

e-Manifest Webinar Questions & Answers



General Questions

Why e-Manifest?

The goal of creating an electronic manifest was to reduce the amount of paper floating around in a regulated industry. The program is an attempt to modernize and provide an easily tracked, alternative chain of custody for both the industry and the regulators to follow hazardous waste shipments across the country. The advantages are going to be a little slow to become apparent as people continue to use paper manifests, but the eventual goal of the regulation focuses on cost savings, providing more accurate and timely information for waste handling, creating digital record keeping, and providing rapid notification for both regulators and the industry of discrepancies or other problems related to a shipment. The e-Manifest system creates one-stop reporting for the EPA and state regulators through a single hub, increasing the effectiveness of monitoring waste shipments.

Is the use of e-Manifest mandatory?

For receiving facilities of RCRA or state-regulated waste, yes, the use of e-Manifest is mandatory. Those manifests arriving at end facilities have to be uploaded to the system by some form or another. For hazardous waste generators, no, e-Manifest is not mandatory; the use of the system is optional, but strongly recommended. If generators decide not to use the system, they will need to make independent, unilateral agreements with each of their end-use facilities to ensure the return of paper manifest copies.

As a transporter, how do I get started? I am already registered for RCRAInfo.

If you're already registered for RCRAInfo, the next step is to request and receive viewing access for your transporter ID number. Once you are appropriately authorized with viewing permissions, anything your transporter ID number touches will be accessible to you once it's uploaded by an end facility.

Is proprietary software needed to utilize the e-Manifest system?

No. e-Manifest is a federal tool and is available within RCRAInfo. It is free to register and use by any hazardous waste industry user.

What happens if you're an LQG and you elect not to go with e-Manifest?

A large quantity generator (LQG) needs to submit all of their waste on manifests and needs to track and maintain all of those records as far as returned copies are concerned. If you're not going to register with e-Manifest, then you need to reach out to each of the end-use facilities where your waste is disposed, and make sure they are aware you are not registering with e-Manifest. You need to have some sort of other agreement in place with those facilities to receive your return copies. All end facilities are generally operating on the assumption that unless a generator reaches out to the facility specifically, everyone is using the e-Manifest system since end facilities are required to use it.

Conditionally exempt small quantity generators (CESQGs) will be known as very small quantity generators (VSQGs). Is this correct?

This is true. The e-Manifest regulations did not impact the definition or naming conventions of generator status. This change came about in 2016 with the hazardous waste generator improvements rule, which rebranded CESQGs as VSQGs. The terms are often used interchangeably, and sometimes state regulations have their own classifications, too.

Are there any new reporting requirements for SQGs?

No. Under this new system, SQGs have the same reporting requirements, document retention requirements, and follow-up requirements that they have always had. The only change is the manner in which SQGs will receive the return manifest copies.

How will e-Manifest impact colleges and universities?

At the end of the day colleges and universities are generators just like any other industrial or institutional waste generator. The important thing for a campus environment with dispersed generating sites is to make sure all of your sites are appropriately registered in the system and that people who are responsible for tracking your return manifests have the appropriate permissions to view all uploaded copies from each of those individual generating sites.

As a small quantity generator, our interaction with e-Manifest is mainly a record keeping tool?

If you are continuing to use paper manifests for the chain of custody, then that is correct. e-Manifest is a space to access and house your digital return manifest copies. That will change with an eventual transition to fully electronic manifests. At that point, the generator signature will be required on the electronic manifest in lieu of the current wet signature. e-Manifest mimics the current paper-based process digitally with electronic signatures required on an electronically created paperless manifest.

When will the DOT allow for paperless shipping papers?

No rulemaking has been announced from the Department of Transportation (DOT) regarding a shift away from the current requirement for a hard-copy shipping document to accompany any shipment of hazardous waste transported in the US. It is unlikely to happen in the near future.

Manifest Questions

How will generators that are not registered in e-Manifest receive a copy of the complete manifest?

Generators not registered in e-Manifest are not mandated to use it. However, per RCRA regulations, they have to ensure they get a return copy of their manifest. They will have to make alternative arrangements with each of the individual receiving facilities that they utilize. Registering to view digital return manifest copies is the fastest and most secure way to obtain those copies.

If your waste disposal contractor is using paper manifests, is the generator required to register and submit manifests via the e-Manifest system?

