

Chapter 857: HAZARDOUS WASTE MANIFEST REQUIREMENTS

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Chapter 857: HAZARDOUS WASTE MANIFEST REQUIREMENTS

~~SUMMARY: This rule-Chapter~~ establishes requirements for the use of manifests to track the movement of hazardous waste from the point of generation to any intermediate points and finally to its ultimate disposition and establishes related responsibilities and liabilities of generators, transporters and owners and operators of waste facilities for hazardous waste.

1. **Legal Authority.** This ~~Chapter~~rule is authorized by and adopted under 38 ~~M.R.S.A.~~M.R.S., §§~~Section~~ 1301, through 1319-~~Y~~*et seq.*
2. **Preamble.** It is the purpose of the Department of Environmental Protection (Department), consistent with legislative policy, to provide effective controls for the management of hazardous waste in order to protect public health, safety and welfare and the environment. This ~~Chapter~~rule provides one such control by requiring the use of a manifest to track the movement of hazardous waste from the point of generation to any intermediate points and finally to its ultimate disposition and by establishing related responsibilities and liabilities of generators, transporters, and owners and operators of waste facilities for hazardous waste.

—Portions of this ~~Chapter~~rule refer to federal regulations of the United States Environmental Protection Agency (EPA). Unless otherwise specified, the federal regulations referenced are those ~~interim final or final regulations revised as of~~as amended up to July 1, 2019~~1988~~, as they appeared in volume 40 of the Code of Federal Regulations (~~CFR~~C.F.R.) and are hereby incorporated by reference. Where specifically stated, the terms of a referenced federal regulation are hereby ~~adopted~~ incorporated as terms of this ~~Chapter~~rule, except that in regulations incorporated thereby, "Administrator", "Regional Administrator" and "Director" shall mean the Maine Board of Environmental Protection, the Commissioner of the Department of Environmental Protection or the Commissioner's designated representative, as applicable; the references to terms or phrases including "treat", "store", or "dispose" shall mean "handle"; and "EPA" shall mean "the Maine Department of Environmental Protection (~~DEP~~)" except for references to 40 ~~CFR~~C.F.R. Part 262, sSubpart ~~BE~~ (§§ 262.20 – 262.27) and Subpart H (§§ 262.80 – 262.84), and for references to 40 C.F.R. § 3.10, 40 C.F.R. § 260.2(c), 40 C.F.R. § 260.4, and 40 C.F.R. § 260.5 in which "EPA" shall retain its meaning as means just "EPA"; "Administrator", "Regional Administrator" and "Director" shall mean "the Maine Board of Environmental Protection or its designated representative"; and the phrase "treat, store, and/or dispose" shall mean "handle". In addition, where the terms of federal regulations hereby incorporated by reference differ from or are inconsistent with other terms of this Chapter or Chapters 850-860, the more stringent of the requirements shall apply. Other changes to regulations incorporated hereby are as expressly made in this ~~Chapter~~rule.

3. Definitions

A. Board. "Board" means the Board of Environmental Protection.

B. Department. "Department" means the Department of Environmental Protection.

C. Designated Facility. "Designated facility" means:

- (1) A hazardous waste facility as defined in Section 3(H) of this Chapter and which has been designated on the manifest by the generator pursuant to 40 C.F.R. § 262.20;

(2) “Designated facility” also means a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste in accordance with 40 C.F.R. § 264.72(f) or 40 C.F.R. § 265.72(f); and

(3) If a waste is destined to a facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

D. Electronic Manifest (or e-Manifest). “Electronic Manifest” (or “e-Manifest”) means the electronic format of the hazardous waste manifest that is obtained from the U.S. Environmental Protection Agency’s (EPA’s) national e-Manifest system and transmitted electronically to the system, which is the legal equivalent of EPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

E. Electronic Manifest System (or e-Manifest System). “Electronic Manifest System” (or “e-Manifest System”) means EPA’s national information technology system through which the electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

F. Generator. “Generator” means a person whose act or process produces a waste which is or may be hazardous.

G. Handle. “Handle” means to store, transfer, collect, separate, salvage, process, reduce, recover, incinerate, treat or dispose of.

H. Hazardous Waste Facility. “Hazardous waste facility” means a hazardous waste treatment, storage, or disposal facility which:

(1) Has received a permit, (or interim status) in accordance with the federal hazardous waste permit program (40 C.F.R. § 270 and 40 C.F.R. § 124);

(2) Has received a permit (or interim status) from a state authorized in accordance with 40 C.F.R. § 271 and if located in Maine is licensed pursuant to *Interim Licenses for Waste Facilities for Hazardous Waste*, 06-096 C.M.R. ch. 855 or *Licensing of Hazardous Waste Facilities*, 06-096 C.M.R. ch. 856;

(3) Is regulated under 40 C.F.R. § 261.6(c)(2) or Subpart F of 40 C.F.R. § 266, only if operating and authorized outside of Maine.

I. Manifest. “Manifest” means the shipping document which the U.S. Environmental Protection Agency (EPA) designates as EPA Form 8700-22 (OMB Control number 2050-0039) also referred to as the “uniform hazardous waste manifest” including, if necessary, the continuation sheet EPA Form 8700-22A, or the electronic manifest (as defined in Section 3(D) of this Chapter), originated and signed in accordance with the applicable requirements of 40 C.F.R. Parts 262 through 265 and any applicable state requirements for state-regulated hazardous waste. For universal waste regulated pursuant to 06-096 C.M.R. ch. 858 and waste oil regulated pursuant to 06-096 C.M.R. ch. 860, “manifest” may also mean the Maine Recyclable Material Uniform Bill of Lading (or “UBOL”) as described in Section 4 of this Chapter.

J. Manifest Tracking Number. “Manifest tracking number” means the alphanumeric identification number which is pre-printed in Item 4 of the manifest by a registered source.

KE. **Site.** "Site" means the same or geographically contiguous property which may be divided by a public or private right-of-way, provided—that the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which the owner controls and to which the public does not have access is also considered site property.

L. **Signature.** "Signature" means either a legible handwritten signature when applied to EPA Forms 8700-22 and 8700-22A, or an electronic signature that meets the requirements of 40 C.F.R. § 262.25(a) when applied to Electronic Manifests.

MF. **Transport.** "Transport" means the movement of hazardous waste from the point of generation to any intermediate points and finally to the point of ultimate disposition. Movement of hazardous waste on the site where it is generated or on the site of a licensed waste facility for hazardous waste is not "transport."

NG. **Transporter.** "Transporter" means a person who transports hazardous waste in any quantity within, into or through the State of Maine.

