

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335
Department or Agency: Alabama Department of Environmental Management Land Division - Hazardous Waste Program
Rule No.: 335-14-6-.05
Rule Title: Manifest System, Recordkeeping, And Reporting
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchen
Jeffery W. Kitchen

Date

Tuesday, August 19, 2025

REC'D & FILED
AUG 19, 2025
LEGISLATIVE SVC AGENCY

APA-2

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION - HAZARDOUS
WASTE PROGRAM**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-14-6-.05 Manifest System, Recordkeeping, And Reporting

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Department proposes to revise Rule 335-14-6-.05 to adopt the Technical Corrections for the Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule and the Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State's authorized status.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held at 10:00 a.m., October 7, 2025, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110. Attendance at the hearing is not necessary to present such data, views, arguments, or comments. All comments should be received by 5:00 p.m., October 7, 2025. Written submissions and other inquiries should be directed to: ADEM Hearing Officer, Office of General Counsel, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, AL 36130-1463 (street address: 1400 Coliseum Boulevard, Montgomery, AL 36110-2400) or by e-mail at hearing.officer@adem.alabama.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, October 7, 2025

CONTACT PERSON AT AGENCY:

Lynn T. Roper, 334-271-7728

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

(1) Applicability.

(a) The requirements of 335-14-6-.05 apply to owners and operators of both on-site and off-site facilities, except as 335-14-6-.01(1) provides otherwise. 335-14-6-.05(2), (3), and (7) do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources, or to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 335-14-7-.13(4) (a).

(2) Use of manifest system.

(a) 1. If a facility receives hazardous waste accompanied by a manifest, the owner, operator or his/her agent must sign and date the manifest as indicated in 335-14-6-.05(2) (a)1. to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

2. If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator or his agent must:

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

(ii) Note any discrepancies [as defined in 335-14-6-.05(3) (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 (Page 2) of the manifest to the generator~~ [\[Reserved\]](#);

(v) Paper manifest submission requirements are:

~~(I) Options for compliance on June 30, 2018. Beginning on June 30, 2018, send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the EPA's e-Manifest system for purposes of data entry and processing, or in lieu of submitting the paper copy to EPA, the owner or operator may transmit to the EPA system an image file of Page 1 of the~~

~~manifest and any continuation sheet, or both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest system shall be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, EPA will not accept mailed paper manifests from facilities for processing in e-Manifest.~~

[Reserved]

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

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

3. The owner or operator of a facility that receives hazardous waste subject to CFR part 262, subpart H [incorporated by reference at 335-14-3-.09] from a foreign source must:

(i) Additionally, list the relevant waste stream consent number from consent documentation supplied by the EPA to the facility for each waste listed on the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700-22A), matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use an additional Continuation Sheet(s) (EPA Form 8700-22A) ; and

(ii) Send a copy of the manifest to EPA ~~using the addresses listed in 40 CFR 262.82(e) [incorporated by reference at 335-14-3-.09(3)] within thirty (30) days of delivery until the facility can submit such a copy to the~~ e-Manifest system per 335-14-6-.05(2) (a)2.(v).

~~4. Within 60 days after the delivery, send a copy of the manifest to the Department.~~

(b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA or Alabama 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 hazardous waste covered by the manifest or shipping paper was received;
2. Note any significant discrepancies (as defined in 335-14-6-.05(3)(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;
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~~of delivery, send a copy ([Page 1](#)) of the signed and dated manifest to the ~~generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and~~[EPA e-Manifest system](#).
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 a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the applicable requirements of 335-14-3. The provisions of 335-14-3-.01(5), 335-14-3-.01(6), and 335-14-3-.01(17) are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 335-14-3-.01(5), ~~335-14-~~[335-14-3](#)-.01(6), and 335-14-3-

01(7) only apply to owners or operators who are shipping hazardous waste which they generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under 335-14-3-.01(7) (f).

(d) As per 40 CFR 262.84(d) (2) (xv) [incorporated by reference in 335-14-3-.09(5)], within three (3) working days of the receipt of a shipment subject to 40 CFR part 262, subpart H ~~[incorporated by reference at 335-14-3-.09]~~, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter, and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively, ~~and.~~ For shipments received on or after the electronic import-export reporting compliance date, to EPA electronically the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using EPA's Waste Import Export Tracking System (WIETS) WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the movement document must be maintained at the facility for at least three (3) years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on ~~EPA's Waste Import Export Tracking System (WIETS) WIETS~~, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized ~~state~~ State inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under ~~this section~~ 335-14-6-.05(2) if the owner or operator of a facility can ~~demonstrate~~ demonstrate that the inability to produce the document is due exclusively to technical difficulty with ~~EPA's~~ the EPA's Waste Import Export Tracking System (WIETS), or its successor system, for which the owner or operator of a facility bears no responsibility.

