

e-Manifest Frequently Asked Questions

1. *How soon after receiving a shipment do I need to sign for that shipment? Is there anything different if I sign electronically versus on paper?*

Under the manifest system and the chain of custody that is documented by manifest signatures, a waste handler is presumed to retain custody and responsibility for hazardous wastes in transportation until that handler obtains the signature of the next handler. So, a transporter will ordinarily expect the receiving facility to sign the manifest when the transporter delivers the waste to the receiving facility and will want to obtain this signature before it leaves the facility. This requirement is the same for paper and electronic manifests.

2. *How soon after completing a manifest do I need to submit that manifest to EPA?*

The regulations for paper manifest submissions specify that a completed manifest must be submitted to the EPA's e-Manifest system within 30 days of the delivery of the waste to the receiving facility. Electronic manifests, of course, are created, transmitted and signed in the e-Manifest system, and thus are submitted at the time the receiving facility signs electronically for the receipt of the wastes.

3. *How long will EPA's e-Manifest system keep manifest data?*

EPA intends for the e-Manifest system to keep manifest data indefinitely. Should there be a need to reevaluate indefinite data storage, EPA will consult with the e-Manifest System Advisory Board and obtain the Advisory Board's advice.

4. *Can a transporter, broker, or receiving facility prepare and sign manifests 'on behalf of' the generator?*

While any waste handler and broker can prepare a manifest "on behalf of" a generator, the authority to sign manifests is more limited. Manifests prepared by others for a generator customer can be signed by the generator, or by the agent of the generator operating on-site and performing generator responsibilities at the site for the generator, or by an offeror. An offeror is a person, such as the initial transporter, who performs the pre-transportation functions (e.g., packaging waste in containers, preparing and affixing labels, preparing the manifest) on-site, and has personal knowledge of the facts involved with the preparation of the waste for transportation. In these cases, an offeror can sign the generator/offeror certification on the manifest on behalf of the generator, because the offeror can certify that the waste materials have been properly described and the shipment is in proper condition for transportation.

5. *I'm a broker. What will e-Manifest allow me to do and how do I register?*

A broker may prepare manifests in e-Manifest for its generator clients. Because a broker may service multiple clients, EPA requires that brokers obtain an EPA ID Number using the Site ID Form (EPA Form 8700-12), so that we may track the manifest activities of brokers in e-Manifest, and make draft manifests available to brokers for the use of their clients. However, a broker may not sign manifests in e-Manifest on behalf of generator clients, unless the broker is operating at the generator site and can sign the manifest as an offeror of the waste shipment.

6. *How does e-Manifest apply for wastes that are required to be manifested in one state (e.g., the state where the waste was generated) but not required in another state (e.g., the state where the waste was received)?*

The e-Manifest Act included a special provision to address this point. Under § 2(h) of the Act, if either the generation state or receiving state requires a manifest during the movement of the waste shipment, then the receiving facility must complete the facility portion of the manifest, sign and date the facility certification to indicate the receipt of the covered wastes (or any discrepancies), and then submit that completed manifest to EPA. The submission of this manifest will also require the receiving facility to pay the associated fee for that manifest. If the generation state requires a manifest, the receiving facility must submit this manifest to e-Manifest, even in instances where the waste is not regulated in the destination state and does not legally require a manifest under the laws of that state. This will enable the origination state to confirm the proper receipt of its regulated wastes, even when those wastes are shipped out-of-state for management.

7. *What about states that require a manifest when the shipment moves through the state?*

The e-Manifest Act provision on interstate shipments applies only in cases where either the origination state requires a manifest, or, the state in which the waste will be transported to a receiving facility for management (i.e., destination state) requires a manifest. Transit-only states, that is, states through which waste is transported en route to a designated facility in another state, are not covered by this provision, so their tracking requirements would not trigger any responsibility for the designated facility to respond to a transit state's manifest requirement.

8. *What does it mean if my state has not adopted the e-Manifest rule(s)? What if my state has not become authorized for the e-Manifest rule(s)?*

Implementation and authorization of e-Manifest requirements are governed by unique provisions of the e-Manifest Act. The Act provides that all requirements issued under the authority of the e-Manifest Act shall go into effect federally on the effective date of the federal regulations. In addition, the Act requires that EPA implement and enforce the e-Manifest requirements consistently in all states until such time as the states are authorized for these requirements.¹ Thus, EPA will be

¹ We note that these statements apply to the federal e-Manifest regulations that are "delegable" to states. Some e-Manifest requirements, e.g., the e-manifest user fee determination and collection requirements, cannot be delegated to states, as they are intended to be administered exclusively by EPA. EPA will provide authorization

active in all states on the program's effective date, implementing and enforcing the federal e-Manifest requirements until the states are authorized. When the states are authorized for delegable provisions of the e-Manifest rules, EPA's implementation and enforcement role will generally be supplanted by the state, and the state will then assume primacy for the implementation and enforcement² of the delegable electronic manifest regulatory requirements. However, even after states are authorized for e-Manifest, EPA will retain its primary responsibilities to operate and maintain the e-Manifest system, and to implement the user fee program and collect the user fees from the regulated community.

9. States are generally required by authorization deadlines (see 40 CFR 271.21(e)) to make program modifications within one year from the time EPA issues a new RCRA regulation. What if more time is required for states to implement e-Manifest requirements?

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EPA recognizes that not all states are able to respond in lockstep to changes that EPA promulgates for the RCRA program, particularly, for a program with as many innovative features as e-Manifest. State progress in adopting program changes such as e-Manifest can be affected by state resources, by issues of legislative changes being required in some states, by the degree of changes required to any related state tracking programs, and by other priorities impacting each state. Nevertheless, EPA believes that e-Manifest will make possible many helpful changes to the manifest program that will make state enforcement and tracking programs much more efficient once e-Manifest related changes are adopted by the states. Therefore, we encourage states to adopt the changes included in the One Year Rule and the User Fee Rule at their earliest convenience, so that the states may share in the innovations and efficiencies that will result under e-Manifest.

Until such time as the states adopt the necessary regulatory changes, the Act provides that EPA will implement and enforce the e-Manifest program consistently in all the states. Thus, states that need more time to make these changes can take additional time to adopt e-Manifest requirements, and the program will still be implemented in the state by EPA. However, states will not be able to implement and enforce the e-Manifest regulatory program with primacy until they adopt the necessary program changes and obtain authorization from EPA.

