

REGULATORY TEXT

ELECTRONIC MANIFEST CHANGES

Department Reference Number: R-2022-01N

(Note: The proposed amendments are shown in underline to indicate additions and strikethrough to indicate deletions from regulatory text. The symbol “*****” means that intervening text not proposed for amendment is not shown.)

Amend section 66260.2 of the California Code of Regulations, title 22, division 4.5, chapter 10, article 2, to read as follows:

§ 66260.2. Availability of Information; Confidentiality of Information.

(b) Except as provided under subsection (c) of this section, Any person who submits information to the Department in accordance with 40 ~~CFR~~Code of Federal Regulations Parts 260 through Part 266 and Part 268 or chapters 10 through 16 and chapter 18 of this division may assert a claim of business confidentiality covering part or all of that information by following the procedures set forth in 40 CFR section 2.203(b). Information covered by such a claim will be disclosed by the ~~US-U.S.-EPA~~ or the Department only to the extent, and by means of the procedures, set forth in this division except that information required by 40 ~~CFR~~Code of Federal Regulations section 262.53(a) and 40 ~~CFR~~ section 262.83 or ~~section 66262.53(a)~~ and section 66262.83 that is submitted in a notification of intent to export a hazardous waste will be provided to the U.S. Department of State and the appropriate authorities in the transit and receiving or importing countries regardless of any claims of confidentiality. However, if no such claim accompanies the information when it is received by the Department, it may be made available to the public without further notice to the person submitting it.

(~~ε~~1) Information covered by such a claim will be disclosed by the Department only to the extent, and by means of the procedures, set forth in Part 2, Subpart B, of 40 ~~CFR~~Code of Federal Regulations except that information required by section ~~66262.53(a)~~66262.83 which is submitted in a notification of intent to export a hazardous waste pursuant to section ~~66262.53(a)~~ 66262.83 will be provided to the U.S. Department of State and the appropriate authorities in a receiving country regardless of any claims of confidentiality.

(c)(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 (Form 8700-22A), or an electronic manifest format that may be prepared and used in accordance with 40 Code of Federal Regulations section 262.20(a)(3).

(2) U.S. EPA will make any electronic manifest that is prepared and used in accordance with 40 Code of Federal Regulations section 262.20(a)(3), or any paper manifest that is submitted to the e-Manifest System under 40 Code of Federal Regulations sections 264.71(a)(6) or 265.71(a)(6), available to the public under 40 Code of Federal Regulations section 260.2(c)(2) when the electronic or paper manifest is a complete and final document. Electronic manifests and paper manifests submitted to the e-Manifest System are considered by U.S. 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.

Note: Authority cited: Sections 208 and 25159, Health and Safety Code. Reference: Section 25159.5, Health and Safety Code and 40 CFR Code of Federal Regulations Section 260.2.

Amend section 66260.10 of the California Code of Regulations, title 22, division 4.5, chapter 10, article 2, to read as follows:

§ 66260.10. Definitions.

“Manifest” and “California Uniform Hazardous Waste Manifest” mean the shipping document, the Uniform Hazardous Waste Manifest, EPA Form 8700-22, (including, if necessary, the Continuation Sheet, EPA Form 8700- 22A), originated and signed by the generator or offeror in accordance with ~~the instructions in the Appendix to chapter 12 of this division and the applicable requirements of chapters 12 through 15 and in the appendix to 40 Code of Federal Regulations part 262~~ and the applicable requirements of 40 Code of Federal Regulations parts 262 through 265. This definition takes effect on September 5, 2006.

Note: Authority cited: Sections 25141, 25150, 25158.1, 25158.4, 25159, 25159.5, 25187.7, 25200.10, 25204, 25214.9, 25214.10.2, 25218.3(d), 25200.21, 25245, 25316, 25355.5, 25356.9, 25358.3, 25358.9, 58004 and 58012, Health and Safety Code; Governor's Reorganizational Plan #1 of 1991; and Sections 42475.1 and 42475.2, Public Resources Code. Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112, 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25150, 25158.2, 25159, 25159.5, 25187.7, 25200.10, 25201.6, 25204, 25214.9, 25218.1(f), 25218.3, 25200.21, 25229, 25245, 25316, 25354(b), 25355.5, 25355.6, 25356.9, 25358.1, 25358.9, 25359.8, 25361, 25501, 25529, 58004 and 58012, Health and Safety Code; Section 42463(f)(1), Public Resources Code; and 40 CFR Code of Federal Regulations Sections 260.10, 261.1, 262.20, 262.21, 264.551, 264.1031, 268.2, 270.2 and 273.6.

Amend section 66262.20 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 2, to read as follows:

§ 66262.20. General Requirements.

~~(a) A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, shall prepare a Manifest (OMB Control number 2050-0039), EPA Form 8700-22, and, if necessary, EPA Form 8700-22A For shipments initiated before September 5, 2006, a generator, except those generators identified in subsection (a)(1), who transports, or offers for transportation, hazardous waste for off-site transfer, treatment, storage, or disposal shall prepare a Manifest, DTSC Form 8022A (4/97), and if necessary, the EPA continuation Form 8700-22A, according to the instructions included in the Appendix to chapter 12 of this division before the waste is transported off-site. Before September 5, 2006, all manifest requests should be submitted to the following agency:~~

~~Legislative Bill Room
State Capitol Room B-32
Sacramento, CA 95814~~

~~For further information with regard to manifest ordering and associated fees, contact (916) 445-5357.~~

~~For shipments initiated on and after September 5, 2006, a generator, except those generators identified in subsection (a)(1), who transports, or offers for transport a hazardous waste for off-site transfer, treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, shall prepare a Uniform Hazardous Waste Manifest (OMB Control number 2050-0039) on U.S. EPA Form 8700-22, and, if necessary, a Continuation Sheet on U.S. EPA Form 8700-22A, according to the and instructions included in the Appendix to chapter 12 of this division before the waste is transported off-site.~~

~~Compliance with the revisions to the Manifest form and procedures announced in the regulations published by USEPA on March 4, 2005 as modified by regulations adopted on June 16, 2005 and these regulations adopted by the department on August 24, 2006, shall not be required until on and after September 5, 2006.~~

~~(1) The revised manifest form and procedures in 40 Code of Federal Regulations sections 260.10, 261.7, 262.20, 262.21, 262.27, 262.32, 262.34, 262.54, and 262.60 shall not apply until September 5, 2006. The manifest form and procedures in 40 Code of Federal Regulations sections 260.10, 261.7, 262.20, 262.21, 262.32, 262.34, 262.54, and 262.60, contained in 40 Code of Federal Regulations parts 260 to 265 edition revised as of July 1, 2004, shall be applicable until September 5, 2006.~~

(12) A generator who qualifies as a contributing school, as defined in section 67450.41(a)(3) of chapter 45, is not subject to the provisions of this article for transportation of hazardous wastes to a K-12 schools hazardous waste collection, consolidation, and accumulation facility (SHWCCAF) in accordance with article 5 of chapter 45 as long as the generator also maintains compliance with the provisions of article 5 of chapter 45 (commencing with section 67450.40) that are applicable to contributing schools.

