



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, 262, 263, 264, 265, 266, 267, 271, and 761

[EPA-HQ-OLEM-2025-3456; FRL-12734-01-OLEM]

RIN 2050-AH35

Paper Manifest Sunset Rule; Modification of the Hazardous Waste Manifest Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing regulatory amendments to the hazardous waste manifest regulations to establish a date for sunseting use of paper manifests in favor of electronic manifests. Phasing out paper manifests would unlock the estimated \$28.5 million annual savings through decreased burden to manifest users while also increasing human health and environmental protection through better tracking of hazardous waste and greater transparency for regulators and the public. The proposed rule also introduces several conforming amendments to existing regulations. These include new registration requirements with the EPA's e-Manifest system for RCRA hazardous waste transporters, certain PCB waste generators, and PCB waste transporters. Additionally, the rule updates exception reporting requirements for very small quantity generators (VSQGs) managing hazardous waste from episodic events, as well as for healthcare facilities and reverse distributors handling hazardous waste pharmaceuticals. It also revises discrepancy reporting requirements for owners and operators of hazardous waste facilities operating under standardized permits. Lastly, the proposed rule includes four technical corrections to the import and export requirements to correct EPA's mailing address, remove obsolete text, and correct a citation associated with manifest corrections for export shipments.

DATES: Comments must be received on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. Under the Paperwork Reduction Act

(PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before **[INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-HQ-OLEM-2025-3456, by any of the following methods:

- Federal eRulemaking Portal: <https://www.regulations.gov/> (our preferred method).
Follow the online instructions for submitting comments.
- Mail: U.S. Environmental Protection Agency, EPA Docket Center, Office of Resource Conservation and Recovery Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- Hand Delivery or Courier: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m. to 4:30 p.m., Monday – Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov/>, including personal information provided.

FOR FURTHER INFORMATION CONTACT: For general information about this proposed rulemaking contact Bryan Groce (email address: groce.bryan@epa.gov, phone number: (202) 566-0339) in the Analysis and Information Division, Office of Resource Conservation and Recovery.

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<i>Acronym</i>	<i>Meaning</i>
ACH	Automated Clearinghouse
AES	Automated Export System
AOC	Acknowledgment of Consent (issued by EPA)
API	Application Programming Interface
CBI	Confidential Business Information
CFR	Code of Federal Regulations
CROMERR	Cross-Media Electronic Reporting Rule
CRT	Cathode Ray Tube
DOT	U.S. Department of Transportation
EPA	United States Environmental Protection Agency
FR	Federal Register
ICR	Information Collection Request
IT	Information Technology
ITDS	International Trade Data System
JSON	JavaScript Object Notation
LQG	Large Quantity Generator
MTN	Manifest Tracking Number
NAICS	North American Industrial Classification System
NTTAA	National Technology Transfer and Advancement Act
OI	EPA's Off-site Identification Form
OLEM	Office of Land and Emergency Management

O&M	Operation and Maintenance
OMB	Office of Management and Budget
PCB	Polychlorinated biphenyl
PPC	EPA's Paper Processing Center
QA	Quality Assurance
RCRA	Resource Conservation and Recovery Act
RCRAInfo	Resource Conservation and Recovery Act Information System
RFA	Regulatory Flexibility Act
SLAB	Spent Lead-Acid Battery
SQG	Small Quantity Generator
TSCA	Toxic Substances Control Act
TSDf	Treatment, Storage, and Disposal Facility
UMRA	Unfunded Mandates Reform Act
WC	Waste Characteristic
WIETS	Waste Import Export Tracking System
WR	EPA's Waste Received from Off-site Form

I. GENERAL INFORMATION

A. Does this action apply to me?

This proposed rule potentially affects hazardous waste generators, transporters, and treatment, storage, and disposal facilities that use hazardous waste manifests under the Resource Conservation and Recovery Act (RCRA) to track shipments of hazardous waste. In addition, this proposed rule would also impact entities handling state-only regulated wastes and entities handling polychlorinated biphenyl (PCB) wastes regulated under the Toxic Substances Control Act (TSCA) that are required to use hazardous waste manifests to track shipments of such wastes.

