

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

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4 Solid and Hazardous Waste Commission/Hazardous Materials and  
5 Waste Management Division

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7  
8 6 CCR 1007-3

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10  
11 HAZARDOUS WASTE

12  
13  
14 User Fees for the Electronic Hazardous Waste Manifest System and Amendments to  
15 Manifest Regulations.

16  
17  
18 1) The Table of Contents for Part 260 is amended by adding listings for Sections 260.4  
19 and 260.5 to read as follows:

20  
21 PART 260 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

22  
23 Subpart A General

24 Sec.

25 260.1 Purpose, scope applicability, and effective date.

26 260.2 Incorporation by Reference.

27 260.3 Use of number and gender.

28 260.4 Manifest copy submission requirements for certain interstate waste shipments.

29 260.5 Applicability of electronic manifest system and user fee requirements to facilities receiving  
30 state-only regulated waste shipments.

31  
32 \*\*\*\*\*

33  
34  
35 2) Part 260 is amended by adding Section 260.4 to read as follows:

36  
37 §260.4 Manifest copy submission requirements for certain interstate waste shipments.

38  
39 (a) In any case in which the state in which waste is generated, or the state in which waste will be  
40 transported to a designated facility, requires that the waste be regulated as a hazardous waste or  
41 otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste  
42 shall, regardless of the state in which the facility is located:

43  
44 (1) Complete the facility portion of the applicable manifest;

45  
46 (2) Sign and date the facility certification;

47  
48 (3) Submit to the e-Manifest system a final copy of the manifest for data processing purposes; and  
49

50 (4) Pay the appropriate per manifest fee to EPA for each manifest submitted to the e-Manifest system,  
51 subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and  
52 other fee requirements specified in subpart FF of 40 CFR part 264.

53  
54  
55 **3) Part 260 is amended by adding Section 260.5 to read as follows:**

56  
57 **§260.5 Applicability of electronic manifest system and user fee requirements to facilities**  
58 **receiving state-only regulated waste shipments.**

59  
60 (a) For purposes of this section, “state-only regulated waste” means:

61  
62 (1) A non-RCRA waste that a state regulates more broadly under its state regulatory program, or

63  
64 (2) A RCRA hazardous waste that is federally exempt from manifest requirements, but not exempt  
65 from manifest requirements under state law.

66  
67 (b) In any case in which a state requires a RCRA manifest to be used under state law to track the  
68 shipment and transportation of a state-only regulated waste to a receiving facility, the facility receiving  
69 such a waste shipment for management shall:

70  
71 (1) Comply with the provisions of §§ 264.71 (use of the manifest) and 264.72 (manifest discrepancies)  
72 of this chapter; and

73  
74 (2) Pay the appropriate per manifest fee to EPA for each manifest submitted to the e-Manifest system,  
75 subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and  
76 other fee requirements specified in subpart FF of 40 CFR part 264.

77  
78  
79 **4) The Table of Contents for Part 262 is amended by removing and reserving the listing**  
80 **for the Appendix to Part 262 as follows:**

81  
82 **PART 262 STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE**

83  
84 \*\*\*\*\*

85  
86 **APPENDIX TO PART 262 - RESERVED**

87  
88 ~~UNIFORM HAZARDOUS WASTE MANIFEST AND INSTRUCTIONS (EPA FORMS 8700-22 AND 8700-~~  
89 ~~22A AND THEIR INSTRUCTIONS)~~

90  
91  
92 **5) Section 262.20 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:**

93  
94 **Subpart B Manifest Requirements Applicable to Small and Large Quantity Generators**

95  
96  
97 **§ 262.20 General requirements.**

98  
99 (a)(1) A generator ~~whothat~~ transports, or offers for transport a hazardous waste for offsite treatment,  
100 storage, or disposal, or a treatment, storage, ~~andor~~ disposal facility ~~whothat~~ offers for transport a rejected  
101 hazardous waste load, must prepare a Manifest (OMB Control number 2050-0039) on EPA form 8700-22

102 and, if necessary, EPA form 8700-22A, ~~according to the instructions included in the Appendix to Part 262~~  
103 ~~of these regulations before transporting the waste off site.~~

104  
105 (2) The revised manifest form and procedures in §§ 260.10, 261.7, 262.20, 262.21, 262.27, 262.32,  
106 262.34, 262.54, and 262.60, ~~and the Appendix to Part 262 of these regulations~~, shall not apply until  
107 September 5, 2006. The manifest form and procedures contained in §§ 260.10, 261.7, 262.20,  
108 262.21, 262.32, 262.34, 262.54, and 262.60, ~~and the Appendix to Part 262~~ of these regulations at the  
109 time of the May 2006 rulemaking hearing shall be applicable until September 5, 2006.