(e) In lieu of using the manifest form specified in paragraph (a) of this section, a person required to prepare a manifest under paragraph (a) of this section may prepare and use an electronic manifest, provided that the person:

(1) Complies with the requirements in 40 Code of Federal Regulations section 262.24 for use of electronic manifests, and

(2) Complies with the requirements of 40 Code of Federal Regulations section 3.10 for the reporting of electronic documents to U.S. EPA.

Note: Authority cited: Sections 208, 25150, 25150.6, 25159 and 25161, Health and Safety Code. Reference: Sections 25150.6, 25159, 25159.5, 25160 and 25200, Health and Safety Code; 40 Code of Federal Regulations Sections 262.20 and 262.60.

Amend section 66262.21 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 2, to read as follows:

§ 66262.21. Acquisition and Submission of Manifests.

(d) Each copy of the manifest and continuation sheet shall indicate how the copy shall be distributed, as follows:

Page 1 (top copy): "Designated facility to ~~destination State (if required)~~ U.S. EPA's e-Manifest System".

Page 2: "Designated facility to generator ~~State (if required)~~".

Page 3: "Designated facility to generator copy".

Page 4: "~~Designated facility's~~ Transporter copy".

Page 5: "~~Transporter's copy~~". Page 6 (bottom copy): "Generator's initial copy".

(f) Manifests shall be submitted to the department by any generator when the waste is generated in California or is transported to a designated facility located in California. The generator manifest copy shall be submitted to the department for every shipment

on a manifest when California is either the generator state or the destination or consignment state, except that the generator is not required to submit a copy of a manifest initiated and processed completely through the e-Manifest System. The generator manifest copy shall be mailed to:

DTSC Generator Manifests
P.O. Box 400
Sacramento, CA 95812-0400

(1) The department may establish a system for electronic receipt of the generator copy of the manifest.

Note: Authority cited: Sections 25150, 25159 and 25161, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 Code of Federal Regulations Section 262.21.

Amend Section 66262.23 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 2, to read as follows:

§ 66262.23. Use of the Manifest.

(a) The generator of any hazardous or extremely hazardous waste to be transported off-site or into California shall:

(1) complete the generator and waste section and sign the manifest certification according to the Uniform Hazardous Waste Manifest, EPA Form 8700-22 and EPA Form 8700- 22A) and instructions in the Appendix to this chapter; and

Note: Authority cited: Sections 25150, 25159, 25161 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 Code of Federal Regulations Section 262.23.

Add section 66262.24 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 2, to read as follows:

§ 66262.24 Use of the Electronic Manifest.

(a) Electronic manifests that are obtained, completed, and transmitted in accordance with 40 Code of Federal Regulations section 262.20(a)(3), and used in lieu of EPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in this chapter to obtain, complete, sign, provide, use, or retain a manifest.

(1) Any requirement in title 22, division 4.5 to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a

valid and enforceable electronic signature within the meaning of 40 Code of Federal Regulations section 262.25(a).

(2) Any requirement in title 22, division 4.5 to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the e-Manifest System as provided in section 25160.01.(a) and section 25160.01.(b) of the Health and Safety Code.

(3) Any requirement in title 22, division 4.5 for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the national e-Manifest System, provided that such copies are readily available for viewing and production if requested by any U.S. EPA or authorized state inspector.

(4) No generator may be held liable for the inability to produce an electronic manifest for inspection under this section if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the e-Manifest System for which the generator bears no responsibility.

(b) A generator may participate in the e-Manifest System either by accessing the e-Manifest System from its own electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

(c) A generator may use an electronic manifest for the tracking of waste shipments involving any hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the use of the electronic manifest, except that:

(1) A generator may sign by hand and retain a paper copy of the electronic manifest signed by hand by the initial transporter, in lieu of executing the generator copy electronically, thereby enabling the transporter and subsequent waste handlers to execute the remainder of the manifest copies electronically.

(2) Reserved.

(d) Requirement for one printed copy. To the extent the provisions of section 25160 (d)(1) of the Health and Safety Code on shipping papers for carriage by public highway requires transporters of hazardous materials to supply a paper document for compliance with 49 Code of Federal Regulations section 177.817, a generator originating an electronic manifest shall also provide the initial transporter with one printed copy of the electronic manifest.

(e) Special procedures when electronic manifest is unavailable. If a generator has prepared an electronic manifest for a hazardous waste shipment, and the e-Manifest System becomes unavailable for any reason prior to the time that the initial transporter

has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator shall obtain and complete a paper manifest and, if necessary, a continuation sheet (EPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions, and use these paper forms from this point forward in accordance with the requirements of 40 Code of Federal Regulations section 262.23.

(f) Special procedures for electronic signature methods undergoing tests. If a generator has prepared an electronic manifest for a hazardous waste shipment, and 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 generator shall also sign with an ink signature the generator/offoror certification on the printed copy of the manifest provided under paragraph (d) of this section.

(g) Reserved.

(h) Post-receipt manifest data corrections. 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. Generators may participate electronically in the post-receipt data corrections process by following the process described in 40 Code of Federal Regulations section 264.71(l), which applies to corrections made to either paper or electronic manifest records.

Note: Authority cited: Sections 25150, 25159, 25160, 25160.01, 25161 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 Code of Federal Regulations Section 262.24.

Add section 66262.25 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 2, to read as follows:

§ 66262.25 Electronic Manifest Signatures.

(a) Electronic signature methods for the e-Manifest System shall:

(1) Be a legally valid and enforceable signature under applicable U.S. EPA and other federal requirements pertaining to electronic signatures, and

(2) Be a method that is designed and implemented in a manner that U.S. EPA considers to be as cost-effective and practical as possible for the users of the manifest.

Note: Authority cited: Sections 25150, 25159, 25161 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 Code of Federal Regulations Section 262.25.

Amend section 66262.44 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 4, to read as follows:

§ 66262.44. Reporting Hazardous Wastes of Concern Discovered by the Generator to be Missing.

(b) Upon discovering that a hazardous waste of concern is missing, and the waste at issue represents a reportable quantity or a reportable difference in type, the generator shall immediately attempt to reconcile the reportable quantity or difference (e.g., by reviewing facility records). If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and provide the following information:

(1) Generator name and identification number;

(2) Waste information (information that is typically provided on the manifest or as detailed on a material safety data sheet), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12) Uniform Hazardous Waste Manifest, EPA Form 8700-22 and EPA Form 8700- 22A), quantity or volume of waste at issue, weight or volume units, and waste codes; and

Note: Authority cited: Sections 25150 and 58012, Health and Safety Code. Reference: Sections 25150, 25169.7 and 58012, Health and Safety Code.

