

**§ 264.1316**

**40 CFR Ch. I (7-1-20 Edition)**

per year assessed on any part of the debt that is past due for more than 90 days, plus any applicable handling charges.

(c) *Compliance with manifest perfection requirement.* A manifest is fully perfected when:

(1) The manifest has been submitted by the owner or operator of a receiving facility to the e-Manifest system, as either an electronic submission or a paper manifest submission; and

(2) All user fees arising from the submission of the manifest have been fully paid.

**§ 264.1316 Informal fee dispute resolution.**

(a) Users of e-Manifest services that believe their invoice or charges to be in error must present their claims for fee dispute resolution informally using the process described in this section.

(b) Users asserting a billing dispute claim must first contact the system's billing representatives by phone or email at the phone number or email address provided for this purpose on the e-Manifest program's website or other customer services directory.

(1) The fee dispute claimant must provide the system's billing representatives with information identifying the claimant and the invoice(s) that are affected by the dispute, including:

(i) The claimant's name, and the facility at which the claimant is employed;

(ii) The EPA Identification Number of the affected facility;

(iii) The date, invoice number, or other information to identify the particular invoice(s) that is the subject of the dispute; and

(iv) A phone number or email address where the claimant can be contacted.

(2) The fee dispute claimant must provide the system's billing representatives with sufficient supporting information to identify the nature and amount of the fee dispute, including:

(i) If the alleged error results from the types of manifests submitted being inaccurately described in the invoice, the correct description of the manifest types that should have been billed;

(ii) If the alleged error results from the number of manifests submitted being inaccurately described in the in-

voice, the correct description of the number of manifests that should have been billed;

(iii) If the alleged error results from a mathematical error made in calculating the amount of the invoice, the correct fee calculations showing the corrected fee amounts; and

(iv) Any other information from the claimant that explains why the invoiced amount is in error and what the fee amount invoiced should be if corrected.

(3) EPA's system billing representatives must respond to billing dispute claims made under this section within ten days of receipt of a claim. In response to a claim, the system's billing representative will:

(i) State whether the claim is accepted or rejected, and if accepted, the response will indicate the amount of any fee adjustment that will be refunded or credited to the facility; and

(ii) If a claim is rejected, then the response shall provide a brief statement of the reasons for the rejection of the claim and advise the claimant of their right to appeal the claim to the Office Director for the Office of Resource Conservation and Recovery.

(c) Fee dispute claimants that are not satisfied by the response to their claim from the system's billing representatives may appeal their claim and initial decision to the Office Director for the Office of Resource Conservation and Recovery.

(1) Any appeal from the initial decision of the system's billing representatives must be taken within 10 days of the initial decision of the system's billing representatives under paragraph (b) of this section.

(2) The claimant shall provide the Office Director with the claim materials submitted to the system's billing representatives, the response provided by the system's billing representatives to the claim, and a brief written statement by the claimant explaining the nature and amount of the billing error, explaining why the claimant believes the decision by the system's billing representatives is in error, and why the claimant is entitled to the relief requested on its appeal.

(3) The Office Director shall review the record presented to him or her on

an appeal under this paragraph (c), and shall determine whether the claimant is entitled to relief from the invoice alleged to be in error, and if so, shall state the amount of the recalculated invoice and the amount of the invoice to be adjusted.

(4) The decision of the Office Director on any appeal brought under this section is final and non-reviewable.

The recordkeeping provisions of §264.73 specify that an owner or operator must keep a written operating record at his facility. This appendix provides additional instructions for keeping *portions* of the operating record. See §264.73(b) for additional recordkeeping requirements.

The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility in the following manner:

Records of each hazardous waste received, treated, stored, or disposed of at the facility which include the following:

(1) A description by its common name and the EPA Hazardous Waste Number(s) from part 261 of this chapter

which apply to the waste. The waste description also must include the waste's physical form, i.e., liquid, sludge, solid, or contained gas. If the waste is not listed in part 261, subpart D, of this chapter, the description also must include the process that produced it (for example, solid filter cake from production of —, EPA Hazardous Waste Number W051).

Each hazardous waste listed in part 261, subpart D, of this chapter, and each hazardous waste characteristic defined in part 261, subpart C, of this chapter, has a four-digit EPA Hazardous Waste Number assigned to it. This number must be used for recordkeeping and reporting purposes. Where a hazardous waste contains more than one listed hazardous waste, or where more than one hazardous waste characteristic applies to the waste, the waste description must include all applicable EPA Hazardous Waste Numbers.

(2) The estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in Table 1;

APPENDIX I TO PART 264—RECORDKEEPING INSTRUCTIONS

TABLE 1

Unit of measure	Code <sup>1</sup>
Gallons .....	G
Gallons per Hour .....	E
Gallons per Day .....	U
Liters .....	L
Liters per Hour .....	H
Liters per Day .....	V
Short Tons per Hour .....	D
Metric Tons per Hour .....	W
Short Tons per Day .....	N
Metric Tons per Day .....	S
Pounds per Hour .....	J
Kilograms per Hour .....	R
Cubic Yards .....	Y
Cubic Meters .....	C
Acres .....	B
Acre-feet .....	A
Hectares .....	Q
Hectare-meter .....	F
Btu's per Hour .....	I
Pounds .....	P
Short tons .....	T
Kilograms .....	K
Tons .....	M

<sup>1</sup>Single digit symbols are used here for data processing purposes.

(3) The method(s) (by handling code(s) as specified in Table 2) and date(s) of treatment, storage, or disposal.

TABLE 2—HANDLING CODES FOR TREATMENT, STORAGE AND DISPOSAL METHODS

Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store or dispose of each quantity of hazardous waste received.

1. Storage

- S01 Container (barrel, drum, etc.)
- S02 Tank
- S03 Waste Pile
- S04 Surface Impoundment
- S05 Drip Pad
- S06 Containment Building (Storage)
- S99 Other Storage (specify)

2. Treatment

- (a) Thermal Treatment—
  - T06 Liquid injection incinerator
  - T07 Rotary kiln incinerator
  - T08 Fluidized bed incinerator
  - T09 Multiple hearth incinerator
  - T10 Infrared furnace incinerator
  - T11 Molten salt destructor
  - T12 Pyrolysis
  - T13 Wet air oxidation
  - T14 Calcination