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February 21, 2023

Office of Land and Emergency Management (OLEM) Docket
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
via www.regulations.gov

Attention: Docket ID No. EPA-HQ-OLEM-2022-0973

Dear Sir or Madam:

The Hazardous Waste Subcommittee of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) appreciates the opportunity to provide written comments to the Hazardous Waste Electronic System ("e-Manifest") Advisory Board as part of its meeting on February 28 - March 2, 2023. The theme of the meeting is "Meeting the Needs of the User Community: e-Manifest Program Priorities and User Fees for Fiscal Year (FY) 2024 and 2025".

ASTSWMO is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). These comments have not been reviewed or adopted by the ASTSWMO Board of Directors. In addition, individual State or Territorial waste programs may also provide comments based on their own State perspectives and experiences.

This meeting's White Paper contains statistics on types of manifests reported to the system. We understand that industry considers Data Plus Image to be the preferred option for manifest submission. As has been submitted in prior commentary, Data Plus Image meets the requirements set forth in the Act and accomplishes the bulk of the e-Manifest Act's stated goals. At the State agency level, images of the ink signatures are preferred by attorneys for enforcement cases, which is accomplished with the Data Plus Image option. Finally, given the high level of data inconsistencies and errors, the image file is a built in QA/QC mechanism to verify the data entered into the e-Manifest system. It is suggested that the Data Plus Image option be the focus of EPA's efforts.

The e-Manifest system is now 5 years old; a massive amount of information resides in the system and Industry access and training issues have been resolved. States and Industry have reported on issues with data quality on EPA calls, prior Advisory Committee meetings, and to State agencies. We encourage EPA to make data quality a primary effort and consider any enforcement tools they may have to require reporting facilities to report data accurately and to correct information when errors are brought to their attention. EPA has made a commendable effort to involve generators in the oversight of their records and it is suggested that those efforts continue.

A promise of the e-Manifest Act is Biennial Report integration. We recommend that continued efforts to provide methodologies to import manifest information into the Biennial Report application be explored. In addition, we suggest the aspects of the Biennial Report be leveraged as an audit tool for e-Manifest, and the Waste Import

Export Tracking System (WIETS). One of the take-aways from the latest Biennial Report cycles was the number of receiving facilities and manifests not populated in the system.

Thank you again for the opportunity to provide comments. If you have any questions about these comments, please contact me at melissa.ferree@delaware.gov or 302-739-9403.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melissa Ferree". The signature is fluid and cursive, with a long horizontal stroke at the end.

Melissa Ferree (DE), Chair
ASTSWMO Hazardous Waste Subcommittee