10. Will e-Manifest include imported waste shipped on a manifest? Will it include exported waste shipped on a manifest?

The e-Manifest system will track import manifests, as these manifests begin with a U.S. importer, and end with a U.S. receiving facility. Thus, once these hazardous wastes enter the U.S., their tracking is not that different than any other domestic waste shipment.

However, during this initial phase of implementation, the e-Manifest system will not track export manifests. Initially, the e-Manifest system's manifest submission and fee collection requirements

guidance to the states that will identify those provisions that are not delegable, as well as those that states must adopt to maintain program consistency.

² In authorized states, EPA retains some enforcement authority under RCRA §§ 3008, 3013, and 7003.

will be focused on the receiving facilities in the U.S. that are clearly within the jurisdiction of our manifest regulations. On the other hand, export manifests track wastes that are received at foreign consignees, and EPA lacks jurisdiction to require these foreign facilities to submit manifests to e-Manifest and pay user fees to EPA. Therefore, EPA will need to work out how and when the exporters or other entities involved with export shipments can supply these export manifests to the system and pay the requisite processing fee. It will require another rulemaking to sort out these issues, and until that occurs, the system will not collect export manifests.

11. How much will the e-Manifest system charge per manifest?

EPA will impose a per manifest fee for each manifest submitted to the system based on the type (paper or electronic) and mode of submission (mail, data upload, image file upload). The final fee schedule for the system launch on June 30, 2018, has not been determined yet (February 2018), since the Agency's 2018 budget is not yet determined and final implementing contracts must still be awarded. EPA will publish the final fee schedule to the programs website at www.epa.gov/e-manifest prior to the system launch.

EPA did publish estimates of the initial fees in the preamble of the January 3, 2018 User Fee Rule. As of the issuance of the Fee Rule, our best **estimates** for the initial per manifest fees were:

- \$4.00 for an electronic manifest (including hybrid),
- \$7.00 for a data file upload of paper manifest data,
- \$13.00 for the upload of paper manifest image, and
- \$20.00 for submission of a paper manifest form by mail.

12. How will the e-Manifest system allow for corrections? Who can correct a manifest?

When the receiving facility submits its signed copy of a manifest to e-Manifest, the system will create the initial data record of the data reported from the facility's certified submission. After this initial data record is created in the system, interested persons, including the named waste handlers on the manifest as well as state regulators performing Q/A activities from the generation or destination states, may submit data corrections to the system. This can happen at any time post-receipt. Waste handlers must certify that the data as corrected are accurate and complete, and the submission of such a correction then gives rise to notice to the other persons interested in a manifest of the submitted data corrections. These other interested persons may then respond to a correction notice with their own data corrections. The system will retain an auditable record of all such correction submissions, and the last correction made with respect to a manifest is regarded as the final and correct representation of the data, unless a later notice is received. Thus, the data corrections process is an open process, conducted electronically among the interested waste handlers and state regulators connected with a manifest.

13. Do I have to pay a fee if I make corrections in e-Manifest?

No. While EPA proposed and took public comment on an option that would have assessed a separate user fee for data corrections submissions, the final rule did not adopt this approach. Under the final rule, there is no fee associated with data corrections that interested persons may submit at any time after an original manifest has been submitted to e-Manifest. Any costs related to

processing corrections will be treated as part of the overall Operation and Maintenance Costs to be shared by all manifest submissions, but not as a separate fee for corrections.

14. Do generators have to register for e-Manifest?

Generators must register for e-Manifest if they wish to sign manifests electronically in the system. If generators do not plan to sign manifests electronically, they may need to register if they want to be able to view their manifest records in the system or if they want the ability to submit post-receipt data corrections to the manifest.

15. How does e-Manifest handle rejected loads by the receiving facility and who pays the manifest user fees in this case? What about partial rejections?

The tracking of rejections of waste on the manifest has always been a complex matter, so it is not surprising that waste rejections add some complexity to the requirements of the user fee rule respecting submission of manifest copies to e-Manifest and the payment of related fees.

First, it is fairly straightforward when a rejected waste is forwarded to another receiving facility for management. The user fee rule generally imposes the requirement to submit manifest copies and pay fees on the waste receiving facilities, and this result applies also when a rejected waste is forwarded to a second receiving facility. If the entire shipment is rejected on the original manifest, the manifest rules allow the rejecting facility to forward the entire shipment to an alternate receiving facility on the original manifest. In such a case, the alternate facility is responsible for signing the manifest, for submitting this manifest to the e-Manifest system, and for paying the fee. If a waste is partially received and partially rejected by the original facility, the original facility is responsible for submitting the original manifest to the system and paying the related fee for the processing of the partial receipt data. The re-shipment of the rejected portion of wastes to another receiving facility requires a second manifest, and the alternate receiving facility designated on the second manifest to receive the rejected wastes is then responsible to submit this second manifest to the system and pay its associated fee.

Second, the submission and fee payment requirements differ somewhat for wastes that are rejected by the receiving facility designated on the original manifest, and then returned to the generator. This is because EPA does not require manifest submissions or fee payments by generators. If the entire shipment is rejected, the manifest regulations allow these wastes to be returned to the generator under the original manifest. In that case, the rejecting facility is responsible for submitting to e-Manifest the copy of the return manifest signed by the generator, which current manifest regulations require the generator to send back to the rejecting facility within 30 days. When submitting this return copy to the system, the rejecting facility must also pay the processing fee for the return manifest.

Likewise, for partial rejections that involve a return of rejected waste to the generator under the manifest discrepancy requirements, the receiving facility of the original manifest is responsible for submitting the signed copy showing its waste receipts to e-Manifest and paying this manifest's processing fee. Since the return of the rejected portion of the waste shipment requires a second manifest to be completed by the rejecting facility to track the return shipment back to the generator, this facility is also responsible under the User Fee Rule for submitting the return manifest

copy (signed by the generator) to e-Manifest and paying the fee for the processing of the return shipment manifest. So, a partial rejection by a receiving facility that also involves a return shipment to the original generator can cause the rejecting facility to be responsible for two distinct manifest submissions and their related processing fees: (1) the submission of the original manifest showing waste receipts by the receiving facility, and (2) the submission of the copy of the return shipment manifest signed by the original generator.

