(5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with §761.214.

(f) For shipments involving rail transportation, the requirements of paragraphs (c), (d) and (e) do not apply and the following requirements do apply:

(1) When accepting PCB waste from a non-rail transporter, the initial rail transporter must:
   (i) Sign and date the manifest acknowledging acceptance of the PCB waste;
   (ii) Return a signed copy of the manifest to the non-rail transporter;
   (iii) Forward at least three copies of the manifest to:
      (A) The next non-rail transporter, if any;
      (B) The designated facility, if the shipment is delivered to that facility by rail;
   (iv) Retain one copy of the manifest and rail shipping paper in accordance with §761.214.

(2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) accompanies the PCB waste at all times.

  Note: Intermediate rail transporters are not required to sign either the manifest or shipping paper.

(3) When delivering PCB waste to the designated facility, a rail transporter must:

   (i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and
   (ii) Retain a copy of the manifest or signed shipping paper in accordance with §761.214.

(4) When delivering PCB waste to a non-rail transporter a rail transporter must:

   (i) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and
   (ii) Retain a copy of the manifest in accordance with §761.214.

(5) Before accepting PCB waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.

[77 FR 54832, Sept. 6, 2012]

§761.212 Transporter compliance with the manifest.

(a) The transporter must deliver the entire quantity of PCB waste which he has accepted from a generator or a transporter to:

   (1) The designated facility listed on the manifest; or
   (2) The alternate designated facility, if the PCB waste cannot be delivered to the designated facility because an emergency prevents delivery; or
   (3) The next designated transporter.

(b) If the PCB waste cannot be delivered in accordance with paragraph (a) of this section because of an emergency condition other than rejection of the waste by the designated facility, then the transporter must contact the generator for further directions and must revise the manifest according to the generator’s instructions.

(2) If PCB waste is rejected by the designated facility while the transporter is on the facility’s premises, then the transporter must obtain the following:

   (i) For a partial load rejection, a copy of the original manifest that includes the facility’s date and signature, and the Manifest Tracking Number of the new manifest that will accompany the shipment, and a description of the partial rejection in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with §761.214, 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 to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in 40 CFR 761.215(e)(1) through (6) or (f)(1) through (6).

   (ii) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility’s signature and date attesting to the rejection, the
§ 761.213 Use of manifest—Commercial storage and disposal facility requirements.

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

(2) If a commercial storage or disposal facility receives an off-site shipment of PCB waste accompanied by a manifest, the owner, operator, or his agent, shall:
   (i) Sign and date, by hand, each copy of the manifest;
   (ii) Note any discrepancies (as defined in §761.215(a)) on each copy of the manifest;
   (iii) Immediately give the transporter at least one copy of the manifest;
   (iv) Within 30 days of delivery, send a copy of the manifest to the generator; and
   (v) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(b) If a commercial storage or disposal facility receives, from a rail or water (bulk shipment) transporter, PCB waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator's certification, and signatures), the owner or operator, or his agent, must:
   (1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the PCB waste covered by the manifest or shipping paper was received;
   (2) Note any significant discrepancies (as defined in §761.215(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper.

NOTE TO PARAGRAPH (b)(2): The Agency does not intend that the owner or operator of a facility whose procedures include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 761.215(a), 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 30 days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator; and

NOTE TO PARAGRAPH (b)(4): Section 761.210(c) requires the generator to send three copies of the manifest to the facility when PCB waste is sent by rail or water (bulk shipment).

(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 from the date of delivery.

(c) Whenever an off-site shipment of PCB waste is initiated from a commercial storage or disposal facility, the owner or operator of the commercial storage or disposal facility shall comply with the manifest requirements.