

e-Manifesting: What You Need to Know About the New Rule

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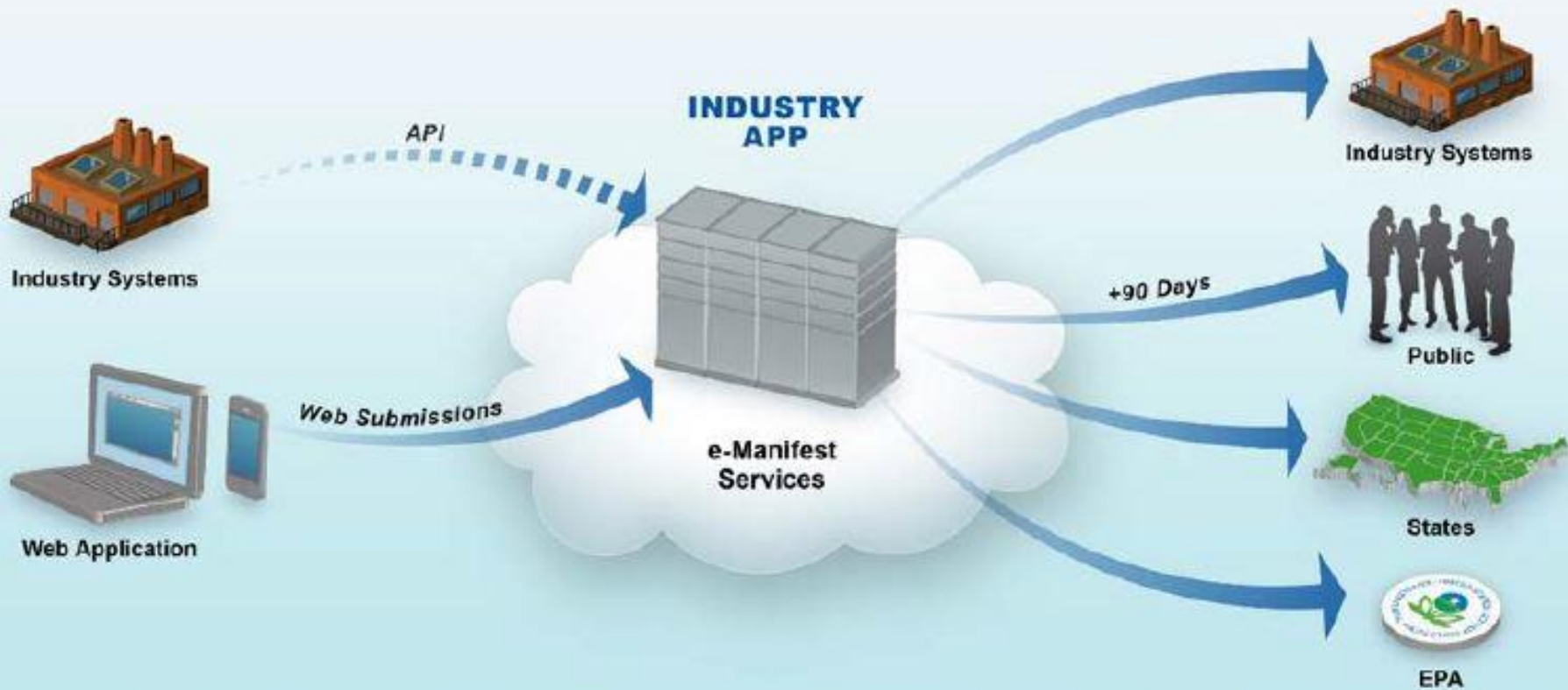
ATTORNEYS

Electronic Hazardous Waste Manifest System – The High Points

- Goes into effect June 30, 2018
 - Central collection and storage of information from hazardous waste manifests
 - Applies to RCRA wastes and state-regulated wastes requiring manifests
 - Paper manifests still allowed, but information eventually is converted to electronic form
 - Receiving facilities responsible for paying fees
 - Biennial audits and reports to Congress
- Information will be available to third parties



EPA e-Manifest Conceptual Model



Three Rules at Issue

- Cross-Media Electronic Reporting Regulation (“**CROMERR**”). 70 Fed. Reg. 59,848 (Oct. 13, 2005).
- Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Electronic Manifests; Final Rule (the “**One Year Rule**”). 79 Fed. Reg. 7518 (Feb. 7, 2014).
- Hazardous Waste Management System; User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations (“**e-Manifest Final Rule**”) 83 Fed. Reg. 420 (Jan. 3, 2018).

Paper Manifests Still Acceptable

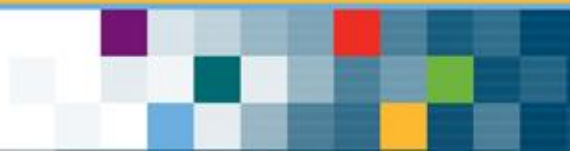
- Current 6-copy forms to be replaced with 5-copy forms
- Proposed form being reviewed
- New forms to display specific directions on where to be submitted
- “Hybrid Manifest” includes paper copy prepared by generator with remainder electronic (charged as “electronic manifest”)

Access to Information

- Manifest information is available to the states
- Also available to the public
- Manifest information is NOT confidential business information
- Information on certain materials will not be disclosed to the public, especially toxic and acutely toxic materials found on DHS Chemicals of Interest list

Fees Paid

- Fees to be paid by the “receiving facility.”
- Broader than RCRA-defined treatment, storage, and disposal facilities
- Public and other users of the system are not charged a fee directly
 - Receivers will probably impose higher charges
 - FOIA expenses may still apply
- Facility that receives shipment, but rejects and returns shipment to generator will still pay fee



Fee Structure

- First year only

Manifest Type	Per Manifest Fee
Paper Manifest – by mail	\$20.00
Paper Manifest – image upload	\$13.00
Paper Manifest – data file upload	\$7.00
Electronic Manifest	\$4.00

- Re-evaluated on two-year cycle

Participate in the Process

- Must register with RCRAInfo System
- Levels of permission/registration
 - Viewer, Preparer, Certifier, Site Manager (all functions)
- For states that have “opted in” sites can register now. For others, registration must come later.
- All receiving facilities need an EPA ID
- Transporters need EPA ID to sign manifests electronically
- Generators need EPA ID to sign manifests electronically, access e-manifests, and issue corrections



Three Industry Applications

EPA Form	RCRAInfo Industry App	Status
Site Identification Form (EPA Form 8700-12)	MyRCRAid	Available now in certain states
Biennial Report (EPA Form 8700-13)	Biennial Report	Available now in certain states
Hazardous Waste Manifest (EPA form 8700-22)	e-Manifest	Launching June 30, 2018, everywhere

Corrections to Manifests

- Corrections made electronically
- Made by any interested party
- Notice of change given electronically to other interested parties
- "Signed" in accordance with CROMERR
- The last form is the completed manifest

The e-Manifest is “done” when

- e-Manifest Perfection (think liens)
 - When the proper form has been completed and submitted; and
 - Payment is made



For More Information

- EPA's e-Manifest website
<https://www.epa.gov/e-manifest>
- EPA e-Manifest ListServe
eManifest-subscribe@lists.epa.gov
- Learning Zen website
<https://rcrainfoindustry.learningzen.com/onlinetraining/auth/login>
- Monthly e-Manifest Webinars
<https://epawebconferencing.acms.com/r3x3041s4xd/>