110  
111 \*\*\*\*\*

112  
113  
114 **6) Section 262.21 is amended by revising paragraphs (f)(5), (f)(6) and (f)(7), and adding**  
115 **paragraph (f)(8) to read as follows:**

116  
117 **§ 262.21 Manifest tracking numbers, manifest printing, and obtaining manifests.**

118  
119 \*\*\*\*\*

120  
121 (f) Paper manifests and continuation sheets must be printed according to the following specifications:

122  
123 \*\*\*\*\*

124  
125 (5) The manifest and continuation sheet must be printed as ~~fivesix~~-copy forms. Copy-to-copy  
126 registration must be exact within 1/32nd of an inch. Handwritten and typed impressions on the form  
127 must be legible on all ~~fivesix~~ copies. Copies must be bound together by one or more common stubs  
128 that reasonably ensure that they will not become detached inadvertently during normal use.

129  
130 (6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed,  
131 as follows:

132  
133 (i) Page 1 (top copy): "Designated facility to ~~EPA's e-Manifest system destination State (if required)~~".

134  
135 (ii) Page 2: "Designated facility to generator ~~State (if required)~~".

136  
137 (iii) Page 3: "Designated facility ~~copy to generator~~".

138  
139 (iv) Page 4: "~~Transporter Designated facility's copy~~"; and

140  
141 (v) Page 5 (bottom copy): "Generator's initial ~~Transporter's copy~~".

142  
143 ~~(vi) Page 6 (bottom copy): "Generator's initial copy".~~

144  
145 (7) ~~The instructions for the manifest form (EPA Form 8700-22) and the manifest continuation sheet~~  
146 ~~(EPA Form 8700-22A) shall be printed in accordance with the content that is currently approved under~~  
147 ~~OMB Control Number 2050-0039 and published to the e-Manifest program's website.~~ The instructions  
148 ~~in the appendix to 40 CFR part 262~~ must appear legibly on the back of the copies of the manifest and  
149 continuation sheet as provided in this paragraph (f). The instructions must not be visible through the  
150 front of the copies when photocopied or faxed.

151  
152 (i) Manifest Form 8700-22.

153  
154 (A) The "Instructions for Generators" on Copy ~~56~~;

155  
156 (B) The "Instructions for International Shipment Block" and "Instructions for Transporters" on  
157 Copy 45; and

158  
159 (C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 34.

160  
161 (ii) Manifest Form 8700-22A.

162  
163 (A) The "Instructions for Generators" on Copy 56;

164  
165 (B) The "Instructions for Transporters" on Copy 45; and

166  
167 (C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 34.

168  
169 (8) The designated facility copy of each manifest and continuation sheet must include in the bottom  
170 margin the following warning in prominent font: "If you received this manifest, you have responsibilities  
171 under the e-Manifest Act. See instructions on reverse side."

172  
173 \*\*\*\*\*

174  
175  
176 **7) Section 262.24 is amended by revising paragraphs (c) and (e); removing and reserving**  
177 **paragraph (g); and adding paragraph (h) to read as follows:**

178  
179 **§ 262.24 Use of the electronic manifest.**

180  
181 \*\*\*\*\*

182  
183 (c) **Restriction on use of electronic manifests.** A generator may ~~prepare~~ use an electronic manifest for  
184 the tracking of hazardous waste shipments involving any RCRA hazardous waste only if it is known at the  
185 time the manifest is originated that all waste handlers named on the manifest participate in the use of the  
186 ~~national electronic manifest system~~, except that:

187  
188 (1) A generator may sign by hand and retain a paper copy of the manifest signed by hand by the initial  
189 transporter, in lieu of executing the generator copy electronically, thereby enabling the transporter and  
190 subsequent waste handlers to execute the remainder of the manifest copies electronically.

191  
192 (2) [Reserved]

193  
194 \*\*\*\*\*

195  
196 (e) **Special procedures when electronic manifest is unavailable.** If a generator has prepared an  
197 electronic manifest for a hazardous waste shipment, but the national electronic manifest system becomes  
198 unavailable for any reason prior to the time that the initial transporter has signed electronically to  
199 acknowledge the receipt of the hazardous waste from the generator, then the generator must obtain and  
200 complete a paper manifest and if necessary, a continuation sheet (EPA Forms 8700-22 and 8700-22A) in  
201 accordance with the manifest instructions, ~~in the appendix to this part~~, and use these paper forms from  
202 this point forward in accordance with the requirements of § 262.23.

203  
204 \*\*\*\*\*

205  
206 (g) ~~Reserved. Imposition of user fee. A generator who is a user of the electronic manifest may be~~  
207 ~~assessed a user fee by EPA for the origination of each electronic manifest. EPA shall maintain and~~

208 update from time-to-time the current schedule of electronic manifest user fees, which shall be determined  
209 based on current and projected system costs and level of use of the national electronic manifest system.  
210 The current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR Part  
211 262.

212  
213 **(h) Post-receipt manifest data corrections.** After facilities have certified to the receipt of hazardous  
214 wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time  
215 by any interested person (e.g., waste handler) named on the manifest. Generators may participate  
216 electronically in the post-receipt data corrections process by following the process described in §264.71(l)  
217 of these regulations, which applies to corrections made to either paper or electronic manifest records.