(e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated Federally) as hazardous wastes under its state hazardous waste program. Facilities must also determine whether the consignment state or generator state requires the

facility to submit any copies of the manifest to these states.

(f) Legal equivalence to paper manifests. Electronic manifests that are obtained, completed, and transmitted in accordance with 335-14-3-.02(1)(a)(3) and used in accordance with 335-14-6-.05(2)(f) in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.

1. Any requirement in these regulations for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 CFR. §262.25(a).
2. Any requirement in these regulations to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person.
3. Any requirement in these regulations for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.
4. Any requirement in these regulations for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's electronic manifest copies in its account on the electronic manifest system, provided that such copies are readily available for viewing and production if requested by EPA or the Department.
5. No owner or operator may be held liable for the inability to produce an electronic manifest for inspection ~~under this section~~ [335-14-6-.05\(2\)](#) if the owner or operator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the owner or operator bears no responsibility.

(g) An owner or operator may participate in the electronic manifest system either by accessing the electronic manifest system from the owner's or operator's electronic equipment,

or by accessing the electronic manifest system from portable equipment brought to the owner's or operator's site by the transporter who delivers the waste shipment to the facility.

(h) Special procedures applicable to replacement manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

1. Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;
2. The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;
3. Within 30 days of delivery of the waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator, and send an additional signed and dated copy of the paper replacement manifest to the electronic manifest system; and
4. The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years from the date of delivery.

(i) Special procedures applicable to electronic signature methods undergoing tests. If an owner or operator using an electronic manifest signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the owner or operator shall also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator shall retain this original copy among its records for at least 3 years from the date of delivery of the waste.

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

1. As prescribed in 40 CFR §265.1311, and determined in 40 CFR §265.1312, an owner or operator who is a user of

the electronic manifest system shall be assessed a user fee by EPA for the submission and processing of each electronic and paper manifest. EPA shall update the schedule of user fees and publish them to the user community, as provided in 40 CFR §65.1313.

2. An owner or operator subject to user fees ~~under this section~~335-14-6-.05(2) shall make user fee payments in accordance with the requirements of 40 CFR §265.1314, subject to the informal fee dispute resolution process of 40 CFR §265.1316, and subject to the sanctions for delinquent payments under 40 CFR §265.1315.

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

(l) Post-receipt manifest data corrections. After facilities have certified ~~to the receipt of hazardous waste that the manifest is complete,~~ by signing ~~Item 20 of the manifest~~ it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) ~~shown~~named on the manifest. If corrections are requested by the Department for portions of the manifest that a designated facility is required to complete, the facility must address the data correction within 30 days from the date of the request.

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

2. Each correction submission must include the following information:

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

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

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

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

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

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

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

5. Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the system, certified by the respondent as specified in 335-14-6-.05(2)(1)(3), and with notice of the corrections to other interested persons shown on the manifest.

(3) Manifest discrepancies.

(a) Manifest discrepancies are:

1. Significant differences (as defined by 335-14-6-.05(3)(b)) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives;

2. Rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept; or

3. Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in 335-14-2-.01(7)(b) and 335-14-7-.16(7).

(b) Significant differences in quantity are: For bulk waste, variations greater than 10 percent by weight; for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant differences in type are obvious differences which 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.

(c) Upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within ~~15~~20 days after receiving the waste, the owner or operator must ~~immediately~~:

1. Immediately submit to the Regional Administrator and the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

2. Beginning on December 1, 2025, immediately submit a Discrepancy Report to the EPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the Department will no longer accept mailed paper Discrepancy Reports from facilities.

(d) Upon rejecting the waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in 335-14-2-.01(7)(b), the facility must 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 may return the rejected waste or residue to the generator. The facility must send the waste to the alternative facility or to the generator within 60 days of the rejection or the container residue identification.

1. While the facility is making arrangements for forwarding rejected wastes or residues to another facility under 335-14-6-.05(3), it must ensure that either the delivering transporter retains custody of the waste, or, the facility must provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under 335-14-6-.05(3)(e) or (f).

