

e-Manifest: What you should know

Connecticut Hazardous Waste Advisory Committee

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Overall Things You Need to Know

1. e-Manifest will launch nationwide on June 30, 2018.
2. All facilities that receive waste that must be manifested under federal law, as well as state-only hazardous wastes that require a manifest under the law of either the origination or the destination state, must submit those manifests to EPA either in paper or electronically.
3. EPA will charge receiving facilities an associated fee for each manifest submission.
4. Handlers will be required to register for e-Manifest to submit manifests electronically and to make corrections.
5. Once the system launches, states, tribes, and the public can access e-Manifest data 90 days post-receipt of the manifest.

Scope of e-Manifest

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- ▶ **Any waste shipped on a manifest pursuant to federal or state law is covered.**
 - ▶ RCRA federal hazardous waste
 - ▶ Regulated PCB waste shipped on a manifest
 - ▶ State-regulated hazardous waste (if manifest required by initiation or destination states)
 - ▶ Very Small Quantity Generator waste (if manifest required by state)
 - ▶ Imported hazardous waste
- ▶ **One exception: hazardous waste exports will not be included in e-Manifest at this time.**

Scope of e-Manifest

- ▶ **Who is covered?**
 - ▶ Hazardous waste permitted treatment, storage, and disposal facilities
 - ▶ Any other receiving facilities accepting waste on a manifest
- ▶ **Other entities that can create, edit, and/or sign electronic manifests**
 - ▶ Generators
 - ▶ Transporters
 - ▶ Brokers preparing manifests

Background

2012 Hazardous Waste Electronic Manifest Establishment Act

October 5, 2012: President Obama signed into law the Act authorizing EPA to implement a national electronic manifest system

EPA Rulemaking - One Year Rule

- ▶ Agency issued its "One-Year Rule" on February 7, 2014
- ▶ Announced some program policy:
 - ▶ e-signatures recommendations,
 - ▶ 90-day safe harbor for public disclosure by system,
 - ▶ No-CBI policy for manifest data,
 - ▶ Mixed paper/electronic manifests

EPA Rulemaking - User Fee Rule

- ▶ Final rule signed and published in *Federal Register* on January 3, 2018 (83 FR 420)
- ▶ Rule will be effective June 30, 2018 in all states and territories.
- ▶ This date will coincide with e-Manifest system launch.

Some Key Issues in Final Rule

1. Which users and transactions will be subject to fees?
2. How and when will users pay their fees?
3. How will fee revisions be handled?
4. How will fee schedules be published?
5. Should chemical security concern limit public access?
6. Should we phase out use of paper?
7. What other matters are addressed in the rule?

Users and transactions subject to fees

- Users:

- ▶ ~400 facilities that receive HW from off-site will pay manifest fees
- ▶ These are RCRA TSDs and non-RCRA facilities receiving state-regulated wastes

- Transaction subject to fees:

- ▶ Facilities that receive waste on a manifest.
- ▶ Import manifests covered, but not export manifests
- ▶ Fee also owed by facilities for submission of return shipment manifests to system
 - ▶ Shipments arise from rejections by facilities with return of wastes to generator
 - ▶ If rejected wastes forwarded to alternate facilities, alternate facility pays fee

How and when users will pay fees

- ▶ Receivers will be invoiced monthly for their previous month's manifest usage.
- ▶ Treasury's Pay.gov e-billing services will generate invoices.
- ▶ Facilities will log on to Pay.gov to pay invoices
- ▶ EPA will post payment instructions on the program website: www.epa.gov/e-Manifest

How fee revisions will be handled

- ▶ The fee schedules will cover a two-year cycle
- ▶ The formula will be re-run every two years with latest program cost and manifest numbers
- ▶ Current fee schedules will be published on www.epa.gov/e-Manifest

How fee schedules will be published

- ▶ For regular fee revisions, the revised schedules will be published on the web site, with 90 days notice.
- ▶ Initial fee schedule is being determined now that EPA has a FY 2018 budget and will be published prior to system launch
- ▶ Current estimates of initial system fees are:
 - ▶ Electronic (inc. hybrid): \$ 4.00
 - ▶ Data file upload: \$ 7.00
 - ▶ Image file upload: \$ 13.00
 - ▶ Mailed paper forms: \$ 20.00

Addressing chemical security concern

- ▶ Concern exists regarding information on sites with chemicals of interest (COI) per Department of Homeland Security (DHS) rule (6 CFR part 27) and shipment patterns involving these COI
- ▶ By DHS Rules, the scope of wastes at issue is a subset of P- and U-Listed RCRA wastes that are like pure chemical substances when discarded
- ▶ The final rule redacts this information from the public view for those manifests with P- and U-List wastes that are also on the DHS COI List
 - ▶ For these manifests: waste names, waste codes, quantities, & ship dates will not be disclosed to public

