

U.S. Environmental Protection Agency e-Manifest User Fees: Environmental Technology Council Files United States Court of Appeals Petition for Review



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The Environmental Technology Council (“ETC”) filed a Petition for Review (“Petition”) in the United States Court of Appeals for the District of Columbia challenging the fee schedule issued by the United States Environmental Protection Agency (“EPA”) titled:

e-Manifest User Fees FY2020/FY2021 (“User Fees”)

EPA had issued the User Fees pursuant to the Resource Conservation and Recovery Act (“RCRA”).

Congress enacted the Hazardous Waste Electronic Manifest Establishment Act in 2012. This legislation required that EPA establish a national electronic manifest system. Further, after development the system would be funded by user fees.

EPA has previously stated that the legislation provided it the authority to impose on the users of the system:

... such reasonable service fees as the Administrator determines to be necessary to pay all system related costs, including the cost of processing data from any paper manifest that continues to be used after the system implementation date, as the e-Manifest Act allows users the option to continue to use paper manifests.

The Petition attaches the EPA fee schedule and related e-mail notice issued by the agency.

ETC describes itself as the leading trade association of commercial firms that provide recycling, treatment, disposal and field services to customers for industrial and hazardous wastes.

A copy of the Petition can be downloaded [here](#).