Additionally, this proposed rule would affect entities (including exporter, importer,

transporters, disposal facility owner/operator, or recovery facility owner/operator) who are involved in transboundary movements of hazardous waste for recovery or disposal, with or without associated prior storage that are subject to the manifest regulations to track their import or export shipments in the United States.

Finally, this proposed rule would affect entities who would be required to complete any of the following manifest-related reports when specific, unresolved problems or irregularities occur to waste shipments that are subject to manifesting: (1) an Exception Report when the generator has not received a final signed manifest from the receiving facility within the required timeframe; (2) a Discrepancy Report when there is a significant difference between the quantity or type of hazardous waste on the manifest or shipping paper and the hazardous waste received by the designated facility on the manifest; and (3) an Unmanifested Waste Report when hazardous wastes arrive at a facility without the required accompanying shipping paper or hazardous waste manifest.

Potential affected entities include, but are not limited to:

Industrial Sector	NAICS Code(s)
Agriculture, Forestry, Fishing, and Hunting	11
Mining	21
Utilities	22
Construction	23
Manufacturing	31-33
Wholesale Trade	42
Retail Trade	44-45
Transportation and Warehousing	48-49
Information	51
Waste Management & Remediation Services	562
Public Administration	92

This table is not intended to be exhaustive but rather provides a guide for readers regarding entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your entity is regulated by this action, you should carefully examine the applicability criteria found in the

title 40 of the Code of Federal Regulations (CFR) parts 260, 261, 262, 263, 264, 265, 267, 271, and 761. If you have questions regarding the applicability of this proposed rulemaking to a particular entity, consult the person listed in the FOR FURTHER INFORMATION CONTACT section.

B. What action is the agency taking?

This rulemaking proposes regulatory amendments to the RCRA and TSCA manifest regulations to establish a date for sunseting use of paper manifests in favor of electronic manifests. After the sunset date established by this rulemaking, only hybrid or fully electronic manifests would be valid for tracking hazardous waste shipments under Federal or State law.

Under the Hazardous Waste Electronic Manifest Establishment Act (“e-Manifest Act”), Public Law No. 112-195, codified at 42 U.S.C. 6939g, Congress directed EPA to establish a national system to track hazardous waste shipments electronically. Since the e-Manifest system launched in 2018, EPA has taken numerous non-regulatory steps to increase the percentage of electronic manifests used versus paper. However, electronic manifests currently account for less than 1% of all manifests that have been submitted to the e-Manifest system since system launch. EPA has consulted the e-Manifest Advisory Board and held several public meetings over the years to determine the barriers to increased adoption of electronic manifesting. Establishing a date by which paper manifests will be phased out would provide a consistent and shared target for industry to enable efforts to finally shift to using electronic manifests. Phasing out paper manifests would unlock an estimated \$26.4 to \$28.5 million in annual savings, using discount rates of 7% and 3%, through decreased burden (e.g., printing costs, and recordkeeping and reporting costs) while also increasing human health and environmental protection through better tracking of hazardous waste and greater transparency for regulators and the public.

This rulemaking also proposes changes to the exception and discrepancy reporting requirements under 40 CFR part 262, subpart L; part 266, subpart P; and part 267, subpart E. These provisions apply, respectively, to VSQGs managing an episodic event, healthcare facilities

and reverse distributors managing hazardous waste pharmaceuticals, and to owners and operators of hazardous waste treatment or storage facilities operating under a standardized permit issued under 40 CFR part 270, subpart J. These proposed changes would conform to changes made to exception and discrepancy reporting requirements in the 2024 e-Manifest Third Rule (89 FR 60692, July 26, 2024). This document also proposes conforming changes to the exception reporting requirements for PCB generators managing PCB wastes subject to manifesting. Under the e-Manifest Third Rule, EPA finalized electronic exception reporting requirements for large quantity generators (LQGs) and small quantity generators (SQGs) but did not extend these requirements to PCB waste generators. At that time, EPA chose not to require PCB waste generators to register with the e-Manifest system, a prerequisite for electronic exception reporting. To align with current e-Manifest system capabilities and regulatory requirements for other regulated entities, this action would update the relevant provisions to require PCB waste generators to register with EPA's e-Manifest system and to submit electronic exception reports. (See preamble section II.E.14 for further details regarding the proposed changes to PCB exception reporting requirements.) Additionally, this rulemaking proposes that certain RCRA hazardous waste handlers and other TSCA PCB waste handlers must register with EPA's e-Manifest system. Registration would enable these handlers to use electronic manifests as well as fulfill other manifest-related obligations in the e-Manifest system, including manifest data corrections, electronic reporting, and record retention.