O. **User of the Electronic Manifest System.** "User of the electronic manifest system" means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste facility, or any other person that:

(1) Is required to use a manifest to comply with:

(a) Any federal or state requirement to track the shipment, transportation, and receipt of hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

(b) Any federal or state requirement to track the shipment, transportation, and receipt of rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

(2) Elects to use the e-Manifest system to obtain, complete and transmit an electronic manifest format supplied by the EPA electronic manifest system, or

(3) Elects to use the paper manifest form and submits to the e-Manifest system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with Section (9)(A)(4) of this Chapter. These paper copies are submitted for data exchange purposes only and are not the official copies of record for legal purposes.

PH. **Waste.** "Waste" means any useless, unwanted or discarded substance or material, whether or not such substance or material has any other or future use and includes any substance or material that is spilled, leaked, pumped, poured, emitted, emptied, or dumped onto the land or into the water or ambient air.

4. Manifest Form. The uniform hazardous waste manifest form (EPA Form 8700-22 and if necessary 8700-22A), and the Maine Recyclable Hazardous Material Uniform Bill of Lading (UBOL) form

approved by the Board, ~~and including the instructions related to on the back of the manifest and UBOL forms,~~ are hereby incorporated as provisions of this Chapter~~rule~~. The UBOL may be used in lieu of the uniform hazardous waste manifest for shipments of universal waste, as defined and regulated pursuant to 06-096 C.M.R. ch. 858. For universal waste shipped using a UBOL, the term “hazardous waste facility” as used in this Chapter may include “central accumulation facility”, “consolidation facility” or “recycling facility” as those terms are defined in 06-096 C.M.R. ch. 858. All information required on the manifest and UBOL forms and all related instructions are requirements of this Chapter~~rule~~, to which penalties for non-compliance attach. The Department may authorize an alternative form to the ~~uniform bill of lading~~UBOL for the transport of universal wastes if it contains the information required to meet the needs of the Department.

NOTE: ~~In 2008, the Department has approved an alternative manifest form entitled “Maine Recyclable Material Uniform Bill of Lading” for shipments of universal waste in place-lieu of the Uniform Hazardous Waste Manifest (i.e., EPA Form 8700-22 and if necessary, Form 8700-22A). The Maine Recyclable Material Uniform Bill of Lading replaced a previously-approved form (entitled “Maine Recyclable Hazardous Materials Uniform Bill of Lading”) to address certain concerns of the Electronics Industry Association, to remove the word “Hazardous” from its title. For shipments of universal wastes, this alternative form should be used in place of the Recyclable Hazardous Material Uniform Bill of Lading. This alternative form is designed to be utilized and to provide for the documentation and tracking of shipments of for those Maine universal wastes including those which are not included from the list of U.S. Department of Transportation (DOT) regulated hazardous materials, as well as for any universal wastes that are DOT regulated hazardous materials. Since the new form is an approved alternative to the Recyclable Hazardous Material Uniform Bill of Lading, use of the alternative form will satisfy all requirements set out in the State of Maine Hazardous Waste Management Rules regarding use of the Recyclable Hazardous Material Uniform Bill of Lading.~~

5. General Requirements

- A. A generator that transports, or offers for transportation, a hazardous waste for ~~handling shall prepare a manifest before the waste is transported.~~ 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 on EPA Form 8700-22 and, if necessary, EPA Form 8700-22A and shall comply with the manifest requirements of 40 C.F.R. § 262.20(a), and Sections 7 and 9, respectively, of this Chapter. Persons required to prepare a manifest under 40 C.F.R. § 262.20(a)(1) may prepare and use a paper manifest from an EPA-approved source in accordance with 40 C.F.R. §§ 262.21(g)(1) and (2), or prepare and use an electronic manifest in accordance with 40 C.F.R. § 262.20(a)(3).
- B. ~~A generator shall comply with the manifest requirements of 40 CFR Parts 262.20(a), 262.21, transporter shall comply with the manifest requirements of 40 C.F.R. § 263.20 and Section 8 of this Chapter, the Appendix to 40 CFR Part 262, including the requirements for the use of a paper uniform hazardous waste manifest or an electronic manifest, as applicable which are hereby adopted and incorporated by reference.~~

NOTE: Federal regulations require that a generator obtain and use the manifest provided by or authorized by the state to which the hazardous waste is destined and in which the licensed hazardous waste facility is located.

~~C.~~ A generator whose waste is to be transported to a waste facility for hazardous waste in Maine shall, in addition to all other manifest requirements, use the manifest form(s) adopted by the Board and shall fully complete all state optional information required by the manifest form.

~~DC.~~ Each generator, transporter and owner or operator of a hazardous waste facility for hazardous waste shall comply with all the requirements and instructions which are specified on the manifest.

~~ED.~~ If the transporter is unable to deliver the hazardous waste to the designated facility or to the alternate facility, the generator ~~shall~~ must either designate another facility or instruct the transporter to return the waste.

E. In lieu of using the paper manifest a person required to prepare a manifest may prepare and use an electronic manifest, provided that the person:

(1) Complies with the requirements in Section 5(F) of this Chapter; and

(2) Complies with the requirements of 40 C.F.R. § 3.10 for the reporting of electronic documents to EPA.

F. Use of electronic manifest by generators, transporters, and owners or operators of a hazardous waste facility:

(1) *Legal equivalence to paper manifest:* Electronic manifests that are obtained, completed, and transmitted in accordance with 40 C.F.R. § 262.20(a)(3), and used in accordance with Section 5(E) of this Chapter 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, except as provided in Section 5(F)(11) of this Chapter.

(2) Any requirement in this Chapter 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 C.F.R. § 262.25(a).

(3) Any requirement in this Chapter 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 EPA's electronic manifest system.

(4) Any requirement in this Chapter for a generator, transporter, or owner or operator of a hazardous waste facility to keep or retain a copy of a manifest is satisfied by the retention of an electronic manifest on the e-Manifest system in the account of the generator, transporter, or owner or operator, respectively, and provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.