16. *Can I use old manifest forms after the June 30, 2018, launch of e-Manifest?*

EPA is requiring a new 5-part manifest form on and after the June 30, 2018, launch of e-Manifest. The new 5-part forms will present accurate information to users on the distribution of the receiving facility copy to the e-Manifest system, and present accurate instructions on the use of the manifest. EPA believes it is important that the manifests convey accurate information on distributing the top copy (Page 1) of the manifest to the EPA system, or otherwise, many forms may be misdirected to the states. Any forms that are so misdirected could cause confusion for our authorized states, and perhaps prevent a facility from complying with the RCRA requirement to submit copies of all their manifests to e-Manifest and pay the applicable fees.

EPA will accept Page 1 copies of the obsolete 6-part forms for processing after June 30, 2018, but we strongly recommend that users transition to the 5-part forms as quickly as possible. If a user wishes to continue to use the obsolete 6-part forms, they should undertake measures to minimize confusion in their use, such as applying a pre-printed adhesive label to the top copy with the accurate copy distribution language ("designated facility to EPA's e-Manifest system"). Facilities should train their manifest personnel to inspect manifests carefully to ensure they are routed properly during the time any of the obsolete manifests remain in use.

17. *How does e-Manifest address Confidential Business Information (CBI)?*

EPA has determined categorically that manifests are not subject to CBI claims. See 40 CFR 260.2(c). For many years, a number of authorized states have been disclosing their manifests and manifest data freely to the public on request, and have not subjected these public requests for data to CBI scrutiny. Since manifest data has been and will remain freely available from those states, EPA is not according CBI status to manifest data. Therefore, it is not necessary to establish any formal process for addressing CBI issues in e-Manifest.

18. *How will e-Manifest transition generators?*

EPA recognizes that generators present several implementation challenges in e-Manifest, particularly, for those generators that ship small quantities of waste or that ship wastes infrequently. Therefore, we have endeavored to develop e-Manifest and the system's implementing regulations to ease the implementation burden for generators.

First, EPA's regulations do not require investments by generators in portable devices or other computer equipment to participate in e-Manifest. EPA believes that the hazardous waste management industry, i.e., the transporters and the waste management receiving facilities in the business of managing hazardous wastes are the entities that will receive the most benefits from electronic manifesting, and that they are the entities that will make the equipment investments to leverage the efficiencies of e-Manifest. EPA expects that most generators will participate in e-

Manifest thru access to the portable devices or other equipment supplied by their contract service companies, i.e., the hazardous waste transporters and related waste management companies they choose to transport and manage their off-site waste shipments.

Second, EPA has included other regulatory incentives to facilitate the participation of generators in e-Manifest. For one, transporters who act as offerors of their generator customers' shipments may sign the manifest as the offeror "on behalf of" the generator if the offeror prepares the shipment and the manifest for the generator customer and has personal knowledge of the facts underlying the generator/offeror certification. For another, the e-Manifest User Fee Rule supports a so-called "hybrid" manifest approach under which the generator may sign a paper manifest copy and retain on-site that paper copy signed by it and the initial transporter. The initial transporter and subsequent waste handlers then process the remainder of the transaction electronically, that is, by signing and transmitting electronically the manifest that they obtained from the system as an electronic manifest. Thus, generators can continue to sign in the field and retain a paper copy of their initial manifest just as they have done for years under the existing manifest system. However, they will still need to register with e-Manifest and create an account where they can view their manifest copies when they are signed and submitted as final manifests by the receiving facility, or, they will need to make special arrangements with the receiving facility to obtain a signed paper copy from the facility.

Finally, EPA notes that there are other provisions in the e-Manifest regulations that will create incentives for generators to become more involved with electronic manifesting. The hybrid manifest authorized under 40 CFR 262.24(c)(1) is one such example. By aligning with a service company that participates in electronic manifesting, but that allows the generator to retain a paper copy under the hybrid approach, generators will have relationships with entities that are supporting and promoting electronic manifesting. In time, EPA expects that the activities of these service companies will foster more participation by generators in electronic manifesting, and that the service companies will make an effort to wean their generator customers from the hybrid to a more robust electronic manifest experience.

Another example of regulatory incentives exists in the manifest data corrections process included in the final user fee rule of January 3, 2018. See 40 CFR 262.24(h). While generators may elect to continue to use paper manifests (or the hybrid) for delivering their wastes to the initial transporter and/or tracking their shipments to designated receiving facilities, manifest data corrections will be handled in e-Manifest by an exclusively electronic process. In order to participate in the manifest data corrections process, generators will need to establish an account in e-Manifest where they can view their final copies signed by receiving facilities. In addition, this account is where generators will receive any notices related to later data corrections made by interested waste handlers or regulators, and where they may themselves submit certified corrections of data to the system. By creating and using these e-Manifest accounts to view manifest copies, view correction notices, and make their own corrections, generators may become more acquainted and comfortable with electronic services, and in particular, with using an electronic certification of their corrections. This will provide a good foundation for completing electronic manifests and for signing manifests electronically when they are ready to participate more fully in electronic manifesting.

19. If I mail or upload a paper manifest to EPA, what is considered the "legal" record of shipment once the paper manifest becomes an electronic manifest in e-Manifest? Do I need to retain my paper copy or can I rely on the system to keep the electronic record?

The e-Manifest system is intended to be a national hub for the collection, distribution, and retention of electronic and specific paper manifest records. The system is particularly aimed at reducing the paperwork burdens under the prior paper-based system, by automating the transmission of manifest documents to interested waste handlers and states, and by providing a means for electronic record retention.

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. The system will distribute and retain in the relevant handlers' accounts all manifest copies produced and used during the tracking of a hazardous waste shipment, including the generator's initial copy, the transporter copy, and the final copy signed by the receiving facility, which will be distributed to the original generator, to the delivering transporter, and to interested states. Each of these electronic copies will be secured and retained by the system as copies of record which can be retrieved and examined by persons authorized by each handler to view their company's manifest records. These manifests can also be inspected by regulators. All manifest record retention and inspection requirements will be satisfied electronically by users being able to access their copies of record through their accounts in e-Manifest.