A generator is not required to submit anything to the e-Manifest system. That responsibility lies solely with the final receiving facilities of the hazardous waste. However, a generator can and should take advantage of those electronic return copies that are provided through e-Manifest by registering.

What is considered the legal record of shipment for a generator once a paper manifest is uploaded to the e-Manifest system?

As long as we're talking about a paper manifest, the "facility to e-Manifest" copy of the new five-part form or the "facility to destination state" copy of the old six-part form is considered the formal legal record of receipt. As long as you were able to access and view the digital manifest copy online, the scanned image of the fully signed and executed TSDf copy uploaded to e-Manifest is considered a sufficient legal record of the shipment. However, if you can't access digital copies or if you're not registered with e-Manifest, a paper copy is still required.

How does e-Manifest apply to wastes that are required to be manifested in the generator state, but not the receiving state?

Waste required to be manifested by federal or state law falls under the e-Manifest regulation. The regulation includes waste that is required to be manifested in the generator state only or the receiving state only. It is important to know the state regulations in both the state where you are generating the waste and the state where your facility is receiving that waste at the end of your shipment. Both of those fall under the scope of e-Manifest.

Is there any training necessary to submit e-Manifests?

This system is fairly self explanatory, but the EPA does provide some information on how to upload e-Manifests if you are a receiving facility. Visit <https://www.epa.gov/e-manifest/how-submit-hazardous-waste-manifest> for details.

Are generators required to retain paper records of manifests entered in the e-Manifest system?

The digital copy of manifests uploaded to the e-Manifest system are the fully legal equivalent of the previous receiving facility to generator paper copies. However, generators need to have evidence that they can log in and access the manifests during an inspection. Paper copies must still be retained for three years and that includes any paper copies that generator received prior to e-Manifest taking effect. Any paper copies that you've received in the last 34 months prior to the beginning of the e-Manifest program still need to be retained on site until they hit that three-year mark. The e-Manifest system is designed to permanently house everything digitally going forward.

What must generators do with manifests that include chemicals of interest regulated by the Department of Homeland Security?

Manifests containing chemicals of interest regulated by the DHS can be shipped business as usual without any special considerations at this time.

Will there be an e-process if the signed TSDf copy is not returned to the generator within 45 days?

Currently, the hard copy exception report process remains unchanged.

Can a transporter, broker, or receiving facility prepare and sign e-Manifests on behalf of the generator?

If you're using a fully electronic option, the transporter, broker, or receiving facility can prepare and sign manifests on behalf of generators as long as they have been properly certified as either a preparer or a certifier on those manifests by the site manager for the generator's site. They need to have the appropriate permissions in place and the correct EPA ID number in RCRAInfo. If you're still using a paper manifest as most transporters and generators are at this point, the paper manifest still requires a wet signature from the generator.

Do transfer stations need to upload e-Manifests, or only end facilities?

Currently only end-use facilities need to upload e-Manifests.

Are manifests for imported hazardous wastes required to be submitted to the e-Manifest system?

Yes. Imported waste going to a US-based end-use facility needs to be uploaded to e-Manifest as long as that waste is either RCRA-regulated or regulated by the state that hosts the end facility. Any waste that terminates within the US and is state or federally regulated needs to be uploaded to the e-Manifest system regardless of the point of generation.

Will transporters still be required to carry a paper copy of the manifest in the truck cab?

Yes. The DOT regulates what is required during transportation. They have not changed their requirement that a hard copy of the shipping document must be carried in the vehicle at all times. If you're working with transporters or end-use facilities that are using the fully electronic manifesting system, they are required to print out a hard copy of the shipping document for transport in the truck. If you're using paper manifest, a copy of the paper manifest still serves as the shipping document for that waste and there's no significant change.

What are the steps for correcting discrepancies after the generators see the issue in the scanned e-Manifest?

The discrepancy correction process would ideally happen prior to information being uploaded to e-Manifest. The EPA has not yet released the ability to manage discrepancies within the e-Manifest system. If a discrepancy is found after the manifest is uploaded, you need to contact the facility representative and alert them to an issue on the electronic manifest. The facility would have to log into e-Manifest and make that change in the federal digital record.

When will Triumvirate move to five-part manifests?

Triumvirate has ordered five-part manifests and we anticipate making them available in the coming few months as our existing stocks of six-part forms are depleted.

Is Triumvirate uploading my manifests to the e-Manifest site?