(5) Any requirement in this Chapter 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 as provided in Section 5(F)(11) of this Chapter.
- (6) No generator, transporter, or owner or operator of a hazardous waste facility may be held liable for the inability to produce an electronic manifest for inspection under this Chapter if the generator, transporter, or owner or operator of a hazardous waste facility can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which it bears no responsibility.
- (7) A generator may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or by accessing the electronic 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.
- (8) A transporter may participate in the electronic manifest system either by accessing the electronic manifest system from the transporter's own electronic equipment, or by accessing the electronic manifest system from the equipment provided by a participating generator, by another transporter, or by a designated facility.
- (9) An owner or operator of a hazardous waste facility may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or from portable equipment brought to the owner's or operator's site by the transporter who delivers the hazardous waste shipment to the facility.
- (10) 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 e-Manifest is originated that all waste handlers named on the manifest participate in the use of the electronic manifest, except that:
- A generator may sign by hand and retain a paper copy of the 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.
- (11) Requirement for one printed copy: To the extent the DOT's hazardous materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 C.F.R. § 177.817 as amended up to October 1, 2019, a generator originating an electronic manifest shall also provide the initial transporter with one printed copy of the electronic manifest, and the transporter or any subsequent transporter shall carry one printed copy of the electronic manifest on the transport vehicle.
- (12) Special procedures for electronic signature methods undergoing tests: If a generator, transporter, or owner or operator of a hazardous waste facility prepares, uses or accepts 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, transporter, or owner or operator of a hazardous waste facility shall also prepare, use, or accept, and sign a paper manifest (EPA Form 8700-22 and 8700-22A if necessary) including an ink signature, respectively, by the generator/offeror with its certification, by the transporter with its acknowledgement of receipt of materials, and by the facility with its certification of receipt and of any discrepancies, on the printed copy of the manifest provided under Section 5(F)(11) of this Chapter.

NOTE: The Electronic Manifest System is operated and maintained by EPA. Use of the Electronic Manifest System is subject to EPA's fee structure found in 40 C.F.R. Part 264 Subpart FF and 40 C.F.R. Part 265 Subpart FF.

G. Post-receipt manifest data corrections: After facilities have certified to the receipt of hazardous waste 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 or transporters may participate electronically in the post-receipt data corrections process in accordance 40 C.F.R. § 264.71(l), which applies to corrections made to either paper or electronic manifest records, as follows:

(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 e-Manifest for such corrections, or by an upload of a data file containing corrections relating to one or more previously submitted manifests.

(2) Each correction submission must include the following:

(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 must include a statement that the person submitting the corrections certifies that to the best of the person's 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 must 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 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 system, certified by the respondent as specified in Section 5(G)(3) of this Chapter, and with notice of the corrections to other interested persons shown on the manifest.

H. Manifest copy submission requirements of 40 C.F.R. § 260.4 for certain interstate waste shipments; and applicability of electronic manifest system and user fee requirements of 40 C.F.R. § 260.5 to facilities receiving state-only regulated waste shipments:

- (1) In any case in which the state in which waste is generated, or the state in which waste will be transported to a designated facility, requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste, regardless of the state in which the facility is located, shall complete, sign and date, submit the manifest to the e-Manifest system, and pay the appropriate fee to EPA in accordance with 40 C.F.R. §§ 260.4 (a)(1) through (4).
- (2) In any case in which a state requires a uniform hazardous waste manifest (EPA Form 8700-22 and if necessary continuation sheet EPA Form 8700-22A) to be used under state law to track the shipment and transportation of a state-only regulated waste, as defined in 40 C.F.R. 260.5(a), the facility receiving such a waste shipment for management shall comply with the manifest provisions and pay the appropriate fee to EPA in accordance with 40 C.F.R. § 260.5 (b).

I. Availability of Information and Confidentiality of Information:

- (1) No claim of business confidentiality may be asserted by any person with respect to information entered on a Hazardous Waste Manifest (EPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (EPA Form 8700-22A), or an electronic manifest format that may be prepared and used in accordance with 40 C.F.R. § 262.20(a)(3).
- (2) EPA will make any electronic manifest that is prepared and used in accordance with 40 C.F.R. § 262.20(a)(3), or any paper manifest that is submitted to the e-Manifest system under 40 C.F.R §§ 264.71(a)(2)(v) or 265.71(a)(2)(v) or Section 9(A)(4) of this Chapter available to the public under 40 C.F.R. § 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 EPA to be complete and final documents and publicly available information after 90 days have passed since the delivery to the designated facility or the hazardous waste shipment identified in the manifest.

NOTE: State confidentiality provisions such as 38 M.R.S. § 1310-B(2) are not applicable to the information entered on a Hazardous Waste Manifest (EPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (EPA Form 8700-22A), or an electronic manifest because it is submitted and maintained in a federal database and will be made available to the public to the extent and in the manner authorized by the federal Freedom of Information Act, 5 U.S.C. section 552, section 3007(b) of RCRA and EPA regulations implementing the Freedom of Information Act and section 3007(b) and 40 C.F.R. § 260.2, as applicable.

6. Exceptions

- A. A person may transport polychlorinated biphenyls (PCBs) which are contained in a totally enclosed manner in PCB equipment without using a manifest provided that the PCBs are not discarded or intended to be discarded. In addition, a person who discharges or suffers a discharge of PCBs or who generates PCB contaminated material as a result of routine servicing of off-site PCB containing equipment may transport that PCB waste to a facility with an approved PCB management plan or to a Maine hazardous waste storage facility licensed to handle PCBs without using a manifest provided that the facility is under the control of the entity who has care or custody of or who owns the PCBs waste.

NOTE: The generator-controlled facility which first accepts the waste shall be the site of generation.

- B. A person may transport universal wastes without using a manifest, provided that the Uniform Bill of Lading referenced in Section 4 of this Chapter or an alternative form approved by the Department, or for small universal waste generators and central accumulation facilities the log requirements of Section 13 of this Chapter, are utilized. For the purposes of administering this Section 13 of this Chapter, where the rule in Sections 5, 7, 8, and 9 of this Chapter states "manifest" it shall be replaced, as applicable, with "Manifest or Uniform Bill of Lading" and when using the Maine Recyclable Material Uniform Bill of Lading, copies 6, 7, and 8 (i.e., "Destination State – Mailed by Generator" copy, "Generator State – Mailed by Generator" copy, and "Generator Copy", respectively) must be distributed per the instructions for use of the Maine Recyclable Material Uniform Bill of Lading printed on the back of the form.

NOTE: ~~In 2008, the Department has approved an alternative form entitled "Maine Recyclable Material Uniform Bill of Lading." For shipments of universal wastes, this alternative form should be used in place of the previously-approved "Recyclable Hazardous Material Uniform Bill of Lading". This The Maine Recyclable Material Uniform Bill of Lading alternative form, as revised by removal of the word "Hazardous" from its title, is designed to be utilized approved for those documenting shipments of Maine universal wastes which are not included in the list of DOT regulated hazardous materials, as well as for any universal wastes that are hazardous materials. Since the new form is an approved alternative to the Recyclable Hazardous Material Uniform Bill of Lading, use of the alternative form will satisfy all requirements set out in the State of Maine Hazardous Waste Management Rules regarding use of the Recyclable Hazardous Material Uniform Bill of Lading.~~

7. Manifest Requirements for Generators

NOTE: Additional requirements for generators appear in other rules of the ~~Board~~ Department dealing with specific aspects of hazardous waste management. See, for example, Standards for Generators of Hazardous Waste, 06-096 C.M.R. ch. ~~Chapter~~ 851, Standards for Generators of Hazardous Waste; Land Disposal Restrictions, 06-096 C.M.R. ch. ~~Chapter~~ 852, Land Disposal Restrictions; Standards for Hazardous Waste Facilities, 06-096 C.M.R. ch. ~~Chapter~~ 854, Standards for Hazardous Waste Facilities; and Licensing of Hazardous Waste Facilities, 06-096 C.M.R. ch. ~~Chapter~~ 856, Licensing of Hazardous Waste Facilities.