For paper manifests, the manifest retention and distribution requirements of e-Manifest are not as comprehensive. The e-Manifest system will collect and distribute only the final receiving facility copy, which the system's operations staff will scan (if mailed to EPA) and then conduct data entry of the manifest data into the e-Manifest data system. For paper manifests that are not mailed to us, the system will receive a scanned image from the facility, and in many cases, a data file as well.

Since the e-Manifest system will only collect the final receiving facility copy, generators must retain on site the initial paper copy bearing the generator/offeree signature and the signature of the initial transporter. Likewise, transporters should retain on site any paper copies they obtain in executing waste shipments that involve paper manifests, as these paper copies will be viewed as their legal copies of record under existing manifest requirements.

The e-Manifest system will also have the capability to transmit and store in handlers' accounts the scanned images of the final manifest copies submitted by the receiving facilities. In such cases, the receiving facilities need only retain their on-site paper copies (Page 3- Designated facility copy) until such time as a legible scanned image of the manifest is entered in the system and accessible to the facility by accessing its account in e-Manifest.

Likewise, a generator that chooses to use paper manifests, but that has access to an account in e-Manifest that it uses for the monitoring of its manifest activity, may also take advantage of the system's secure record retention and retrieval capabilities to satisfy its record retention requirements. A generator who uses paper manifests, but registers with e-Manifest and creates an account for monitoring manifest activity, may rely on the scanned image from the receiving facility as its final manifest copy. Since this image bears the signature of the receiving facility, and is securely stored by e-Manifest and accessible to the generator, this image suffices for the copy of record of the generator's final manifest. This image copy distributed to the generator's account in e-Manifest replaces the paper copy that previously would be mailed to the generator by the receiving

facility.³ Note that this only applies to manifests that are executed throughout as paper manifests through the entire chain of custody ending with the hand signature of the receiving facility. Generators who use the hybrid or mixed manifest option – and keep a hand signed paper copy as their initial generator copy – cannot replace their initial paper copy with the final signed by the receiving facility. The final copy from the receiving facility is an electronic manifest signed electronically, and is not an image file that will display the hand signatures of all the waste handlers. Therefore, the generator using the hybrid manifest must retain its hand signed paper copy among its records for the entire record retention period.

In addition, under the federal manifest requirements, when the generator obtains the final manifest copy from the receiving facility, it may discard the initial manifest copy that it collected from the initial transporter at the time the transporter picked up the generator's wastes. However, generators should check with their authorized states to confirm that the state follows this policy under state law before discarding their initial manifest copies.

20. Will EPA or states be required to enforce the e-Manifest system?

The e-Manifest system is an extension of the existing manifest system, which involves enforcement responsibilities for both EPA and the authorized states. However, there are certain user fee aspects of the e-Manifest requirements that are exclusively federal responsibilities and that are not authorizable or enforceable by the authorized states.

The e-Manifest Act also produced some significant differences with respect to state implementation of the Act's requirements. First, with respect to the electronic manifest and use conditions that are based on e-Manifest Act authority, these requirements will be effective in all states on June 30, 2018, which is also the date of the e-Manifest system launch. The Act provides that EPA will initially implement and enforce electronic manifests, as well as the other delegable e-Manifest Act based requirements (e.g., the requirement to submit final paper manifest copies to the system, the use of hybrid manifests, and manifest data corrections) until such time as the states adopt these requirements in state law and obtain authorization for them. Also, the user fee requirements promulgated by EPA under the e-Manifest Act at 40 CFR 264 subpart FF, are not authorizable or delegable to states, and are exclusively federal requirements that only EPA can implement and enforce. Only EPA can determine what user fees apply to e-Manifest users and only EPA can collect these fees from the user community. Likewise, the financial and civil enforcement sanctions for non-payment that are set out in the e-Manifest rules are federal sanctions that only EPA can enforce against users who neglect to pay the fees owed to the Agency for their e-Manifest submissions.

EPA has developed a separate Q&A that discusses in greater detail the e-Manifest User Fee Rule and its authorization requirements.

21. Do I have to wait for my state to adopt the e-Manifest rules before using the e-Manifest system?

³ EPA determined in 1996 that scanned images that bear the handwritten signatures of waste handlers are legally sufficient for record retention and inspection purposes, if the record retention systems used to produce, store, and retrieve these records are secure and provide reliable access. The e-Manifest system is designed to meet and exceed these requirements.

No. When the Congress authorized the creation of an e-Manifest system, it provided that e-Manifest would go into effect federally in all states on the system launch date determined by EPA, regardless of any state's rule adoption or authorization status. EPA has announced that e-Manifest will launch on June 30, 2018, which is the date when all users, wherever situated, may start using the e-Manifest system. Thereafter, as states adopt state law counterparts to EPA's e-Manifest requirements and obtain program authorization from EPA, the states may assume implementation and enforcement responsibilities for those parts of the e-Manifest program that are delegable to states.

22. How long will EPA keep paper manifests that are mailed to EPA?

EPA will retain the original mailed copies only for the time required to create scanned images of these manifests and conduct data key entry activities to process the forms' data into the system. Once the paper manifests have been so processed into the system, EPA will dispense with them.

23. Will EPA prioritize processing of certain manifests over others?

Once EPA establishes that a submitted document is a valid manifest submission eligible for inclusion in e-Manifest, there will be no priority in the processing of manifests. Manifests including federal RCRA wastes will have the same priority as manifests involving state-only regulated wastes that require a manifest under state law.

24. Will EPA be collecting any other documents besides the manifest form and continuation sheets? For example, will EPA collect the notification associated with the land disposal restriction (LDR) regulations? How will EPA handle any other miscellaneous document it receives?

The initial e-Manifest system will focus only on manifests and continuation sheets involving the shipment of wastes that require a manifest under federal law (federal RCRA or Regulated Polychlorinated biphenyl waste) as well as the manifests and continuation sheets involving state-only regulated wastes subject to manifest requirements under state law. We will not accept and process LDR notices or any other non-manifest documents. We will also not accept and process export manifests in the initial system. EPA will dispense of any miscellaneous documents it receives.

