

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

- (a) 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 reporting by generators, transporters and treatment, storage, and disposal facilities. Other reporting requirements for treatment, storage, and disposal facilities are specified in subchapter 5.
- (b) Applicability of electronic manifest system and user fee requirements to facilities receiving state-only regulated waste shipments.
 - (1) For purposes of this subchapter, “state-only regulated waste” means:
 - (A) A non-RCRA waste that a state regulates more broadly under its state regulatory program, or
 - (B) A RCRA hazardous waste that is federally exempt from manifest requirements, but not exempt from manifest requirements under Vermont law.
 - (2) In any case in which a state requires a manifest to be used under state law to track the shipment and transportation of a state-only regulated waste to a receiving facility, the facility receiving such a waste shipment for management shall:
 - (A) Comply with the provisions of **§ 7-704**; and
 - (B) Pay the appropriate per manifest fee to EPA for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in **40 CFR §§ 264.1300 through 264.1316**.
- (c) Availability of information; confidentiality of information
 - (1) After August 6, 2014, no claim of business confidentiality may be asserted by any person with respect to information entered on a Hazardous Waste Manifest (EPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (EPA Form 8700-22A), or an electronic manifest format that may be prepared and used in accordance with **40 CFR § 262.20(a)(3)**.
 - (2) EPA will make any electronic manifest that is prepared and used in accordance with **40 CFR § 262.20(a)(3)**, or any paper manifest that is submitted to the system under **40 CFR §§ 264.71(a)(6) or 265.71(a)(6)** available to the public under this section

when the electronic or paper manifest is a complete and final document. Electronic manifests and paper manifests submitted to the system are considered by EPA to be complete and final documents and publicly available information after 90 days have passed since the delivery to the designated facility of the hazardous waste shipment identified in the manifest.

§ 7-702 MANIFEST REQUIREMENTS APPLICABLE TO 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.
- (2) In lieu of using the manifest form specified in **subsection (a)(1) of this section**, a person required to prepare a manifest may prepare and use an electronic manifest, provided that the person complies with the requirements of:
- (A) **40 CFR § 262.24** for use of electronic manifests,
 - (B) **40 CFR § 262.25** for electronic manifest signatures, and
 - (C) **40 CFR § 3.10** for the reporting of electronic documents to EPA.
- (3) Paper 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).
- (4) Any person initiating a shipment of hazardous waste in Vermont, who is required to file a manifest, or other similar report pursuant to 10 V.S.A. chapter 159 or these regulations, shall pay a tax based on the quantity of hazardous waste reported on such manifest or such other report 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) When completing the manifest, use the EPA identification number that is assigned to the generator site at the time of shipment.
 - (2) Ensure that all hazardous waste codes used on the manifest to identify a hazardous waste are the same codes identified for that waste pursuant to **7-202(c)**.
 - (3) Designate on the manifest one facility that is permitted to handle the waste described

- on the manifest. A generator may also designate one alternate facility which is permitted to handle the waste in the event an emergency prevents delivery of the waste to the primary designated facility.
- (4) Sign the manifest certification by hand. 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.”
 - (5) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest.
 - (6) Retain one copy of the manifest in accordance with **subsection (b)(5) of this section** and give the transporter the remaining copies.
 - (7) Retain a copy of each manifest signed in accordance with **subsections (4) and (5) of this section** for at least three (3) years from the date of initial shipment or until the generator receives a signed copy from the designated facility that received the waste. The signed copy from the designated facility must be retained as a record for at least three years from the date the waste was accepted by the initial transporter. All retained copies must be legible.
 - (8) For shipments of hazardous waste 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.
 - (9) For rail shipments of hazardous waste 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.
- (10) 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.
- (11) 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 designated 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.
- (12) 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.
- (13) 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 manifest requirements of this section do not apply to:
 - (1) Hazardous waste produced by small quantity generators (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.
- (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 of § 7-105 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 very small quantity generators.

§ 7-703 MANIFEST REQUIREMENTS FOR TRANSPORTERS

- (a) Unless otherwise specified in these regulations, a transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form (EPA Form 8700-22, and if necessary, EPA Form 8700-22A) signed in accordance with the requirements of § 7-702(b)(4) through (6), or is provided with an electronic manifest that is obtained, completed, transmitted, and signed with a valid and enforceable electronic signature in accordance with § 7-702(a)(2)(B).
- (b) For exports of hazardous waste subject to the requirements of **Subpart H of 40 CFR Part 262** (Transboundary Movements of Hazardous Waste for Recovery Within OECD), a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this section, as appropriate, and for exports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by **40 CFR § 262.83(d)**.
- (c) Use of the Electronic Manifest System
- (1) Electronic manifests that are obtained, completed, and transmitted in accordance with § 7-702(a)(2), and used in accordance with this section 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 these regulations to obtain, complete, sign, carry, provide, give, use, or retain a manifest.
- (A) Any requirement in these regulations 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 § 7-702(a)(2)(B).

