

NEWMOA HW Conference Call Notes- E-Manifest Issues

Tuesday 11/13/07 10:00 AM

Bill Cass (NEWMOA) was the moderator, participants included all New England States, New York, New Jersey and EPA Region I

Bob Haggerty Chair of the ASTSWMO RCRA Operations Task Force briefed us on the ASTSWMO positions paper that was provided to the group before the call (attached).

- Regulatory Authority for the E-manifest Rule

There were questions as to whether it would be a HSWA rule so adoption would be required. It's authority will come from DOT and therefore, its adoption by states will be mandatory.

- Regulatory Authority for the fee

A major issue for further progress is that Congress will have to authorize the user fee. EPA had initially thought this could be authorized under the current statute. A bill is in congress now that ASTSWMO has commented on. Not much opposition is apparent but due to change in leadership, it was not passed in the last session. EPA is hopeful it will be passed in this session.

- Signature Verification Issues

The central issue is what signature verification will be required. There is a concern on the part of federal and some state enforcement people about having no signature on paper. This issue is still not resolved. There has been much discussion about verification that could involve some kind of photo ID shown to transporter. The question comes down to the economics, where more certainty equals more cost. DOJ wants finger prints or retinal scans or some signature recognition box but these are expensive and burdensome. There were questions as to whether EPA had done a cost/benefit analysis. They have not formally done so but the whole issue does revolve around cost/benefit trade offs. Part of the reason emanifests were not included as part of the uniform manifest rule was the concern over the burdensome nature of the verification of emanifest submittals.

- CBI

States feel very strongly that data should not be CBI. What we are looking at now is CBI status will be for a period of 45-60 days, then it loses CBI status. Business wants to protect customer lists as much as possible.

- Non-RCRA wastes

This is a big concern for many states. This does make for more work for EPA. In CA, 64% of manifests are state-only

- Other issues

Thus far there has not been much discussion about rail/ other forms of transportation/foreign shipments.