



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 11 2015

OFFICE OF  
CONGRESSIONAL AND  
INTERGOVERNMENTAL  
RELATIONS

The Honorable John Shimkus  
Chairman  
Committee on Energy and Commerce  
Subcommittee on Environment and Economy  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Enclosed please find the U.S. Environmental Protection Agency's responses to the Subcommittee's questions for the record following the October 27, 2015, oversight hearing titled "E-manifest: An Update on Implementation."

I hope this information is helpful to you and the members of the Subcommittee. If you have further questions, please contact me or your staff may contact Raquel Snyder in my office at [Snyder.Raquel@epa.gov](mailto:Snyder.Raquel@epa.gov) or (202) 564-9586.

Sincerely,



Nichole Distefano  
Acting Associate Administrator

Enclosure

**Committee on House Energy and Commerce  
Subcommittee on Environment and the Economy  
Hearing on**

**"E-manifest: An Update on Implementation"**

**Tuesday, October 27, 2015**

**Question from the Honorable Larry Bucshon**

1. Indiana does not have a manifest system. The state of Indiana does annual inspections of hazardous waste generators, treatment, storage, and disposal facilities during which the manifest records are checked. Under the E-manifest system, would the Indiana Department of Environmental Management be able to access the manifest documents of the participating generators, treatment, storage, and disposal facilities in the state? And, would they have to pay for access to the information?

Answer: Yes, the state would have access. Once the e-Manifest program and system are operating nationally, states will have access to all manifests within their jurisdiction. State access will likely be granted through a web based application. States will not be able to enforce electronic manifests under their law without state authorization. To accomplish this, states would need to change existing state laws or regulations to comport with the Environmental Protection Agency's (EPA) electronic manifest regulation published in February, 2014:

<http://www.gpo.gov/fdsys/pkg/FR-2014-02-07/pdf/2014-01352.pdf>).

Regarding payment, the EPA is currently conducting a rulemaking to establish the fee structure for the e-Manifest system. The EPA has been working closely with states and industry users in drafting the proposed rule, which is scheduled for completion in the spring of 2016. The EPA does not anticipate that states will be required to pay for access to the e-Manifest information.

**Question from the Honorable Bill Flores**

1. If a state has not been delegated enforcement of Subtitle C, what is the requirement on the manifest once it has been verified by the disposer?

Answer: Only two states, Alaska and Iowa, are currently not delegated or authorized to implement and enforce the Resource Conservation and Recovery Act (RCRA) Subtitle C. Regardless of whether a state is authorized, in the current paper-based manifest process, all designated treatment, storage, and disposal facilities (TSDF) must mail a copy of the manifest to the generator, and retain its copy as a record for inspection for three years.

When the e-Manifest system/program is implemented all manifests must come to the EPA (either paper or electronically), regardless of whether a state is authorized or not. Manifests will be filed in the EPA's centralized databases and the manifest and its data will become available for all appropriate handlers to view (states, generators, etc). The requirements for the manifest to document chain of custody, including the requirement that a TSDF must return a copy of the manifest to the generator will remain a requirement of the e-Manifest system, but the process will be handled electronically.



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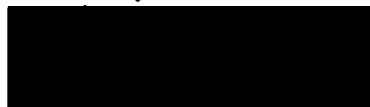
The Honorable Paul Tonko  
Ranking Member  
Committee on Energy and Commerce  
Subcommittee on Environment and Economy  
House of Representatives  
Washington, D.C. 20515

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Answer: Only two states, Alaska and Iowa, are currently not delegated or authorized to implement and enforce the Resource Conservation and Recovery Act (RCRA) Subtitle C. Regardless of whether a state is authorized, in the current paper-based manifest process, all designated treatment, storage, and disposal facilities (TSDF) must mail a copy of the manifest to the generator, and retain its copy as a record for inspection for three years.

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