February 23, 2021

Office of Land and Emergency Management (OLEM) Docket
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

via www.regulations.gov

Attention: Docket ID No. EPA-HQ-OLEM-2020-0571

Dear Sir or Madam:

The Hazardous Waste Subcommittee of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) appreciates the opportunity to provide written comments to the Hazardous Waste Electronic System ("e-Manifest") Advisory Board as part of its meeting on March 2-4, 2021 (85 FR 85631). The theme of the meeting is "Looking Ahead: Setting E-Manifest Program Priorities and User Fees for FY2022 and FY2023."

ASTSWMO is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). These comments have not been reviewed or adopted by the ASTSWMO Board of Directors. In addition, individual State or Territorial waste programs may also provide comments based on their own State perspectives and experiences.

In its Background White Paper for the meeting (Document No. EPA-HQ-OLEM-2020-0571-0003), EPA states that one of the purposes of the meeting is to consult with the e-Manifest Advisory Board on program priorities. The Hazardous Waste Subcommittee believes that one of EPA's top priorities should be focusing on manifest data quality. In its Background White Paper, EPA estimates that approximately 5% of data plus image upload manifests contain data quality issues. Data plus image uploads account for 80-85% of the approximately 4.2 million manifests in the e-Manifest system to date. Three of ASTSWMO's member States evaluated manifest data quality for manifests in their State and have identified error rates significantly higher than 5%. Each of the three States randomly selected recently shipped (and completed) manifests for generators in their State and compared the e-manifest data to the uploaded manifest PDFs. The overall error rate ranged from 10% to 86%. Additionally, one State provided a breakdown of errors related to manifest data submitted by three separate designated facilities. A summary of the data is provided below:

	Number of manifests (sample size)	Overall error rate	Transporter info error	Waste info error
State A generator sample	100	86%	78%	32%
State A generator/ TSDF 1	22	86%	64%	45%

State A generator/ TSDF 2	19	100%	100%	5%
State A generator/TSDF 3	39	100%	100%	41%
State B generator sample	30	10%	0%	10%
State C generator sample	102	27%	23%	2%

Transporter information errors that were counted include: transporters being out of order, incorrect dates for transporter signatures, transporters missing from manifest data, but appear on uploaded PDF, and transporters being listed in manifest data, but were crossed off on the uploaded PDF. A missing, illegible, or incorrect signatory name was not counted as a data error. It should be noted that the data analysis revealed when there are multiple transporters on the same manifest, several designated facilities entered the same date for all transporter signatures, regardless of the actual date shown on the uploaded PDF. Based on these error rates, it is apparent that some designated facilities believe they are not obligated to provide this information accurately. The Subcommittee believes it is imperative that all data reflected on the paper manifest be correctly uploaded into the e-Manifest system.

Waste information errors counted include: errors in reporting management method codes, waste codes, number of containers, waste description, and waste quantity. Management method code errors were the most common, followed by waste code errors. Errors are frequently seen where hand-written corrections are made to the manifest but are not reflected in the data uploaded.

Notably, the three States reviewed approximately 15 manifests with hand-entered data (i.e., those with an "origin type" of "web"), including data entered by both TSDFs and EPA's Paper Processing Center. Those manifests had an error rate of 0%.

The ASTSWMO Hazardous Waste Subcommittee understands that these data quality issues would be drastically reduced through a fully electronic manifest system. However, to date, only 0.27% of the approximately 4.2 million manifests received have been fully electronic manifests. It is our understanding that the majority of these fully electronic manifests are from entities in which the generator, transporter, and designated facility are all owned by the same person/entity. It does not seem that significant progress can be made in the near future to transition all users to fully electronic manifests. We believe there are several issues hindering this transition. First, the U.S. Department of Transportation (DOT) still requires a paper manifest to be in the vehicle during shipment even when EPA's electronic manifest is utilized. Second, the hazardous waste management industry has invested a significant amount of time and money in developing internal databases to create hazardous waste manifests, create land disposal restriction notifications, track shipments, and invoice customers. Because of that, the majority of those companies have not converted to utilizing fully electronic manifests and have instead opted to use the data plus image upload option. This allows those entities to effectively use their internal databases to meet business needs, while still providing all required data to EPA electronically.

The Hazardous Waste Subcommittee continues to believe that it would be more beneficial for EPA to focus on shifting image-only uploads to either data plus image uploads or fully electronic manifests. This allows for cost savings, as data entry does not need to be performed at the Paper Processing Center. EPA's Background White Paper does contemplate additional staffing resources related to performing quality assurance/quality control (QA/QC) checks on data plus image uploads in the FY2022/FY2023 fee cycle.   The Hazardous Waste Subcommittee supports these costs being included as part of the upcoming fee cycle. Further, we encourage EPA and the e-Manifest Advisory Board to think creatively about how to encourage accurate data plus image

uploads, such as an increased fee for manifests requiring correction by the Paper Processing Center during the QA/QC process. That way, the increased cost related to ensuring data quality is targeted toward those facilities with problematic manifests, rather than being spread across all facilities. If those facilities experience increased costs, they may be more likely to ensure quality data is uploaded initially.
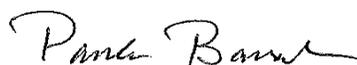
The Hazardous Waste Subcommittee commends EPA for including the integration of manifest data with the biennial reporting process as one of its priorities. We believe that this will allow hazardous waste generators to realize a benefit of the e-Manifest system and will encourage them to ensure manifest data is accurate, since it will be utilized to develop the facility's biennial report. The Subcommittee encourages EPA to also incorporate these changes in the annual report module within RCRAInfo for those States that require annual reports.

While our comments above focus on data quality improvement for future manifests, it is also our understanding that the Paper Processing Center has a backlog of manifests that cannot be entered into the e-Manifest system due to data quality issues requiring communication with the designated facility for correction. The Hazardous Waste Subcommittee encourages EPA to ensure that staffing requirements related to obtaining corrections for these previously-submitted manifests is incorporated into its system costs. In order for States to best implement their compliance monitoring programs, it is necessary for States to be able to view data related to all manifests submitted to EPA.

EPA's Background White Paper identifies its priority for upcoming years as transitioning all users to fully electronic manifests in order to fully realize system savings. However, as identified above, one of the issues hindering this transition is the fact that DOT still requires a paper manifest in the vehicle. If the e-Manifest Advisory Board and EPA decide as a result of this meeting to continue to list this as a top priority, we encourage EPA to engage DOT more actively in discussion on this issue. We believe that this goal will not be achieved until the paper manifest requirement has been removed.

Thank you again for the opportunity to provide comments. If you have any questions about these comments, please contact me at pbansch@idem.in.gov or 317-232-3243.

Sincerely,

Paula Bansch (IN), Chair
ASTSWMO Hazardous Waste Subcommittee