Repeal Appendix to California Code of Regulations, title 22, division 4.5, chapter 12, article 8, Transboundary Movements of Hazardous Waste for Recovery or Disposal.

~~Appendix.~~

~~Uniform Hazardous Waste Manifest, Continuation Sheet and Instructions
(EPA Forms 8700-22 and 8700-22A and Their Instructions)~~

~~U.S. EPA Form 8700-22~~

~~Read all instructions before completing this form.~~

~~1. This form has been designed for use on a 12-pitch (elite) typewriter which is also compatible with standard computer printers; a firm point pen may also be used—press down hard.~~

~~2. Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities to~~

~~complete this form (FORM 8700-22) and, if necessary, the continuation sheet (FORM 8700-22A) for both inter- and intrastate transportation of hazardous waste.~~

~~MANIFEST 8700-22~~

~~The following statement must be included with each Uniform Hazardous Waste Manifest, either on the form, in the instructions to the form, or accompanying the form:~~

~~Public reporting burden for this collection of information is estimated to average: 30 minutes for generators, 10 minutes for transporters, and 25 minutes for owners or operators of treatment, storage, and disposal facilities. This includes time for reviewing instructions, gathering data, completing, reviewing and transmitting the form. Any correspondence regarding the PDA burden statement for the manifest must be sent to the Director of the Collection Strategies Division in EPA's Office of Information Collection at the following address: U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW., Washington, D.C. 20460.~~

I. INSTRUCTIONS FOR GENERATORS

Item 1. Generator's U.S. EPA Identification Number

~~Enter the generator's U.S. EPA twelve digit identification number, or the State generator identification number if the generator site does not have an EPA identification number.~~

Item 2. Page 1 of _____

~~Enter the total number of pages used to complete this Manifest (i.e., the first page (EPA Form 8700-22) plus the number of Continuation Sheets (EPA Form 8700-22A), if any).~~

Item 3. Emergency Response Phone Number

~~Enter a phone number for which emergency response information can be obtained in the event of an incident during transportation. The emergency response phone number must:~~

- ~~1. Be the number of the generator or the number of an agency or organization who is capable of and accepts responsibility for providing detailed information about the shipment;~~
- ~~2. Reach a phone that is monitored 24 hours a day at all times the waste is in transportation (including transportation related storage); and~~
- ~~3. Reach someone who is either knowledgeable of the hazardous waste being shipped and has comprehensive emergency response and spill cleanup/incident mitigation information for the material being shipped or has immediate access to a person who has that knowledge and information about the shipment.~~

~~Note: Emergency Response phone number information should only be entered in Item 3 when there is one phone number that applies to all the waste materials described in~~

~~Item 9b. If a situation (e.g., consolidated shipments) arises where more than one Emergency Response phone number applies to the various wastes listed on the manifest, the phone numbers associated with each specific material should be entered after its description in Item 9b.~~

~~*Item 4. Manifest Tracking Number*~~

~~This unique tracking number must be pre-printed on the manifest by the forms printer.~~

~~*Item 5. Generator's Mailing Address, Phone Number and Site Address*~~

~~Enter the name of the generator, the mailing address to which the completed manifest signed by the designated facility should be mailed, and the generator's telephone number. Note, the telephone number (including area code) should be the normal business number for the generator, or the number where the generator or his authorized agent may be reached to provide instructions in the event the designated and/or alternate (if any) facility rejects some or all of the shipment. Also enter the physical site address from which the shipment originates only if this address is different than the mailing address.~~

~~*Item 6. Transporter 1 Company Name, and U.S. EPA ID Number*~~

~~Enter the company name and U.S. EPA ID number of the first transporter who will transport the waste. Vehicle or driver information may not be entered here.~~

~~*Item 7. Transporter 2 Company Name and U.S. EPA ID Number*~~

~~If applicable, enter the company name and U.S. EPA ID number of the second transporter who will transport the waste. Vehicle or driver information may not be entered here. If more than two transporters are needed, use a Continuation Sheet(s) (EPA Form 8700-22A).~~

~~*Item 8. Designated Facility Name, Site Address, and U.S. EPA ID Number*~~

~~Enter the company name and site address of the facility designated to receive the waste listed on this manifest. Also enter the facility's phone number and the U.S. EPA twelve digit identification number of the facility.~~

~~*Item 9. U.S. DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number, and Packing Group)*~~

~~*Item 9a.* If the wastes identified in Item 9b consist of both hazardous and nonhazardous materials, then identify the hazardous materials by entering an "X" in this Item next to the corresponding hazardous material identified in Item 9b.~~

~~If applicable, enter the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.~~

Note: Transporters carrying imports, who are acting as importers, may have responsibilities to enter information in the International Shipments Block. Transporters carrying exports may also have responsibilities to enter information in the International Shipments Block. See above instructions for Item 16.

Item 9b. Enter the U.S. DOT Proper Shipping Name, Hazard Class or Division, Identification Number (UN/NA) and Packing Group for each waste as identified in 49 CFR 172. Include technical name(s) and reportable quantity references, if applicable.

Note: If additional space is needed for waste descriptions, enter these additional descriptions in Item 27 on the Continuation Sheet (EPA Form 8700-22A). Also, if more than one Emergency Response phone number applies to the various wastes described in either Item 9b or Item 27, enter applicable Emergency Response phone numbers immediately following the shipping descriptions for those items.

Item 10. Containers (Number and Type)

Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

TABLE I. TYPES OF CONTAINERS

BA = Burlap, cloth, paper, or plastic bags

CF = Fiber or plastic boxes, cartons, cases

GM = Metal boxes, cartons, cases (including roll-offs)

CW = Wooden boxes, cartons, cases

CY = Cylinders

DF = Fiberboard or plastic drums, barrels, kegs

DM = Metal drums, barrels, kegs

DT = Dump truck

DW = Wooden drums, barrels, kegs

HG = Hopper or gondola cars

TC = Tank cars

TP = Portable tanks

TT = Cargo tanks (tank trucks)

Item 11. Total Quantity

Enter, in designated boxes, the total quantity of waste. Round partial units to the nearest whole unit, and do not enter decimals or fractions. To the extent practical, report quantities using appropriate units of measure that will allow you to report quantities with

~~precision. Waste quantities entered should be based on actual measurements or reasonably accurate estimates of actual quantities shipped. Container capacities are generally not acceptable as estimates.~~

~~*Item 12. Units of Measure (Weight/Volume)*~~

~~Enter, in designated boxes, the appropriate abbreviation from Table II (below) for the unit of measure.~~