25. What manifests must be required to be submitted to EPA? If someone chooses to use the EPA manifest form, but isn't required to do so, must that form be submitted to EPA? Similarly, if I choose to submit a manifest form that isn't required to EPA for processing in e-Manifest, will I be charged a fee?

If the wastes listed on a manifest are not required to be shipped under a manifest under either federal or state law, then there is no requirement that such manifests be submitted to EPA. However, if such manifests are submitted to EPA and, as a result, EPA expends labor and effort on processing that manifest, EPA will bill for those processing fees.

26. When will the public have access to the e-Manifest data?

The public will generally have access to manifest 90 days after the date of receipt at the receiving facility. EPA believes that 90 days is a generally sufficient time for the waste handlers involved with manifests to sort out any discrepancies, data corrections, or other issues connected with a manifest, although there is no fixed time limit on data corrections. In addition, certain data from manifests that may involve the shipment of Chemicals of Interest under chemical security rules issued by the Department of Homeland Security will be redacted from manifests before they are made available to the general public.

27. Will EPA disclose information from manifests withheld from public disclosure as part of a Freedom of Information Act request?

EPA will not publicly disclose through the e-Manifest system certain information from manifests involving P-List and U-List RCRA wastes for which the P-List or U-List wastes are also included on the Department of Homeland Security (DHS)'s Chemicals of Interest list found at the appendix to 6 CFR part 27. As we understand from DHS, this data would not be available for disclosure to the public under a Freedom of Information Act (FOIA) request.

28. What are the specific changes to the manifest form for use after June 30, 2018?

The changes to the manifest form that will be required to be used after June 30, 2018, are:

- Replacement of the 6-part manifest with a 5-part form, resulting from the replacement of two copies that were previously earmarked for distribution to states with one copy to be submitted to the e-Manifest system.
- The copy distribution notation at the bottom of Page 1 will require the receiving facility to submit this copy to the e-Manifest system,
- There is a new warning notice to receiving facilities at the bottom of Page 3 advising all such facilities that if they received a waste accompanied by a manifest, they have responsibilities under the e-Manifest Act described in the instructions on the back of the form,
- The instructions on the back of each copy correspond to the type of handler associated with each manifest copy, and include the new instructions for receiving facilities to submit manifests to the system.

29. Will states continue to collect paper manifests after e-Manifest launches?

States may continue to collect generator copies of paper manifest after the e-Manifest launches, as EPA does not plan to collect and process the generator copies in e-Manifest. However, after e-Manifest launches on June 30, 2018, the receiving facility copies of manifests may only be collected by e-Manifest, and not directly by the states. States will obtain their receiving facility data from the e-Manifest system rather than from the facilities. For electronic manifests, the EPA system will collect and retain all handler copies from generators, transporters, and receiving facilities. Since states can obtain any handler copy of an electronic manifest from the e-Manifest system, states cannot require generators or other waste handlers to supply a paper or other copy of electronic manifests directly to the states.

30. What is EPA doing with the user fees it collects from e-Manifest?

The fees that EPA collects from e-Manifest are to be used solely to offset EPA's costs in developing, operating, maintaining, and updating the e-Manifest program, as required under the e-Manifest Act. EPA's program-related costs include the Agency's intramural and extramural costs in establishing and operating the e-Manifest system, including the costs of developing the program's implementing regulations, as well as the costs related to managing the program.

31. *How will generators, who are not registered in e-Manifest, receive a copy of the completed manifest? Are receiving facilities responsible for sending a copy to the generator in this case?*

EPA encourages generators to register with e-Manifest and establish accounts even if they do not plan to sign electronic manifests in the system. We encourage this so that generators may view electronic copies of their completed manifests and minimize their costs of continuing to maintain paper manifest collections. Generators that do not establish accounts for viewing their manifests (and participating in the electronic corrections process) should make arrangements with their receiving facilities to supply the generators with paper copies of completed manifests. The e-Manifest system will only supply electronic copies of completed manifests to generators.

32. *Will the e-Manifest requirements apply to Very Small Quantity Generators (VSQGs) who ship their waste to a Large Quantity Generator (LQG) for consolidation?*

In the recently promulgated Generator Improvements Rule, EPA codified a provision to allow VSQGs to ship their hazardous waste off-site to an LQG for consolidation if the VSQG and the LQG are under the control of the same person, and the VSQG complies with specific conditions for marking its containers. Under the federal rules, if a VSQG meets the conditions for shipment to LQGs under control of the same person, the shipments to the LQG are not required to use a RCRA manifest to track these shipments. Shipments of waste not subject to the manifest under either federal or state law are not subject to e-Manifest requirements.

Note that states authorized for the RCRA program must adopt the provision allowing consolidation of VSQG waste at an LQG before entities within that state can start operating under the provision and that states can be more stringent in their regulations. For site-specific questions, please contact your authorized state.

33. *When will states have access to the e-Manifest data?*

States with connectivity to the e-Manifest system will have immediate access to all manifests for which the state is shown as either the generation state or the destination state.

34. *How will e-Manifest handle manifest discrepancy reports?*

The final rule's new correction process does not displace the existing discrepancy reports, but we believe they will cause discrepancy reports to be less frequent. As waste handlers will have the opportunity to participate in an open corrections process after the manifest is signed by a receiving facility, the receiving facility can in many cases identify errors and correct them as part of the corrections process, which will also permit a generator to respond to such corrections. Thus, waste

handlers would be expected to reconcile data errors, including discrepancies, as part of this corrections process. However, there is still a role for the discrepancy reports to address significant discrepancies in quantity and type that are not resolved by the corrections process. If the generator and the receiving facility do not agree to a facility's correction, or the generator is not a participant in such corrections, then the facility should still file the discrepancy report when there is an unresolved discrepancy in piece count for container shipments, or an unresolved discrepancy of greater than 10% with respect to a received bulk shipment. This has the effect of elevating unresolved discrepancies to the attention of regulators, and remains necessary in those cases where corrections are not able to provide a satisfactory resolution to a shipment discrepancy.