- A. A generator of hazardous waste who transports, or offers for transport, hazardous waste for handling shall:
- (1) Complete the generator portion of the manifest in accordance with the manifest's instructions, including his a handwritten signature by the generator.
 - (a) A generator shall designate on the manifest one waste facility for hazardous waste authorized to handle the waste covered by the manifest under a State hazardous waste program approved by the ~~United States Environmental Protection Agency~~ EPA or under the Federal hazardous waste program, or otherwise meeting the definition of designated facility in this Chapter.
 - (b) A generator may also designate on the manifest one alternate waste facility ~~for hazardous waste~~ authorized to handle the hazardous waste covered by the manifest under a State

hazardous waste program approved by the ~~United States Environmental Protection Agency~~ EPA or under the Federal hazardous waste program. The waste may be delivered to the alternate facility in the event that an emergency prevents its delivery to the primary designated facility.

- (c) If the generator is also the transporter for all or part of the waste's transport, ~~he~~ the generator shall also complete the appropriate transporter portion of the manifest.
- (d) A generator shall identify and list each waste separately on the manifest.

NOTE: Lab packs containing hazardous wastes are not exempted from this requirement.

(e) *Special procedures when electronic manifest is unavailable:* If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic 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 (EPA Form 8700-22) and if necessary, a continuation sheet (EPA Form 8700-22A) in accordance with the manifest instructions, and use these paper forms from this point forward in accordance with the requirements of this Chapter.

- (2) After having obtained the transporter's ~~handwritten acceptance~~ signature and date of acceptance thereon, remove the Generator's ~~Initial Ceopy (copy #8), the Generator State copy (copy #7) and the Destination State copy (copy #6)~~ and give the remaining copies of the manifest to the transporter, or for e-Manifests by submission to EPA's electronic manifest system in accordance with Section 5(F)(3) of this Chapter.

NOTE: If a continuing ~~T~~ transporter is used, the ~~G~~ generator is responsible for supplying ~~him~~ the transporter with a legible photocopy of the manifest which must contain signatures where required.

- ~~(3) Send the Destination State copy (copy #6) of the manifest to the State where the designated facility (hazardous waste facility) is located within 7 days of the date the waste is accepted by the initial licensed transporter.~~
- ~~(4) Send the Generator State copy (copy #7) of the manifest to the State where the waste was generated within 7 days of the date the waste is accepted by the initial licensed transporter.~~
- ~~(5) A generator who completes a manifest other than a Maine manifest, which does not include a Generator State copy and/or a Destination State copy shall produce a photocopy(ies) of the Generator copy and send the copy(ies) to the appropriate State agency(ies) in the destination and/or generator state within seven (7) days of acceptance of the waste by a licensed transporter.~~
- (6) Retain the signed ~~G~~ generator's Initial ~~e~~ Copy (copy #8) of the manifest or retain the e-Manifest on the generator's e-Manifest System account for at least three (3) years or until the completed and signed Designated Facility to ~~g~~ Generator copy completed copy (copy #3) or equivalent e-Manifest is returned to ~~him~~ the generator by the designated facility which received the waste. The Designated Facility to ~~g~~ Generator-completed copy (copy #3) ~~must~~ shall be

retained by the generator for at least three (3) years, or for e-Manifests retain by submission to EPA's electronic manifest system in accordance with Section 5(F)(4) of this Chapter.

NOTE: The Designated Facility to Generator-completed e copy (copy #3) of the manifest is the copy signed by the generator, all transporters and the owner or operator of the designated facility which received the waste.

~~(7) A generator who completes a manifest other than a Maine manifest, which does not include a Generator State completed copy and/or a for Destination State completed copy shall produce a photocopy(ies) of the Generator completed copy and send the copy(ies) to the appropriate state agency(ies) in the destination and/or generator state within seven (7) days of the generator's receipt of the completed manifest.~~

B. A generator, by generating hazardous waste and initiating its transport, agrees to its return as a rejected load or residue in accordance with the manifest discrepancy provisions of 40 C.F.R. § 264.72 and 40 C.F.R. § 265.72 ~~to him~~. Upon return of the hazardous waste, the generator shall accept any of the waste which cannot be delivered to a designated facility and shall:

(1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest;

(2) Provide a copy of the manifest to the transporter, or for e-Manifests by submission to EPA's electronic manifest system in accordance with Section 5(F)(3) of this Chapter;

(3) Within thirty (30) days of delivery of the rejected shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator, or for e-Manifests by submission to EPA's electronic manifest system in accordance with Section 5(F)(3) of this Chapter; and

(4) Retain at the generator's site a copy of each manifest for at least three (3) years from the date of delivery, or for e-Manifests retain by submission to EPA's electronic manifest system in accordance with Section 5(F)(4) of this Chapter.

~~—Thereafter, the generator shall meet manage the returned waste in accordance with all the generator requirements of 06-096 C.M.R. chs. 850 through 858 for the waste as if the generator had generated the waste on the date of its return to him.~~

For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility with a new manifest, the generator shall comply with the applicable manifest requirements, substituting "alternate facility" for "designated facility", and using the date the waste was accepted by the initial transporter for transportation of the rejected hazardous waste shipment from the designated facility to the alternate facility to meet the timeframe requirements of Sections 7(E) and 7(G) of this Chapter for tracking, notifications and Exception Reports. For shipments of universal waste returned to the generator, the generator shall comply with the instructions for the Maine Recyclable Material Uniform Bill of Lading.

C. Generators who ship hazardous waste within the United States solely by rail or water shall comply with the requirements of 40 ~~CFRC.F.R. Part~~ §§ 262.23(c) and (d), which are hereby adopted and incorporated by reference, and in addition, if the generator does not use the e-Manifest system,

shall send ~~a copy #7~~ of the paper manifest to the Department and ~~a copy #6~~ of the paper manifest to the State where the designated hazardous waste facility is located, (if required by the destination state) at the same time as the manifest is sent to the designated waste facility.

