the report.
- (e) All record retention periods specified in this section shall be automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Secretary, or as requested by the EPA Administrator in the case of records required for hazardous waste exports.