Lastly, the proposed rule includes four technical corrections to the import and export requirements to correct EPA's mailing address, remove obsolete text, and correct a citation associated with manifest corrections for export shipments.

C. What is the agency's authority for taking this action?

The authority to propose this rule is found in sections 1002, 2002(a), and 3001– 3004, and 3017 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), and as amended by the Hazardous and Solid Waste Amendments, 42 U.S.C. 6901,

6906 *et seq.*, 6912, 6921–6925, 6937, and 6938, and further amended by the Hazardous Waste Electronic Manifest Establishment Act, Public Law 112–195, section 6939g, and in sections 6, 8, 12, 15, and 17 of the Toxic Substances Control Act, 15 U.S.C. 2605, 2607, 2611, 2614, and 2616.

D. What are the incremental costs and benefits of this action?

EPA prepared an economic analysis of the potential costs and benefits associated with this proposed rulemaking. The Economic Analysis for the Paper Manifest Sunset Proposed Rule is available in the docket for this rulemaking. EPA estimates that these regulatory changes will result in annual cost savings across all entities manifesting waste by approximately \$26.4 to \$28.5 million, using discount rates of 7% and 3%.

II. DETAILED DISCUSSION OF THE PROPOSED RULE

A. Background

Sections 2(c) and 2(g)(1)(B) of the e-Manifest Act, 42 U.S.C. 6939g(c) and 6939g(g)(1)(B), provide EPA with mutually supportive authorities to implement and sustain the national e-Manifest system. Section 2(c) authorizes EPA to impose “such reasonable service fees as the Administrator determines to be necessary” to cover all system-related costs, including the costs of processing data from paper manifests that continue to be used after the system implementation date. Section 2(g)(1)(B) authorizes EPA to promulgate regulations necessary to facilitate the transition from paper manifests to electronic manifests. Pursuant to these authorities, EPA promulgated the One Year Rule in 2014 (79 FR 7518, February 7, 2014), which established the regulatory framework for electronic manifesting and set the stage for system development. EPA subsequently promulgated the User Fee Rule in January 2018 (83 FR 420, January 3, 2018), which finalized the service fee structure and announced that the national e-Manifest system would launch in June 2018. While promoting adoption of electronic manifesting, these rules preserved the option for generators, transporters, and receiving facilities to continue using paper manifests, which receiving facilities must submit to the e-Manifest

system for data entry and inclusion in the national tracking database. To support a phased transition, EPA also introduced the hybrid manifest, a format initiated electronically by the first transporter or receiving facility, printed and signed on paper by the generator, and then completed electronically by subsequent handlers. Although it begins with a paper signature, the hybrid manifest is treated as an electronic manifest for regulatory and fee purposes, offering a transitional option for facilities not yet fully integrated into the e-Manifest system's electronic manifest workflow.

To further increase participation and reduce reliance on paper manifests, EPA promulgated the e-Manifest Third Rule in July 2024 (89 FR 60692, July 26, 2024). This rule was designed to increase utility of the e-Manifest system in delivering benefits to reduce administrative burden and improve tracking of hazardous waste shipments. Key provisions included mandatory e-Manifest registration for large and small quantity generators, integration of export manifests, and electronic submission requirements for Exception Reports, Discrepancy Reports, and Unmanifested Waste Reports. The rule also revised the paper manifest from a 5-copy to a 4-copy form, eliminated the requirement for TSDFs to have to mail back the final manifest to registered generators (who can instead use e-Manifest to access their final manifests), and required regulated entities to make data corrections.