- D.** Generators who import hazardous waste from or export hazardous waste to a foreign country even for the purpose of recovery shall obtain, prepare and use a manifest or electronic manifest in compliance with the requirements of this Chapter and comply with 40 C.F.R. Part 262 Subparts ~~E and F~~ H and 40 C.F.R. § 260.11(g). Copies of all notices, reports, manifests and other documents filed with the ~~United States Environmental Protection Agency~~ in accordance with the requirements of ~~these~~ Subparts H, including those of 40 C.F.R. §§ 262.83(b), 262.83(f), 262.83(g), 262.83(h), 262.84(b), and 262.84(f), must ~~shall~~ be filed with the Department. In addition:

(1) The terms “AES compliance filing date”, “CRT exporter”, “electronic import-export reporting compliance date” and “recognized trader” are defined in 40 C.F.R. § 260.10;

(2) Cathode ray tubes (CRTs) which are hazardous waste pursuant to 06-096 C.M.R. ch. 858, § 5(A), including intentionally broken CRTs, processed CRT glass, and CRTs broken as a result of an accidental event involving more than 10 CRTs are subject to the export requirements of 40 C.F.R. §§ 261.39(a)(5)(i) through (xi);

(3) Availability of information; confidentiality of information:

(a) No claim of business confidentiality may be asserted by any person with respect to information contained in CRT export documents prepared, used and submitted under 40 C.F.R. § 261.39(a)(5) and with respect to information contained in hazardous waste export, import, and transit documents prepared, used and submitted under 40 C.F.R. §§ 262.82, 262.83, 262.84, 263.20, 264.12, 264.71, 265.12, 265.71, and 267.71, whether submitted electronically into EPA's Waste Import Export Tracking System (WIETS) or in paper format;

(b) EPA will make any CRT export documents prepared, used and submitted under 40 C.F.R. § 261.39(a)(5) and any hazardous waste export, import, and transit documents prepared, used and submitted under 40 C.F.R. §§ 262.82, 262.83, 262.84, 263.20, 264.12, 264.71, 265.12, 265.71, and 267.71 available to the public under 40 C.F.R. § 260.2(d) when these electronic or paper documents are considered by EPA to be final documents. These submitted electronic and paper documents related to hazardous waste exports, imports and transits and cathode ray tube exports are considered by EPA to be final documents on March 1 of the calendar year after the related CRT exports or hazardous waste exports, imports, or transits occur.

- E.** A generator who does not receive the Designated Facility to g~~Generator-completed~~ copy (~~copy #3~~) from the designated waste facility within thirty-five (35) days from the date waste was accepted by the initial transporter shall immediately notify the Department and shall immediately undertake to track and locate the waste, contacting the transporter(s) of the waste and the designated facility(ies) and keeping the Department advised.

- F.** A generator who transports or offers for transport, hazardous waste to a designated facility located in another state and who does not receive the Designated Facility to g~~Generator-completed~~ copy (~~copy #3~~) of the manifest from the designated facility or an e-Manifest record of receipt by

the designated facility within thirty-five (35) days from the date the waste was accepted by the initial transporter shall, in addition to the requirements of Section 7(E) of this Chapter rule, notify ~~the governmental agency responsible for administering the manifest system in:~~

- (1) ~~the~~ The governmental agency responsible for administering the manifest system in the state in which the designated facility is located, and ~~in~~
- (2) ~~the~~ The governmental agencies responsible for administering the manifest system in the states in which the waste may have been delivered, ~~;~~ or
- (3) notify ~~t~~ The United States Environmental Protection Agency EPA, where if either or both ~~any~~ one of the above states does not have a State hazardous waste program approved by the United States Environmental Protection Agency EPA.

NOTE: The names and addresses of State and Federal agencies may be obtained by calling the Department at (207) 287-2651/7688.

G. A generator who has not received the ~~generator~~ Designated Facility to Generator-completed copy ~~(copy #3)~~ of the manifest from the designated facility within forty-five (45) days from the date the waste was accepted by the initial transporter shall file a written Exception Report with the Department. The Exception Report ~~must~~ shall include:

- (1) A legible copy of the manifest for which the generator has not received the Designated Facility to gGenerator-completed copy ~~(copy #3)~~; and
- (2) A cover letter signed by the generator or ~~his~~ the generator's authorized representative explaining the efforts that have been and are being taken to locate the waste and the results of those efforts.

NOTE: ~~For~~ If a generator ~~using~~ a UBOL Maine Recyclable Material Uniform Bill of Lading, and either the generator or the Department ~~will initially identify~~ any discrepancies in the UBOL or associated shipments, it is however the generator's responsibility to resolve the discrepancies to the Department's satisfaction.

H. For any hazardous waste rejected at the designated and alternate facility if designated, the generator ~~shall~~ must provide to the Department within 20 days of such rejection a Rejection Report indicating:

- (1) Uniform Hazardous Waste Manifest number(s) for the rejected waste shipments;
- (2) The disposition of the rejected waste; and
- (3) Any changes in the information previously supplied by the generator on the Uniform Hazardous Waste Manifest.

Copies of the Rejection Report ~~must~~ shall be provided to the transporter(s), the facility(s) that rejected the waste, and the appropriate regulatory agencies of the Generator and Destination State(s).

- I. A generator who initiates a shipment of hazardous waste shall certify to one of the 40 C.F.R. § 262.27 statements in Item 15 of the uniform hazardous waste manifest.
- J. 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 Section 8(G) of this Chapter 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.

8. Manifest Requirements for Transporters

NOTE: Other requirements for transporters appear in other rules of the ~~Board-Department~~ dealing with specific aspects of hazardous waste management. See, for example, *Licensing of Transporters of Hazardous Waste*, 06-096 C.M.R. ch. ~~Chapter 853, Licensing of Transporters of Hazardous Waste and Chapter 854, Standards for Hazardous Waste Facilities~~. It should be noted that manifest requirements are in effect for transporters as of the effective date of this rule with out regard to the dates established in Chapter 853 for licensing.