- (B) Any requirement in these regulations to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person by submission to the system.
 - (C) Any requirement in these regulations 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, except that to the extent that the Hazardous Materials regulation on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with **49 CFR § 177.817**, a hazardous waste transporter must carry one printed copy of the electronic manifest on the transport vehicle.
 - (D) Any requirement in these regulations for a transporter to keep or retain a copy of a manifest is satisfied by the retention of an electronic manifest in the transporter's account on the e-Manifest system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.
 - (E) No transporter may be held liable for the inability to produce an electronic manifest for inspection under this section if that transporter can demonstrate that the inability to produce the electronic manifest is exclusively due to a technical difficulty with the EPA system for which the transporter bears no responsibility.
- (2) A transporter may participate in the electronic manifest system either by accessing the electronic manifest system from the transporter's own electronic equipment, or by accessing the electronic manifest system from the equipment provided by a participating generator, by another transporter, or by a designated facility.
 - (3) Electronic manifest signatures shall meet the criteria described in **40 CFR § 262.25**.
 - (4) If after a manifest has been originated electronically and signed electronically by the initial transporter, and the electronic manifest system should become unavailable for any reason, then:
 - (A) The transporter in possession of the hazardous waste when the electronic manifest becomes unavailable shall reproduce sufficient copies of the printed manifest that is carried on the transport vehicle pursuant to **§ 7-703(c)(1)(C)**, or obtain and complete another paper manifest for this purpose. The transporter shall reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste.
 - (B) On each printed copy, the transporter shall include a notation in the Special

Handling and Additional Description space (Item 14) that the paper manifest is a replacement manifest for a manifest originated in the electronic manifest system, shall include (if not pre-printed on the replacement manifest) the manifest tracking number of the electronic manifest that is replaced by the paper manifest, and shall also include a brief explanation why the electronic manifest was not available for completing the tracking of the shipment electronically.

- (C) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste must ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy.
 - (D) From the point at which the electronic manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies shall be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.
- (5) If a transporter 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 transporter shall sign the electronic manifest electronically and also sign with an ink signature the transporter acknowledgement of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with **§ 7-703(c)(1)(C)**. This printed copy bearing the generator's and transporter's ink signatures shall also be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner/operator of the designated facility has signed this printed manifest copy with its ink signature, the printed manifest copy shall be delivered to the designated facility with the waste materials.
- (6) After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. Transporters may participate electronically in the post-receipt data corrections process by following the process described in **§ 7-704(d)(7)**, which applies to corrections made to either paper or electronic manifest records.
- (d) 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 to the generator before leaving the generator's property.
 - (e) The transporter must ensure that the manifest accompanies the hazardous waste. In the case of exports occurring under the terms of a consent issued by EPA to the exporter on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by **40 CFR 262.83(d)** also accompanies the hazardous waste. In the case of imports occurring under the terms of a consent issued by EPA to the

country of export or the importer on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by **40 CFR 262.84(d)** also accompanies the hazardous waste.

- (f) 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 **§ 7-703(I)**; and
 - (3) Give the remaining copies of the manifest to the accepting transporter or designated facility.

- (g) A transporter transporting hazardous waste from a small quantity generator who generates greater than or equal to 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 (g)(2) of this section** for a period of at least three (3) years after termination or expiration of the agreement.

- (h) A water (bulk shipment) transporter need not comply with **§§ 7-703(e), (f) and (i)** provided the transporter complies with **40 CFR § 263.20(e)**.

- (i) For shipments involving rail transportation, the requirements of **§§ 7-703(e), (f) and (h)** do not apply provided the shipment complies with **40 CFR § 263.20(f)**.