Besides promulgation of the e-Manifest rules, EPA has made other attempts to increase electronic manifest adoption. This includes, in 2020, introduction of the "Quick Sign" feature in e-Manifest to streamline the electronic signature process for generators, transporters and initial receipt by the receiving facility. The Quick Sign method simplified registration by eliminating the need for identity-proofing and challenge questions for users completing signatures for generators, transporters and the initial receiving facility receipt. Then, in 2023, EPA introduced the Remote Signer Policy, which allows generators, transporters, and receiving facilities to execute electronic signatures remotely. This policy addressed challenges to adopting electronic manifesting such as limited internet access and high turnover among field personnel. The policy

also added flexibility for the timeframe in which the electronic signature must be executed by the registered user in the e-Manifest system – remote signers have until the earlier of either (1) 24 hours from the time that their field personnel received the waste from the preceding waste handler (i.e., generator or transporter); or (2) before transferring the waste to another handler (i.e., another transporter or receiving facility), to execute an electronic signature to the hazardous waste manifest. By enabling remote signers to authorize manifests via the e-Manifest user interface or system-to-system communication, EPA aimed to reduce reliance on paper and improve flexibility for industry users. Furthermore, EPA has also prioritized iterative development of its Application Programming Interface (API) services to integrate e-Manifest with third-party industry systems. These APIs allow for seamless data exchange between waste management systems and e-Manifest, reducing manual entry and improving efficiency. The agency’s agile development approach reflects ongoing efforts to enhance system interoperability and user experience.

While EPA has taken numerous non-regulatory steps to increase the percentage of electronic manifests used versus paper, electronic manifests currently account for less than 1% of manifests. EPA has consulted the e-Manifest Advisory Board and held several public meetings over the years to determine the barriers to increased adoption of electronic manifesting, including IT readiness, training, and cost.

At the most recent meeting in September 2025, the Advisory Board reiterated these concerns and recommended a longer compliance timeline tied to industry readiness, training, and the adjustment of industry’s systems and processes. As documented in the Final Signed e-Manifest FACA Meeting Report: September 2025 Meeting, available in the public docket (Docket ID No. EPA-HQ-OLEM-2025-0391), the Board emphasized the importance of sunsetting paper manifests on a timeline that supports manifest users’ readiness and also voiced support for mandatory registration, noting that these actions together would provide a consistent framework for the transition to electronic manifesting and help support manifest users’ readiness

for that transition. While the Board expressed interest in a flexible, phased approach that combined elements of a later compliance date and staggered implementation, the proposals in this rule, including the sunset of paper manifests, mandatory registration in EPA's e-Manifest system, and related recordkeeping and compliance provisions, generally address the issues and concerns raised by the Advisory Board at the September 2025 meeting.

In addition, as explained in EPA's response to the Advisory Board (Environmental Protection Agency Response to Recommendations from the September 17 -18, 2024, e-Manifest Advisory Board Meeting, available in the public docket, Docket No.

EPA-HQ-OLEM-2024-0307, the Agency implemented a deliberate discount for data plus image manifests for the FY2026/2027 fee cycle to empower companies to invest in electronic manifesting infrastructure, creating a bridge for users to modernize systems incrementally while transitioning away from paper. By lowering the cost of the user fee for data plus image manifests, the Agency is providing a financial incentive for facilities to invest the savings from this reduced fee into upgrading IT systems and workflows. Facilities can use this cost difference to fund technology upgrades and integrate the use of e-Manifest into their processes to prepare for a future without paper manifests.

