



US Army Corps
of Engineers ®

EMCX Center of Expertise Information - Fact Sheet

Fact Sheet 18-01

Electronic Manifest (e-Manifest) User Fee, Final Rule

Purpose of this Fact Sheet

On January 3, 2018, EPA published a final rule entitled “Hazardous Waste Management System; User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations”, 83 Federal Register 420. This action announces June 30, 2018 as the effective implementation and compliance date of the national electronic manifest system (e-Manifest system), which requires receiving facilities to submit the paper manifest digitally. This final rule also establishes the fee structure and schedule for manifest related services, and proposes several amendments to the regulations governing the use of electronic hazardous waste manifests and the completion of manifests, in order to fully transition to the e-Manifest system.

This Fact Sheet highlights major aspects of the rule. It does not provide a comprehensive list of all requirements. For details, consult the January 3, 2018 Federal Register. <https://www.gpo.gov/fdsys/pkg/FR-2018-01-03/pdf/2017-27788.pdf>

Additionally, please consult the following websites for additional resources, as well as access to the e-Manifest system:

- <https://www.epa.gov/e-manifest>
- <https://rcrainfo.epa.gov/rcrainfoprod/action/secured/login>

Summary of the Final Rule

The Hazardous Waste Electronic Manifest Establishment Act, Public Law 112–195, authorized EPA to develop and implement the e-Manifest system. In addition, this “e-Manifest” Act directed EPA to establish a user fee structure and methodology, in order to recover the costs associated with the development, operation and maintenance of the system.

The e-Manifest is a nationwide system for tracking hazardous waste shipments electronically and will establish the first national repository of manifest data. Under this new system, EPA is required to collect manifests from any entity required to submit a manifest under federal or state law. This final rule is applicable to those generating, transporting, and/or receiving wastes that are subject to tracking with the hazardous

waste manifest, including wastes regulated under Subtitle C of the Resource Conservation and Recovery Act (RCRA) and polychlorinated biphenyls regulated under the Toxic Substances Control Act (TSCA).

A key component of the final rule is that only those hazardous waste receiving facilities named on the manifest will pay the user fees. The “billable event” is the submission of the final manifest copy signed by the receiving facilities to EPA. In assessing the user fee on the receiving facilities only, EPA stated that it is assuming that the receiving facilities will pass the fees on through to their customers. This reduces the administrative burden by only billing a relatively small number of receiving facilities, as opposed to a large number of generators, transporters, and the owners and operators of treatment, storage, and disposal facilities (TSDFs).

Effective Date of Rule

This rule is effective on June 30, 2018. Beginning on this effective date, receiving facilities must commence using the e-Manifest system and will pay a prescribed fee for each manifest. Persons using hazardous waste manifests will need to become familiar with the requirements of this rule in order to ensure a smooth transition to the new e-Manifest system.

Major Points

Q: Who will pay the fees in the e-Manifest system?

A: Only receiving facilities designated on manifests will be billed fees. These facilities will have the opportunity to pass costs on to their customers. Facilities billed under the e-Manifest system include:

1. RCRA treatment, storage, and disposal facilities (TSDFs).
2. Facilities receiving State-only regulated hazardous wastes.
3. TSCA permitted facilities receiving Polychlorinated Biphenyls (PCBs) wastes under 40 CFR 761.
4. Facilities that reject shipment back to generators. Fees associated with rejected waste shipments will be paid by the rejecting facility, rather than the generator. If the rejected shipment is sent instead to an alternate TSDF, that alternate facility then pays the fee.

Q: Who will not be billed fees in the e-Manifest system?

A: Generators, transporters, and entities other than the receiving facilities.

Q: Which wastes are subject to e-Manifesting?

A: Wastes that are subject to tracking with the hazardous waste manifest:

1. Hazardous waste required to be shipped on a manifest under RCRA Subtitle C.
2. State regulated hazardous wastes required to be shipped on a manifest under state-authorized RCRA programs. This will include Very Small Quantity Generator waste if a manifest is required by the state.
3. PCBs required to be shipped on a manifest under 40 CFR 761.

Q: What hazardous waste manifest components are excluded at this time?

