



THE COMMITTEE ON ENERGY AND COMMERCE

INTERNAL MEMORANDUM

June 18, 2012

To: Members, Subcommittee on Environment and the Economy

From: Committee Staff

Subject: Hearing entitled “Electronic Submission of Hazardous Waste Manifests – Modernizing for the 21st Century”

On Thursday, June 21, 2012, the Subcommittee on Environment and the Economy will hold a hearing at 10:15 a.m. in 2322 Rayburn House Office Building entitled “Electronic Submission of Hazardous Waste Manifests – Modernizing for the 21st Century.” Witnesses will be by invitation only.

I. Witnesses

Suzanne Rudzinski
Director, Office of Resource Conservation and Recovery
Office of Solid Waste and Emergency Response
U.S. Environmental Protection Agency

Lisa Silvia
Senior Waste Inspector
Virginia Department of Environmental Quality
On behalf of the Association of State and Territorial Solid Waste Management Officials

David Case
Executive Director
Environmental Technology Council

II. Background

Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921-6939e) (RCRA) established a Federal program to regulate hazardous waste management and disposal. Section 3002(a)(5) of the Solid Waste Disposal Act requires the “use of a manifest system and any other reasonable means necessary to assure that all such hazardous waste generated is designated for treatment, storage or disposal in, and arrives at, treatment, storage, or disposal facilities (other than facilities

on the premises where the waste is generated) for which a permit has been issued as provided in this subtitle [Subtitle C], or pursuant to title I of the Marine Protection, Research, and Sanctuaries Act (86 Stat. 1052)” (42 U.S.C. 6922(a)(5)).

The Environmental Protection Agency (EPA) executed the provisions of section 3002(a)(5) through the establishment of the Hazardous Waste Manifest System (HWMS), a set of forms, reports, and procedures designed to seamlessly track hazardous waste from the time it leaves the facility where it was generated until it reaches the off-site waste management facility that will store, treat, or dispose of it. The key component of this system is the Uniform Hazardous Waste Manifest, a form prepared by all generators who transport, or offer for transport, hazardous waste for off-site treatment, recycling, storage, or disposal. The HWMS allows the waste generator to verify that its waste has been properly delivered, and that no waste is lost or unaccounted for in the process.¹ Copies of the manifest must not only accompany the waste as it is transported, but must be mailed to generators and State agencies and kept on file by each regulated entity.

Currently, the manifest is a paper document containing multiple copies of a single form. When completed, it contains information on the type and quantity of the waste being transported, instructions for handling the waste, and signature lines for all parties involved in the disposal process. The manifest is required by both the Department of Transportation (DOT) -- which has regulations for hazardous waste transport-- and EPA. Each party handling the waste signs the manifest and retains a copy. This ensures critical accountability in the transportation and disposal processes. Once the waste reaches its destination, the receiving facility returns a signed copy of the manifest to the generator, confirming that the waste has been received by the designated facility.²

The manifest system can also be valuable in the event of an emergency or release of hazardous waste because it provides response personnel with information on the hazardous waste’s potential to threaten human health and the environment. As a form of DOT-required ‘shipping paper’, the manifest conveys essential information needed if an emergency occurs during the transportation of hazardous waste, specifically the proper shipping name, hazard class, and phone numbers that enable responders to obtain additional information, when necessary. The EPA estimates the cost of the paperwork burden on States and private entities from manifests to be from \$193 million to over \$400 million annually. However, EPA has not estimated the quantifiable and unquantifiable benefits that flow from having a reliable tracking system for hazardous waste that maintains accountability, provides information for the recovery of cleanup costs, and helps inform first responders about the threats and best steps to take to address chemical spills.³

¹ <http://www.epa.gov/wastes/hazard/transportation/manifest/index.htm>.

² <http://www.epa.gov/wastes/hazard/transportation/manifest/index.htm>.

³ Senate Committee on Environment and Public Works, Senate Committee Report 112-020, S. 710, the Hazardous Waste Electronic Manifest Establishment Act, June 7, 2011, p. 2.

III. Proposed EPA Changes to the HWMS Since 2000

In 2001, EPA proposed the creation of a nearly paperless manifest program. While EPA reports that some commenters disagreed with the proposal, many stakeholders agreed that there was a need for a centralized, consistent, secure, cost-effective, and web-based service for manifests. Some of the potential benefits that would come from such a national system would include greater benefits to users and regulators such as one-stop reporting, more effective oversight and enforcement, nearly real-time tracking of waste shipments, and potentially increased efficiency of collecting and managing manifest data and similar waste data collected for reporting purposes.⁴

EPA refined its draft proposal as part of regulatory proposals in 2006 and 2008. In 2008, EPA stated that its proposed rule for an electronic manifest system could affect up to 223,000 entities in almost 600 industries involved in shipping approximately 12 million tons of RCRA hazardous wastes annually, using 5 million EPA Uniform Hazardous Waste Manifests.⁵

In September 2006, EPA required all States to use one Uniform Hazardous Waste Manifest. The Uniform Hazardous Waste Manifest was designed to reduce the reporting burden for generators, transporters, and other waste handlers who may have been subject to several versions of waste tracking systems with duplicate information. It also was designed to enable generators and transporters to meet both Department of Transportation and EPA regulatory requirements. Additionally, the Uniform Hazardous Waste Manifest has State information blocks, which allow States to require the entry of additional specific information to serve their State's regulatory needs.⁶

IV. Legislative History of Electronic Manifesting of Hazardous Waste

The House has not had a previous hearing on the use of electronic manifesting of hazardous waste information under section 3002(a)(5) of the Solid Waste Disposal Act.

On March 31, 2011, Senator Thune introduced S. 710, the Hazardous Waste Electronic Manifest Establishment Act. On April 14, 2011, the Senate Committee on Environment and Public Works favorably reported S. 710, which passed the Senate by unanimous consent on August 2, 2011.

S. 710 requires EPA to create a hazardous waste electronic manifest system that may be used by any user of manifests, including facilities generating, shipping, or receiving hazardous

⁴Senate Committee on Environment and Public Works, Senate Committee Report 112-020, S. 710, the Hazardous Waste Electronic Manifest Establishment Act, June 7, 2011, p.3.

⁵ Senate Committee on Environment and Public Works, Senate Committee Report 112-020, S. 710, the Hazardous Waste Electronic Manifest Establishment Act, June 7, 2011, p. 3.

⁶ Senate Committee on Environment and Public Works, Senate Committee Report 112-020, S. 710, the Hazardous Waste Electronic Manifest Establishment Act, June 7, 2011, p. 2/
<http://www.epa.gov/wastes/hazard/transportation/manifest/faqs.htm/>.

waste. This electronic manifesting system would be contracted out by the Agency to a private operator and be financially self-sustaining through the imposition of a user fee on system users. A Hazardous Waste Electronic Manifest System Governing Board would evaluate the effectiveness of the system and make recommendations for improving the manifest system, including fee adjustments.

V. Staff Contacts

If you have any questions, please contact Jerry Couri with the Committee Majority staff at (202) 225-2927.