35. Can I use paper manifests after June 30, 2018, or must all manifests be electronic after this date?

Under the e-Manifest Act and EPA's implementing regulations, manifest users may continue to use the paper manifests after the system launches on June 30, 2018. Beginning on June 30, 2021, the receiving facilities that continue to track shipments with paper manifests will be restricted from mailing paper forms to the EPA system for processing, but this does not prevent paper manifests from being used by waste handlers to track waste shipments in the field. In several years, EPA will evaluate electronic manifest use trends in the initial years of implementation, and consult with the e-Manifest System Advisory Board whether there should be additional restrictions adopted on the use of paper manifests. However, this will not have any impact on users for at least the initial five years of program implementation.

36. Will generators be given a paper copy of the manifest form under the hybrid manifest (which is signed electronically by the transporter)?

Under the hybrid manifest approach, generators wishing to use the hybrid manifest will be given a paper copy that will be signed by hand by the generator and the initial transporter. These generators will retain this signed paper copy as their initial manifest copy, just as they have done for years under the existing manifest regulations for paper manifests. The transporter and subsequent waste handlers will conduct the remaining manifest completion and tracking requirements electronically in the system.

37. How will e-Manifest apply to rail shipments?

While the linkages that will enable electronic manifest preparers to simultaneously populate manifests and the rail industry's electronic waybills with data have not yet been established, EPA expects that the rail industry will be able to realize paperwork reductions and cost savings when e-Manifest launches. Current regulations require the rail company receiving hazardous waste for transport to sign the manifest at the rail company office and then forward the manifest copies to the next non-rail transporter or to the receiving facility. Rail companies that receive electronic manifests will thus be able to designate a company official to register with e-Manifest and to sign manifests received at the rail company electronically rather than with ink signatures. Also, the manifests so signed may then be forwarded electronically by e-Manifest to the next non-rail transporter or the receiving facility, saving the rail company the trouble and expense of forwarding paper packages by mail or courier. This should represent considerable savings to the rail companies,

which will only be augmented when the linkages between e-Manifest and the industry's electronic waybill system are established.

38. *What is a hybrid manifest?*

The "hybrid" or mixed paper/electronic manifest is a specific manifest approach that EPA adopted to assist generators who are not able to fully participate in electronic manifesting at the time of system launch. The hybrid manifest allows transporters to initiate an electronic manifest in e-Manifest and use this manifest with their non-participating generator customers. The initial transporter may print a copy of the electronic manifest for the generator, and the generator may sign the paper copy, obtain the initial transporter's ink signature on this paper copy, and then retain this paper copy on-site as the generator's initial manifest copy as is done under traditional manifest requirements. Thereafter, the initial transporter and subsequent waste handlers will complete the remainder of the tracking of the shipment electronically in e-Manifest with electronic signatures and electronic transmissions to the system. Hybrid manifests are charged the same fee as a fully electronic manifest.

39. *Whose responsibility is it to submit manifests to EPA?*

Receiving facilities are responsible to submit manifests and pay the applicable per manifest fee to EPA. Electronic manifests will be submitted to the system by the various waste handlers involved in their preparation and use, but the responsibility for paying the per manifest fee for electronic manifests also belongs to the receiving facilities designated on the manifests, and accrues when the receiving facilities submit the final signed electronic manifest copies to the system.

40. *Does the generator have to submit the generator copy of the manifest to EPA?*

For paper manifests, no, the generator does not have to submit a copy to the e-Manifest system, as EPA will only collect the final receiving facility copy of paper manifests. EPA will collect the generator copy of electronic manifests when they are signed by generators and transmitted to the system for processing. All handler copies – generator, transporter, and receiving facility – of electronic manifests will be collected and retained as copies of record by e-Manifest.

41. *What if a state receives a manifest form that should have gone to EPA?*

EPA will coordinate to the extent feasible with states that have received misdirected manifest copies; however, ultimate responsibility lies with the receiving facilities, who are required by regulation to submit manifests to EPA. EPA expects that there will initially be some confusion about the transition from state collection of manifests to EPA collection in e-Manifest and we will work with our state partners to minimize such confusion.

42. *Can states collect a paper generator copy when the generator uses the electronic manifest?*

No. EPA has stated that a state may collect a generator copy of a paper manifest when a paper manifest is used, because the EPA system will collect only the receiving facilities' paper copies, and

will not collect a paper manifest copy from generators. States can continue to collect a paper generator copy in this instance, because that paper copy will not be available to states from the e-Manifest system. The situation differs, however, with a manifest that is completed electronically. In such a case, the system will process and manage all manifest copies electronically over the course of the tracking of the shipment, and a generator copy will be available to states from the system. States will be able to download the generator copy or any other handler copy from the system, and can then print a paper copy if needed. However, states may not require generators of electronic manifests to submit a paper copy directly to the state, as this would frustrate the Congress's objective that e-Manifest be the national reporting hub for manifests, and would be inconsistent with the federal manifest requirements.

43. *When will we post our user fees for e-Manifest?*

EPA is required to accomplish full cost recovery with its user fees, so the final schedule of user fees will not be determined until EPA's FY2018 budget is determined and EPA awards the remaining contracts needed to implement the system. However, EPA published in the final User Fee Rule preamble a table showing estimates for the initial e-Manifest fees, based on the best and most current information on hand at the time of publication of the final rule. EPA will update the fee schedules on our program web site at www.epa.gov/e-Manifest, and final fee schedules should be in place by March 2018.

44. *Will the requirements in 40 CFR 265.71(a) describing how a receiving facility must manually sign manifests and distribute copies to the transporter and the generator only apply to paper manifests? Just to be clear – the wording in 40 CFR 265.71(a)(2) regarding signing and dating “by hand,” would that still apply with an electronic signature?*

The manifest regulations addressing how receiving facilities execute manifests generally describe the requirements for facilities to sign and submit manifests when they receive hazardous waste shipments accompanied by a manifest. These regulations further require the facility to sign and date the manifest by hand to indicate receipts or shipment discrepancies, then give a copy to the delivering transporter, and then, within 30 days, return a copy to the generator.

While these requirements describe the mechanics of processing a paper manifest, they are also relevant to electronic manifests. This is because under the One Year Rule, EPA determined that an electronic manifest that is obtained from e-Manifest, signed electronically and submitted to the system in accordance with the rule's conditions are the legal equivalent to a paper manifest processed in the conventional way. So, while the person signing an electronic manifest per the rule may not sign “by hand” as is done with paper manifests, if they follow the requirements in the e-Manifest rules for obtaining, completing, and submitting electronic manifests, they have done the functional equivalent of signing a manifest by hand, and the electronic manifest is as valid as a paper manifest.

