

Revision Checklist 231 Summary

Rule Title:	Hazardous Waste Electronic Manifest System; Final Rule
Checklist Title:	Hazardous Waste Electronic Manifest Rule
Reference:	79 <u>FR</u> 7518 - 7563
Promulgation Date:	February 7, 2014
Effective Date:	August 6, 2014. However, the implementation and compliance date for these regulations will be delayed until such time as the e-Manifest system is shown to be ready for operation and the schedule of fees for manifest related services has been announced in a subsequent notice.
Cluster:	RCRA Cluster XXIII
Provision Type:	Non-HSWA
Linkage:	5, 17D, 31, 32, 58, 207
Optional:	No

Summary: This rule establishes new requirements that will authorize the use of electronic manifests (or e-Manifests) as a means to track off-site shipments of hazardous waste from a generator's site to the site of the receipt and disposition of the hazardous waste. This final rule also implements certain provisions of the Hazardous Waste Electronic Manifest Establishment Act, P.L. 112-195, which directs EPA to establish a national electronic manifest system (or e-Manifest system), and to impose reasonable user service fees as a means to fund the development and operation of the e-Manifest system.

State Authorization: This rule is placed in RCRA Cluster XXIII. The State modification deadline is July 1, 2015 (or July 1, 2016 if a State statutory change is necessary). This rule announces, consistent with the mandate of the Hazardous Waste Electronic Manifest Establishment Act (section 2(g)(2)), that the final electronic manifest requirements promulgated today will be implemented in all states on the same effective date for the national e-Manifest system. Authorized states must adopt program revisions equivalent to and consistent with today's federal requirements, but EPA will implement these electronic manifest regulations unless and until the states are fully authorized to implement them in lieu of EPA. EPA strongly encourages states to adopt this rule in advance of the subsequent final rule announcing the user fee schedule for manifest related activities and the compliance date.

Attorney General (AG) Certification Guidance: Specific AG certification of statutory authority may not be required for this checklist as long as the AG has previously demonstrated authority for the hazardous waste manifest.

Program Description (PD) Guidance: A State seeking authorization for this checklist should determine whether the revisions impact the program described in the Program Description.

Incorporation by Reference Guidance:

There are many provisions in this final rule which are non-delegable to states. Thus, states cannot implement the provisions listed below. However, EPA strongly recommends that states

adopt these provisions (while retaining the EPA rule language unchanged). States cannot receive authorization to establish a federal user. The provisions are 40 CFR 262.24(g), 263.20(a)(8), 264.71(j), and 265.71(j). Similarly, states cannot receive authorization for the electronic signature requirements in 40 CFR 262.25. States must retain the citation to 40 CFR § 262.25(a) elsewhere in this rule, and cannot insert a citation to a state provision. States must retain the citation to 40 CFR § 3.10 in 40 CFR 262.20(a)(3)(ii).

40 CFR Part 263.20(a) (2) deals with exports of hazardous waste. References to “EPA Acknowledgement of Consent” and “US Customs official” should not be substituted with State terms.