A: Certain components of the hazardous waste manifest system will not be included until a later phase of the system implementation:

1. Land disposal restrictions notifications are not currently included in the e-Manifest system and will await a later phase of system implementation.
2. Only domestic hazardous waste manifests and domestic shipments of state-only regulated waste will be subject to the e-Manifest system on June 30, 2018. At this time, export manifests should continue to be completed as paper documents. Exports will be fully addressed at a later date.

Q: How will this apply to individual states?

A: The e-Manifest Rule will take effect in all states on June 30, 2018, whether the state is authorized to run the RCRA program or not. Authorized states must amend their rules to adopt the program.

Q: How will this rule address out-of-state shipments of state-only regulated wastes?

A: If a hazardous waste manifest is required in either the origination or the destination state, the receiving facility must complete and submit the final manifest copy to the e-Manifest system for processing and pay the appropriate fee. This will also satisfy any and all requirements for return copies to tracking states.

Q: How will the e-Manifest relate to the Department of Transportation (DOT) hazardous material regulations to use a shipping paper?

A: Currently, DOT requires the presence of a hard copy shipping paper be available during transportation. Handlers using e-Manifest must comply with this requirement and must be equipped with a paper copy of the manifest printed from the e-Manifest system.

Q: How will I prepare my manifest after June 30, 2018?

A: The transition to the e-Manifest system will provide three options for the preparation of manifests upon the June 30, 2018 system implementation:

1. Electronic: The hazardous waste manifest will be created and electronically signed in e-Manifest by the generator, transporter(s), and receiving facility.

2. Hybrid: The conventional paper manifest is created. This paper copy will then be signed in ink by both the generator and the transporter and retained by the generator as the initial generator copy of the manifest. This same manifest will then be executed and signed electronically by the transporter and all subsequent handlers, including the receiving facility, using the e-Manifest system. This option is specifically designed by EPA to assist generators that are not able to fully engage in the e-Manifest upon its scheduled launch date, thus allowing a phase-in approach.
3. Paper: The paper manifest is created and signed by all entities using the new five-copy manifest form. If this option is used, the receiving facility must submit the manifest to EPA for processing into the e-Manifest system within 30 days of receipt. Manifest users may continue to prepare a paper manifest after June 30, 2018. However, the use of the e-Manifest is highly encouraged by EPA.

Q: What are the anticipated fees for each manifest submission?

A: EPA has developed a tentative fee schedule for the initial operation period. Fees are differentiated based on how each manifest is submitted to EPA, thus incentivizing the use of the e-Manifest system:

1. Electronic and hybrid submissions: \$4 per copy
2. Paper manifest submission types:
 - a) Data File Uploads: \$7
 - b) Image Uploads from paper manifests: \$13
 - c) Mailed paper: \$20

Q: Are generators required to register for the e-Manifest system?

A: No. The June 30, 2018 implementation date does not require generators to be registered in e-Manifest, providing the option to utilize either the paper or hybrid manifest methods. However, generators are encouraged to register in order to have the capability to sign manifests electronically, view manifest records in the system, or submit post-receipt data corrections.

Q: Can I use the old manifest forms after the June 30, 2018 launch date?

A: The new 5-copy manifest form effectively consolidates the two form copies marked: 1) "Designated facility to consignment state", and 2) "Designated facility to generator state", as only one final copy will be submitted directly to the e-Manifest system. If a user wishes to continue to use the 6-copy forms after the launch date, a generator must apply a pre-printed adhesive label to copy 1 which reads: "Designated facility to EPA's e-Manifest system", in order to reduce confusion and ensure proper routing.

Conclusion

This rule is effective on June 30, 2018, the date upon which EPA expects the electronic manifest system to be operational and available to users, and upon which the Agency will begin accepting manifest submissions and collecting the corresponding manifest submission fees. On this effective date, receiving facilities are required to submit electronic and paper manifests to EPA for inclusion in the e-Manifest system and pay a prescribed fee for each manifest. Persons responsible for manifesting hazardous waste need to become familiar with the requirements of this rule in order to ensure a smooth transition to the new electronic manifesting system.

Technical Assistance

For questions regarding this Fact Sheet, contact the USACE Environmental and Munitions Center of Expertise at (402) 697-2565/2560/2634.