~~TABLE II. UNITS OF MEASURE~~

~~G = Gallons (liquids only)~~

~~K = Kilograms~~

~~L = Liters (liquids only)~~

~~M = Metric Tons (1000 kilograms)~~

~~N = Cubic Meters~~

~~P = Pounds~~

~~T = Tons (2000 pounds)~~

~~Y = Cubic Yards~~

~~**Note:** Tons, Metric Tons, Cubic Meters, and Cubic Yards should only be reported in connection with very large bulk shipments, such as rail cars, tank trucks, or barges.~~

~~*Item 13. Waste Codes*~~

~~Enter up to six federal and state waste codes to describe each waste stream identified in Item 9b. State waste codes that are not redundant with federal codes must be entered here, in addition to the federal waste codes which are most representative of the properties of the waste.~~

~~*Item 14. Special Handling Instructions and Additional Information.*~~

~~1. Generators may enter any special handling or shipment-specific information necessary for the proper management or tracking of the materials under the generator's or other handler's business processes, such as waste profile numbers, container codes, bar codes, or response guide numbers. Generators also may use this space to enter additional descriptive information about their shipped materials, such as chemical names, constituent percentages, physical state, or specific gravity of wastes identified with volume units in Item 12.~~

~~2. This space may be used to record limited types of federally required information for which there is no specific space provided on the manifest, including any alternate facility designations; the manifest tracking number of the original manifest for rejected wastes and residues that are re-shipped under a second manifest; and the specification of PCB~~

~~waste descriptions and PCB out-of-service dates required under 40 CFR 761.207. Generators, however, cannot be required to enter information in this space to meet state regulatory requirements.~~

~~*Item 15. Generator's/Offeror's Certifications*~~

~~1. The generator must read, sign, and date the waste minimization certification statement. In signing the waste minimization certification statement, those generators who have not been exempted by statute or regulation from the duty to make a waste minimization certification under section 3002(b) of RCRA are also certifying that they have complied with the waste minimization requirements. The Generator's Certification also contains the required attestation that the shipment has been properly prepared and is in proper condition for transportation (the shipper's certification). The content of the shipper's certification statement is as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked, and labeled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent." When a party other than the generator prepares the shipment for transportation, this party may also sign the shipper's certification statement as the offeror of the shipment.~~

~~2. Generator or Offeror personnel may preprint the words, "On behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator/offeror certification, to indicate that the individual signs as the employee or agent of the named principal.~~

~~Note: All of the above information except the handwritten signature required in Item 15 may be pre-printed.~~

II. INSTRUCTIONS FOR INTERNATIONAL SHIPMENT BLOCK

~~*Item 16. International Shipments*~~

~~For export shipments, the primary exporter must check the export box, and enter the point of exit (city and state) from the United States. For import shipments, the importer must check the import box and enter the point of entry (city and state) into the United States. For exports, the transporter must sign and date the manifest to indicate the day the shipment left the United States.~~

III. INSTRUCTIONS FOR TRANSPORTERS

~~*Item 17. Transporters' Acknowledgments of Receipt*~~

~~Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the manifest by~~

~~signing and entering the date of receipt. Only one signature per transportation company is required.~~

~~Signatures are not required to track the movement of wastes in and out of transfer facilities, unless there is a change of custody between transporters.~~

~~If applicable, enter the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.~~

~~Note: Transporters carrying imports or exports of hazardous waste may also have responsibilities to enter information in the International Shipments Block. See above instructions for Item 16.~~

~~IV. INSTRUCTIONS FOR OWNERS AND OPERATORS OF TREATMENT, STORAGE, AND DISPOSAL FACILITIES~~

~~Item 18 Discrepancy~~

~~Item 18a. Discrepancy Indication Space~~

- ~~1. The authorized representative of the designated (or alternate) facility's owner or operator must note in this space any discrepancies between the waste described on the Manifest and the waste actually received at the facility. Manifest discrepancies are: significant differences (as defined by §§ 264.72(b) and 265.72(b)) 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, rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept, or container residues, which are residues that exceed the quantity limits for "empty" containers set forth in 40 CFR 261.7(b).~~
- ~~2. For rejected loads and residues (40 CFR 264.72(d), (e), and (f), or 40 CFR 265.72(d), (e), or (f)), check the appropriate box if the shipment is a rejected load (i.e., rejected by the designated and/or alternate facility and is sent to an alternate facility or returned to the generator) or a regulated residue that cannot be removed from a container. Enter the reason for the rejection or the inability to remove the residue and a description of the waste. Also, reference the manifest tracking number for any additional manifests being used to track the rejected waste or residue shipment on the original manifest. Indicate the original manifest tracking number in Item 14, the Special Handling Block and Additional Information Block of the additional manifests.~~
- ~~3. Owners or operators of facilities located in unauthorized States (i.e., states in which the U.S. EPA administers the hazardous waste management program) who cannot resolve significant differences in quantity or type within 15 days of receiving the waste must submit to their Regional Administrator a letter with a copy of the Manifest at issue~~

describing the discrepancy and attempts to reconcile it (40 CFR 264.72(c) and 265.72(c)).

4. Owners or operators of facilities located in authorized States (i.e., those States that have received authorization from the U.S. EPA to administer the hazardous waste management program) should contact their State agency for information on where to report discrepancies involving "significant differences" to state officials.

Item 18b. Alternate Facility (or Generator) for Receipt of Full Load Rejections

Enter the name, address, phone number, and EPA Identification Number of the Alternate Facility which the rejecting TSDF has designated, after consulting with the generator, to receive a fully rejected waste shipment. In the event that a fully rejected shipment is being returned to the generator, the rejecting TSDF may enter the generator's site information in this space. This field is not to be used to forward partially rejected loads or residue waste shipments.

Item 18c. Alternate Facility (or Generator) Signature.

The authorized representative of the alternate facility (or the generator in the event of a returned shipment) must sign and date this field of the form to acknowledge receipt of the fully rejected wastes or residues identified by the initial TSDF.

Item 19. Hazardous Waste Report Management Method Codes

Enter the most appropriate Hazardous Waste Report Management Method code for each waste listed in Item 9. The Hazardous Waste Report Management Method code is to be entered by the first treatment, storage, or disposal facility (TSDF) that receives the waste and is the code that best describes the way in which the waste is to be managed when received by the TSDF.

Item 20. Designated Facility Owner or Operator Certification of Receipt (Except As Noted in Item 18a)

Enter the name of the person receiving the waste on behalf of the owner or operator of the facility. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date of receipt or rejection where indicated. Since the Facility Certification acknowledges receipt of the waste except as noted in the Discrepancy Space in Item 18a, the certification should be signed for both waste receipt and waste rejection, with the rejection being noted and described in the space provided in Item 18a. Fully rejected wastes may be forwarded or returned using Item 18b after consultation with the generator. Enter the name of the person accepting the waste on behalf of the owner or operator of the alternate facility or the original generator. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date they received or rejected the waste in Item 18c. Partially

rejected wastes and residues must be re-shipped under a new manifest, to be initiated and signed by the rejecting TSDF as offeror of the shipment.