A. A transporter of hazardous waste shall:

- (1) Not accept hazardous waste from a generator or from another transporter unless the waste is:
- (a) ~~a~~Accompanied by its manifest (EPA Form 8700-22), and if necessary, any continuation sheets (EPA Form 8700-22A), properly completed by the generator pursuant to Section 7(A) of this Chapter ~~and/or by any prior transporter(s) pursuant to Section 8(A)(3) of this Chapter~~, including signature and identification numbers; or
 - (b) Documented with an electronic manifest that is obtained, completed, and transmitted in accordance with 40 C.F.R. § 262.20(a)(3) and Section 5(E) of this Chapter, and signed with a valid and enforceable electronic signature pursuant to 40 C.F.R. § 262.25(a).
- (2) Ensure that the manifest accompanies the hazardous waste and if an electronic manifest is used, carry on the transport vehicle one printed copy of the electronic manifest in accordance with Section 5(F)(11) of this Chapter.;
- (3) In the presence of the generator, or, for subsequent transporters, the prior transporter, complete the appropriate transporter portion of the manifest in accordance with the manifest's instructions, including ~~handwritten acceptance~~the transporter's signature and date of acceptance, and immediately give a signed copy of the manifest to the generator or prior transporter, noting any discrepancies in manifest information;
- (4) Upon delivery of the hazardous waste to another transporter or to the designated facility:
- (a) Complete delivery information section of transporter portion of manifest;
 - (b) Obtain the subsequent transporter's or the facility owner's or operator's ~~handwritten acceptance~~ signature and date of acceptance on the manifest;
 - (c) ~~if a particular shipment of hazardous waste is delivered to a continuing transporter, the original transporter must, within seven (7) days, submit a photocopy of the transporter copy~~

~~(copy #5) of the manifest to the Department. Such photocopy must be signed and dated by the continuing transporter, indicating acceptance of the hazardous waste;~~

~~(d) Give the original and remaining copies of the paper manifest to the subsequent transporter or to the facility owner or operator, or in the case of an e-Manifest, by submission to EPA's electronic manifest system in accordance with Section 5(F)(3) of this Chapter;~~

~~(e) Retain, for at least three (3) years from the date the hazardous waste was accepted by him the transporter, the transporter-Transporter's copy-Copy (copy #5)-of the manifest signed by the generator, prior transporters, himself the transporter, and subsequent transporters or the owner or operator of the designated hazardous waste facility, or for e-Manifests retain by submission to EPA's electronic manifest system in accordance with Section 5(F)(4) of this Chapter. If more than one transporter is involved, and the generator has not provided a photocopy of the Transporter's eCopy (copy #5)-of the manifest, the original transporter shall make photocopies so that each transporter retains copy-a Transporter's Copy #5-of the manifest.~~

(5) 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 electronic manifest system should become unavailable for any reason, then:

(a) The transporter in possession of the hazardous waste when the electronic manifest becomes unavailable shall reproduce copies (sufficient 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) of either the printed manifest that is carried on the transport vehicle pursuant to Section 5(F)(11) of this Chapter, or another completed paper manifest for this purpose.

(b) On each printed copy, the transporter shall include a notation in the Special Handling and Additional Description space (Item 14) that the paper manifest is a replacement manifest for a manifest originated in the electronic manifest system, shall include the manifest tracking number of the electronic manifest that is replaced by the paper manifest, and shall also include a brief explanation why the electronic manifest was not available for completing the tracking of the shipment electronically.

(c) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste shall ensure that each paper copy is individually signed and that a legible 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 must 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.

B. The requirements of Sections 8(A)(2), ~~8(A)(3), and 8(A)(4) of this rule Chapter~~ do not apply to rail or water (bulk shipment) transporters if such a transporter complies with requirements of 40 ~~CFR~~C.F.R. Part ~~§§~~ 263.20(e)(1)-(5) and (f)(1)-(5), and 40 ~~CFR~~C.F.R. §§ 263.22(b) and (c), ~~which are hereby adopted and incorporated by reference, except that, if a paper manifest or shipping paper is used instead of an e-Manifest, a copy of the paper manifest or shipping paper must~~ shall also be

sent to the Department by each delivering transporter upon delivery to any other transporter or to the designated facility within seven (7) days of delivery.

- C. Transporters who transport hazardous waste out of the United States shall comply with the applicable requirements of 40 CFR C.F.R. Part §§ 263.20(a)(1), 263.20(a)(2) and 263.20(g) ~~and in addition, shall send a photocopy of manifest copy #5 to the Department within seven (7) days after the hazardous waste left the United States.~~
- D. A transporter shall deliver the entire quantity of hazardous waste which ~~he~~ the transporter has accepted from a generator or a prior transporter to:
- (1) The next subsequent designated transporter;
 - (2) The waste facility designated on the manifest;
 - (3) The alternate designated facility, if an emergency prevents delivery to the primary designated facility; or
 - (4) The place outside the United States designated by the generator.
- E. Emergency condition: If the hazardous waste cannot be delivered in accordance with Sections 78(D)(2), 8(D)(3), or 8(D)(4) of this ~~rule~~ Chapter 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 instructions and shall revise the manifest according to the generator's instructions, or shall return the waste to the generator.
- F. Transporter without generator's authorization: If the hazardous waste is not delivered to the next designated transporter in accordance with Section 8(D)(1) of this Chapter, and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter 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:
- (1) The hazardous waste is not delivered in accordance with Section 8(D)(1) of this Chapter because of an emergency condition; or
 - (2) 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
 - (3) The generator authorizes the revision.
- G. Transporter with generator's authorization: If the hazardous waste is not delivered to the next designated transporter in accordance with Section 8(D)(1) of this Chapter, 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:

- (1) The current transporter is authorized by a contractual provision that provides explicit authorization for the transporter to make such transporter changes, as agent of and on behalf of the generator;
- (2) The transporter enters in Item 14 of each manifest for which such a change is made, the following statement of its authority as the generator's agent: "Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator's behalf;" and
- (3) The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

H. Generator's liability and grant of authority: The generator's grant of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under Section 8(G) of this Chapter 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.

I. 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:

- (1) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's signature and date of 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 40 C.F.R. § 263.22 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 to accompany the shipment, and the new manifest must include all of the required information in 40 C.F.R. §§ 264.72(e)(1)-(6) or 264.72(f)(1)-(6) or 40 C.F.R. §§ 265.72(e)(1)-(6) or 265.72(f)(1)-(6).
- (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 rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and EPA Identification Number for the alternate facility or generator to whom the shipment must be delivered. The transporter shall retain a copy of the manifest in accordance with 40 C.F.R. § 263.22 and give a copy to the rejecting facility. If the original manifest is not used, the transporter shall obtain a new manifest for the shipment and comply with 40 C.F.R. §§ 264.72(e)(1)-(6) or 40 C.F.R. §§ 265.72(e)(1)-(6).

FJ. If hazardous waste in any amount is discharged during transportation, the transporter shall:

- (1) Take immediate appropriate action to protect public health and safety and the environment;
- (2) Immediately notify the Maine Department of Public Safety by calling 1-800-452-4664 or (207) 624-707600.

NOTE: The Maine Department of Public Safety (State Police) will immediately notify the Department.

