

7045.0476 MANIFEST DISCREPANCIES.

Subpart 1. **Scope.** This part applies to owners and operators of both on-site and off-site facilities, except as part 7045.0450 provides otherwise. This part does not apply to owners or operators of on-site facilities that do not receive any hazardous waste from off-site sources.

Subp. 2. **Definition of discrepancy.** Manifest discrepancies are defined as major or minor as follows:

A. Major manifest discrepancies are:

(1) significant differences, as described in subpart 2a, between the quantity or type of hazardous waste designated on the manifest or shipping paper and the quantity or type of hazardous waste a facility actually receives;

(2) rejected wastes, which may be full or partial shipment of hazardous waste the facility cannot accept; and

(3) container residues, which are residues that exceed the quantity limits for empty containers in part 7045.0127.

B. Minor manifest discrepancies are all other discrepancies such as use of manifests other than the manifest specified in part 7045.0325, incomplete manifests or shipping papers, manifests or shipping papers which are inconsistent, and a container or portable tank containing hazardous waste which is not properly labeled.

Subp. 2a. **Significant differences.**

A. Significant differences are differences in quantity or type as described in items B and C.

B. Significant differences in quantity are:

(1) for bulk waste, variations greater than ten percent in weight; and

(2) for batch waste, any variation in piece count such as a discrepancy of one drum in a truckload.

C. Significant differences in type are obvious differences that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid or toxic constituents not reported on the manifest or shipping paper.

Subp. 3. **Handling of discrepancies.** Upon discovering a discrepancy, the owner or operator of a facility shall take action as described in item A, B, or C, as applicable:

A. Upon discovering a major discrepancy, the owner or operator shall attempt to reconcile the discrepancy with the waste generator and the transporter. If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall

immediately submit to the commissioner a letter describing the discrepancy, attempts made to reconcile it, and a copy of the manifest or shipping paper at issue.

B. Upon discovering a minor discrepancy, the owner or operator shall attempt to reconcile the discrepancy with the waste generator and the transporter. The owner or operator shall indicate the type of discrepancy and its resolution on the manifest. If the discrepancy cannot be reconciled, the owner or operator shall note this on the manifest with a brief explanation.

C. Upon rejecting a waste or identifying a container residue that exceeds the quantity limits for empty containers in part 7045.0127, the owner or operator of a facility must:

(1) consult with the generator prior to forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility owner or operator may return the rejected waste or residue to the generator. The facility owner or operator must send the waste to the alternative facility or to the generator within 60 days of the rejection or the container residue identification;

(2) while making arrangements for forwarding rejected wastes or residues to another facility under this part, either ensure that the delivering transporter retains custody of the waste or provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under subpart 4 or 5; and

(3) notify the commissioner immediately if a movement of hazardous waste is delivered to a facility not allowed to manage the waste under the facility's hazardous waste permit.

Subp. 4. Rejections sent to alternate facility.

A. Except as provided in item B, for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility must prepare a new manifest according to part 7045.0261, subpart 1, and:

(1) write the generator's United States EPA identification number in item 1 of the new manifest. Write the generator's name and mailing address in item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for item 5;

(2) write the name of the alternate designated facility and the facility's United States EPA identification number in the designated facility block (item 8) of the new manifest;

(3) copy the manifest tracking number found in item 4 of the old manifest to the special handling and additional information block of the new manifest and indicate that the shipment is a residue or rejected waste from the previous shipment;

(4) copy the manifest tracking number found in item 4 of the new manifest to the manifest reference number line in the discrepancy block of the old manifest (item 18a);

(5) write the United States Department of Transportation description for the rejected load or the residue in item 9 (United States Department of Transportation description) of the new manifest and write the container types, quantity, and volumes of the waste; and

(6) sign the generator's/offeror's certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked, and labeled and is in proper condition for transportation.

B. For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing item 18b of the original manifest and supplying the information on the next destination facility in the alternate facility space. The facility must retain a copy of this manifest for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, the facility must use a new manifest and comply with item A.

Subp. 5. Rejections returned to generator.

A. Except as provided in item B, for rejected wastes and residues that must be sent back to the generator, the facility is required to prepare a new manifest according to part 7045.0261, subpart 1, and:

(1) write the facility's United States EPA identification number in item 1 of the new manifest. Write the generator's name and mailing address in item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for item 5;

(2) write the name of the initial generator and the generator's United States EPA identification number in the designated facility block (item 8) of the new manifest;

(3) copy the manifest tracking number found in item 4 of the old manifest to the special handling and additional information block of the new manifest and indicate that the shipment is a residue or rejected waste from the previous shipment;

(4) copy the manifest tracking number found in item 4 of the new manifest to the manifest reference number line in the discrepancy block of the old manifest (item 18a);

(5) write the United States Department of Transportation description for the rejected load or the residue in item 9 (United States Department of Transportation

description) of the new manifest and write the container types, quantity, and volumes of the waste; and

(6) sign the generator's/offeror's certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked, and labeled, and is in proper condition for transportation.

B. For full load rejections that are made while the transporter remains present at the facility, the facility may return the shipment to the generator with the original manifest by completing items 18a and 18b of the manifest and supplying the generator's information in the alternate facility space. The facility must retain a copy of this manifest for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, the facility must use a new manifest and comply with item A.

Subp. 6. **Rejections after delivery.** If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for empty containers in part 7045.0127 after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility must also copy the manifest tracking number from item 4 of the new manifest to the discrepancy space of the amended manifest and must re-sign and date the manifest to certify to the information as amended. The facility must retain the amended manifest for at least three years from the date of the amendment and must, within 30 days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended.

Statutory Authority: *MS s 116.07*

History: *9 SR 115; 9 SR 2118; 11 SR 1832; L 1987 c 186 s 15; 31 SR 1277*

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