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Data Quality Issues Within the Hazardous Waste e-MANIFEST System: Association for State and Territorial Solid Waste Management Officials Position Paper

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The Association for State and Territorial Management Officials (“ASTSWMO”) published a position paper titled:

DATA QUALITY ISSUES WITHIN THE HAZARDOUS WASTE e-MANIFEST SYSTEM (“Position Paper”).

The Position Paper contains the organizations’ position on enhancing e-Manifest data quality.

The stated objective of the Position Paper is to further “realize the benefits of the e-Manifest system”.

ASTSWMO describes itself as an organization of 50 states, 5 territories, and the District of Columbia whose mission is to enhance and promote effective state and territorial programs and to affect relevant national policies for waste and materials management, environmentally sustainable practices, and environmental restoration.

The Resource Conservation and Recovery Act (“RCRA”) cradle-to-grave hazardous waste tracking system attempts to ensure that such hazardous waste is properly generated, transported, and treated/disposed. The cradle-to-grave system has always been a key component of RCRA.

A generator after determining what a “hazardous waste” is, has been required to prepare manifests to accompany the movement of material from the point of generation through transportation and then to the receiving facility/treatment, storage, or disposal facility.

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 an 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 e-Manifest system is a national database that similarly tracks hazardous waste shipments. The e-Manifest system was launched by EPA in 2018. The goal of the e-Manifest system was to improve access to higher quality and timely data while also saving time and resources for industry and state and territorial programs.

The ASTSWMO Position Paper states that it:

...continues to support the e-Manifest system and believes that overall the system has been a success and provides valuable data to state regulatory agencies.

The organization acknowledges EPA's significant effort and investment that has been made to ensure data related to shipments of hazardous waste is available to the states, the regulated community, and the public. It believes that having "access to manifest data electronically allows for better allocation of resources as data can be used to guide and inform decisions."

The Position Paper describes the e-Manifest system process and the organization's creation of the Program Information Management ("PIM") Task Force of ASTSWMO's Hazardous Waste Subcommittee to "establish effective partnerships between the states and EPA to continue to improve a national hazardous waste information system, including but not limited to ensuring the system functions effectively for the states, EPA, and the regulated community."

Members of the PIM Task Force received feedback from the states with concerns regarding data quality in the e-Manifest system. This is stated to have included how the data affected the hazardous waste program. Because of these concerns, the PIM Task Force is stated to have developed a program to determine the scope of the data quality concerns raised by the states.

This included the PIM Task Force randomly reviewing approximately 50 manifests in the e-Manifest system from waste that was shipped from May 2022 to May 2023. The review is stated to have:

...spanned different hazardous waste generator categories, industries, generator types, and designated facilities.

The Task Force members compared the images of the scanned paper manifests to the data entered for the associated manifest. Further, an error is stated to have been logged each time there was a discrepancy between the uploaded data and the e-Manifest system and the scanned paper copy. The Position Paper notes:

...If a manifest had been corrected after the initial upload resulting in discrepancy, it was not counted as an error. These errors were separated into six (6) manifest sections and tabulated by sections. Manifests containing numerous errors within a section were only counted once.

The Position Paper states that of the 551 manifests reviewed, 377 (68%) of the manifests contained errors.

The PIM Task Force identified in the Position Paper the types of data in the e-Manifest that are either missing or not matching the scanned image of the manifest. These were outlined in the Position Paper. Examples of the impact of such errors are described in the Position Paper.

Regardless of the number of errors, the Position Paper states that ASTSWMO still:

...believes the data in the e-Manifest system is still beneficial.

The Position Paper:

- Commends EPA in creating a mechanism for the missing manifests to be shared.
- Identifies a larger issue related to manifests missing from the e-Manifest system.
- Contends guidance appears to be inconsistent with the regulatory language in 40 C.F.R. 264.71(a)(2) which states "If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or his/her agent must" upload the manifest.
- Asks EPA to provide guidance related to "voluntary" use of the manifest fails to achieve the goal of having one complete set of manifest data and it reduces the information available to those states that collected manifests prior to the implementation of the e-Manifest system.

As a result, the Position Paper makes recommendations in the following four categories:

- Regulatory.

- Enforcement.
- Outreach.
- Guidance.

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