



Ohio Administrative Code Rule 3745-65-71 Use of manifest system.

Effective: January 16, 2026

(A)

(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the owner's or operator's agent, shall sign and date the manifest as indicated in paragraph (A)(2) of this rule 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, the owner or operator, or the owner's or operator's agent, shall:

(a) Sign and date, by hand, each copy of the manifest;

(b) Note any significant discrepancies [as described in paragraph (A) of rule 3745-65-72 of the Administrative Code] on each copy of the manifest;

(c) Immediately give the transporter at least one copy of the manifest;

(d) [Reserved].

(e) Paper manifest submittal requirements are:

(i) [Reserved].

(ii) Options for compliance on June 30, 2021. Send to the U.S. EPA e-manifest system an image file on the top copy (page one) of the manifest and any continuation sheet, or send to the U.S. EPA e-manifest system both a data file and the image file corresponding to page one of the manifest and any continuation sheet, within thirty days after the date of delivery.



(f) Retain at the facility a copy of each manifest for at least three years after the date of delivery.

(3) The owner or operator of a facility that receives hazardous waste subject to rules 3745-52-80 to 3745-52-84 of the Administrative Code from a foreign source shall:

(a) Additionally list the relevant waste stream consent number from consent documentation supplied by U.S. EPA to the facility for each waste listed on the manifest in the international shipments block on the continuation sheet (U.S. EPA form 8700-22A), matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use an additional continuation sheet; and

(b) Send a copy of the manifest to the U.S. EPA e-manifest system in accordance with paragraph (A)(2)(e) of this rule.

[Comment: The exercise of foreign relations and international commerce powers is reserved to the federal government under the U.S. Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the United States is solely regulated by the federal government. Rules 3745-52-80 to 3745-52-84 of the Administrative Code reflect the federal requirements in 40 CFR Part 262 subpart H.]

(B) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the U.S. EPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner's or operator's agent, shall:

(1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) Note any significant discrepancies [as described in paragraph (A) of rule 3745-65-72 of the Administrative Code] in the manifest or shipping paper, (if the manifest has not been received) on each copy of the manifest or shipping paper;



[Comment: It is not the intent of Ohio EPA that the owner or operator of a facility whose procedures under paragraph (C) of rule 3745-65-13 of the Administrative Code include waste analysis shall perform that analysis before signing the shipping paper and giving the manifest to the transporter. Paragraph (C) of rule 3745-65-72 of the Administrative Code, however, requires reporting an unreconciled discrepancy discovered during later analysis.]

(3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

(4) Within thirty days after delivery, send a copy (page one) of the signed and dated manifest to the U.S. EPA e-manifest system; and

(5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years after the date of delivery.

(C) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of Chapter 3745-52 of the Administrative Code. The provisions of rules 3745-52-15, 3745-52-16, and 3745-52-17 of the Administrative Code are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of rules 3745-52-15, 3745-52-16, and 3745-52-17 of the Administrative Code apply only to owners or operators who are shipping hazardous waste which is generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under paragraph (F) of rule 3745-52-17 of the Administrative Code.

(D) International movement documents.

(1) In accordance with paragraph (D)(2)(o) of rule 3745-52-84 of the Administrative Code, within three working days after receipt of a shipment subject to rules 3745-52-80 to 3745-52-84 of the Administrative Code, the owner or operator of a facility shall provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste, respectively.



(2) For shipments received on or after the electronic import-export reporting compliance date, the receiving facility shall close out the movement document to confirm receipt within three working days after shipment delivery using U.S. EPA's waste import export tracking system (WIETS), or the successor system.

(3) For shipments sent from a country with which U.S. EPA has established an electronic exchange of movement document tracking data, the receiving facility may use U.S. EPA's WIETS, or the successor system, to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export.

(4) The original copy of the movement document shall be maintained at the facility for at least three years after the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on U.S. EPA's WIETS, or the successor system, provided that copies are readily available to view and produce if requested by any U.S. EPA or Ohio EPA inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this rule if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with U.S. EPA's WIETS, or the successor system, for which the owner or operator of a facility bears no responsibility.

(E) An owner or operator of a facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under the consignment state's hazardous waste program. Owners or operators of facilities also shall determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

(F) Legal equivalence to paper manifests. Electronic manifests that are obtained, completed, and transmitted in accordance with paragraph (A)(3) of rule 3745-52-20 of the Administrative Code, and used in accordance with this rule in lieu of the paper manifest form, are the legal equivalent of paper manifest forms bearing handwritten signatures, and, for all purposes, satisfy any requirement in the hazardous waste rules to obtain, complete, sign, provide, use, or retain a manifest.

(1) Any requirement in the hazardous waste rules 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 rule 3745-52-25 of the Administrative Code.

(2) Any requirement in the hazardous waste rules 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 the hazardous waste rules 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 hazardous waste shipment.

(4) Any requirement in the hazardous waste rules 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 the facility's account on the e-manifest system, provided that such copies are readily available to view and produce if requested by any U.S. EPA or Ohio EPA inspector.

(5) No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this rule if the owner or operator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the U.S. EPA electronic manifest system for which the owner or operator bears no responsibility.

(G) An owner or operator may participate in the electronic manifest system either by accessing the electronic manifest system from the owner's or operator's electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the owner's or operator's site by the transporter who delivers the waste shipment to the facility.

(H) 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 thirty days after delivery of the hazardous 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 shall send an additional signed and dated copy of the paper replacement manifest to the U.S. EPA 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 after the date of delivery.
- (I) 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 also shall 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 the owner or operator's ink signature on this printed copy, the owner or operator shall retain this original copy in the owner's or operator's records for at least three years after the date of delivery of the waste.
- (J) Imposition of user fee for electronic manifest use.
- (1) As prescribed in 40 CFR 265.1311, and determined in 40 CFR 265.1312, an owner or operator who is a user of the electronic manifest system shall be assessed a user fee by U.S. EPA for the submittal and processing of each electronic and paper manifest. U.S. EPA shall update the schedule of user fees and publish these updates to the user community, as provided in 40 CFR 265.1313.
 - (2) An owner or operator subject to user fees under this rule shall make user fee payments in



accordance with the requirements of 40 CFR 265.1314, subject to the informal fee dispute resolution process of 40 CFR 265.1316, and subject to the sanctions for delinquent payments under 40 CFR 265.1315.

(K) Electronic manifest signatures. manifest signatures shall meet the criteria described in 40 CFR 262.25.

(1) Electronic manifest signatures shall meet the criteria described in rule 3745-52-25 of the Administrative Code.

(2) [Reserved.]

(L) Post-receipt manifest data corrections. After owners and operators of facilities have certified that the manifest is complete, by signing the manifest at the time of submittal to the U.S. EPA e-manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by U.S. EPA or the director for portions of the manifest that a designated facility is required to complete, the owner or operator shall address the data correction within thirty days after the date of the request.

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

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

(a) The manifest tracking number and date of receipt by the facility of the original manifest for which data are being corrected;

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

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



(3) Each correction submittal shall include a statement that the person submitting the corrections certifies that, to the best of that person's knowledge or belief, the corrections that are included in the submittal 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 system of any correction submittal, 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 paragraph (L)(3) of this rule, and with notice of the corrections to other interested persons shown on the manifest.

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