218  
219  
220 **8) The Appendix to Part 262 is amended by removing the Uniform Hazardous Waste**  
221 **Manifest and Instructions in their entirety and reserving the Appendix to Part 262 to**  
222 **read as follows:**

223  
224 **Appendix to Part 262--~~Uniform Hazardous Waste Manifest and Instructions~~**  
225 **(~~EPA Forms 8700-22 and 8700-22A and Their Instructions~~) RESERVED**  
226

227  
228 **9) Section 263.20 is amended by removing and reserving paragraph (a)(8) and adding**  
229 **paragraph (a)(9) to read as follows:**

230  
231 **§ 263.20 The manifest system.**

232  
233 (a)(1) **Manifest requirements.** A transporter may not accept hazardous waste from a generator unless  
234 the transporter is also provided with a manifest signed in accordance with the provisions of § 262.23.

235  
236 \*\*\*\*\*

237  
238 (8) ~~**Reserved. Imposition of user fee for electronic manifest use.**~~ A transporter who is a user of the  
239 electronic manifest may be assessed a user fee by EPA for the origination or processing of each  
240 electronic manifest. EPA shall maintain and update from time-to-time the current schedule of electronic  
241 manifest user fees, which shall be determined based on current and projected system costs and level  
242 of use of the national electronic manifest system. The current schedule of electronic manifest user fees  
243 shall be published as an appendix to 40 CFR Part 262.

244  
245 **(9) Post-receipt manifest data corrections.** After facilities have certified to the receipt of hazardous  
246 wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any  
247 time by any interested person (e.g., waste handler) named on the manifest. Transporters may  
248 participate electronically in the post-receipt data corrections process by following the process  
249 described in §264.71(l) of these regulations, which applies to corrections made to either paper or  
250 electronic manifest records.

251  
252 \*\*\*\*\*

253 **10) Section 263.21 is revised to read as follows:**

254  
255 **§ 263.21 Compliance with the manifest.**

256  
257 (a) Except as provided in paragraph (b) of this section, ~~T~~the transporter must deliver the entire quantity of  
258 hazardous waste which ~~he/she~~ he or she has accepted from a generator or a transporter to:

- 259  
260 (1) The designated facility listed on the manifest; or  
261  
262 (2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated  
263 facility because an emergency prevents delivery; or  
264  
265 (3) The next designated transporter; or  
266  
267 (4) The place outside the United States designated by the generator.

268  
269 (b)(1) **Emergency condition.** If the hazardous waste cannot be delivered in accordance with paragraph  
270 (a)(1), (2), or (4) of this section because of an emergency condition other than rejection of the waste by  
271 the designated facility or alternate designated facility, then the transporter must contact the generator for  
272 further directions and must revise the manifest according to the generator's instructions.

273  
274 **(2) Transporters without agency authority.** If the hazardous waste is not delivered to the next  
275 designated transporter in accordance with paragraph (a)(3) of this section, and the current transporter  
276 is without contractual authorization from the generator to act as the generator's agent with respect to  
277 transporter additions or substitutions, then the current transporter must contact the generator for  
278 further instructions prior to making any revisions to the transporter designations on the manifest. The  
279 current transporter may thereafter make such revisions if:

280  
281 (i) The hazardous waste is not delivered in accordance with paragraph (a)(3) of this section  
282 because of an emergency condition; or

283  
284 (ii) The current transporter proposes to change the transporter(s) designated on the manifest by  
285 the generator, or to add a new transporter during transportation, to respond to an emergency, or  
286 for purposes of transportation efficiency, convenience, or safety; and

287  
288 (iii) The generator authorizes the revision.

289  
290 **(3) Transporters with agency authority.** If the hazardous waste is not delivered to the next  
291 designated transporter in accordance with paragraph (a)(3) of this section, and the current transporter  
292 has authorization from the generator to act as the generator's agent, then the current transporter may  
293 change the transporter(s) designated on the manifest, or add a new transporter, during transportation  
294 without the generator's prior, explicit approval, provided that:

295  
296 (i) The current transporter is authorized by a contractual provision that provides explicit agency  
297 authority for the transporter to make such transporter changes on behalf of the generator;

298  
299 (ii) The transporter enters in Item 14 of each manifest for which such a change is made, the  
300 following statement of its agency authority: "Contract retained by generator confers agency  
301 authority on initial transporter to add or substitute additional transporters on generator's behalf;"  
302 and

303  
304 (iii) The change in designated transporters is necessary to respond to an emergency, or for  
305 purposes of transportation efficiency, convenience, or safety.

306  
307 (4) Generator liability. The grant by a generator of authority to a transporter to act as the agent of the  
308 generator with respect to changes to transporter designations under paragraph (b)(3) of this section  
309 does not affect the generator's liability or responsibility for complying with any applicable requirement  
310 under this chapter, or grant any additional authority to the transporter to act on behalf of the generator.  
311

312 (c2) If hazardous waste is rejected by the designated facility while the transporter is on the facility's  
313 premises, then the transporter must obtain the following:  
314

315 (1i) For a partial load rejection or for regulated quantities of container residues, a copy of the original  
316 manifest that includes the facility's date and signature, and the Manifest Tracking Number of the new  
317 manifest that will accompany the shipment, and a description of the partial rejection or container  
318 residue in the discrepancy block of the original manifest. The transporter must retain a copy of this  
319 manifest in accordance with § 263.22 of these regulations, and give the remaining copies of the  
320 original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of  
321 the shipment or a regulated container residue to an alternate facility or returning it to the generator,  
322 the transporter must obtain a new manifest to accompany the shipment, and the new manifest must  
323 include all of the information required in § 264.72(e)(1) through (6) or (f)(1) through (6) of these  
324 regulations or § 265.72(e)(1) through (6) or (f)(1) through (6) of these regulations.  
325