(e) Except as provided in 335-14-6-.05(3)(e)7, for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility is required to prepare a new manifest in accordance with 335-14-3-.02(1)(a) and the following instructions:

1. Write the generator's U.S. EPA ID 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 facility's U.S. EPA ID 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 DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

6. Sign the Generator's/Offeree'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, and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.

7. 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, then the facility must use a new manifest and comply with 335-14-6-.05(3)(e)1-6.

(f) Except as provided by 335-14-6-.05(3)(f)7. for rejected wastes and residues that must be sent back to the generator, the facility is required to prepare a new manifest in accordance with 335-14-3-.02(1)(a) and the following instructions:

1. Write the facility's U.S. EPA ID number in Item 1. of the new manifest. Write the facility's name and mailing address in Item 5. of the new manifest. If the mailing address is different from the facility's site address, then write the facility's site address in the designated space for Item 5 of the new manifest.
2. Write the name of the initial generator and the generator's U.S. EPA ID 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 DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.
6. Sign the Generator's/Offeree's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.
7. For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility must retain a copy 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, then the facility must use a new manifest and comply with 335-14-6-.05(3)(f)1-6. and 8.
8. For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in 335-14-3-.04(3).

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in 335-14-2-.01(7)(b) 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 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. Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-Manifest system. Registered transporters may obtain the signed and dated copy of a completed manifest from the EPA e-Manifest system in lieu of receiving the manifest through U.S. postal mail.

(4) Operating record.

(a) The owner or operator must keep a written operating record at his facility.

(b) The following information must be recorded, as it becomes available, and maintained in the operating record for three years (unless a different retention is specified below):

1. A description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by 335-14-6-Appendix I. This information must be maintained in the operating record until closure of the facility;

2. The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to manifest document numbers if the waste was accompanied by a manifest. This information must be maintained in the operating record until closure of the facility;

3. Records and results of waste analyses and trial tests performed as specified in 335-14-6-.02(4), 335-14-6-.10(11), 335-14-6-.11(6), 335-14-6-.12(3), 335-14-6-.

13(4), 335-14-6-.14(15), 335-14-6-.15(2), 335-14-6-.16(6), 335-14-6-.17(3), 335-14-6-.27, 335-14-6-.28, 335-14-9-.01(4), and 335-14-9-.01(7).

4. Summary reports and details of all incidents that require implementing the contingency plan as specified in 335-14-6-.04(7)(j);

5. Records and results of inspections as required by 335-14-6-.02(6)(d) (except these data need be kept only three years);

6. Monitoring, testing or analytical data, and corrective action where required by rule 335-14-6-.06 and 335-14-6-.02(10), 335-14-6-.03(4), 335-14-6-.06(1), 335-14-6-.06(5), 335-14-6-.09(5), 335-14-6-.10(2), 335-14-6-.10(4), 335-14-6-.10(6), 335-14-6-.11(3), 335-14-6-.11(4), 335-14-6-.11(5), 335-14-6-.11(7), 335-14-6-.12(6), 335-14-6-.12(10), 335-14-6-.12(11), 335-14-6-.13(7), 335-14-6-.13(9), 335-14-6-.13(11)(d)1., 335-14-6-.14(3) through 335-14-6-.14(5), 335-14-6-.15(8), 335-14-6-.16(8), 335-14-6-.17(4), 335-14-6-.23(2) and (5), 335-14-6-.27(5), 335-14-6-.27, 335-14-6-.28, 335-14-6-.29, and 335-14-6-.30(2). This information must be maintained in the operating record for three years, except for records and results pertaining to groundwater monitoring and cleanup, and response action plans for surface impoundments, waste piles, and landfills, which must be maintained in the operating record until closure of the facility.

7. All closure cost estimates under 335-14-6-.08(3) and, for disposal facilities, all post-closure cost estimates under 335-14-6-.08(5) must be maintained in the operating record until closure of the facility.

8. Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted pursuant to 335-14-9-.01(5), monitoring data required pursuant to a petition under 335-14-9-.01(6), or a certification under 335-14-9-.01(8), and the applicable notice required by a generator under 335-14-9-.01(7). All of this information must be maintained in the operating record until closure of the facility.

