



Regulatory alert

Getting ready for the e-manifest system: What generators need to know

The Environmental Protection Agency (EPA) is establishing a national e-Manifest system for tracking hazardous waste shipments electronically. EPA expects the e-Manifest system will modernize the nation's cradle-to-grave hazardous waste tracking process while saving valuable time, resources and dollars for industry and states. EPA has been working on the operational and regulatory aspects of the e-Manifest system since 2001. The e-Manifest system, which was signed into law in 2012 and launches on June 30, 2018, will collect, track and store manifest information in real-time for each waste shipment in a centralized national information hub from the point of collection to its final disposal. The e-Manifest system will be used by generators, transporters and receivers of hazardous waste, as well as state and federal environmental agencies. This regulatory update focuses on what generators can do to prepare for the e-Manifest system launch.

e-Manifest launches nationwide on June 30, 2018

Key Information for Generators

- e-Manifest affects regulated waste shipped on a manifest including:
 - RCRA federal hazardous waste
 - Regulated polychlorinated biphenyl (PCB) waste
 - State-regulated hazardous waste (where manifests are required by origination or destination states)
 - Very/Conditionally Exempt Small Quantity Generator waste (if manifests are required by states), and Imported hazardous waste.
- Generators will have the option to create and submit manifests electronically through the RCRAInfo e-Manifest System.
- Three types of hazardous waste manifests will be available at system launch—paper, hybrid and electronic. Paper manifests will continue to be used but will be phased out over time as more generators, transporters and disposal facilities develop e-Manifest capabilities.
- Generators must eventually register for e-Manifest to submit, change, view and obtain copies of their waste manifests.
- The existing six copy paper manifest form is being replaced with a new five copy form.
- Waste transport, storage and disposal facilities (TSDF) will submit copies of manifests or electronic manifest data to EPA.
- TSDFs will incur a fee from EPA, which will likely be passed along to customers. Paper manifests will incur the highest cost.

Manifest Creation Options

EPA has indicated that certain functionalities within the e-Manifest system will not be ready for the June 30 launch. Due to the delayed system rollout and to ensure a smooth transition for all stakeholders, the e-Manifest system will allow for three types of hazardous waste manifest creation options. Manifest preparation and signatory requirements are described below.

Paper	Generator, transporter and receiving facility all sign a paper manifest.
Hybrid	Paper manifest is signed by generator and then manually entered and signed electronically by the transporter and receiving facility.
Electronic	Manifest is created in the e-Manifest system and signed electronically by all parties.

Electronic and hybrid manifests are submitted to EPA automatically as they are signed electronically in the system. Where paper manifests are used, the receiving facilities are required to submit the completed copy within 30 days of receipt via mail or electronically by submitting a scanned image or data files.

How Can Generators Prepare?

Communicate with Waste Vendors

Waste vendors have been involved with and tracking the development of the e-Manifest system for several years. As such, most have a plan in place for handling the e-Manifest transition. Beginning on June 30, receiving facilities (i.e., TSDFs) must submit manifests to EPA. It is more cost effective for vendors to use a hybrid or electronic manifest, as they are submitted to EPA instantaneously upon entry to the e-Manifest system. Some of the larger waste vendors have updated information regarding the e-Manifest transition on their websites. Specifically, beginning in June 2018, Clean Harbors/Safety Kleen and Veolia plan to be using the paper option and submit a scanned image and a data file to EPA. Both companies will make changes to their internal processes as the e-Manifest system gains more functionality.

Some TSDFs have already provided communications to customers indicating their planned manifest options and associated cost increases for the June 30th launch. Generators should contact their waste haulers and receiving facilities for specific advice and training on what will be required for e-Manifests to ensure a smooth transition after June 30th.

Register for the e-Manifest System

Generators must register for e-Manifest if they wish to sign manifests electronically OR if they want to be able to view or submit any data corrections or to obtain final manifest copies. The e-Manifest system will be linked to EPA's RCRAInfo program, which is currently used for electronic submittals of Hazardous Waste Generator Site ID forms (8700-12) and Biennial Reports (8700-13) in states that have opted into electronic reporting. Once e-Manifest launches, RCRAInfo will also be used for the electronic submittal of the Uniform Hazardous Waste Manifest (8700-22) in all states. It should be noted that generators must have an EPA identification number in order to register through RCRAInfo.

Generators located in states that have opted into the Biennial Report and/or My RCRAid can start registering site managers before June 30. Site managers will have permission to view, prepare and sign forms for their sites, as well as approve other users (i.e., preparers, certifiers or viewers). Initial registration is a two-step process requiring agency approval. It should be noted that each site manager and certifier will be required to submit an Electronic Signature Agreement that must be approved by the state or EPA. This approval process is anticipated to take approximately two weeks.

Understand Recordkeeping Requirements

Small and large quantity generators are required to maintain copies of hazardous waste manifests for three years. For electronic manifests, the e-Manifest system will support the entire manifest production, distribution and record retention process for all the generators, transporter and receiving facilities that participate in electronic manifesting and establish accounts in e-Manifest. However, the paper and hybrid manifest options require some additional steps to comply with the manifest recordkeeping requirements (Title 40 Code of Federal Regulations Part 262.40(a)). EPA has provided guidance specific to recordkeeping in a March 2018 e-Manifest Frequently Asked Questions document. Recommendations for generator compliance with each manifest creation option are as follows:

Paper Manifest	Generators should retain the initial manifest copy signed by the transporter. Generators that chose not to register for e-Manifest should make arrangements with their receiving facilities to obtain signed, completed copies. Generators that register with the e-Manifest system can access the scanned image of the signed paper copy uploaded into the e-Manifest system by the receiving facility to satisfy recordkeeping requirements.
Hybrid Manifest	Generators should retain the initial manifest copy signed by the transporter as well as the electronic records generated by the e-Manifest system. If the generator has not registered for the e-Manifest system, arrangements will need to be made with the receiving facility to receive a hand-signed manifest.
Electronic Manifest	All manifest record retention requirements will be satisfied electronically by users being able to access their accounts in e-Manifest.

It should be noted that the e-Manifest system and EPA is not yet set up to accept or process any additional documents, including land disposal restriction (LDR) forms or export manifests. Where required, paper LDR forms will still be used.

Generators should also be aware that paper copies of the manifest and applicable emergency response information must be printed and provided to the transporter in order to comply with the U.S. Department of Transportation (DOT) hazardous materials regulations. Therefore, if the electronic manifest route is chosen by the generator, a paper copy is still required to be provided to the transporter.

Some Final Thoughts

All generators should understand that the e-Manifest transition is a three-year implementation process and that the brunt of the responsibility is placed on the receiving facilities. Stay calm and don't panic. The EPA and waste vendors have made training and guidance materials available to all stakeholders. Lastly, generators should consider registering with RCRAInfo as soon as possible to ensure a smooth transition to hybrid and electronic manifest shipments as EPA's system development is completed.

Some links to helpful documentation are provided below:

[EPA's e-Manifest Web Page](#)

[EPA Frequent Questions regarding e-Manifest](#)

[EPA RCRAInfo Site](#)

[EPA/RCRAInfo List of States Allowing Electronic Reporting](#)

[EPA RCRAInfo User's Guide, Frequent Questions](#)

In addition to publicly available information, WSP's environmental compliance professionals work with a number of national and local waste vendors and can assist your organization with any training or compliance support needs.

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