326 (2ii) For a full load rejection that will be taken back by the transporter, a copy of the original manifest  
327 that includes the rejecting facility's signature and date attesting to the rejection, the description of the  
328 rejection in the discrepancy block of the manifest, and the name, address, phone number, and  
329 Identification Number for the alternate facility or generator to whom the shipment must be delivered.  
330 The transporter must retain a copy of the manifest in accordance with § 263.22 of these regulations,  
331 and give a copy of the manifest containing this information to the rejecting designated facility. If the  
332 original manifest is not used, then the transporter must obtain a new manifest for the shipment and  
333 comply with § 264.72(e)(1) through (6) of these regulations or § 265.72(e)(1) through (6) of these  
334 regulations.  
335

336  
337 **11) Section 264.71 is amended by revising paragraphs (a)(2) and (j), and adding**  
338 **paragraph (l) to read as follows:**  
339

340 **§ 264.71 Use of manifest system.**  
341

342 (a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator or his/her  
343 agent must sign and date the manifest as indicated in paragraph (a)(2) of this section to certify that the  
344 hazardous waste covered by the manifest was received, that the hazardous waste was received except  
345 as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in  
346 the manifest discrepancy space.  
347

348 (2) If ~~athe~~ facility receives a hazardous waste shipment accompanied by a manifest, the owner,  
349 operator or his/her agent must:  
350

351 (i) Sign and date, ~~by hand~~, each copy of the manifest;  
352

353 (ii) Note any discrepancies (as defined in § 264.72(a)) ~~in the manifest~~ on each copy of the  
354 manifest;  
355

356 (iii) Immediately give the transporter at least one copy of the manifest;  
357

358 (iv) Within 30 days of delivery, send a copy (Page ~~23~~) of the manifest to the generator; ~~and~~

359  
360 (v) ~~Within 30 days of delivery, send the top copy (Page 1) of the manifest to the national e-~~  
361 ~~Manifest system for purposes of data entry and processing. In lieu of mailing this paper copy to~~  
362 ~~EPA, the owner or operator may transmit to the EPA system an image file of Page 1 of the~~  
363 ~~manifest, or both a data string file and the image file corresponding to Page 1 of the manifest. Any~~  
364 ~~data or image files transmitted to EPA under this paragraph must be submitted in data file and~~  
365 ~~image file formats that are acceptable to EPA and that are supported by EPA's electronic~~  
366 ~~reporting requirements and by the electronic manifest system. Paper manifest submission~~  
367 ~~requirements are:~~

368  
369 (A) Options for compliance on June 30, 2018. Beginning on June 30, 2018, send the top  
370 copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest  
371 system for purposes of data entry and processing, or in lieu of submitting the paper copy to  
372 EPA, the owner or operator may transmit to the EPA system an image file of Page 1 of the  
373 manifest and any continuation sheet, or both a data file and image file corresponding to  
374 Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery.  
375 Submissions of copies to the e-Manifest system shall be made at the mailing address or  
376 electronic mail/submission address specified at the e-Manifest program website's directory  
377 of services. Beginning on June 30, 2021, EPA will not accept mailed paper manifests from  
378 facilities for processing in e-Manifest.

379  
380 (B) Options for compliance on June 30, 2021. Beginning on June 30, 2021, the  
381 requirement to submit the top copy (Page 1) of the paper manifest and any paper  
382 continuation sheet to the e-Manifest system for purposes of data entry and processing may  
383 be met by the owner or operator only by transmitting to the EPA system an image file of  
384 Page 1 of the manifest and any continuation sheet, or by transmitting to the EPA system  
385 both a data file and the image file corresponding to Page 1 of the manifest and any  
386 continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-  
387 Manifest system shall be made to the electronic mail/submission address specified at the e-  
388 Manifest program website's directory of services; and

389  
390 (vi) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

391 \*\*\*\*\*

392  
393 \*\*\*\*\*

394  
395  
396 (j) **Imposition of user fee for electronic manifest use.**

397  
398 (1) As prescribed in 40 CFR § 264.1311, and determined in 40 CFR § 264.1312, A~~an~~ owner or  
399 operator who is a user of the national electronic manifest ~~system~~ ~~format~~ ~~may~~ ~~shall~~ be assessed a user  
400 fee by EPA for the ~~origination or submission and~~ processing of each electronic ~~and paper~~ manifest.  
401 EPA shall update the schedule of user fees and publish them to the user community, as provided in  
402 40 CFR § 264.1313. An owner or operator may also be assessed a user fee by EPA for the collection  
403 and processing of paper manifest copies that owners or operators must submit to the electronic  
404 manifest system operator under § 264.71(a)(2)(v). EPA shall maintain and update from time to time  
405 the current schedule of electronic manifest system user fees, which shall be determined based on  
406 current and projected system costs and level of use of the national electronic manifest system. The  
407 current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR Part  
408 262.

