hazardous waste on a public or private right-of-way.

EFFECTIVE DATE NOTE: At 79 FR 7558, Feb. 7, 2014, § 262.20 was amended by adding paragraph (a)(3), effective Aug. 6, 2014. For the convenience of the user, the added text is set forth as follows:

§ 262.20 General requirements.

* * * * *
(a) * * *
(3) Electronic manifest. In lieu of using the manifest form specified in paragraph (a)(1) of this section, a person required to prepare a manifest under paragraph (a)(1) of this section may prepare and use an electronic manifest, provided that the person:
(i) Complies with the requirements in §262.24 for use of electronic manifests, and
(ii) Complies with the requirements of 40 CFR 3.10 for the reporting of electronic documents to EPA.

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

(a)(1) A registrant may not print, or have printed, the manifest for use of distribution unless it has received approval from the EPA Director of the Office of Resource Conservation and Recovery to do so under paragraphs (c) and (e) of this section.

(2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of this section. The registrant is responsible for assigning manifest tracking numbers to its manifests.

(b) A registrant must submit an initial application to the EPA Director of the Office of Resource Conservation and Recovery that contains the following information:
(1) Name and mailing address of registrant;
(2) Name, telephone number and email address of contact person;
(3) Brief description of registrant’s government or business activity;
(4) EPA identification number of the registrant, if applicable;
(5) Description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including:
(i) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company.
(ii) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of this section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be pre-printed on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time.
(iii) An indication of whether the registrant intends to use the manifests for
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its own business operations or to dis-
tribute the manifests to a separate
company or to the general public (e.g.,
for purchase).

(6) A brief description of the quali-
fications of the company that will
print the manifest. The registrant may
use readily available information to do
so (e.g., corporate brochures, product
samples, customer references, docu-
mentation of ISO certification), so long
as such information pertains to the es-
tablishments or company being pro-
posed to print the manifest.

(7) Proposed unique three-letter
manifest tracking number suffix. If the
registrant is approved to print the
manifest, the registrant must use this
suffix to pre-print a unique manifest
tracking number on each manifest.

(8) A signed certification by a duly
authorized employee of the registrant
that the organizations and companies
in its application will comply with the
procedures of its approved application
and the requirements of this section
and that it will notify the EPA Direc-
tor of the Office of Resource Conserva-
tion and Recovery of any duplicated
manifest tracking numbers on mani-
fests that have been used or distributed
to other parties as soon as this be-
comes known.

(c) EPA will review the application
submitted under paragraph (b) of this
section and either approve it or request
additional information or modification
before approving it.

(d)(1) Upon EPA approval of the ap-
plication under paragraph (c) of this
section, EPA will provide the reg-
istrant an electronic file of the mani-
fest, continuation sheet, and manifest
instructions and ask the registrant to
submit three fully assembled manifests
and continuation sheet samples, except
as noted in paragraph (d)(3) of this sec-
tion. The registrant’s samples must
meet all of the specifications in para-
graph (f) of this section and be printed
by the company that will print the
manifest as identified in the applica-
tion approved under paragraph (c) of
this section.

(2) The registrant must submit a de-
scription of the manifest samples as
follows:

(i) Paper type (i.e., manufacturer and
grade of the manifest paper);

(ii) Paper weight of each copy;

(iii) Ink color of the manifest’s in-
structions. If screening of the ink was
used, the registrant must indicate the
extent of the screening; and

(iv) Method of binding the copies.

(3) The registrant need not submit
samples of the continuation sheet if it
will print its continuation sheet using
the same paper type, paper weight of
each copy, ink color of the instruc-
tions, and binding method as its mani-
fest form samples.

(e) EPA will evaluate the forms and
either approve the registrant to print
them as proposed or request additional
information or modification to them
before approval. EPA will notify the
registrant of its decision by mail. The
registrant cannot use or distribute its
forms until EPA approves them. An ap-
proved registrant must print the mani-
fest and continuation sheet according
to its application approved under para-
graph (c) of this section and the mani-
fest specifications in paragraph (f) of
this section. It also must print the
forms according to the paper type,
paper weight, ink color of the manifest
instructions and binding method of its
approved forms.

