

Status of the Electronic Hazardous Waste Manifest

ASTSWMO Mid-Year Meeting
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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

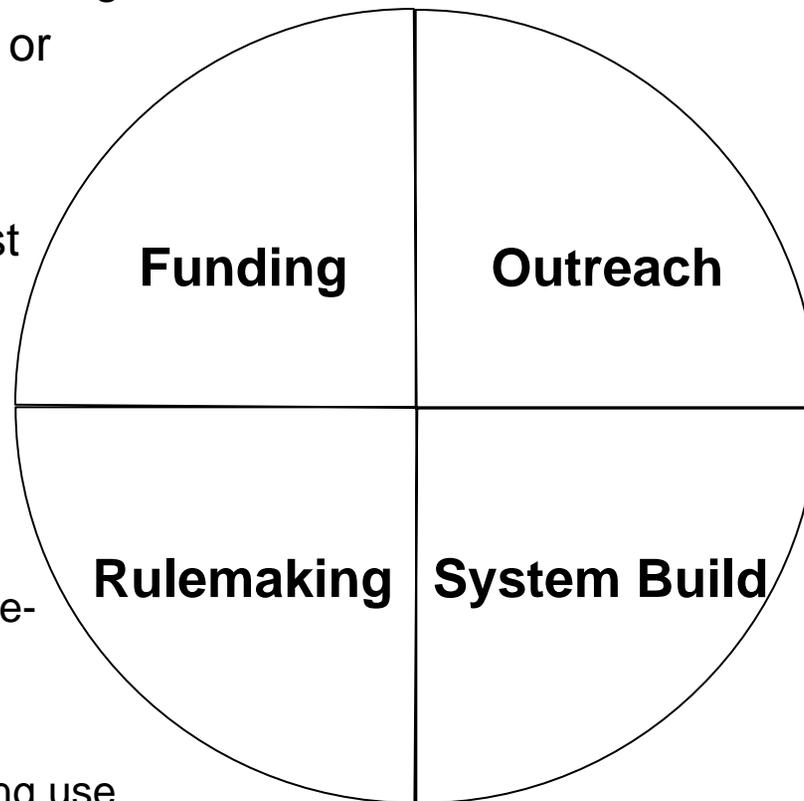
Essential Activities to Develop e-Manifest

- **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 Inhofe 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