Only if your waste is a regulated federal or state hazardous waste and delivered to a Triumvirate receiving facility as the end destination. Triumvirate is uploading manifest information and scanned images of received manifests to e-Manifest per the new compliance requirements.

Is non-hazardous waste that travels on a uniform hazardous waste manifest required to be managed under the e-Manifest program?

No. Non-hazardous waste is not managed under the e-Manifest program, even if it's on a hazardous waste manifest for convenience. When the end-use facility receives that waste, it is the facility's responsibility to make a waste determination and upload manifest information for regulated waste.

Does e-Manifest also apply to universal waste?

Universal waste is not regulated under e-Manifest at this time. The program may be expanded at a future date, but right now it is strictly limited to regulated hazardous waste.

Registration Questions

Can you go over the process of how to register site personnel onto RCRAInfo?

Detailed instructions can be found on our website at <https://www.triumvirate.com/resources/e-manifest>.

Am I automatically registered for e-Manifest by registering for RCRAInfo?

No. Receiving your return manifest copies within RCRAInfo is a two-step process. First you need to create a RCRAInfo account. The second step is to request access to connect your EPA ID numbers to your individual user account. Only then can you view e-Manifests for that geographic site.

Other than register, what, if anything, do generators need to do right now?

It's really important that generators communicate with their transporting contractors and the final receiving facilities to coordinate how they plan to get their return manifest copies. Communicate with receiving facilities and know whether you need to register or organize getting a paper manifest copy back. If you do want to get your return copies back online, you need to have an EPA ID number. If you do not currently have a federal EPA ID number, it's important to obtain one now.

If we are a new waste generator, does the way we sign up for e-Manifest differ from the way existing generators sign up?

No, the way you register is the same. But if you're a new waste generator, how you request an EPA ID number may be slightly different from what has been done in the past for existing generators. Authorized states are mostly using MyRCRAid, which makes everything much easier because you can both register for e-Manifest and obtain an EPA ID number within RCRAInfo.

What kind of information must be provided to tie an account to an EPA ID? You can find a site on the e-Manifest website using the name of the site or the EPA ID number. Once you find the site, all you have to do is request access to that site under the level of authority you need. The person who manages that site will provide the authority to view all of that information.

RCRAInfo Questions

Can you associate multiple EPA IDs with one account?

Yes, you can. A single account user can be registered to multiple sites within his or her account.

How many users at a site can have access IDs?

There's no limit on how many users a particular site may have. The EPA encourages that a given EPA ID number has at least two site manager level permission users, just in case one person leaves or one person is not in the facility or at the generator site when an auditor comes in, for example.

Is there a way to view and print copies of manifests in RCRAInfo?

Yes. If you click on the individual manifest description there is a little 'eye' icon you can click. That icon allows you to open up the digital version of the manifest. If your facility is using the data plus image option like Triumvirate, the manifest is also accompanied by a scanned image of the manifest. Scrolling to the bottom of the page, you'll see a link that allows you to open the PDF document of the scanned image of the manifest. You can print that PDF document.

If I work in a corporate office, can I set up a RCRAInfo account so I can view the manifest for my plants within the US?

Yes. Each account within RCRAInfo and within e-Manifest can be tied to multiple EPA ID numbers. Somebody who's working in a corporate headquarters can get permission to access manifests from any of their sites that have an EPA ID.

Are you able to sort the manifest on the RCRAInfo website into sub-folders? Can you sort it any way you want?

It is not possible to create sub-folders within RCRAInfo. You can sort by manifest number, date shipped, or date received, but it is not possible to alter the interface the EPA has created.

In the e-Manifest system, some of my manifests say "ready for signature." What does "ready for signature mean" and whose signature is it referring to?

There are two statuses in the web application next to each manifest. You will see either "ready for signature" or "signed complete." Once the receiving facility uploads the information to e-Manifest and provides a digital return copy, they need to acknowledge that the uploaded information was validated by authorized personnel and that the information is true and accurate to the best of their knowledge. It's the final step required for compliance on the facility side and it's used primarily for billing purposes between the EPA and facilities. "Ready for signature" is referring to the end-disposal facility representative's signature.

Fee Questions

The manifest process used to be free to generators, but now it costs \$25 per hazardous waste manifest. Why is there a fee?