- (j) 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;
 - (2) Retain one copy in accordance with § 7-703(1)(4);
 - (3) Return a signed copy of the manifest to the generator; and
 - (4) For paper manifests only:
 - (A) Send a copy of the manifest to the e-Manifest system in accordance with the allowable methods specified in § 7-704(c)(5); and
 - (B) For shipments initiated prior to the AES filing compliance date, when instructed by the exporter to do so, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.
- (k) Compliance with the manifest
- (1) Except as provided in **subsection (2) of this section**, the transporter must deliver the entire quantity of hazardous waste which he or she has accepted from a generator or a transporter 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.
 - (2) Hazardous waste not delivered in accordance with **subsection (1) of this section**
 - (A) If the hazardous waste cannot be delivered in accordance with **subsection (1)(A), (B), or (D) of this section** because of an emergency condition other than rejection of the waste by the designated facility or alternate designated facility, then the transporter must contact the generator for further instructions and must revise the manifest according to the generator's instructions.
 - (B) If the hazardous waste is not delivered to the next designated transporter in accordance with **subsection (1)(C) of this section**, and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter must contact the generator for further instructions prior to making any revisions to

the transporter designations on the manifest. The current transporter may thereafter make such revisions if:

- (i) The hazardous waste is not delivered in accordance with **subsection (1)(C)** of this section because of an emergency condition; or
 - (ii) The current transporter proposes to change the transporter(s) designated on the manifest by the generator, or to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety; and
 - (iii) The generator authorizes the revision.
- (C) If the hazardous waste is not delivered to the next designated transporter in accordance with **subsection (1)(C)** of this section, and the current transporter has authorization from the generator to act as the generator's agent, then the current transporter may change the transporter(s) designated on the manifest, or add a new transporter, during transportation without the generator's prior, explicit approval, provided that:
- (i) The current transporter is authorized by a contractual provision that provides explicit agency authority for the transporter to make such transporter changes on behalf of the generator;
 - (ii) The transporter enters in Item 14 of each manifest for which such a change is made, the following statement of its agency authority: "Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator's behalf;" and
 - (iii) The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.
- (D) The grant by a generator of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under **subsection (2)(C) of this section** does not affect the generator's liability or responsibility for complying with any applicable requirement under this chapter, or grant any additional authority to the transporter to act on behalf of the generator.
- (3) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain the following:
- (A) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the Manifest Tracking Number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy

block of the original manifest. The transporter must retain a copy of this manifest in accordance with § 7-703(1), and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in **40 CFR §§ 264.72(e)(1) through (6) or (f)(1) through (6)** or **40 CFR §§ 265.72(e)(1) through (6) or (f)(1) through (6)**.

- (B) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and Identification Number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with § 7-703(1), and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with **40 CFR §§ 264.72(e)(1) through (6)** or **40 CFR §§ 265.72(e)(1) through (6)**.

(l) Recordkeeping

- (1) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.
- (2) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of the shipping paper containing all the information required in **40 CFR § 263.20(e)(2)** for a period of three years from the date the hazardous waste was accepted by the initial transporter.
- (3) For shipments of hazardous waste by rail within the United States:
- (A) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required in **40 CFR § 263.20(f)(2)** for a period of three years from the date the hazardous waste was accepted by the initial transporter; and
- (B) The final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

Note: Intermediate rail transporters are not required to keep records pursuant to these regulations.

- (4) 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 years from the date the hazardous waste was accepted by the initial transporter.

§ 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) In any case in which the state in which waste is generated, or the state in which waste will be transported to a designated facility, requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste shall, regardless of the state in which the facility is located:
 - (1) Complete the facility portion of the applicable manifest;
 - (2) Sign and date the facility certification;
 - (3) Submit to the e-Manifest system a final copy of the manifest for data processing purposes; and
 - (4) Pay the appropriate per manifest fee to EPA for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in **40 CFR §§ 264.1300 through 264.1316**.
- (c) If the facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or his agent must:
 - (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 discrepancies, as defined in **subsection (i) of this section** on each copy of the manifest. Any discrepancies shall be noted on each copy of the manifest and immediately reported to the Secretary as provided by **subsection (i) 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) Within 30 days of delivery, send a copy (Page 2) of the manifest to the generator;
 - (5) Paper manifest submission requirements are:
 - (A) Beginning on June 30, 2018, send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest system for purposes of data entry and processing, or in lieu of submitting the paper copy to EPA, the owner or operator may transmit to the EPA 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, EPA will not accept mailed paper manifests from facilities for processing in e-Manifest.
 - (B) 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 EPA system an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the EPA 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; and
 - (6) Retain at the facility a copy of each manifest for at least three years from the date of delivery.
- (d) Use of the Electronic Manifest System
- (1) Electronic manifests that are obtained, completed, and transmitted in accordance with **§ 7-702(a)(2)**, and used in accordance with this section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.
 - (A) Any requirement in these regulations 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 CFR § 262.25**.
 - (B) Any requirement in these regulations 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.
 - (C) Any requirement in these regulations 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.