Illustration # 115: Refer to EPA Form # 8700-22, Uniform Hazardous Waste Manifest

Manifest Continuation Sheet

Instructions – Continuation Sheet, U.S. EPA Form 8700-22A

Read all instructions before completing this form. This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used – press down hard.

This form must be used as a continuation sheet to U.S. EPA Form 8700-22 if:

- More than two transporters are to be used to transport the waste; or
- More space is required for the U.S. DOT descriptions and related information in Item 9 of U.S. EPA Form 8700-22.

Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, or disposal facilities to use the uniform hazardous waste manifest (EPA Form 8700-22) and, if necessary, this continuation sheet (EPA Form 8700-22A) for both interstate and intrastate transportation.

Item 21. Generator's ID Number

Enter the generator's U.S. EPA twelve digit identification number or, the State generator identification number if the generator site does not have an EPA identification number.

~~Item 22. Page~~

~~Enter the page number of this Continuation Sheet.~~

~~Item 23. Manifest Tracking Number~~

~~Enter the Manifest Tracking number from Item 4 of the Manifest form to which this continuation sheet is attached.~~

~~Item 24. Generator's Name~~

~~Enter the generator's name as it appears in Item 5 on the first page of the Manifest.~~

~~Item 25. Transporter - Company Name~~

~~If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 3 Company Name. Also enter the U.S. EPA twelve digit identification number of the transporter described in Item 25.~~

~~Item 26. Transporter - Company Name~~

~~If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 4 Company Name. Each Continuation Sheet can record the names of two additional transporters. Also enter the U.S. EPA twelve digit identification number of the transporter named in Item 26.~~

~~Item 27. U.S. D.O.T. Description Including Proper Shipping Name, Hazardous Class, and ID Number (UN/NA)~~

~~For each row enter a sequential number under Item 27b that corresponds to the order of waste codes from one continuation sheet to the next, to reflect the total number of wastes being shipped. Refer to instructions for Item 9 of the manifest for the information to be entered.~~

~~Item 28. Containers (No. And Type)~~

~~Refer to the instructions for Item 10 of the manifest for information to be entered.~~

~~Item 29. Total Quantity~~

~~Refer to the instructions for Item 11 of the manifest form.~~

~~Item 30. Units of Measure (Weight/Volume)~~

~~Refer to the instructions for Item 12 of the manifest form.~~

~~Item 31. Waste Codes~~

Refer to the instructions for Item 13 of the manifest form.

~~Item 32. Special Handling Instructions and Additional Information~~

Refer to the instructions for Item 14 of the manifest form.

TRANSPORTERS

~~Item 33. Transporter – Acknowledgment of Receipt of Materials~~

Enter the same number of the Transporter as identified in Item 25. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 25. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

~~Item 34. Transporter – Acknowledgment of Receipt of Materials~~

Enter the same number of the Transporter as identified in Item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

OWNER AND OPERATORS OF TREATMENT, STORAGE, OR DISPOSAL FACILITIES

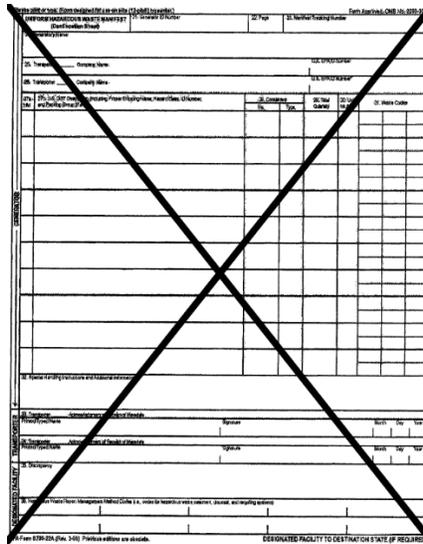
~~Item 35. Discrepancy Indication Space~~

Refer to Item 18. This space may be used to more fully describe information on discrepancies identified in Item 18a of the manifest form.

~~Item 36. Hazardous Waste Report Management Method Codes~~

For each field here, enter the sequential number that corresponds to the waste materials described under Item 27, and enter the appropriate process code that describes how the materials will be processed when received. If additional continuation sheets are attached, continue numbering the waste materials and process code fields sequentially, and enter on each sheet the process codes corresponding to the waste materials identified on that sheet.

Illustration # 116: EPA Form Number 8700-22A Manifest Continuation Form



Note: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code.
References: Sections 25159, 25159.5 and 58012, Health and Safety Code; 40 Code of Federal Regulations 262 Appendix; and Hazardous Waste Report, Instructions and Forms (EPA Form 8700-13A/B); and 70 Fed. Reg. 10776 (Mar. 4, 2005), p. 10786-10787.

Amend Section 66263.20 of the California Code of Regulations, title 22, division 4.5, chapter 13, article 2, to read as follows:

§66263.20 Manifest Procedures for the Transporter.

(a)(1) Manifest requirement. A transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest completed and signed in accordance with the provisions of article 2, chapter 12 of this division. In the case of RCRA hazardous waste exports other than those subject to Subpart H of 40 Code of Federal Regulations Part 262 and this article, a transporter shall not accept such waste from a primary exporter or other person (1) if the transporter knows the shipment does not conform to the USEPA U.S. EPA Acknowledgment of Consent; (2) unless, in addition to a manifest signed in accordance with the provisions of article 2, chapter 12 of this division or an electronic manifest that is obtained, completed, and transmitted in accordance with 40 Code of Federal Regulations section 262.20(a)(3), and signed with a valid and enforceable electronic signature as described in section 262.25, and such waste is also accompanied by an USEPA U.S. EPA Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment).

(2) Exports. For exports of hazardous waste subject to the requirements of Subpart H of 40 Code of Federal Regulations Part 262, and this article, a transporter shall not accept hazardous waste without a manifest signed by the generator in accordance with 40 Code of Federal Regulations section 263.20 and this article, as appropriate, and a

movement document that includes all information required by 40 Code of Federal Regulations section 262.83(d) and section 66262.83(d).

(3) Compliance date for form revisions. The revised Manifest form and procedures in 40 Code of Federal Regulations sections 260.10, 261.7, 263.20, and 263.21, had an effective date of September 5, 2006. The Manifest form and procedures in 40 Code of Federal Regulations sections 260.10, 261.7, 263.20, and 263.21, contained in 40 Code of Federal Regulations sections 260 to 265, edition revised as of July 1, 2004, were applicable until September 5, 2006.