- (3) Immediately notify, if required by 49 ~~C.F.R.~~ § 171.15, the National Response Center at 1-800-424-8802 or (202) 426-2675;
- (4) Immediately notify the local public safety agency;
- (5) Report in writing as required by 49 ~~C.F.R.~~ § 171.16 to the Director, Office of Hazardous Materials Regulation, Department of Transportation, Washington, DC 20590; and
- (6) If the transporter is a water (bulk shipment) transporter, give the same notice as required by 33 ~~C.F.R.~~ § 153.023 for oil and hazardous substances.

Compliance with this ~~sub~~Section of this Chapter does not relieve a transporter of any obligations or liabilities for such discharges imposed by statute or other rules.

NOTE: For further information and guidance, refer to 06-096 C.M.R. ~~ch.~~Chapter 801 of the Department's rules, Discharge of Hazardous Matter; Removal and Written Reporting Procedures.

9. Manifest Requirements for Owners or Operators of Hazardous Waste Facilities

NOTE: Other requirements for owners and operators of waste facilities for hazardous waste appear in other rules of the ~~Board-Department~~ dealing with specific aspects of hazardous waste management. See, for example, 06-096 C.M.R. ~~ch.~~Chapters 852, ~~Land Disposal Restrictions~~; 06-096 C.M.R. ch. 854; 06-096 C.M.R. ch. 855, ~~Interim Licenses for Waste Facilities for Hazardous Waste~~; and 06-096 C.M.R. ch. 856-854, ~~Standards for Hazardous Waste Facilities~~.

A. The owner or operator of a hazardous waste facility shall:

- (1) Not accept hazardous waste from a generator or transporter unless the waste is accompanied by its manifest, properly completed by the generator and all transporters;
- (2) Not accept any hazardous waste for which ~~his~~the facility is not licensed;
- (3) Upon acceptance of a shipment of hazardous waste:
 - (a) ~~e~~Complete the facility owner or operator portion of the manifest including ~~his~~the owner's or operator's ~~handwritten~~signature and date of acceptance, noting on the manifest discrepancy space any discrepancy, as defined in 40 C.F.R. §§ 264.72(a) and (b), in manifest information and attempts made to reconcile the discrepancy. If a discrepancy in a manifest is discovered, ~~he~~the owner or operator shall attempt to reconcile the discrepancy, in accordance with 40 C.F.R. § 264.72(c). If not resolved within 15 days, ~~he~~the owner or operator shall immediately submit a letter report including the discrepancy, the attempts to reconcile it, and a copy of the manifest to the Department. If the waste is rejected, the facility owner or operator shall note that on the manifest discrepancy space and comply with Section 9(A)(7) of this Chapter.

~~(b) send the Destination State completed copy (copy #1) of the manifest to the State in which his facility is located within seven (7) days of acceptance;~~

~~(c) send the Generator State completed copy (copy #2) to the State in which the waste was generated within seven (7) days of acceptance;~~

~~NOTE: If the waste was generated out of state an owner or operator can obtain the name and address of the appropriate out of state agency by calling the Department at 207/287-2651.~~

~~(db) sSend the signed Designated Facility to gGenerator _completed copy (copy #3) of the manifest to the generator within seven (7)thirty (30) days of acceptance, or for e-Manifests by submission to EPA’s electronic manifest system in accordance with Section 5(F)(3) of this Chapter.~~

~~(ec) iImmediately give the transporter-Transporter’s copy-Copy (copy #5) of the manifest to the transporter, or for e-Manifests by submission to EPA’s electronic manifest system in accordance with Section 5(F)(3) of this Chapter, and~~

~~(fd) rRetain at the designated facility, the Designated Facility’s hazardous waste facility eCopy (copy #4) of the manifest signed by the generator, all transporters and the designated facilityhimself for at least three (3) years from the date of his-the designated facility’s acceptance of the waste, or for e-Manifests retain by submission to EPA’s electronic manifest system in accordance with Section 5(F)(4) of this Chapter; except that if the waste facility for hazardous wasteredesignated facility is the point of ultimate disposition of the waste, the owner or operator shall retain the copy of the-any paper manifest for the life of the facility or until he-the designated facility establishes to the satisfaction of the Commissioner that the waste is no longer hazardous; when the designated facility is no longer in operation, the owner’s or operator’s copies of the paper manifests must be submitted to the Commissioner or disposed of as the Commissioner may direct.~~

~~(i) — when the waste facility is no longer in operation, the owner’s or operator’s copies of manifests shall be returned or disposed of as the Commissioner may direct.~~

~~(e) In addition, determine whether the generator state regulates any additional wastes (beyond those regulated federally) as hazardous waste under its state hazardous waste program (i.e., state-only hazardous waste or other state-regulated waste) that requires the use of a manifest, and if so, do not accept the waste unless accompanied by a manifest, and comply with the manifest copy submission requirements and electronic manifest user fee requirements of Section 5(H) of this Chapter which incorporates by reference 40 C.F.R. §§ 260.4 and 260.5.~~

(4) Paper manifest submission requirements:

(a) Until June 29, 2021, send the top copy (Page 1), i.e., “Designated Facility to EPA’s e-Manifest system” copy, of any paper manifest and any paper continuation sheet to the EPA’s e-Manifest system for purposes of data entry and processing, or in lieu of submitting the paper copy to EPA, the owner or operator may transmit to the EPA 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 must be made at the mailing address or electronic mail/submission address specified at the e-Manifest

program website's directory of services. Beginning on June 30, 2021, EPA will not accept mailed paper manifests from facilities for processing in the e-Manifest system.

- (b) Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest system for purposes of data entry and processing may be met by the owner or operator only by transmitting to the EPA system an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the EPA 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 must be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services; and
- (5) Special procedures applicable to replacement manifests: If a facility receives hazardous waste that is accompanied by a paper replacement manifest (completed or reproduced pursuant to the "special procedures when electronic manifest is not available" under either Section 7(A)(1)(e) or 8(A)(5) of this Chapter) for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:
- (a) Upon delivery of the hazardous waste to the designated facility, the owner or operator 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;
- (b) The owner or operator of the facility shall give back to the final transporter one copy of the paper replacement manifest;
- (c) Within 30 days of delivery of the waste to the designated facility, the owner or operator of the facility 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 electronic manifest system; and
- (d) 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, and as required in accordance with Section 9(A)(3)(d) of this Chapter if the designated facility is the point of ultimate disposition of the waste.
- (6) Imposition of user fee for manifest submissions to EPA: The owner or operator of a designated facility who is a user of the electronic manifest system shall comply with the requirements of 40 C.F.R. § 264.71(j) and 40 C.F.R. Part 264 Subpart FF, or 40 C.F.R. § 265.71(j) and 40 C.F.R. Part 265 Subpart FF, as implemented and enforced by EPA.
- (7) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in 06-096 C.M.R. ch. 850, § 3(A)(7), the owner or operator of the facility shall:
- (a) In accordance with 40 C.F.R. § 264.72(d)(1), consult with the generator prior to forwarding the waste to an alternate facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the designated facility may return the rejected waste or residue to the generator. The designated facility shall send the waste to the

alternative facility or to the generator within 60 days of the rejection or the container residue identification.

