



**US Army Corps
of Engineers** ®

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US Army Corps of Engineers

HTRW CX Regulatory Fact Sheet FY 06-04

Title: Hazardous Waste Manifest System; Modifications of the Hazardous Waste Manifest System

Date: April 18, 2006

SARS RIN#:
2050-AE21

Action Type: Notice of data availability and request for comment

Cite: 71 Federal Register 19842

Executive Summary: This notice announces the availability of additional information on the electronic manifest (e-manifest) project. Specifically, subsequent to EPA's proposal to develop a nearly paperless electronic approach for implementing the manifest requirements, EPA's Office of Solid Waste held a two-day public meeting to discuss and obtain public input on a national e-manifest system. The purpose of the meeting was to discuss with stakeholders the rulemaking progress and to solicit input and preferences on the development and implementation of the e-manifest project. EPA also presented material on alternative information technology (IT) approaches to the e-manifest, including a centralized approach under which EPA would host a web-based national system. As a result of these discussions and subsequent analysis of possible means to fund the development and operation of an e-manifest system, EPA now believes that a centralized, national e-manifest system is the preferred approach. EPA will consider the data obtained from the public meeting and any new data from public comments received on this notice in making a final decision on whether to develop a national electronic manifest (e-manifest) system. The Agency expects to go final based on the comments it receives on this notice.

USACE Impact: Positive. This notice proposes the use of a nationwide, centralized electronic manifest system.

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Full Text Document Location:

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/E6-5745.pdf>

Key Elements of the Rule: On May 22, 2001 (66 Federal Register 28240), EPA issued a proposed rule allowing waste handlers (generators, transporters, and treatment, storage or disposal facilities) the option of preparing, transmitting, signing, and storing their manifests electronically. E-manifesting could greatly reduce the paperwork burdens of the current system, while improving the effectiveness of tracking waste shipments and managing data. The proposal included standardized electronic data interchange formats and an Internet Forms format for the e-manifest. The regulations promoted a decentralized approach in which EPA would issue several information technology (IT) standards and private parties such as waste handlers, waste management firms and IT vendors would develop and even market their own e-manifesting systems which would comply with the EPA IT standards. However, public comments criticized the decentralized approach presented in the proposed rule. Commenters raised concerns that under a decentralized system there would be issues concerning the potential inability of different systems to operate with each other, as well as other concerns that arise regarding whether data

from these different systems could be exchanged and processed consistently. The commenters believed that a centralized, national web-based system would provide a more consistent, secure, and cost effective platform for e-manifesting services. They also believed that a national system would offer greater benefits to users and regulators, such as one-stop manifest reporting, more effective oversight and enforcement of the manifest requirements, nearly real-time tracking services for waste shippers and receivers, and the possible consolidation of duplicative State and Federal systems now in place to collect and manage manifest data and similar waste receipt data collected for biennial reporting purposes. A centralized e-manifest approach would result in the development of a consistent, interoperable and secure IT system that would offer more benefits than would result from the operation of multiple decentralized private systems.

Therefore, this notice announces EPA's preferred approach for proceeding with a centralized e-manifesting web-based IT system that EPA will host on its IT architecture. Conceptually, the initial centralized e-manifest system would provide only core services necessary to manage waste shipment tracking, waste data collection functions and the archiving of official manifest records. The system would be designed so additional EPA reporting functions or additional commercial services could be added in the future.

Commenters to the proposed rule also indicated that they would be willing to pay reasonable fees for their e-manifest transactions in order to develop and maintain a centralized system. EPA is working on securing the appropriate authorizing legislation in order to award a contract in FY2007 for the development of the centralized system.

Lastly, EPA is soliciting comments on whether the use of the e-manifest should be mandatory or voluntary.