(4) Use of electronic manifest-legal equivalence to paper forms for participating transporters. Electronic manifests that are obtained, completed, and transmitted in accordance with 40 Code of Federal Regulations section 262.20(a)(3), and used in lieu of EPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in this chapter to obtain, complete, sign, provide, use, or retain a manifest.

(A) Any requirement in title 22 division 4.5 to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 Code of Federal Regulations section 262.25(a).

(B) Any requirement in title 22, division 4.5 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 e-Manifest System.

(C) Any requirement in title 22, division 4.5 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that to the extent that 49 Code of Federal Regulations section 177.817 requires transporters of hazardous materials for carriage by public highway to carry a paper document, a hazardous waste transporter shall carry one printed copy of the electronic manifest on the transport vehicle.

(D) Any requirement in title 22, division 4.5 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 U.S. 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 U.S. EPA system for which the transporter bears no responsibility.

(5) A transporter may participate in the e-Manifest System either by accessing the e-Manifest System from the transporter's own electronic equipment, or by accessing the e-Manifest System from the equipment provided by a participating generator, by another transporter, or by a designated facility.

(6) Special procedures when electronic manifest is not available. If after a manifest has been originated electronically and signed electronically by the initial transporter, and the e-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 paragraph (a)(4)(C) of this section, 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 e-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. A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste shall ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy.

(C) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste shall 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.

(7) Special procedures for electronic signature methods undergoing tests. 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 paragraph (a)(4)(C) of this

section. 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.

(8) Reserved.

(9) 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 40 Code of Federal Regulations section 264.71(l), which applies to corrections made to either paper or electronic manifest records.

Note: Authority cited: Sections 25150, 25159, 25161 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 Code of Federal Regulations Section 262.23 and 263.20.

Amend section 66263.21 of the California Code of Regulations, title 22, division 4.5, chapter 13, article 2, to read as follows:

66263.21 Transporter Compliance with the Manifest.

~~(b)(1) Emergency condition. For shipments initiated before September 5, 2006, i~~ If the hazardous waste cannot be delivered in accordance with paragraph (a) (1), (2), or (4) 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 shall contact the generator for further directions and shall revise the manifest according to the generator's instructions.

~~(1) For shipments initiated on and after September 5, 2006, if the hazardous waste cannot be delivered in accordance with paragraph (a) of this section because of an emergency condition other than rejection of the waste by the designated facility, then the transporter shall contact the generator for further directions and shall revise the manifest according to the generator's instructions.~~

~~(2) Transporters without agency authority. If the hazardous waste is not delivered to the next rejected by the designated facility while the transporter in accordance with paragraph (a)(3) of this section, and the current is on the facility's premises, then the transporter shall obtain the following: 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 shall 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:

(A) The hazardous waste is not delivered in accordance with paragraph (a)(3) of this section because of an emergency condition; or

(B) 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

(C) The generator authorizes the revision.

(3) Transporters with agency authority. If the hazardous waste is not delivered to the next designated transporter in accordance with paragraph (a)(3) 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:

(A) 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;

(B) 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

(C) The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

(4) Generator liability. 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 paragraph (b)(3) 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.

(c) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter shall obtain the following:

(A)(1) 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 shall retain a copy of this manifest in accordance with

section 66263.22, 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 shall obtain a new manifest from the facility to accompany the shipment, and the new manifest shall include all of the information required in sections 66264.72 subsections (e)(1)-(6) or (f)(1)-(6) or 66265.72 subsections (e)(1)-(6) or (f)(1)-(6).

~~(B)~~(2) 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 shall be delivered. The transporter shall retain a copy of the manifest in accordance with section 66263.22, 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 shall obtain a new manifest from the facility for the shipment and comply with sections 66264.72 subsections (e)(1)-(6) or 66265.72 subsections (e)(1)-(6).

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

~~(e)~~(d) If the vehicle or bulk container cannot be rendered empty pursuant to section 66261.7 by equipment and methods available at the facility, the transporter shall contact the generator pursuant to subsection (b), prior to removing the vehicle or bulk container from the facility. If the vehicle or bulk container is not empty, the transporter shall not move the vehicle or bulk container without a new manifest prepared pursuant to sections 66264.72 or 66265.72 or, if the facility is out of state, 40 Code of Federal Regulations sections 264.72 or 265.72.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25160 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5, 25160 and 25162, Health and Safety Code; and 40 Code of Federal Regulations Section 263.21.

Add section 66263.25 of the California Code of Regulations, title 22, division 4.5, chapter 13, article 2, to read as follows:

§ 66263.25 Electronic Manifest Signatures.

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

Note: Authority cited: Sections 25150, 25159, 25159.5, 25160, 25160.01, and 58012, Health and Safety Code. Reference: Sections 25123.3, 25160.2, 25160.6(e) and 25162, Health and Safety Code; and 40 Code of Federal Regulations Section 263.25.

Amend section 66263.32 of the California Code of Regulations, title 22, division 4.5, chapter 13, article 3, to read as follows:

§ 66263.32. Transporter Reporting Requirements for Missing Hazardous Waste of Concern.

(b) Upon discovering that a hazardous waste of concern is missing during transportation of that waste, and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c), the transporter shall immediately attempt to reconcile the reportable quantity or difference with the generator (e.g., with telephone conversations). If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the transporter shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and provide the following information:

(5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of ~~the Appendix to Chapter 12, Article 7~~ EPA Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes.

For shipments initiated on and after September 5, 2006, waste information (Items 9b, 10, 11, 12, and 13 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (found in the manifest Instructions in ~~the Appendix to chapter 12, article 8~~) of Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes; and

Note: Authority cited: Sections 25169.6, 25169.7 and 25169.8, Health and Safety Code; 40 Code of Federal Regulations Section 262.20.

Amend section 66264.71 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 5, to read as follows:

§ 66264.71. Use of Manifest System.

(a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the facility's agent, shall sign and date each copy of the manifest as indicated in paragraph (a)(2) of this section to certify that the hazardous waste covered

by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

(2) If a facility receives a hazardous waste shipment accompanied by a manifest, including a facility located out of state, the owner, operator or the facility's agent shall:

(F) Through June 29, 2018, within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest used. The facility manifest copy shall be submitted to the department for every shipment on a manifest when California is either the generator state or the destination state. The facility manifest copy shall be mailed to:

(H) Paper manifest submission requirements are:

1. Options for compliance on June 30, 2018. Beginning on June 30, 2018, send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the U.S. EPA's e-Manifest System for purposes of data entry and processing, or in lieu of submitting the paper copy to U.S. EPA, the owner or operator may transmit to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or both a data file and image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest System shall be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, U.S. EPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System.