- (D) Any requirement in these regulations 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 EPA or authorized state inspector.
 - (E) 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 electronic manifest system for which the owner or operator bears no responsibility.
- (2) An owner or operator may participate in the electronic manifest system either by accessing the electronic manifest system from the owner's or operator's electronic equipment, or by accessing the electronic 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.
- (3) 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:
- (A) Upon delivery of the hazardous waste to the designated facility, the owner or operator must 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,
 - (B) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest,
 - (C) Within 30 days of delivery of the waste to the designated facility, the owner or operator of the facility must 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 electronic manifest system, and
 - (D) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years from the date of delivery.
- (4) 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.
- (5) Imposition of user fee for manifest submissions.
- (A) As prescribed in **40 CFR § 264.1311**, and determined in **40 CFR § 264.1312**, an owner or operator who is a user of the electronic manifest system shall be assessed a user fee by EPA for the submission and processing of each electronic and paper manifest. EPA shall update the schedule of user fees and publish them to the user community, as provided in **40 CFR § 264.1313**.
- (B) An owner or operator subject to user fees under this section shall make user fee payments in accordance with the requirements of **40 CFR § 264.1314**, subject to the informal fee dispute resolution process of **40 CFR § 264.1316**, and subject to the sanctions for delinquent payments under **40 CFR § 264.1315**.
- (6) Electronic manifest signatures shall meet the criteria described in **40 CFR § 262.25** of this chapter.
- (7) 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.
- (A) Interested persons must make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web based service provided in e-Manifest for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.
- (B) Each correction submission must include the following information:
- (i) The Manifest Tracking Number and date of receipt by the facility of the original manifest(s) for which data are being corrected;
- (ii) The item number(s) of the original manifest that is the subject of the submitted correction(s); and
- (iii) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.
- (C) Each correction submission shall include a statement that the person submitting the corrections certifies that to the best of his or her 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:

- (i) The certification statement must be executed with a valid electronic signature; and
 - (ii) A batch upload of data corrections may be submitted under one certification statement.
- (D) Upon receipt by the system of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.
- (E) 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 system, certified by the respondent as specified in **subsection (d)(7)(C) of this section**, and with notice of the corrections to other interested persons shown on the manifest.
- (e) The owner or operator of a facility receiving hazardous waste subject to **40 CFR Part 262, subpart H** from a foreign source must:
 - (1) Additionally list the relevant consent number from consent documentation supplied by 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) (EPA Form 8700-22A); and
 - (2) Send a copy of the manifest within thirty (30) days of delivery to EPA using the addresses listed in **40 CFR § 262.82(e)** until the facility can submit such a copy to the e-Manifest system in accordance with **subsection (c)(5) of this section**.
- (f) 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.
- (g) As per **40 CFR § 262.84(d)(2)(xv)**, within three (3) working days of the receipt of a shipment subject to **40 CFR Part 262, Subpart H**, the owner or operator of a facility must 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 EPA electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system. The original copy of the movement document must 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 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 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 EPA's Waste Import Export Tracking System (WIETS), or its successor system, for which the owner or operator of a facility bears no responsibility.

- (h) 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.
- (i) Manifest discrepancies
 - (1) Manifest discrepancies are:
 - (A) Significant differences (as defined by **subsection (i)(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 (i)(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)**.
- (j) 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 RESERVED

§ 7-706 RESERVED

§ 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) Each generator who submits an exception report under **subsection (b) of this section** shall keep a copy of each submitted report for at least three (3) years from the due date of the report.
- (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 **subsection (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 BIENNIAL REPORTING

- (a) Biennial report for large quantity generators:
 - (1) A generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must complete and submit **EPA Form 8700-13 A/B** to the Secretary by March 1 of the following even-numbered year and must cover generator activities during the previous year.
 - (2) Any generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who treats, stores, or disposes of hazardous waste on site must complete and submit **EPA Form 8700-13 A/B** to the Regional Administrator by March 1 of the following even-numbered year covering those wastes in accordance with the provisions of 40 CFR Parts 264, 265, 266, 267 and 270. This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators pursuant to **§ 7-308(d)**.
 - (3) Exports of hazardous waste to foreign countries are not required to be reported on the Biennial Report form. A separate annual report requirement is set forth at **40 CFR § 262.83(g)** for hazardous waste exporters.
- (b) The owner or operator of each designated facility must complete and submit **EPA Form**

8700-13 A/B to the Secretary by March 1 of the following even numbered year and must cover activities during the previous year.

- (c) Every large quantity generator and designated facility shall keep a copy of each biennial report for at least three (3) years from the due date of the report.

§ 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 these regulations.

§ 7-710 RECORD RETENTION

All record retention periods specified in this subchapter 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.