B. Proposed Date for Sunsetting the Use of Paper Manifests

EPA is proposing to sunset the use of paper manifests 24 months after the publication of EPA's final rule. Specifically, EPA is proposing amendments to the following RCRA manifest regulations under 40 CFR parts 262 through 267 for hazardous waste and to the TSCA PCB regulations in part 761:

- Revising paragraph § 262.20(a)(1)
- Revising paragraph § 262.20(a)(3)
- Adding § 262.21(a)(3)
- Revising paragraph § 262.24(a)
- Adding new paragraph § 262.83(c)(5)

- Adding new paragraph § 262.84(c)(5)
- Adding new paragraph § 262.232(a)(8)
- Adding new paragraph § 263.20(a)(4)
- Adding new paragraph § 264.71(a)(2)(v)(C)
- Adding new paragraphs § 264.1311(a)(4) and (5), (b)(3), and (c)(4)
- Adding new paragraph § 265.71(a)(2)(v)(C)
- Adding new paragraphs § 265.1311(a)(4) and (5), (b)(3), and (c)(4)
- Adding new paragraph § 267.71(a)(7)
- Adding new paragraphs §§ 761.207(g)(1)(iii) and 761.213(f)

If finalized, these provisions would go into effect on the paper manifest sunset compliance date (“paper sunset date”). On and after this date, EPA would no longer accept paper hazardous waste manifests, including image only and data plus image submission types to the e-Manifest system, for all shipments initiated on and after this date. Waste handlers, including generators, transporters, and receiving facilities, would need to use electronic manifests, including fully electronic or hybrid manifests, for all shipments initiated on and after this sunset date.

EPA would establish a paper sunset date that is 24 months after the publication of this final rule to allow manifest users additional time to come into compliance with the new rule requirements, including allowing for sufficient time to adjust information technology (IT) systems and processes. EPA’s proposal sets a 24-month compliance timeline before eliminating paper manifest tracking, reflecting its view that a firm and consistent target is necessary to break the status quo and accelerate adoption. The Board’s recommendation emphasized additional time to accommodate readiness and resource constraints, particularly for small businesses, rural generators, and PCB transporters. Taking these perspectives into account, EPA believes the proposed compliance date strikes a balance, providing sufficient time for industry to adjust to fully electronic manifesting while maintaining momentum toward the e-Manifest program’s

goals of modernizing hazardous waste tracking, enabling real time visibility, decreasing administrative burdens, and maximizing data quality, efficiency, transparency, and potential cost savings. In addition to the proposed changes to § 262.20 described above, EPA is revising paragraph (a)(3) of this section to make its purpose clearer once paper manifests are eliminated on and after the paper sunset date. The current requirement explains that a person may choose to use an electronic manifest instead of a paper one. Because this proposed rule would set a date when paper manifests can no longer be used, that wording could be misunderstood by suggesting that electronic manifests remain optional after the sunset date.

To avoid confusion, EPA is proposing to remove words “in lieu of” in the introductory text of paragraph (a)(3) so that it simply describes the requirements that apply when a generator uses an electronic manifest. This revision does not change what generators must do when using an electronic manifest. It only ensures that paragraph (a)(3) applies both to generators who use electronic manifests before the sunset date and to all generators after the sunset date, when electronic manifests become the only allowable method. Additionally, the paper sunset date would allow time for the Agency to complete updates to the e-Manifest system and to accommodate the EPA ID assignment under TSCA for PCB waste generators and transporters, and registration with EPA’s e-Manifest system. (For further discussion about proposed registration and ID assignment, please see preamble sections II.D.2a and b.)

C. Proposed Changes to Manifest-related Definitions

This rulemaking proposes changes to certain manifest-related definitions in 40 CFR 260.10, 264.1310, 265.1310, and 761.3 to support the proposed changes to sunset paper manifests described in section II.B of this preamble. Specifically, EPA is proposing revisions to the definitions of “electronic manifest,” “manifest,” and “user of electronic manifest system.”

1. Proposed Changes to the Definitions of “Electronic manifest” and “Manifest”

EPA is proposing revisions to the definitions of “Electronic manifest” and “Manifest” in 40 CFR 260.10 and 761.3 to clarify the relationship to EPA Forms 8700-22 (Manifest) and

8700-22A (Continuation Sheet). Under the proposed revision to the definition of “Electronic manifest,” an electronic manifest would simply mean the electronic format of the manifest (EPA Form 8700-22) and the continuation sheet (EPA Form 8700-22A). Under the proposed revision to the definition of “Manifest,” a manifest would mean a shipping document designated as EPA Form 8700-22, including EPA Form 8700-22A, whether completed in either paper or electronic format, and signed in accordance with the applicable requirements of 40 CFR parts 262 through 265 and part 761 subpart K.