2. Options for compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing may be met by the owner or operator only by transmitting to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest System shall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services.

(h) Electronic manifests that are obtained, completed, and transmitted in accordance with section 262.20(a)(3) of 40 Code of Federal Regulations, and used in lieu of EPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing

handwritten signatures, and satisfy for all purposes any requirement in this chapter to obtain, complete, sign, provide, use, or retain a manifest;

(1) Any requirement in title 22, division 4.5 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of section 262.25(a) of 40 Code of Federal Regulations.

(2) Any requirement in title 22, division 4.5 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person.

(3) Any requirement in title 22, division 4.5 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment.

(4) Any requirement in title 22, division 4.5 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's electronic manifest copies in its account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any U.S. EPA or authorized state inspector.

(5) No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this section if the owner or operator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.

(i) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the owner's or operator's site by the transporter who delivers the waste shipment to the facility.

(j) Special procedures applicable to replacement manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

(1) Upon delivery of the hazardous waste to the designated facility, the owner or operator shall sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest.

(2) The owner or operator of the facility shall give back to the final transporter one copy of the paper replacement manifest.

(3) Within 30 days of delivery of the waste to the designated facility, the owner or operator of the facility shall send one signed and dated copy of the paper replacement manifest to the generator, and send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System, and

(4) The owner or operator of the facility shall retain at the facility one copy of the paper replacement manifest for at least three years from the date of delivery.

(k) Special procedures applicable to electronic signature methods undergoing tests. If an owner or operator using an electronic manifest signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the owner or operator shall also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator shall retain this original copy among its records for at least 3 years from the date of delivery of the waste.

(l) (1) As prescribed in 40 Code of Federal Regulations section 264.1311, and determined in 40 Code of Federal Regulations section 264.1312, an owner or operator who is a user of the e-Manifest System shall be assessed a user fee by U.S. EPA for the submission and processing of each electronic and paper manifest. U.S. EPA shall update the schedule of user fees and publish them to the user community, as provided in 40 Code of Federal Regulations section 264.1313.

(2) An owner or operator subject to user fees under this section shall make user fee payments in accordance with the requirements of 40 Code of Federal Regulations section 264.1314, subject to the informal fee dispute resolution process of 40 Code of Federal Regulations section 264.1316, and subject to the sanctions for delinquent payments under 40 Code of Federal Regulations, section 264.1315.

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

(A) An owner or operator shall comply with the provisions of 40 Code of Federal Regulations section 264.1311(b) for image file uploads from paper manifests and 40 Code of Federal Regulations section 264.1311(c) for data file uploads from paper manifests; and

(4) Pay the appropriate per manifest fee to U.S. 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 Code of Federal Regulations subpart FF of part 264.

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

(n) 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 in accordance with 40 Code of Federal Regulations section 264.71(l) and as provided below.

(1) Interested persons shall make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web-based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.

(2) Each correction submission shall include the following information:

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

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

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

(3) Each correction submission shall include a statement that the person submitting the corrections certifies that to the best of their knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

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

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

(4) Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.

(5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as specified in paragraph (m)(3) of this section, and with notice of the corrections to other interested persons shown on the manifest.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25160, 25160.01 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 Code of Federal Regulations Sections 260.4, 264.71 and

264.1311; Hazardous Waste Report, Instructions and Forms (Form 8700-13A/B); and 70 Fed. Reg. 10776 (Mar. 4, 2005), p. 10786-10787.

Amend section 66264. 72 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 5, to read as follows:

§ 66264.72. Manifest Discrepancies.

(h) Upon discovering a discrepancy involving a hazardous waste of concern, as defined in section 66261.111(a), and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c), the owner or operator shall attempt to reconcile the reportable quantity or difference with the waste generator or transporter. If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

(5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of ~~the Appendix to Chapter 12, Article 7~~ EPA Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes.

For shipments initiated on and after September 5, 2006, waste information (Items 9b, 10, 11, 12, and 13 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (found in the manifest instructions in ~~the Appendix to chapter 12, article 8~~) of EPA Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes; and

Note: Authority cited: Sections 25150, 25159, 25169.6, 25169.7 and 25169.8, Health and Safety Code. Reference: Sections 25159, 25159.5, 25160.6, 25169.5, 25169.6, 25169.7 and 25200.19, Health and Safety Code; 40 Code of Federal Regulations Sections 262.20, 264.72; 2005 Hazardous Waste Report, Instructions and Forms (EPA Form 8700-13A/B); and 70 Fed. Reg. 10776 (Mar. 4, 2005), p. 10786-10787.

Amend section 66264. 78 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 5, to read as follows:

§ 66264.78. Reporting Hazardous Wastes of Concern Discovered To Be Missing While in Storage.

(b) Upon discovering that a hazardous waste of concern is missing, and the waste at issue represents a reportable quantity or a reportable difference in type, the owner or operator shall immediately attempt to reconcile the reportable quantity or difference (e.g., by reviewing facility records). If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

(5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the ~~Appendix to Chapter 12, Article 7~~ EPA Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes.

For shipments initiated on and after September 5, 2006, waste information (Items 9b, 10, 11, 12, and 13 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (found in the manifest instructions in the ~~Appendix to chapter 12, article 8~~ of EPA Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes; and

Note: Authority cited: Sections 25169.6, 25169.7 and 25169.8, Health and Safety Code. Reference: Sections 25169.5, 25169.6 and 25169.7, Health and Safety Code; and 40 Code of Federal Regulations ~~Part 262 Appendix~~.

Amend section 66264.1086 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5, to read as follows:

§ 66264.1086. Standards: Containers.

(c) Container Level 1 standards.

(4) The owner or operator of containers using Container Level 1 controls shall inspect the containers and their covers and closure devices as follows:

(A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for an empty container as specified in 66261.7(b)),

the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection shall be conducted on or before the date that the container is accepted at the facility (i.e., the date the container becomes subject to the chapter ~~3014~~ container standards). For purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest ~~in the appendix to chapter 12~~ (EPA Forms 8700-22 and 8700-22A), as required under section 66264.71. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this section.

(d) Container Level 2 standards.

(4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

(A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for an empty container as specified in section 66261.7(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection shall be conducted on or before the date that the container is accepted at the facility (i.e., the date the container becomes subject to the chapter ~~3014~~ container standards). For purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest ~~in the appendix to chapter 12~~ (EPA Forms 8700-22 and 8700-22A), as required under section 66264.71. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this section.

Note: Sections 25150, 25159, 25159.5, 25245 and 58012, Health and Safety.

Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 CFR Code of Federal Regulations Section 264.10856.

Amend section 66265.71 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 5, to read as follows:

§ 66265.71. Use of Manifest System.