409  
410 (2) An owner or operator subject to user fees under this section shall make user fee payments in  
411 accordance with the requirements of 40 CFR § 264.1314, subject to the informal fee dispute

412 resolution process of 40 CFR § 264.1316, and subject to the sanctions for delinquent payments under  
413 40 CFR § 264.1315.

414  
415 (k) Electronic manifest signatures. Electronic manifest signatures shall meet the criteria described in 40  
416 CFR § 262.25.

417  
418 (l) Post-receipt manifest data corrections. After facilities have certified to the receipt of hazardous  
419 wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time  
420 by any interested person (e.g., waste handler) shown on the manifest.

421  
422 (1) Interested persons must make all corrections to manifest data by electronic submission, either by  
423 directly entering corrected data to the web based service provided in e-Manifest for such corrections,  
424 or by an upload of a data file containing data corrections relating to one or more previously submitted  
425 manifests.

426  
427 (2) Each correction submission must include the following information:

428  
429 (i) The Manifest Tracking Number and date of receipt by the facility of the original manifest(s) for  
430 which data are being corrected;

431  
432 (ii) The item number(s) of the original manifest that is the subject of the submitted correction(s);  
433 and

434  
435 (iii) For each item number with corrected data, the data previously entered and the corresponding  
436 data as corrected by the correction submission.

437  
438 (3) Each correction submission shall include a statement that the person submitting the corrections  
439 certifies that to the best of his or her knowledge or belief, the corrections that are included in the  
440 submission will cause the information reported about the previously received hazardous wastes to be  
441 true, accurate, and complete:

442  
443 (i) The certification statement must be executed with a valid electronic signature; and

444  
445 (ii) A batch upload of data corrections may be submitted under one certification statement.

446  
447 (4) Upon receipt by the system of any correction submission, other interested persons shown on the  
448 manifest will be provided electronic notice of the submitter's corrections.

449  
450 (5) Other interested persons shown on the manifest may respond to the submitter's corrections with  
451 comments to the submitter, or by submitting another correction to the system, certified by the  
452 respondent as specified in paragraph (l)(3) of this section, and with notice of the corrections to other  
453 interested persons shown on the manifest.

454  
455  
456 **12) Section 264.1086 is amended by revising paragraphs (c)(4)(i) and (d)(4)(i) to read as**  
457 **follows:**

458  
459 **§ 264.1086 Standards: Containers.**

460  
461 \*\*\*\*\*

462  
463 **(c) Container Level 1 standards.**

465 \*\*\*\*\*

466  
467 (4) The owner or operator of containers using Container Level 1 controls shall inspect the containers  
468 and their covers and closure devices as follows:  
469

470 (i) In the case when a hazardous waste already is in the container at the time the owner or  
471 operator first accepts possession of the container at the facility and the container is not emptied  
472 within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for  
473 an empty container as specified in § 261.7(b) of these regulations), the owner or operator shall  
474 visually inspect the container and its cover and closure devices to check for visible cracks, holes,  
475 gaps, or other open spaces into the interior of the container when the cover and closure devices  
476 are secured in the closed position. The container visual inspection shall be conducted on or  
477 before the date that the container is accepted at the facility (i.e., the date the container becomes  
478 subject to the Subpart CC container standards). For purposes of this requirement, the date of  
479 acceptance is the date of signature that the facility owner or operator enters on Item 20 of the  
480 Uniform Hazardous Waste Manifest ~~in the appendix to Part 262~~ (EPA Forms 8700-22 and 8700-  
481 22A), as required under Subpart E of this part, at § 264.71 of these regulations. If a defect is  
482 detected, the owner or operator shall repair the defect in accordance with the requirements of  
483 paragraph (c)(4)(iii) of this section.  
484

485 \*\*\*\*\*

486 \*\*\*\*\*

487  
488 (d) **Container Level 2 standards.**

489 \*\*\*\*\*

490  
491  
492 (4) The owner or operator of containers using Container Level 2 controls shall inspect the containers  
493 and their covers and closure devices as follows:  
494

495 (i) In the case when a hazardous waste already is in the container at the time the owner or  
496 operator first accepts possession of the container at the facility and the container is not emptied  
497 within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for  
498 an empty container as specified in § 261.7(b) of these regulations), the owner or operator shall  
499 visually inspect the container and its cover and closure devices to check for visible cracks, holes,  
500 gaps, or other open spaces into the interior of the container when the cover and closure devices  
501 are secured in the closed position. The container visual inspection shall be conducted on or  
502 before the date that the container is accepted at the facility (i.e., the date the container becomes  
503 subject to the Subpart CC container standards). For purposes of this requirement, the date of  
504 acceptance is the date of signature that the facility owner or operator enters on Item 20 of the  
505 Uniform Hazardous Waste Manifest ~~in the appendix to Part 262~~ (EPA Forms 8700-22 and 8700-  
506 22A), as required under Subpart E of this part, at § 264.71 of these regulations. If a defect is  
507 detected, the owner or operator shall repair the defect in accordance with the requirements of  
508 paragraph (d)(4)(iii) of this section.  
509

510 \*\*\*\*\*

511 \*\*\*\*\*

514 **13) Section 265.71 is amended by revising paragraphs (a)(2) and (j); and adding**  
515 **paragraph (l) to read as follows:**

516  
517  
518 **§ 265.71 Use of manifest system.**  
519

520 (a)(1) If ~~athe~~ facility receives hazardous waste ~~shipment~~ accompanied by a manifest, the owner, operator  
521 or his/her agent must sign and date the manifest as indicated in paragraph (a)(2) of this section to certify  
522 that the hazardous waste covered by the manifest was received, that the hazardous waste was received  
523 except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as  
524 noted in the manifest discrepancy space.

