Hazardous Waste Manifest Regulations/RCRA: ASTSWMO Comments on U.S. EPA Proposal to Sunset Paper Manifests

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The Association of State and Territorial Solid Waste Management Officials ("ASTSWMO") submitted May 4th comments on the United States Environmental Protection Agency ("EPA") proposed rule to amend the Resource Conservation and Recovery Act ("RCRA") regulation, addressing the manifest requirements. See 91 Fed. Reg. 10862 (March 5, 2026).

EPA is proposing to establish a date for sunsetting use of paper manifests in favor of electronic manifests.

The comments were prepared by ASTSWMO's Hazardous Waste Subcommittee ("HWSC"). Mr. Jared Zweifel of the Arkansas Department of Energy and Environment – Division of Environmental Quality Office of Land Resources is a member of ASTSWMO's HWSC.

A key component of the RCRA hazardous waste regulations is the uniform hazardous waste manifest. The manifest is a form required by EPA and the United States Department of Justice for all generators who transport, or offer for transport, hazardous waste for off-site treatment, recycling, storage, or disposal. The form contains information on the type and quantity of waste being transported, instructions for handling the waste, and signature lines for all parties involved in the disposal process.

The process involves each party handling the waste undertaking execution of the manifest and retaining a copy. The purpose is to ensure accountability in the transportation and disposal processes. When the hazardous waste reaches its destination, the receiving facility returns a signed copy of the manifest to the generator. This confirms that the hazardous waste has been received by the designated facility. In other words, the system is designed to track hazardous waste from the time it leaves the generator facility where it was produced, until it reaches the off-site waste management facility that will store, treat, or dispose of the hazardous waste.

The relevant document until a number of years ago had been exclusively a paper manifest. Federal legislation enacted in 2012 authorized EPA to implement a national electric manifest system. Further, it authorized the federal agency to assess the costs of developing and operating an e-Manifest system from user fees.

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 and state and territorial programs.

EPA is proposing to sunset the use of paper manifests 24 months after the publication of the final rule. The amendments proposed are to the RCRA manifest regulations under 40 CFR Parts 262-267 for hazardous waste and to the Toxic Substances Control Act PCB regulations in part 761.

ASTSWMO describes its organization as representing the waste management and remediation programs of the 50 states, 5 territories, and the District of Columbia.

The organization notes that overall, it supports a transition to fully electronic manifesting:

… in order to improve data quality issues identified using the current system.

Further, it provides comments in the following categories:

- Proposed Date for Sunsetting Paper Manifests.
- Concern is expressed about whether users will be ready to fully transition to electronic manifests in 24 months.
- Mandatory Registration.
- Clarity is sought as to which regulatory program will be responsible for approving RCRAInfo user account registrations and/or permission requests for PCB waste generators and PCB waste transporters.
- Obtaining an EPA ID.
- Concern is expressed that EPA is unintentionally imposing new requirements on States who are required to process and issue EPA ID numbers.
- Recordkeeping Requirements and Section II.E.3. Hybrid Manifest.
- Supports uploading the signed copy of the manifest to the e-Manifest system/believes requiring a generator to upload their copy of the manifest places an unnecessary burden on generators and will lead to significant compliance issues.
- Reporting Broker's Information on Manifest.
- Supports including the broker's information on the manifest, but finds it unclear as to the eManifest system itself will recognize the broker is associated particular manifest and thus allow them to access to view manifests and make changes, etc., if the information is captured in item 14.
- Proposed New Signature Option.
- Supports actions taken by EPA to make it easier for generators to sign manifests.
- Applicability of Federal Rules in Authorized States.
- Encourages EPA to collaborate with States to identify and implement improvements to the authorization process to make it timelier.
- Definition of "User of the electronic manifest system".
- Needs clarification.
- Very Small Quantity Generators.
- Concern is expressed related to manifests from shipments originating at very small quantity generators noting that industry often uses a hazardous waste manifest for very small quantity generator shipments even though they are not required.

A copy of the May 4th comments can be found here.