(a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the facility's agent, shall sign and date each copy of the manifest as indicated in paragraph (a)(2) of this section to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

(2) If a facility receives a hazardous waste shipment accompanied by a manifest, including a facility located out of state, the owner, operator or the facility's agent shall:

(F) Through June 29, 2018, within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest used. The facility manifest copy shall be submitted to the department for every shipment on a manifest when California is either the generator state or the destination state. The facility manifest copy shall be mailed to:

DTSC FACILITY MANIFESTS

P.O. BOX 3000

SACRAMENTO, CA 95812-3000;

~~DTSC Facility Manifests P.O. Box 3000 Sacramento, CA 95812-3000;~~

and

(H) Paper manifest submission requirements are:

1. Options for compliance on June 30, 2018. Beginning on June 30, 2018, send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the U.S. EPA's e-Manifest System for purposes of data entry and processing, or in lieu of submitting the paper copy to U.S. EPA, the owner or operator may transmit to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or both a data file and image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest System shall be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, U.S. EPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System.

2. Options for compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing may be met by the owner or operator only by transmitting to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest System shall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services.

(I) Electronic manifests that are obtained, completed, and transmitted in accordance with 40 Code of Federal Regulations section 262.20(a)(3), and used in lieu of EPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in this chapter to obtain, complete, sign, provide, use, or retain a manifest.

1. Any requirement in title 22, division 4.5 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 Code of Federal Regulations section 262.25(a).

2. Any requirement in title 22, division 4.5 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person.

3. Any requirement in title 22, division 4.5 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment.

4. Any requirement in title 22, division 4.5 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's electronic manifest copies in its account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any U.S. EPA or authorized state inspector.

5. No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this section if the owner or operator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.

(J) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the owner's or operator's site by the transporter who delivers the waste shipment to the facility.

(K) Special procedures applicable to replacement manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

1. Upon delivery of the hazardous waste to the designated facility, the owner or operator shall sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest.

2. The owner or operator of the facility shall give back to the final transporter one copy of the paper replacement manifest.

3. Within 30 days of delivery of the waste to the designated facility, the owner or operator of the facility shall send one signed and dated copy of the paper replacement manifest to the generator, and send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System, and

4. The owner or operator of the facility shall retain at the facility one copy of the paper replacement manifest for at least three years from the date of delivery.

(L) Special procedures applicable to electronic signature methods undergoing tests. If an owner or operator using an electronic manifest signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the owner or operator shall also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator shall retain this original copy among its records for at least 3 years from the date of delivery of the waste.

(M) 1. As prescribed in 40 Code of Federal Regulations section 265.1311, and determined in 40 Code of Federal Regulations section 265.1312, an owner or operator who is a user of the e-Manifest System shall be assessed a user fee by U.S. EPA for the submission and processing of each electronic and paper manifest. U.S. EPA shall update the schedule of user fees and publish them to the user community, as provided in 40 Code of Federal Regulations section 265.1313.

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

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

(A) An owner or operator shall comply with the provisions of 40 Code of Federal Regulations section 265.1311(b) for image file uploads from paper manifests and 40 Code of Federal Regulations section 265.1311(c) for data file uploads from paper manifests.

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

(O) After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) shown on the manifest.

1. Interested persons shall make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.

2. Each correction submission shall include the following information:

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

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

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

3. Each correction submission shall include a statement that the person submitting the corrections certifies that to the best of their knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

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

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

4. Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.

5. Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as specified in paragraph (O) 3. of this

section, and with notice of the corrections to other interested persons shown on the manifest.

Note: Authority cited: Sections 25150, 25159, 25159.5 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 Code of Federal Regulations Sections 260.4, 265.71 and 265.1311.

Amend section 66265.72 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 5, to read as follows:

§ 66265.72. Manifest Discrepancies.

(h) Upon discovering a discrepancy involving a hazardous waste of concern, as defined in section 66261.111(a), and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c), the owner or operator shall attempt to reconcile the reportable quantity or difference with the waste generator or transporter. If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

(5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of ~~the Appendix to Chapter 12, Article 7~~) EPA Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes.

For shipments initiated on and after September 5, 2006, waste information (Items 9b, 10, 11, 12, and 13 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (found in the manifest instructions ~~in the Appendix to chapter 12, article 8~~) of Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes; and

Note: Authority cited: Sections 25150, 25159, 25169.6, 25169.7 and 25169.8, Health and Safety Code. Reference: Sections 25159, 25159.5, 25160.6, 25169.5, 25169.6, 25169.7 and 25200.19, Health and Safety Code; 40 Code of Federal Regulations Sections 262.20, 265.72; Hazardous Waste Report, Instructions and Forms (Form 8700-13A/B); and 70 Fed. Reg. 10776 (Mar. 4, 2005), p. 10786-10787.

Amend section 66265.78 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 5, to read as follows:

§ 66265.78. Reporting Hazardous Wastes of Concern Discovered To Be Missing While in Storage.

(b) Upon discovering that a hazardous waste of concern is missing, and the waste at issue represents a reportable quantity or a reportable difference in type, the owner or operator shall immediately attempt to reconcile the reportable quantity or difference (e.g., by reviewing facility records). If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

(5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of ~~the Appendix to Chapter 12, Article 7~~ EPA Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes.

For shipments initiated on and after September 5, 2006, waste information (Items 9b, 10, 11, 12, and 13 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (found in the manifest instructions in ~~the Appendix to chapter 12, article 8~~ to EPA Forms 8700-22 and 8700-22A), quantity or volume of waste at issue, weight or volume units, and waste codes; and

Note: Authority cited: Sections 25169.6, 25169.7 and 25169.8, Health and Safety Code. Reference: Sections 25169.5, 25169.6 and 25169.7, Health and Safety Code; and 40 Code of Federal Regulations Part 262Appendix.

Amend section 66265.1087 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 28.5, to read as follows:

§ 66265.1087 Standards: Containers.

(c) Container Level 1 standards.

(4) The owner or operator of containers using Container Level 1 controls shall inspect the containers and their covers and closure devices as follows:

(A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for an empty container as specified in section 66261.7(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection shall be conducted on or before the date that the container is accepted at the facility (i.e., the date the container becomes subject to the chapter ~~30~~15 container standards). For purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest ~~in the appendix to chapter 12~~ (Forms 8700-22 and 8700-22A), as required under section 66265.71. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this section.

(d) Container Level 2 standards.

(4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

(A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for an empty container as specified in section 66261.7(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection shall be conducted on or before the date that the container is accepted at the facility (i.e., the date the container becomes subject to the chapter ~~30~~15 container standards). For purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest ~~in the appendix to chapter 12~~ (EPA Forms 8700-22 and 8700-22A), as required under section 66265.71. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this section.

Note: Authority cited: Sections 25150, 25159, 25159.5, 25245 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 GFR Code of Federal Regulations section 265.1087.