9. For an off-site treatment facility, a copy of the notice, and the certification and demonstration if

applicable, required by the generator or the owner or operator under 335-14-9-.01(7) or 335-14-9-.01(8);

10. For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator under 335-14-9-.01(7) or 335-14-9-.01(8);

11. For an off-site land disposal facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator of a treatment facility under 335-14-9-.01(7) or 335-14-9-.01(8);

12. For an on-site land disposal facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator of a treatment facility under 335-14-9-.01(7) or 335-14-9-.01(8).

13. For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator under 335-14-9-.01(7) or 335-14-9-.01(8); and

14. For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator of a treatment facility under 335-14-9-.01(7) or 335-14-9-.01(8).

15. Monitoring, testing or analytical data, and corrective action where required by 335-14-6-.06(1), 335-14-6-.06(4)(d)2. and 5., and the certification as required by 335-14-6-.10(7)(f) must be maintained in the operating record until closure of the facility.

(5) Availability, retention, and disposition of records.

(a) All records, including plans, required under 335-14-6 must be furnished upon request, and made available at all reasonable times for inspection, by any duly designated officer, employee, or representative of the Department.

(b) The retention period for all records required under 335-14-6 is extended automatically during the course of any

unresolved enforcement action regarding the facility or as requested by the Department.

(c) A copy of records of waste disposal locations and quantities under 335-14-6-.05(4)(b)2. must be submitted to the Department and local land authority upon closure of the facility [see 335-14-6-.07(10)].

(6) Biennial report. The owner or operator must prepare and submit a single copy of a biennial report to the Department by March 1 of each even numbered year. The biennial report must be submitted ~~on forms supplied~~ using the method(s) approved by the Department. The owner or operator must retain copies of each biennial report for, at least, three (3) years from the due date of the report. The report must cover facility activities during the previous calendar year and must include the following information:

(a) The EPA identification number, name, and address of the facility;

(b) The calendar year covered by the report;

(c) For off-site facilities, the EPA identification number, name, and location address of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;

(d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator;

(e) The method of treatment, storage, or disposal for each hazardous waste;

(f) Monitoring data under 335-14-6-.06(5)(a)2.(ii), (iii) and (b)2. where required;

(g) The most recent closure cost estimate under 335-14-6-.08(3), and, for disposal facilities, the most recent post-closure cost estimate under 335-14-6-.08(5); and

(h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

(i) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.

(j) The certification signed by the owner or operator of the facility or his authorized representative.

(7) Unmanifested waste report.

(a) If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in 335-14-4-.02(1)(e), and if the waste is not excluded from the manifest requirement, then the owner or operator must prepare and submit a single copy of a report to the Department within 15 days after receiving the waste. The owner or operator must retain a copy of each unmanifested waste report for, at least, three (3) years from the due date of the report. Such report must be designated "Unmanifested Waste Report" and include the following information:

1. The EPA identification number, name, and address of the facility;
2. The date the facility received the waste;
3. The EPA identification number, name, and address of the generator and the transporter, if available;
4. A description and the quantity of each unmanifested hazardous waste the facility received;
5. The method of treatment, storage, or disposal for each hazardous waste;
6. The certification signed by the owner or operator of the facility or his authorized representative; and
7. A brief explanation of why the waste was unmanifested, if known.

(b) ~~Reserved~~ Beginning on December 1, 2025, if a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described 335-14-4-.02(1)(e), and if the waste is not excluded from the manifest requirement by 335-14-5, then the owner or operator must prepare an electronic Unmanifested

Waste Report in the EPA e-Manifest system within 15 days after receiving the waste. The Unmanifested Waste Report must contain the following information:

1. The EPA identification number, name and address of the facility;
2. The date the facility received the waste;
3. The EPA identification number, name and address of the generator and the transporter, if available;
4. A description and the quantity of each unmanifested hazardous waste the facility received;
5. The method of treatment, storage, or disposal for each hazardous waste;
6. The certification signed by the owner or operator of the facility or his authorized representative; and,
7. A brief explanation of why the waste was unmanifested, if known.

(8) Additional reports. In addition to submitting the biennial report and unmanifested waste reports described in 335-14-6-.05(6) and (7), the owner or operator must also report to the Department:

- (a) Releases, fires, and explosions as specified in 335-14-6-.04(7)(j);
- (b) Groundwater contamination and monitoring data as specified in 335-14-6-.06(4) and (5); and
- (c) Facility closure as specified in 335-14-6-.07(6).
- (d) As otherwise required by rules 335-14-6-.27 and 335-14-6-.28.

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