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

(1) The manifest and continuation
sheet must be printed with the exact
format and appearance as EPA Forms
8700–22 and 8700–22A, respectively. How-
ever, information required to complete
the manifest may be pre-printed on the
manifest form.

(2) A unique manifest tracking num-
ber assigned in accordance with a num-
bering system approved by EPA must
be pre-printed in Item 4 of the mani-
fest. The tracking number must consist
of a unique three-letter suffix following
nine digits.

(3) The manifest and continuation
sheet must be printed on 8 1⁄2 × 11-inch
white paper, excluding common stubs
(e.g., top- or side-bound stubs). The
paper must be durable enough to with-
stand normal use.

(4) The manifest and continuation
sheet must be printed in black ink that
can be legibly photocopied, scanned, or
faxed, except that the marginal words
indicating copy distribution must be
§ 262.21  printed with a distinct ink color or with another method (e.g., white text against black background in text box, or, black text against grey background in text box) that clearly distinguishes the copy distribution notations from the other text and data entries on the form.

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

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

(i) Page 1 (top copy): “Designated facility to destination State (if required)”.

(ii) Page 2: “Designated facility to generator State (if required)”.

(iii) Page 3: “Designated facility to generator”.

(iv) Page 4: “Designated facility’s copy”.

(v) Page 5: “Transporter’s copy”.

(vi) Page 6 (bottom copy): “Generator’s initial copy”.

(7) The instructions in the appendix to 40 CFR part 262 must appear legibly on the back of the copies of the manifest and continuation sheet as provided in this paragraph (f). The instructions must not be visible through the front of the copies when photocopied or faxed.

(i) Manifest Form 8700–22.

(A) The “Instructions for Generators” on Copy 6;

(B) The “Instructions for International Shipment Block” and “Instructions for Transporters” on Copy 5; and

(C) The “Instructions for Treatment, Storage, and Disposal Facilities” on Copy 4.

(g)(1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest under paragraphs (c) and (e) of this section. A registered source may be a:

(i) State agency;

(ii) Commercial printer;

(iii) Hazardous waste generator, transporter or TSDF; or

(iv) Hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

(2) A generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated Federally) as hazardous wastes under these states’ authorized programs. Generators also must determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator’s state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

(h)(1) If an approved registrant would like to update any of the information provided in its application approved under paragraph (c) of this section (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the EPA Director of the Office of Resource Conservation and Recovery, along with an indication or explanation of the update, as soon as practicable after the change occurs. The Agency either will approve or deny the revision. If the Agency denies the revision, it will explain the reasons for the denial, and it will contact the registrant and request further modification before approval.

(2) If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the EPA Director of the Office of Resource Conservation and Recovery, along with the reason for requesting it. The Agency will either approve the suffix or
§ 262.23 Use of the manifest.

(a) The generator must:
(1) Sign the manifest certification by hand; and
(2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
(3) Retain one copy, in accordance with §262.40(a).

(b) An approved registrant must notify EPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.

(i) If, subsequent to approval of a registrant under paragraph (e) of this section, EPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant’s form is unsatisfactory, EPA will contact the registrant and require modifications to the form.

(m)(1) EPA may suspend and, if necessary, revoke printing privileges if we find that the registrant:

(i) Has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or

(ii) Exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.

(2) EPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come into compliance by the specified date, EPA will send a second letter notifying the registrant that EPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to EPA if requested.

(70 FR 10815, Mar. 4, 2005, as amended at 74 FR 30230, June 25, 2009; 76 FR 36366, June 22, 2011)

§ 262.22 Number of copies.

The manifest consists of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.

(70 FR 10815, Mar. 4, 2005, as amended at 74 FR 30230, June 25, 2009; 76 FR 36366, June 22, 2011)