Notes
NEWMOA Hazardous Waste Conference Calls
September 11, 2018
Topic: State Implementation of the E-Manifest System

Disclaimer: NEWMOA organizes regular conference calls or webinars so its members, EPA Headquarters, and EPA Regions 1 and 2 can share information and discuss issues associated with the implementation of the Resource Conservation and Recovery Act (RCRA), compliance assistance, enforcement, and other topics. Members of the group prepare draft notes of the calls for use by those members that were unable to participate and for future reference by the participants. These notes are intended to capture general information and comments provided by the participants and are not a transcript of the call. NEWMOA provides the participants on the calls with an opportunity to review drafts of the notes prior to posting them on the members' only area of the hazardous waste page on the NEWMOA website. NEWMOA staff makes all recommended corrections to the notes prior to posting.

Any comments expressed by participants should not be considered legal opinions or official EPA or State positions on a rule, site-specific matter, or any other matters. Participants' comments do not constitute official agency decisions and are not binding on EPA or the States. For exact interpretations of a State's or EPA's RCRA regulations, rules, and policies, NEWMOA recommends that readers of these notes contact the appropriate hazardous waste program in the State's environmental agency or EPA Headquarters or EPA Regional RCRA staff.

Participants: CT DEEP (7 people); ME DEP (3 people); Mass DEP (6 people); NH DES (9 people); NJ DEP (12 people); NYS DEC (10 people); RI DEM (2 people); VT DEC (2 people); EPA Region 1 (2 people); NEWMOA (1 person)

Call leader: RI DEM
Notes prepared by Bret Reburn, NJ DEP and Terri Goldberg, NEWMOA

Overall issues discussed by the participants:
- Need canned reports; states utilize manifest data; inspectors have been using canned reports from states' systems and are interested in the status of EPA's efforts to develop these kinds of reports
- Looking for specific gravity data – not showing up
- Identification of corrections and who made the corrections
- Concerned about data quality
- Finding some facilities are filling out the electronic version incorrectly
- Discrepancies within the data fields – box 18 showing up in box 14 and specific gravity not picked up correctly; some states are keeping discrepancy reports in a folder to keep track for making corrections in the future / addressing discrepancies
- Data on the e-manifest does not match images
- Generators are not yet using E-manifest; some TSDFs are using it
- Delays in gaining access and uploads to the federal system and access to canned reports to make available for inspectors is affecting field work
- Issue with addresses at some locations
- RCRA Info mailing data comes from manifests and the handler information in RCRA Info can be incorrect; unclear who is responsible for correcting data

EPA is working on adding functionality to address issues; doing testing and finding issues; problems with data entered in gallons. EPA's plans to release all E-Manifest functionality by this fall. Data correction process is scheduled for pre-production this week.

The deadline for generators to register for E-manifest will be mandatory by some date in the future. No deadline set yet; likely in 3-5 years to be fully electronic.

Connecticut
- Overall, going well; leading up to E-manifest launch DEEP had a lot of questions
- Currently drafting a regulatory adoption schedule
- Anticipate rule adoption in Spring 2020; working on draft rule by Fall 2019; working on submitting a schedule to EPA Region 1; will probably mirror federal rule
- Would like the E-Manifest system to generate canned reports; working on downloading Excel spreadsheets
- How can they cite rules that they have not yet adopted (through EPA?)
- EPA Region 1 has been very supportive and helpful
- Providing training for the regulated community
- Paper submitted to the Department has slowed down
- Transporters are using paper at pick up; everyone is waiting for the transporters/broker release
- Question about states' current abilities to enforce violations associated with manifests if they do not have an approved rule/program; there have been no manifest violations since June 30; states can enforce what is "on the books" in the state unless it contradicts E-manifest; suggest that agencies coordinate with EPA Regional offices

Maine:
- E-manifest system seems to be working well
- State inputs EPA data into their own data system
- Currently running reports from their state system
- Have discovered an issue with EPA's data input
- Looks like the system enters data into the wrong boxes (e.g., addresses)
- Actual manifest reveals that the system is incorrectly entering the data; waiting for states to be able to make corrections
- Working on drafting RCRA rules that would update their manifest rules to include E-manifest; hope to have draft by January 2019; goal to promulgate the rule by fall 2019
- Have been pulling data from E-manifest since the end of June; working on developing automated reports with the State Office of Information Technology; the system is in pre-production, and they are developing codes so that they can pull data from E-manifest to their existing databases and can then use their reports
- They use these canned reports to help with inspections, legislative reports, and transporter reports
- They have found that the TSDs are pulling old temporary IDs and reusing them; temporary IDs are for a one time use in 30 days
- Create a unique ID number of SQGs, which helps with creating a Maine generator list; there is a problem with EPA ID numbers for SQGs

