

Revision Checklist 239 Summary

Rule Title:	Hazardous Waste Electronic Manifest System User Fee; Final Rule
Checklist Title:	Hazardous Waste Electronic Manifest User Fee Rule
Reference:	83 <u>FR</u> 420 - 462
Promulgation Date:	January 3, 2018
Effective Date:	June 30, 2018
Cluster:	RCRA Cluster XXVI
Provision Type:	Non-HSWA
Linkage:	5, 17D, 31, 32, 58, 207, 231
Optional:	No

Summary: This rule establishes the methodology the Agency will use to determine and revise the user fees applicable to the electronic and paper manifests to be submitted to the national electronic manifest system (e-Manifest system) that EPA is developing under the Hazardous Waste Electronic Manifest Establishment Act, P.L. 112-195, which directs EPA to establish a national electronic manifest system. After the e-Manifest system's implementation date, certain users of the hazardous waste manifest will be required to pay a prescribed fee for each electronic and paper manifest they use and submit to the national system so that EPA can recover the costs of developing and operating the national e-Manifest system. This final rule also announces the June 30, 2018 date when EPA expects the system to be operational and when this rule and the earlier promulgated One Year Rule will go into effect. EPA will begin accepting manifest submissions and collecting the corresponding manifest submission fees on this date.

State Authorization: This rule is placed in RCRA Cluster XXVI. The State modification deadline is July 1, 2019 (or July 1, 2020 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 user fee 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 delegable federal requirements, but EPA will implement these delegable 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.

In addition to the (rule) revision checklist EPA has also produced an abbreviated revision checklist which does not include the sections of the rule which are not authorizable, and thus states need not adopt. These sections are Subpart FF in Parts 264 and 265 (as long as state counterparts to 264.71(j) and 265.71(j) are properly adopted with the specific references to certain subpart FF provisions), and the changes to the manifest printing specifications for Registered Printers at 262.21(f)(5)-(f)(7).

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. See the rule checklist for details on the provisions whose language cannot be changed.