

Integrating e-Manifest With Hazardous Waste Exports and other Manifest-related reports U.S. Environmental Protection Agency Publishes Final Rule



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

07/30/2024

The United States Environmental Protection Agency (“EPA”) published a final rule in the federal register finalizing amendments to the:

- Hazardous Waste Manifest Regulations
- Hazardous Waste Electronic Manifest (e-Manifest) regulations

See 89 Fed.Reg.60692

The stated purpose of this Resource Conservation Recovery Act rule (“RCRA”) is to:

- ...increase utility of the e-manifest system in delivering benefits to reduce administrative burdens and improve tracking of hazardous waste shipments...

Federal Legislation enacted in 2012 authorized EPA to implement a national electronic manifest system. Further, it authorized the federal agency to assess the cost of developing and operating the e-manifest system from user fees. Such fees would be charged to those who use hazardous waste manifest to track off-shipments of their waste.

The RCRA cradle-to-grave hazardous waste tracking system attempts to ensure that such waste is properly generated, transported, and treated/disposed. The cradle-to-grave system has always been a key component of RCRA.

EPA launched the e-Manifest in 2008. A generator, after determining what a (“hazardous waste”) is, has been required to prepare a paper manifest to accompany the movement of material from the point of generation through transportation and then to the receiving facility/treatment storage disposal facility.

The e-manifest system is a national database that similarly tracks hazardous waste shipment.

The final rule undertakes:

- Changes to manifest regulations for shipment of hazardous waste exported for treatment, storage, disposal.

- Revisions to the hazardous waste export and import shipment international movement document-related requirements.
- Amends 3 manifest-related reports (i.e., Discrepancy, Exemption, and Unmanifested Waste Reports)

Conforming regulatory changes to the manifest regulations under the Toxic Substances and Control Act for polychlorinated biphenyls waste. The stated purpose of this regulatory provision is to:

- ...better align these requirements with the RCRA manifest regulations and the e-Manifest program.

The importance of these requirements are the fact that they are estimated to affect 106,617 federally regulated entities. An equal number of entities handling state-only regulated waste are stated to be affected in at least 750 industries. EPA estimates that these entities currently use between 1,830,512 hazardous waste manifest and continuation sheets annually to track RCRA hazardous waste, toxic substances control act waste, and PCB waste, in state-only regulated waste from generation sites to destination facilities.

A copy of the federal registration notice can be found [here](#).