Executing Electronic Waste Manifests Under Superfund Contracts - Enforcement Models/Interagency Agreements: U.S. Environmental Protection Agency Guidance Document



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The United States Environmental Protection Agency ("EPA") Office of Land and Emerfency Management distributed a February 17th guidance document titled:

Executing Electronic Waste Manifests Under Superfund Contracts, Enforcement Models, and Interagency Agreements ("Guidance").

The Guidance is transmitted from the Office of Land and Emergency Management Assistant Administrator John W. Busterud to the Superfund and Emergency Management Division Directors.

The stated purpose is to direct EPA Regions on the steps required to achieve 100% use of electronic manifest for tracking hazardous waste shipments on EPA-involved cleanups as soon as possible.

Federal legislation enacted in 2012 tasked EPA with the development of a national electronic manifest system. The e-Manifest system is a national database that similarly tracks hazardous waste shipments. It was launched by EPA in 2018. The goal of the e-Manifest system is to improve access to higher quality and timely data while also saving time and resources for industry, state, and territorial programs.

The February 17th Guidance states that EPA Regions are to integrate electronic manifest-specific language into all relevant contracts, enforcement models, and interagency agreements. Further, the Guidance provides clarification on manifest signatory authority for EPA-involved cleanups and removal actions where EPA's Federal Partner Agencies are involved.

Specific actions that EPA Regions are required to undertake include:

- Within 90 days of issuance of the Guidance:
- Regional Contracts Language (incorporate language that requires the use of electronic manifests in all Regional Contracts that require manifesting of waste).
- Technical Direction to Contractors (provide technical directions to contractors directing the use of electronic manifests for all hazardous waste tracking activities).
- Provide Information to ORCR (provide a comprehensive list of all EPA-led cleanup sites with any manifest activity and for each site that continues to use paper manifests, provide a detailed

explanation of why paper remains in use and a specific timeline for transitioning to electronic manifests).

- IA Language (For any IAs without updated national Terms and Conditions that require the use of electronic manifests, RPMs and IA POs are tasked with incorporating language that requires the use of electronic manifests into Scopes of Work or any other requirement documents).
- Communication with IA Partners (If EPA is using an Assisted Acquisition to procure waste transportation services, communicate the requirement to use electronic manifests at the earliest opportunity to the Federal Partner Agency).
- Provide Information to ORCR (provide a comprehensive list of all EPA-led cleanup sites with any manifest activity and for each site that continues to use paper manifests, provide a detailed explanation of why paper remains in use and a specific timeline for transitioning to electronic manifests).

The Guidance also addresses:

- Coordinating with Federal Facilities on Utilizing Electronic Manifests.
- Coordinating with Partner Agencies on Signing Hazardous Waste Manifests.

A copy of the Guidance can be found here.