Phase-out of paper

- ▶ The e-Manifest Act is paper-tolerant, with users electing to use paper or electronic
- ▶ There is a 3-year phase-out of mailed paper submissions by facilities: but the final rule also suggests an evaluation in three years of electronic vs. paper trends
- ▶ The ultimate goal is the elimination of all paper manifest usage in 5 years

Additional matters addressed in rule

- ▶ Change to transporter regulation to allow initial transporter to add or substitute additional transporters on manifest while shipment *en route*
- ▶ Any interested person can make correction to a manifest at any time – an open process; no time limit (only for receiving facilities @ launch)
- ▶ Generators are allowed to use a mixture of paper/electronic (hybrid) manifest at generator sites
 - ▶ Generator could retain ink signed paper copy, with remainder of transaction electronic

Additional matters addressed in rule (cont'd)

- ▶ If manifest is required by origination or destination state, the receiving facility is covered by e-Manifest.
- ▶ New 5-copy form with top copy earmarked for submission to EPA system by designated facility.
- ▶ If you have 6 page manifests, you may use them by applying a pre-printed adhesive label to the top copy with the accurate copy distribution language ("designated facility to EPA's e-Manifest system")
- ▶ Notice to non-RCRA facilities of their responsibilities under the e-Manifest Act
- ▶ June 30, 2018 system launch and national effective date of regulation

What Industry needs to do?

- ▶ When available, register at least two Site Managers for RCRAInfo's industry application
- ▶ For receiving facilities, obtain an EPA ID (if they don't already have one)
- ▶ If they have an EPA ID, ensure the information industry submitted to either its state or EPA Region is up-to-date (can view current info on RCRAInfo Web)
- ▶ Prepare to phase-out old manifest forms by June 30, 2018
- ▶ Otherwise prepare to transition to e-Manifest, including updating industry processes, systems as needed.

Fact Sheets

▶ **Six have been completed:**

- ▶ General Public
- ▶ Generators
- ▶ Brokers
- ▶ Transporters
- ▶ Receiving Facilities
- ▶ TSDFs

▶ **Six more are being developed:**

- ▶ Inspectors
- ▶ States (technical and programmatic)
- ▶ Tribes
- ▶ Site Managers
- ▶ Billing

Timing of Major Work

May 2018

June 2018

Summer 2018

- States/EPA register Site Managers
- EPA announces user fees
- Additional FAQs available
- States disseminate Fact Sheets to industry
- OMB approves final 5-copy manifest form

- Site Managers begin registering other users
- Launch system!
- Anticipate need to answer questions from users and states

- Additional system functionality released
- Public interface to e-Manifest data available at end of summer

In summary, when rules in effect:

- ▶ Any manifest that begins (signed by the generator) on or after June 30, 2018, is covered
- ▶ Receiving facilities need to submit manifest forms for federal or state regulated waste to EPA within 30 days.
- ▶ All manifest submissions will be tracked by the system and result in monthly invoices.
- ▶ Invoices will bill facilities the applicable fee for each manifest submission type
 - ▶ Final user fees to be announced by EPA ahead of system launch.
- ▶ Receiving facilities will go on-line and pay invoices electronically.
- ▶ Ultimately, data may be corrected at any time post-receipt

Important Things You Need to Know for System Launch

1. Agency granted Authority to Operate (e-Manifest can move into production)
2. Make sure you have registered for an account in RCRAInfo.
3. If you do not already have a permanent EPA ID Number for your Site (address specific) then you should apply for one
4. Make sure you have the correct Site Permissions. If you plan to sign e-Manifest (Certifier or Site Manager) then you need to establish your Electronic Signature Agreement (ESA).
5. Understand how your Receiving Facility will be implementing e-Manifest.
6. Functionality not available at launch

e-Manifest System Demonstration

Informational resources

- ▶ Submit input/questions to eManifest@epa.gov
- ▶ To subscribe to the general program Listserv send a blank message to: eManifest-subscribe@lists.epa.gov
- ▶ To subscribe to the developers only Listserv send a blank message to: e-manifestdev-subscribe@lists.epa.gov
- ▶ For more information on EPA's Manifest Program: <http://www.epa.gov/e-manifest>
- ▶ Link for fact sheets: <https://www.epa.gov/e-manifest/fact-sheets-e-manifest-stakeholders>

Contact Information

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