In proposing these revisions, EPA acknowledges that its language regarding the relationship of EPA Forms 8700-22 and 8700-22A to electronic manifests has evolved since the authorization of electronic manifesting in the 2014 One Year Rule. EPA initially stated that electronic manifests would be accepted by the e-Manifest system as the legal equivalent for the paper manifest and continuation sheet forms (EPA Forms 8700-22 and 8700-22A). However, as the program has evolved and EPA envisions a future consisting of entirely electronic manifests, this language is outdated. Electronic manifests are not just the legal equivalent for paper manifests – they are the hazardous waste manifest. As electronic manifests capture the data elements on EPA Forms 8700-22 and 8700-22A verbatim, the electronic manifest satisfies all regulatory requirements for information capture, signature authentication, transmission, retention, and inspection. These proposed changes thus would more simply align the regulatory language with the way the EPA’s e-Manifest system is implemented in practice. Beginning on the paper sunset date, all references to EPA Forms 8700-22 and 8700-22A throughout the manifest regulations would thus mean electronic manifests completed and transmitted to the e-Manifest system.

If finalized, the proposed changes described in this preamble section would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

2. Proposed Change to the Definition of “User of the electronic manifest system”

EPA is proposing changes to the definition “User of electronic manifest system” in

40 CFR 260.10 to reflect that e-Manifest users can no longer use paper manifests for all shipments initiated on and after the paper sunset date. The current definition refers to users that elect to use e-Manifest to either obtain, complete, and transmit an electronic manifest or use a paper manifest and submit to the e-Manifest system. EPA is proposing amendments to the definition to reflect that users of the EPA's e-Manifest system could no longer use paper manifests beginning on the paper manifest sunset date. Manifest users must use an electronic manifest for all shipments initiated on and after that date. For shipments initiated prior to that date using a paper manifest that are completed (meaning the shipment arrives at the designated facility and is either accepted and signed for, or partially or fully rejected) on or after that date, paper submission formats will be accepted.

EPA requests comment on these proposed changes.

3. Proposed Change to the Definition of "Paper manifest submissions"

EPA is proposing changes to the definition of "Paper manifest submissions" in 40 CFR 264.1310 and 265.1310. Currently, paper manifest submissions mean "submissions to the paper processing center of the EPA's e-Manifest system by facility owners or operators, of the data from the designated facility copy of a paper manifest, EPA Form 8700-22, or a paper Continuation Sheet, EPA Form 8700-22A . . .". Consistent with the proposed changes discussed above for the definitions of "Manifest" and "Electronic manifest," EPA proposes to revise the definition of paper manifest submissions to clarify that such submissions refer to data submitted to the EPA's e-Manifest paper processing center by facility owners or operators, originating from the designated facility's completed paper versions of EPA Forms 8700-22 and 8700-22A. The proposed definition would also eliminate existing language referring to how submissions of paper manifests can be made, i.e., by submitting image files, and by submitting image and data files. All of these submission methods of paper manifests would be obsolete after the paper manifest sunset date.

If finalized, the proposed changes described in this preamble section would go into effect

upon the effective date of the final rule. EPA requests comment on these proposed changes.

D. Proposed changes to the manifest requirements under 40 CFR Parts 262 through 267, and 761

To align the manifest regulations with the proposed paper sunset date discussed in this preamble section II.B, EPA is proposing six global changes throughout the manifest regulations under 40 CFR parts 262 through 267 and 761.