The manifest fees were implemented to recoup the cost of building the e-Manifest web application. Triumvirate's \$25 fee per hazardous waste manifest distributes our operational costs required to meet compliance requirements with e-Manifest and help generators be prepared to do the same. e-Manifest will be more efficient and automated than the existing paper-based system only when all stakeholders transition to the fully electronic process.

EPA's expectation of sharing the cost burden downstream with transporters and generators is stipulated in the User Fee Rule. According to the User Fee Rule, published on January 3, 2018 in the Federal Register, the fee of developing the e-Manifest system was proposed by the EPA to land on members of the regulated community referred to as "users," including generators, transporters, and receiving facilities. This was further simplified for administrative management by the EPA to charge the approximately 500 TSDFs as opposed to 100,000 or more generators. The expectation listed in the regulation, however, outlines that it is expected that TSDFs will share this cost upstream.

In addition, the regulatory mandate permits charging generators and upstream transporters of the cost burden e-Manifest places on TSDFs. Compliance with manifest submission has required the purchase of additional software solutions and effort from our software development IT team to build an API to connect to and test the e-Manifest electronic data upload and server space to store all this data. Plus there is added ongoing labor at our facilities scanning individual hazardous waste manifests separate from normal duties. This is quite a shift from business as usual for facilities.

State-Specific Questions

Does e-Manifest also apply to asbestos waste?

That depends on the state regulation of asbestos waste. If asbestos is listed as a hazardous waste in the state where you're operating, it would fall under the regulation. For example, asbestos is listed as an MA99 non-hazardous waste in Massachusetts but is usually shipped on a hazardous waste manifest for convenience. It would not need to be uploaded to e-Manifest as long as it was treated completely in Massachusetts. However, this is a state-by-state question. The best advice is to reference your state regulations and comply fully with the state regulations.

How does this work with the various state programs?

e-Manifest is a federal mandate and as such has overwritten small parts of authorized state programs – very specifically, the facility-to-state regulator return copy portion of any state regulation. However, the authorized states have not generally changed their individual regulation. If you have any activity that has been required by your state in the past, whether that is mailing in return copies to state regulators or providing any other information to auditors, it's important to make sure you continue to comply with those requirements unless there has been notice from the state agency that some of those requirements have changed.

What are the implications for VSQGs with e-Manifest?

As far as e-Manifest is concerned at a federal level, VSQGs are out of scope with the regulation because they are not federally required to use a hazardous waste manifest for the shipment of their waste. However, many states mandate that VSQGs use hazardous waste manifests. If that is the case, and they have to get a return copy back from their receiving facilities, then they do fall in the scope of e-Manifest. Whether VSQGs are required to register depends the state-specific regulations and the mode with which the receiving facility is complying with e-Manifest. To verify your requirements, it's important to know what your state requires you to do with a hazardous waste manifest.

Is there a timeline by which VSQGs will be required to obtain an EPA ID (in MA) if not yet using e-Manifests?

No. There is currently not a deadline by which VSQGs are required to request an EPA ID in Massachusetts, as use of e-Manifest is optional for generators. MADEP did announce that while at the moment there is no deadline, they may consider imposing a deadline in the future. MADEP switched from a paper form 8700-12 (Site Identification Form) and began using MyRCRAid as of June 15, 2018. Their intent is to transition all users with active MV or MP numbers to federal EPA IDs. They have tasked transporters and receiving facilities to drive this effort among our clients.

Will Massachusetts generators still be required to notify EPA if the TSDf-signed copy does not appear on the e-Manifest website within 45 days of pickup?

Yes. The rules and requirements around exception reporting have not changed with the new e-Manifest regulation. Please continue to follow all federal and state regulations specific to exception reporting that you have in the past.

Will Massachusetts generators still be required to send a photocopy of the TSDf-signed manifest to MADEP?

No, as long as the generator can access return manifest copies using e-Manifest. The guidance from MADEP can be found at <https://www.mass.gov/files/documents/2018/07/12/myrcraid-faq.pdf>.

Do we still need to mail a hard copy of the generator copy of the hazardous waste manifest to the DEC? Specifically in NY State.

Yes. New York State requires the generator to mail a copy of the manifest form to the DEC when the shipment leaves their site, if the generator uses a paper or hybrid manifest. NYSDEC guidance can be found at <https://www.dec.ny.gov/chemical/8793.html>.

Do you have additional questions about the e-Manifest program?
Please reach out to us at e-manifest@triumvirate.com.