45. *In 40 CFR 265.71 (I) there is a statement that corrections can be made by interested parties at any time; what is the version of the manifest will be used in an enforcement case?*

Both the final copy of the manifest signed by the receiving facility and corrections introduced later by the corrections process may have relevance. The manifest document is a shipping paper, and the copy of the manifest signed by the TSDF at receipt represents the facility's certification of receipt as

to the materials listed on the manifest and understood at that time as having been received. The system will retain the manifest copy as signed by the receiving facility as the copy of record of the manifest at waste receipt, and the data from this signed manifest will be the source of the data for the data record in the system for that shipment. In most instances, that will be the first and last information reported to the system on the receipts for that shipment.

However, there is a data corrections process, whereby facilities and other waste handlers may enter certified corrections to the waste receipt data, when an error is discovered post-receipt to an item of data previously entered in the data system. Such a correction might occur when either an item of data from the signed manifest is itself found to be in error on closer examination of the shipment contents, or, when an error was made in transposing the item of data from the original manifest to the data record in the system. The data corrections process is intended to provide an orderly process for correcting data records in the data system, and all corrections so certified and entered will be retained and audited by the system, with the original records. The use of the corrections process will facilitate data quality in the manifest data system, particularly, as we move toward integrating the system with the biennial reporting process.

46. How long do you have to retain a DOT shipping paper?

By statute, hazardous materials shipping papers must generally be retained for two years from the date of acceptance of materials by the initial carrier or transporter. For hazardous waste shipping papers (i.e., the manifest) the retention period under hazmat law is three years from the date of acceptance of the waste materials by the initial carrier or transporter.

System-Specific Questions

47. Does e-Manifest use the Central Data Exchange (CDX)?

Yes. E-Manifest is one RCRAInfo Industry Application which utilizes CDX for its registration. Users registered with existing CDX accounts simply need to login via the RCRAInfo Industry Application to gain access to the application by visiting <https://rcrainfo.epa.gov/rcrainfoprod>. Unregistered users can register directly with the RCRAInfo Industry Application <https://rcrainfo.epa.gov/rcrainfoprod>. All users will need to associate with their site(s) once they gain access.

48. Is e-Manifest accessible on mobile devices, like a tablet or smart phone?

Yes, e-Manifest is accessible on mobile devices.

49. Is there a character limit for section 14 of the manifest (Special Handling Instructions and Additional Information)?

The character limit for the general section 14 box is 4000 characters. However, there is no limit on the number of reference information field you can use. The limits for each reference information is 255 characters for the label field and 4000 characters for the description field. In addition, each waste line has its own section 14 place and the limits are 500 characters for both section 14 and each reference information description field.

50. Can e-Manifest be used for both hazardous waste and non-hazardous waste shipments on the same truck?

Yes.

51. Will the system generate automated notifications if manifests are pending for signature?

Yes, this functionality will be rolled out later in Spring 2018.

52. Will the generators add the management method code at the initiation of the manifest?

Under the current paper-based manifest system, the receiving facility enters the management method code. In e-Manifest, the management method code is optional up until the point the manifest is finalized and sent to EPA. This means a user may enter a management method code on the manifest at any point, but the receiving facility must enter/ensure the code is entered after signing for receipt of the waste.

53. Can you print out a hard copy of an electronic manifest?

Yes. You can print a hard copy of an electronic manifest by selecting the printer icon in the top right corner of the manifest (shown below).



54. Will e-Manifest include state hazardous waste codes (in addition to federal hazardous waste codes)?

Yes. States have provided this information to EPA and it is available in the system.

55. Can you use an application interface (API) to sign manifests?

Not at this time. APIs will be available to push and pull data on manifest(s) that need to be signed, but electronic signatures must be performed in the e-Manifest system.

56. Can a user create and save a template in e-Manifest? For example, for repeat shipments? In other words, will e-Manifest allow me to create several manifests with the same information at one time or will I need to create them individually?

Yes. This functionality will be available; users can simply use the copy manifest icon on the e-Manifest dashboard.

57. How will emergency responders get information from e-Manifest?

A Site Manager or state administrator will need to grant them view access to their site or state, respectively. However, until such time as the Department of Transportation (DOT) determines how information from hazmat shipping papers will be shared electronically with the emergency responder community, EPA and DOT will continue to require that a shipping paper be carried on the transport vehicle for the use of responders, in accordance with current DOT requirements. For this reason, the e-Manifest system is not being designed for emergency response purposes.

58. Does the e-Manifest system meet the American Disabilities Act Standards for accessible design?

Yes, e-Manifest meets the American Disabilities Act standards (also known as "508 compliance").

59. Are there any plans to upgrade to Swagger 2.0?

Not at this time, but perhaps after the June 30, 2018, launch.

60. If a receiving facility is using data upload to submit manifest, how will the manifest numbers be generated?

This depends on how the manifest is created. If the manifest is created on a 5-copy paper manifest then the receiving facility provides the manifest tracking number from the paper form. If the manifest is created as a fully electronic manifest, EPA creates the manifest tracking number in e-Manifest and returns it to the receiving facility.

61. Will states be able to see attachments/images in e-Manifest?

Yes.

62. How will e-Manifest handle multiple handling codes for a single manifest line item, e.g., for lab packs?

A company may include as many waste codes as they need on each waste line.

63. Will there be “flexfields” for tracking additional information that isn’t required by EPA?

Yes, these are called reference information in the application and exist at the manifest level and the individual waste line level.

64. How will e-Manifest handle password resets?

Password resets may be requested via the e-Manifest application. Users may do so via their user profile (by selecting their name in the top right corner of the screen) or by selecting the “forgot password” link. Passwords expire every 90 days and can be reset using the “forgot password” link.

65. If there are more than four line items, does the system create a continuation sheet?

Yes.

66. If drivers do not carry mobile devices, how will they sign electronically?

If the driver otherwise has access to a computer or smart phone, they can sign electronically in EPA’s e-Manifest system. If not, they would not be able to sign electronically and, instead, must sign on paper.

