Status of the Electronic Hazardous Waste Manifest

ASTSWMO Mid-Year Meeting
April 24, 2007

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Background

• Since 2004, EPA, States, and industry advocates have been pursuing the development of a national electronic HW manifest system to:
  – Track waste shipments on a more real time basis,
  – Distribute manifest data to states more efficiently, and
  – Reduce the burden of compliance with manifest.

• A decentralized e-Manifest was proposed in 2001
  – Comments criticized cost-effectiveness, potential for inconsistency, and prescriptive system standards
  – Stakeholder meeting (May 04) and recent public notice (Apr 06) confirmed broad support for centralized, national system
  – Bonus: users willing to fund system through user fees
Overview

• There are 4 major activity areas that comprise the current e-Manifest project:
  – Rulemaking
  – Funding and statutory authority
  – Outreach
  – Procurement/System build

• Current activities are focused on the rulemaking and on enabling legislation
  – Funding source or user fee legislation necessary before final rule can be issued or procurement begin
Essential Activities to Develop e-Manifest

- **Funding Approach/ Legislation**
  - should be self sustaining
  - user fee legislation or new appropriations
  - $4 million included in '08 Budget request

- **Outreach**
  - User and state needs and requirements
  - Governance of system change process
  - Accountability for fees, expenses, and system performance

- **Rulemaking**
  - April '06 FR notice requested comment on national system build
  - Final Rule authorizing use of e-Manifests (March 2008)
  - Contingent on legislation

- **System Build**
  - Procurement in 2008?
  - Design and operation requirements
  - Coordination with OEI on CDX integration
  - Compliance with Federal IT policies
Status of Legislation

• Electronic Manifest Establishment Act introduced in Senate in September, 2006
  – Sponsored by Senators Thune, Jeffords, and Inhoffe in 109th Congress
  – Strong lobbying effort by waste industry for Bill

• Key Provisions of 2006 E-Manifest Bill:
  – Authorized EPA to collect and retain user fees for system costs
    • Revolving Fund for deposit of fees
    • Funds available w/o fiscal year limitation and w/o further appropriation
  – Authorized performance-based contract with IT vendor to build system
  – Authorized uniform effective date in all states (HSWA-like)
  – 3-year milestone for EPA to establish system
  – Annual IG Audit and financial reports
  – System Governing Board (includes States) to be established

• Prospects seem favorable for passage in 2007
  – Changes in committees and new Democratic majority affecting progress

• Legislation could emerge as Appropriations Bill
  – $4 Million included in President’s ’08 Budget Request
  – Administration supports user fee funding w/ appropriation controls
Status of Regulation

• Final Rule needed to authorize use of e-Manifests
  – Current rules mandate use of paper forms that are physically carried with waste and signed “by hand.”
  – Will also address e-signature and other key policy issues
• Regulatory premise: e-Manifests created and transmitted on national system are a legally valid alternative to paper forms
  – System to be hosted on Central Data Exchange
  – E-manifests will be distributed to States on Exchange Network
  – Supported format will be XML schema and stylesheet
• Work group now discussing regulatory options and developing final rule notice
  – Work group includes DOT and 7 States named by ASTSWMO:
    • CA, MD, FL, MI, NJ, NY, and PA
  – Options Selection w/ Management in August ’07
  – Workgroup closure (EPA Offices) in November ‘07
  – Final rule could be published in March ’08
  – System implementation to follow in 2010