525  
526 (2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator  
527 or his/her agent must:

528  
529 (i) Sign and date, by hand, each copy of the manifest;

530  
531 (ii) Note any discrepancies (as defined in § 265.72(a)) ~~in the manifest~~ on each copy of the  
532 manifest;

533  
534 (iii) Immediately give the transporter at least one copy of the manifest;

535  
536 (iv) Within 30 days of delivery, send a copy (Page ~~32~~) of the manifest to the generator; ~~and~~

537  
538 ~~(v) Within 30 days of delivery, send the top copy (Page 1) of the manifest to the national~~  
539 ~~electronic manifest system for purposes of data entry and processing. In lieu of mailing this paper~~  
540 ~~copy to the electronic manifest system operator, the owner or operator may transmit to the~~  
541 ~~system operator an image file of Page 1 of the manifest, or both a data string file and the image~~  
542 ~~file corresponding to Page 1 of the manifest. Any data or image files transmitted to EPA under~~  
543 ~~this paragraph must be submitted in data file and image file formats that are acceptable to EPA~~  
544 ~~and that are supported by EPA's electronic reporting requirements and by the national electronic~~  
545 ~~manifest system. Paper manifest submission requirements are:~~

546  
547 (A) Options for compliance on June 30, 2018. Beginning on June 30, 2018, send the top  
548 copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest  
549 system for purposes of data entry and processing, or in lieu of submitting the paper copy to  
550 EPA, the owner or operator may transmit to the EPA system an image file of Page 1 of the  
551 manifest and any continuation sheet, or both a data file and image file corresponding to Page  
552 1 of the manifest and any continuation sheet, within 30 days of the date of delivery.  
553 Submissions of copies to the e-Manifest system shall be made at the mailing address or  
554 electronic mail/submission address specified at the e-Manifest program website's directory of  
555 services. Beginning on June 30, 2021, EPA will not accept mailed paper manifests from  
556 facilities for processing in e-Manifest.

557  
558 (B) Options for compliance on June 30, 2021. Beginning on June 30, 2021, the  
559 requirement to submit the top copy (Page1) of the paper manifest and any paper continuation  
560 sheet to the e-Manifest system for purposes of data entry and processing may be met by the  
561 owner or operator only by transmitting to the EPA system an image file of Page 1 of the  
562 manifest and any continuation sheet, or by transmitting to the EPA system both a data file  
563 and the image file corresponding to Page 1 of the manifest and any continuation sheet, within  
564 30 days of the date of delivery. Submissions of copies to the e-Manifest system shall be  
565 made to the electronic mail/submission address specified at the e-Manifest program website's  
566 directory of services; and

567 (vi) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

569 \*\*\*\*\*

572 \*\*\*\*\*

574 (j) **Imposition of user fee for electronic manifest use.**

575  
576 (1) As prescribed in 40 CFR § 265.1311, and determined in 40 CFR § 265.1312, An owner or  
577 operator who is a user of the national electronic manifest ~~formatsystem~~ may shall be assessed a user  
578 fee by EPA for the ~~origination or submission and~~ processing of each electronic ~~and paper~~ manifest.  
579 EPA shall update the schedule of user fees and publish them to the user community, as provided in  
580 40 CFR § 265.1313. An owner or operator may also be assessed a user fee by EPA for the collection  
581 and processing of paper manifest copies that owners or operators must submit to the electronic  
582 manifest system operator under § 265.71(a)(2)(v). EPA shall maintain and update from time to time  
583 the current schedule of electronic manifest system user fees, which shall be determined based on  
584 current and projected system costs and level of use of the national electronic manifest system. The  
585 current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR Part  
586 262.

587  
588 (2) An owner or operator subject to user fees under this section shall make user fee payments in  
589 accordance with the requirements of 40 CFR § 265.1314, subject to the informal fee dispute  
590 resolution process of 40 CFR § 265.1316, and subject to the sanctions for delinquent payments under  
591 40 CFR § 265.1315.

592  
593 (k) **Electronic manifest signatures.** (1) Electronic manifest signatures shall meet the criteria described  
594 in 40 CFR § 262.25.

595  
596 (l) Post-receipt manifest data corrections. After facilities have certified to the receipt of hazardous wastes  
597 by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any  
598 interested person (e.g., waste handler) shown on the manifest.

599  
600 (1) Interested persons must make all corrections to manifest data by electronic submission, either by  
601 directly entering corrected data to the web based service provided in e-Manifest for such corrections,  
602 or by an upload of a data file containing data corrections relating to one or more previously submitted  
603 manifests.