67. Can you sign paper manifests once the manifest has gone electronic? For example, if a generator or transporter has signed electronically, can the receiving facility sign on paper?

No. Once a generator or initial transporter (under the hybrid manifest approach) signs electronically, all subsequent entities must sign electronically.

68. Can states extract metadata from e-Manifest?

Yes, states can extract metadata from e-Manifest via RCRAInfo, the RCRA Node, and the e-Manifest services.

69. Does e-Manifest allow use of decimals in the quantity field?

Not at this time. This is because the current paper manifest system does not allow for decimals. However, this is a potential change EPA could consider in the future.

70. Will folks who use API services have to sign into the system to sign manifests?

Yes, for those companies that do not utilize their own CROMERR-compliant signature devices.

71. Will e-Manifest allow for printing of hazardous waste labels?

No.

72. How will data submitted through APIs be validated?

Data submitted via the APIs are validated via the e-Manifest Schema and the e-Manifest system's business rules.

73. Can a receiving facility sign for a transporter?

No. The "on behalf of" signature authorities only apply in limited instances to generator signature requirements. The manifest regulations require the transporter company's representative to sign the manifest to acknowledge receipt of the materials from the generator and to indicate the beginning of the transport of the waste. This is a different acknowledgment than the receiving facility's certification of receipt of the waste, and can only be made by the transporter's representative.

User Registration Questions

74. Does each person need to register for e-Manifest? Or can there be one company account shared by multiple users?

Yes, each person needs their own account in order to create and sign manifests.

75. I already registered for myRCRAid/Biennial Report, do I need to register for e-Manifest?

If you registered as a Site Manager, you do not need to reregister or adjust your account for e-Manifest. If you registered as a viewer, preparer, or certifier you will not need to re-register, but you will need to request and be granted access to e-Manifest for your specific sites. You may do so via your user profile (by selecting your name in the top right corner of the screen).

76. What states have opted in to myRCRAid or Biennial Report (and thus are states where folks may begin registering as a Site Manager)?

The following states and territories have, as of February 28, 2018, opted in to one of the available RCRAInfo industry applications, i.e., myRCRAid and Biennial Report. Entities within the below states and territories may begin registering Site Managers for their site. (EPA will update this list periodically.)

If your state or territory does not appear on the below list, you are unable to register as a Site Manager at this time. EPA anticipates being ready to accept registrations for e-Manifest, which will be available for all states and territories, in Spring 2018.

| | | |
|-------------------------------|-------------------------------|----------------------------------|
| ALABAMA (BR) | IOWA (BR) | NORTHERN MARIANAS (BR, MyRCRAid) |
| ALASKA (BR, MyRCRAid) | KANSAS (BR) | OHIO (MyRCRAid) |
| AMERICAN SAMOA (BR, MyRCRAid) | MAINE (BR, MyRCRAid) | OKLAHOMA (BR, MyRCRAid) |
| ARIZONA (BR) | MASSACHUSETTS (BR) | PUERTO RICO (MyRCRAid) |
| ARKANSAS (MyRCRAid) | MICHIGAN (BR) | RHODE ISLAND (BR, MyRCRAid) |
| CALIFORNIA (MyRCRAid) | MINNESOTA (BR) | SOUTH DAKOTA (BR, MyRCRAid) |
| COLORADO (BR, MyRCRAid) | MISSOURI (BR) | TRUST TERRITORIES (BR, MyRCRAid) |
| CONNECTICUT (BR, MyRCRAid) | MONTANA (BR, MyRCRAid) | UTAH (BR, MyRCRAid) |
| DELAWARE (BR) | NAVAJO NATION (BR, MyRCRAid) | VERMONT (BR, MyRCRAid) |
| FLORIDA (BR) | NEBRASKA (MyRCRAid) | VIRGIN ISLANDS (BR, MyRCRAid) |
| GEORGIA (MyRCRAid) | NEW MEXICO (BR, MyRCRAid) | VIRGINIA (MyRCRAid) |
| GUAM (MyRCRAid) | NEW YORK (MyRCRAid) | WEST VIRGINIA (BR, MyRCRAid) |
| HAWAII (BR, MyRCRAid) | NORTH CAROLINA (BR, MyRCRAid) | WYOMING (BR) |
| IDAHO (BR) | NORTH DAKOTA (MyRCRAid) | |

77. I already registered to test the e-Manifest system in pre-production, do I need to register for e-Manifest when the system goes live?

Yes, you will need to re-register in production. (Preproduction and production have completely separate databases.)

78. I'm a state user of RCRAInfo, will I need to re-register for access to e-Manifest?

No, you will be able to access manifests and reports via the e-Manifest module in RCRAInfo. For state users that correct manifests, you will need to request the e-Manifest Maintenance role be added to your account.

79. Will the transporter need to register each driver in order to sign electronically?

Yes.

80. Does EPA charge a fee for registering?

No, EPA does not charge a fee for registering with e-Manifest.

81. How will my company's information be added to e-Manifest?

A site's information is added to e-Manifest via EPA's Site Identification form (EPA Form 8700-12). (For sites that have already submitted an EPA Site Identification Form and have an EPA ID as a result, these sites are already part of EPA's RCRAInfo system and will be retrievable through e-Manifest.)

If your site has not yet submitted a Site Identification Form/does not have an EPA ID, you can submit a Site Identification form to obtain an EPA ID and add your site to EPA's RCRAInfo and e-Manifest systems. Additionally, if a generator does not have an EPA ID, generator information can always be manually added to the manifest (by a transporter or receiving facility, for example) which can then be copied for subsequent manifests. However, manual entry of generator information is not retained as a retrievable "record" in the system, unless added through the Site Identification Form.

82. Do receiving facilities that mail in paper copy manifests to EPA have to register for e-Manifest?

Yes. All receiving facilities must register for e-Manifest, even if they choose to mail their paper manifests to EPA. Since EPA will create images of paper manifests and key in the data from these paper manifests, these receiving facilities must register in order to view the copies of record that the system will retain in the facilities' accounts, as well as to submit any subsequent data corrections related to these manifests. Also, the ability to mail paper manifests to the system is limited by regulation to three years, so these facilities should be making efforts to transition to electronic submission or data file uploads in the interim.