# Comments by the Texas Commission on Environmental Quality Regarding user fees for the electronic hazardous waste manifest system and amendments to manifest regulations

# EPA Docket ID NO. EPA-HQ-OLEM-2016-0177

## I. Summary of Proposed Action

On July 26, 2016, the United States Environmental Protection Agency (EPA) published in the Federal Register (Vol. 81 No. 49071) **proposed regulations regarding fees charged for use of EPA’s electronic manifest (e-Manifest) system.**

EPA has proposed requirements that certain users of the hazardous waste manifest pay a prescribed fee for use of electronic and paper manifests to recover its development and operating costs for the e-Manifest system. EPA also proposes amendments to the regulations regarding documentation of transporter changes while the waste is in transit.

Earlier this year, as a part of Rule Project No. 2015-021-335-WS (RCRA Rule Project), Texas has added the option for hazardous and industrial facilities to use the EPA managed electronic manifest system. If adopted as proposed, the rule would require changes to Chapter 335. TCEQ comments are intended to seek clarification on several issues.

## II. Comments

#### Significant Comment - 2. Billable Event Section III.B.3 Paragraph 1

Texas regulations require the use of Uniform Hazardous Waste Manifests for specific types of non-hazardous wastes. It appears that under the proposed rule, the use of the e-Manifest system to track state-only regulated wastes would result in a billable event. However, some of these state-only regulated users are not subject to EPA regulation and do not have an EPA identification number.

Please clarify how the EPA will bill facilities that use the e-Manifest system for state regulated waste.

**Significant Comment – 9. Stray and Extraneous Documents Section III.E.2.a.v.**

The EPA intends to initiate a fee premium for extraneous documents submitted as part of a waste manifest.

Please clarify whether the use of the e-Manifest system to submit documentation tracking state-only regulated wastes would ever be considered extraneous. Additionally, please clarify whether use of the e-Manifest system to submit documentation tracking waste generated by Conditionally Exempt Small Quantity Generators, who are not required to manifest hazardous waste, would be considered “extraneous.”

**Significant Comment - 19. Submission of Manifest Data Corrections Section V.C Paragraph 4**

EPA proposes that all corrections and the reconciliation of all comments to erroneous manifest data in the e-Manifest system be completed within 90 days from the date of receipt by the facility.

Please clarify whether any changes are permitted outside of the 90-day window and whether facilities would incur additional fees or violations for corrections that occur outside of the 90 day window.

Additionally, please clarify how the proposed 90-day window for manifest corrections works with 40 CFR 264.72, which does not set a time frame for discovering manifest discrepancies.