604  
605 (2) Each correction submission must include the following information:

606  
607 (i) The Manifest Tracking Number and date of receipt by the facility of the original manifest(s) for  
608 which data are being corrected;

609  
610 (ii) The Item Number(s) of the original manifest that is the subject of the submitted correction(s);  
611 and

612  
613 (iii) For each Item Number with corrected data, the data previously entered and the corresponding  
614 data as corrected by the correction submission.

615  
616 (3) Each correction submission shall include a statement that the person submitting the corrections  
617 certifies that to the best of his or her knowledge or belief, the corrections that are included in the  
618 submission will cause the information reported about the previously received hazardous wastes to be  
619 true, accurate, and complete.

620  
621 (i) The certification statement must be executed with a valid electronic signature; and

622  
623 (ii) A batch upload of data corrections may be submitted under one certification statement.

624  
625 (4) Upon receipt by the system of any correction submission, other interested persons shown on the  
626 manifest will be provided electronic notice of the submitter's corrections.

627  
628 (5) Other interested persons shown on the manifest may respond to the submitter's corrections with  
629 comments to the submitter, or by submitting another correction to the system, certified by the  
630 respondent as specified in paragraph (l)(3) of this section, and with notice of the corrections to other  
631 interested persons shown on the manifest.

632  
633  
634 **14) Section 265.1087 is amended by revising paragraphs (c)(4)(i) and (d)(4)(i) to read as**  
635 **follows:**

636  
637 **§ 265.1087 Standards: Containers.**

638 \*\*\*\*\*

639  
640 **(c) Container Level 1 standards.**

641 \*\*\*\*\*

642  
643  
644 (4) The owner or operator of containers using Container Level 1 controls shall inspect the containers  
645 and their covers and closure devices as follows:

646  
647 (i) In the case when a hazardous waste already is in the container at the time the owner or  
648 operator first accepts possession of the container at the facility and the container is not emptied  
649 within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for  
650 an empty container as specified in § 261.7(b) of these regulations), the owner or operator shall  
651 visually inspect the container and its cover and closure devices to check for visible cracks, holes,  
652 gaps, or other open spaces into the interior of the container when the cover and closure devices  
653 are secured in the closed position. The container visual inspection shall be conducted on or  
654 before the date that the container is accepted at the facility (i.e., the date the container becomes  
655 subject to the Subpart CC container standards). For purposes of this requirement, the date of  
656 acceptance is the date of signature that the facility owner or operator enters on Item 20 of the  
657 Uniform Hazardous Waste Manifest ~~in the appendix to Part 262 of these regulations~~ (EPA Forms  
658 8700-22 and 8700-22A), as required under subpart E of this part, at § 265.71 of these  
659 regulations. If a defect is detected, the owner or operator shall repair the defect in accordance  
660 with the requirements of paragraph (c)(4)(iii) of this section.

661  
662 \*\*\*\*\*

663  
664 \*\*\*\*\*

665  
666  
667 **(d) Container Level 2 standards.**

668 \*\*\*\*\*

669  
670  
671 (4) The owner or operator of containers using Container Level 2 controls shall inspect the containers  
672 and their covers and closure devices as follows:

673  
674 (i) In the case when a hazardous waste already is in the container at the time the owner or  
675 operator first accepts possession of the container at the facility and the container is not emptied  
676 within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for  
677 an empty container as specified in § 261.7(b) of these regulations), the owner or operator shall  
678 visually inspect the container and its cover and closure devices to check for visible cracks, holes,  
679 gaps, or other open spaces into the interior of the container when the cover and closure devices  
680 are secured in the closed position. The container visual inspection shall be conducted on or  
681 before the date that the container is accepted at the facility (i.e., the date the container becomes  
682 subject to the Subpart CC container standards). For purposes of this requirement, the date of  
683 acceptance is the date of signature that the facility owner or operator enters on Item 20 of the  
684 Uniform Hazardous Waste Manifest ~~in the appendix to Part 262 of these regulations~~ (EPA Forms  
685 8700-22 and 8700-22A), as required under subpart E of this part, at § 265.71 of these  
686 regulations. If a defect is detected, the owner or operator shall repair the defect in accordance  
687 with the requirements of paragraph (d)(4)(iii) of this section.  
688

689 \*\*\*\*\*

690 \*\*\*\*\*

691  
692  
693 **15) Section 8.93 (Statement of Basis for the Rulemaking Hearing of February 19, 2019) is**  
694 **added to Part 8 of the Regulations to read as follows:**  
695

696  
697 **Statement of Basis and Purpose**  
698 **Rulemaking Hearing of February 19, 2019**  
699

700 **8.93 Basis and Purpose.**  
701

702 These amendments to 6 CCR 1007-3, Parts 260, 262, 263, 264, and 265 are made pursuant to  
703 the authority granted to the Solid and Hazardous Waste Commission in § 25-15-302(2), C.R.S.  
704

705 **User Fees for the Electronic Hazardous Waste Manifest System and Amendments to the**  
706 **Manifest Regulations**  
707