Massachusetts:
- Mostly receiving paper manifests; inspectors do not have much experience with E-manifest yet; they are providing technical assistance
- Working on adoption package, but it will be a while
- Need a new rulemaking; trying to learn from other states
- Do not believe that states should be responsible for making corrections
- State's temporary IDs are not being accepted and added to the system
- TSDs are using old inactive numbers for some sites and the system accepts these

New Hampshire:
- Hoping to hear suggestions from states that do not incorporate by reference
- E-manifest rule adoption goal is June 2019; authorization timeframe is uncertain; actively drafting NH rule; looking into incorporating by reference (IBR) the transporter requirements and taking wording from the CFR and writing that into the rules; they plan to identify where that makes sense
- Mostly receiving paper manifests; feedback is that the generators want to stick with paper until the system is more settled; seeing few full electronic manifests

New Jersey:
- Have incorporated rule by reference
- Put checklist together
- TSDs are loading data to the system; one loaded 44,000 manifests
- Not seen much data from transporters or generators; hard to keep up with once the facilities/agency gets behind
- Safety Kleen is starting to do training
- Do not believe that states should be responsible for making corrections
- Interested in canned reports that summarize what was generated, how much, and when

New York:
- Need canned reports
- Have been testing
- Currently unable to download data from E-manifest
- Experiencing data quality and data entry problems – facilities are filling out electronic version incorrectly (e.g., data on the paper manifest in Box 14 that should actually be in Box 18 is still being entered into Box 14 in E-manifest; NY handling codes are not being entered in as a waste code like they should be)
- 30,000 manifests in state system since the end of June; Safety Kleen in NY has not done any significant uploads yet, will be submitted in the next 20 days
- 1,600 to 2,000 manifests from TSDs that are out-of-state; trying to get EPA to contact out-of-state facilities; DEC will not contact out-of-state facilities
- The data showing up in the system is not matching the paper copy
- Do not believe that states should be responsible for making corrections
- State waste codes not being entered into E-manifest properly by TSDs' data entry staff
- TSDs and generators still sending copies to the State
- Needed proper EPA address to send the copies
- Regulations are being drafted and include the Definition of Solid Waste Rule and the Generator Rule (Fed Reg 6); current rulemaking package incorporating Federal changes

through 2012 has been waiting for the last level of approval; can't advance the Fed Reg 6 package until the current package has been approved; no clear schedule for the new rule package, can take up to a year after a proposal is drafted; rewriting regulations and will pull in state regulations; will incorporate some parts of the E-manifest rules by reference (state statutes already allow electronic record-keeping and electronic submittal)

- State bills facilities based on weight of the waste, anticipates experiencing billing issues for facilities shipping waste with volumetric units due to the lack of a specific gravity/density field in E-manifest.

Rhode Island:
- Will probably adopt and enforce the rules as written, but will add State rules
- Already allow electronic submission of HW documentation
- Allow transporters to change manifest in transit
- Canadian TSDs continue to mail manifests because they are not in the system
- Will start to work on drafting the regulations soon; sent EPA checklist for their current regulations; moving forward with rule package that covers Generator Improvement, E-Manifest and provisions of the Pharmaceutical Waste Rule
- Probably will be a hybrid of state and EPA and incorporating by reference (IBR); generator and transporter rules will be written out and the facility rule will be IBR
- Would like to eventually integrate fees into the manifest system

Vermont:
- Experiencing similar data entry issues as the other states
- Drafting generator standards; generators have difficulty tracking references in their rules; will be going through and putting in specific reference dates and specifying dates to pick up E-manifest; taking a hybrid approach to the rule – drafting/redrafting some language and IBR for some sections
- Struggling through the checklist – transporter rules; may scrap current regulations and adopt the Federal Rule by reference
- Planning for mid-2019 for adopting the rules and plan to begin authorization process at that time
- Good to work from EPA's consolidated checklist; states should make sure to use the current version – some changes from previous versions; EPA HQs sent out an email announcing updated/revised consolidated checklist
- Meeting with EPA Region 1 to develop a strategic plan for authorization
- Not seeing discrepancies between what facilities are receiving and what shows up on paper
- Still manually entering manifests – link to fees