(b) In accordance with 40 C.F.R. § 264.72(d)(2), the designated facility shall ensure that either the delivering transporter retains custody of the waste, pending any arrangements for forwarding rejected wastes or residues to another facility under 40 C.F.R. § 264.72(d), or the facility shall provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared pursuant to 40 C.F.R. §§ 264.72(e) and (f).

(c) Comply with 40 C.F.R. §§ 264.72 (e), (f) and (g) and retain a copy of the manifest in accordance with Section 9(A)(3)(d) of this Chapter.

- B.** An owner or operator of a hazardous waste facility which accepts a bulk shipment of hazardous waste by rail or water shall comply with the requirements of 40 C.F.R. Part § 264.71(b), which are hereby adopted and incorporated by reference, and in addition, if the manifest has not been received, shall send a copy of the manifest or shipping paper to the Department within seven (7) days of acceptance.
- C.** If hazardous waste accepted by a facility is subsequently to be moved to another facility, for whatever reason, the owner or operator of the waste facility from which the waste is to be moved becomes the generator of the waste and is subject to the generator requirements of this Chapter and other related rules, including the generator requirements of 06-096 C.M.R. ch. 851. The owner or operator of the waste facility from which the waste is to be moved must also determine whether the consignment state (i.e., the state to which a shipment of waste is manifested) regulates any additional wastes (beyond those regulated federally) as hazardous waste under its state hazardous waste program (i.e., state-only hazardous waste or other state-regulated waste) that requires the use of a manifest, and if applicable, initiate a manifest for the shipment and comply with the generator requirements of this Chapter and other related rules, including the generator requirements of 06-096 C.M.R. ch. 851.
- D.** An owner or operator of a hazardous waste facility which accepts hazardous waste imported from a foreign source shall comply with 40 C.F.R. §§ 264.71(a)(3), 264.71(d), 265.71(a)(3), 265.71(d) and all applicable requirements of transboundary movement of hazardous waste in accordance with 40 C.F.R. Part 262 Subpart H.
- E.** An owner or operator of a hazardous waste facility licensed to handle or treat universal waste shall keep a record of each shipment of universal waste received at the facility (i.e., destination facility). The record may take the form of a log, manifest, or uniform bill of lading. The record for each shipment of universal waste received must include the following:
- (1) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;
 - (2) The quantity of each type of universal waste received (e.g., lamps, ballasts, CRTs, mercury switches); and
 - (3) The date of receipt of the shipment of universal waste.

10. Permission to Move Hazardous Waste in Exceptional Circumstances. In exceptional circumstances, where required to protect public health or safety or the environment, the Commissioner may give permission to a generator or transporter of hazardous waste or to an owner or operator of a waste facility for hazardous waste to deliver, transport or accept hazardous waste without a manifest. In all such cases, each generator, transporter and owner or operator who deals with the waste shall file a written report with the Department giving such information as the Department may require.

11. Extended Retention of Records. The periods of retention of records established in this ~~Chapter~~ rule are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Commissioner of the Department of Environmental Protection or by the Regional Administrator or Administrator of the ~~United States Environmental Protection Agency.~~

12. Department's Hazardous Waste Manifest and Maine Recyclable Material Uniform Bill of Lading for Hazardous Recyclable Material Copies: Where to Send. Generators, transporters and owners and operators of waste facilities for hazardous waste, unless using the e-Manifest System, shall send copies of the manifest or Uniform Bill of Lading or other form approved for use by the Department as required by this ~~Chapter~~ rule to the Department at:

Hazardous Waste Manifest
Bureau of Remediation and Waste Management
Department of Environmental Protection
17 State House Station #17
Augusta, Maine 04333-0017

13. Log Requirements. In lieu of a manifest or Maine Recyclable Material Uniform Bill of Lading, an instate small universal waste generator or instate central accumulation facility operator may utilize a log system of tracking provided the following requirements are met:

A. For a small universal waste generator:

- (1) ~~The~~ waste is sent to either an instate central accumulation facility or instate consolidation facility;
- (2) ~~All~~ the required universal waste information pursuant to Section 13(B)(4) below of this Chapter is recorded on the log sheet upon the generator's arrival at the facility; and
- (3) ~~The instate central accumulation facility or the instate consolidation facility submits, the on a quarterly basis,~~ waste tracking information to the Department in a format specified by the Department on a timely basis; or the facility attaches the completed log forms to the associated Maine Recyclable Material Uniform Bill of Lading and submits these to the Department at the time of the shipment from the facility.

B. For a central accumulation facility:

- (1) ~~The~~ waste is sent to an instate consolidation facility;
- (2) ~~In~~ the case of transfer stations and recycling centers, the operator ensures that all the universal waste information is recorded on the log sheet;
- (3) ~~The~~ log sheet accompanies the universal waste to the instate consolidation facility;

- (4) ~~T~~he log sheet contains at a minimum the following information:
- (a) ~~N~~ame, address and phone number of generator or in the case of a household, the notation that it is from a household in lieu of a specific name, address and phone number;
 - (b) ~~D~~ate universal waste was delivered to facility; and
 - (c) ~~T~~ype and quantity of universal waste delivered; and
- (5) ~~T~~he instate consolidator submits, ~~the~~ on a quarterly basis, waste tracking information to the Department in a format specified by the Department on a timely basis; or the instate consolidator attaches the completed log forms to the associated Maine Recyclable Material Uniform Bill of Lading and submits these to the Department at the time of the shipment from the instate consolidator.

C. For the instate consolidation facility:

- (1) ~~T~~he instate consolidation facility ensures that the log sheets are accurately completed;
- (2) ~~O~~n a quarterly basis, the instate consolidation facility submits a waste tracking document will be submitted to the Department in a format specified by the Department; or the facility submits the completed log forms attached to the associated Maine Recyclable Material Uniform Bill of Lading to the Department at the time of the shipment from the instate consolidation facility.

AUTHORITY:	38 M.R.S.A. <u>M.R.S.</u> , §§ Section 1301, through 1319- <u>Y-et-seq.</u>
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