708 These amendments to the Colorado Hazardous Waste Regulations (6 CCR 1007-3) correspond  
709 to the Environmental Protection Agency (EPA) Hazardous Waste Electronic Manifest User Fee  
710 rule published in the Federal Register on January 3, 2018 {83 FR 420-462}, and which became  
711 effective on June 30, 2018.  
712

713 The January 3, 2018 federal rule established the methodology the EPA will use to determine and  
714 revise the user fees applicable to the electronic and paper manifests to be submitted to the  
715 national electronic manifest system (e-Manifest system) that EPA developed under the  
716 Hazardous Waste Electronic Manifest Establishment Act, P.L. 112-195. That Act directed EPA to  
717 establish a national electronic manifest system (or e-Manifest system) and to impose reasonable  
718 user service fees as a means to fund the development and operation of the e-Manifest system.  
719

720 EPA's Hazardous Waste Electronic Manifest rule was published in the Federal Register on  
721 February 7, 2014 {79 FR 7518-7563}. Corresponding amendments to the Colorado Hazardous  
722 Waste Regulations were adopted by the Colorado Solid and Hazardous Waste Commission on  
723 October 17, 2017, and became effective on November 30, 2017.  
724

725 EPA began operation of its e-Manifest system on June 30, 2018. The goal of the e-Manifest

726 system is to transition away from the use of paper manifests and move to a fully electronic  
 727 process for tracking hazardous waste shipments. Establishment of an electronic tracking system  
 728 for hazardous waste shipments will allow tracking to be conducted in a more cost-effective  
 729 manner, and result in reduced paperwork and processing burdens to the regulated community, as  
 730 well as to the regulators. The e-Manifest system should also provide more timely access to  
 731 manifest data and shipment information, and improve data quality shared among users,  
 732 regulators, and their data management systems.

733  
 734 As a state with an authorized RCRA program under 40 CFR Part 271, Colorado is required to  
 735 revise its state program in order to be equivalent to, consistent with, and no less stringent than  
 736 the requirements of the federal e-Manifest User Fee rule.

737  
 738 Many of the regulatory provisions promulgated in the federal e-Manifest User Fee rule were  
 739 issued under the authority of the e-Manifest Act, and can only be administered and enforced by  
 740 the EPA. Colorado is required to adopt these provisions in order to maintain manifest program  
 741 consistency.

742  
 743 Two sets of provisions in the federal that can only be administered by the EPA include the  
 744 following:

745  
 746 1) Manifest printing specifications of § 262.21(f)(5), (6), and(7). These provisions describe the  
 747 revised printing specification for the five-copy paper manifest and continuation sheet paper  
 748 forms, the revised copy distribution requirements to be printed on each copy of the form, and  
 749 the revised specification for printing the appropriate manifest instructions on the back of the  
 750 form copies. These printing specifications apply to registered manifest printers and are  
 751 administered solely by EPA, and

752  
 753 2) Fee methodology and related fee implementation provisions of subpart FF of 40 CFR Parts  
 754 264 & 265. The user fee provisions of subpart FF describe the methods and processes that  
 755 EPA will use in setting fees to recover its program costs, and in administering and enforcing  
 756 the user fee requirements. Although Colorado cannot receive authorization to administer or  
 757 enforce EPA's e-Manifest system, Colorado is adopting the required state analog to 40 CFR  
 758 § 264.71(j) and § 265.71(j) to reference the federal subpart FF provisions. This is necessary  
 759 to ensure that members of the regulated community are on notice of their responsibilities to  
 760 submit their final manifest copies to the system and to pay user fees to EPA for the  
 761 processing of their manifests.

762  
 763 Additional provisions being adopted as part of this rulemaking include the following amendments:  
 764

Regulation	Subject
§ 260.4	Copy submission requirements for interstate shipments.
§ 260.5	Applicability of e-Manifest system and fees to facilities receiving state-only regulated wastes.
§ 262.20(a)(1) and (a)(2)	Removal of references to the Appendix to Part 262
§ 262.24(c)(1)	Use of mixed paper/electronic manifests.
§ 262.24(e)	Removal of references to the Appendix to Part 262

§ 262.24(g)	Removal of paragraph regarding imposition of user fees for electronic manifest use.
§ 262.24(h)	Generators and post-receipt data corrections.
Appendix to Part 262	Removal of the manifest form and instructions in the Appendix to Part 262
§ 263.20(a)(8)	Removal of paragraph regarding imposition of user fees for electronic manifest use for Transporters.
§ 263.20(a)(9)	Transporters and post-receipt data corrections.
§ 263.21(b)	En route changes to transporters
§ 264.71(a)(2)(v) and § 265.71.(a)(2)(v)	Receiving facilities' required paper manifest submissions to system.
§ 264.71(j) and § 265.71(j)	Imposition of user fees on receiving facilities for their manifest submissions.
§ 264.71(l) and § 265.71(l)	Receiving facilities and post-receipt data corrections.
§ 264.1086(c)(4)(i) and (d)(4)(i) and § 265.1087(c)(4)(i) and (d)(4)(i)	Removal of references to the Appendix to Part 262

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767  
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769

This Basis and Purpose incorporates by reference the applicable portions of the preamble language for the EPA regulations as published in the Federal Register at 83 FR 420-462, January 3, 2018.