1. Removal of the words “handwritten” and “by hand” from the manifest regulations

EPA proposes to delete instances of the words “handwritten” and “by hand” with respect to the RCRA hazardous waste manifest at §§ 262.23(a)(1) and (2); 262.24(a) and (a)(1), 263.20(a)(4) and (a)(4)(i), 263.20(a)(6)(iii), 263.20(d)(1), 263.20(e)(3), 263.20(f)(3)(i), 263.20(f)(4)(i), 264.71(a)(2)(i), 264.71(f) and (1), 264.71(h)(1), 265.71(a)(2)(i), 265.71(f) and(1), and 265.71(h)(1). These manifest regulations explicitly require hazardous waste generators, transporters, and receiving facilities to sign manifests “by hand” or obtain “handwritten” signatures and could be interpreted to require the use of paper manifests once paper manifest use ends on and after the paper sunset date, except for hybrid manifest workflows or when the system is unavailable (see this preamble section II.E.3 for further discussion about hybrid manifests and paper replacement manifests). EPA finalized similar changes for the TSCA PCB manifest regulations at 40 CFR 761.210(a)(1) and (2), 761.211(d)(1), (e)(3), (f)(3)(i), (f)(4)(i), and 761.213(a)(2)(i) in the July 2024 e-Manifest Third Rule. However, EPA inadvertently omitted similar changes to the exception reporting requirements at 40 CFR 761.217(a)(1) and (b)(1) for generators of PCB waste. To address this oversight, EPA is proposing to amend these requirements in this rule.

These changes support the proposed changes to the definitional terms discussed above and would mitigate any confusion that waste handlers must continue to comply with signing manifests by hand when use of paper manifests ends.

Additionally, consistent with the proposed revisions to the definitions of “Manifest” and

“Electronic manifest” discussed in this preamble section II.C.2, EPA is proposing corresponding amendments to 40 CFR 262.24(a), 263.20(a)(4), 264.71(f), 265.71(f), 761.207(g)(2) and (2)(i), and 761.217(c) and (1). Specifically, EPA proposes to delete the existing language stating that electronic manifests are the “legal equivalent of paper manifest forms bearing handwritten signatures.” As explained in section II.C.2 of this preamble, electronic manifests are not merely substitutes for paper manifests, they constitute the hazardous waste manifest itself. Accordingly, references suggesting that electronic manifests are equivalent to, or serve as substitutes for, EPA Forms 8700-22 and 8700-22A are no longer necessary and are proposed for removal. EPA is proposing similar changes to 40 CFR 761.218(e) and (1) and 761.219(e) and (1) to remove legal equivalency language pertaining to electronic certificates of disposal and one-year exception reports for PCB waste.

If finalized, the proposed changes described in this preamble section would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

2. Additional four proposed changes under 40 CFR parts 262, 263, 264, 265, 266, 267, and 761 to sunset paper manifests

EPA is proposing global changes to the manifest regulations that, if finalized, would impact LQGs and SQGs, very small quantity generators (VSQGs) managing episodic events under 40 CFR part 262 subpart L, hazardous waste transporters, hazardous waste treatment, storage, and disposal facilities (both permitted and interim status), facilities operating under a standardized permit, healthcare facilities and reverse distributors subject to the hazardous waste pharmaceutical requirements at 40 CFR part 266 subpart P, PCB waste generators, PCB waste transporters, and PCB commercial storage and disposal facilities. Specifically, EPA is proposing regulatory amendments to existing manifest regulations to require, as applicable (1) registration with the EPA’s e-Manifest system; (2) assignment of unique EPA identification numbers for e-Manifest registration purposes; (3) mandatory manifest data corrections; and (4) mandatory record retention in the e-Manifest system. EPA notes that some of these proposed changes were

finalized for some hazardous waste handlers under previous e-Manifest rules (e.g., mandatory registration and manifest data corrections for LQGs and SQGs in the 2024 e-Manifest Third Rule). Thus, some waste handlers would not be impacted by all the proposed changes outlined in this section. Please refer to the summary table in preamble section II.E; this table describes the proposed changes to the manifest regulations in 40 CFR parts 262 through 267, and 761, and how the regulated entities would be impacted by the proposed changes.

a. Mandatory Registration.

EPA is proposing changes to the RCRA hazardous waste and TSCA PCB regulations to require that specific waste handlers register with EPA's e-Manifest system. Required registration would ensure that these regulated waste handlers, which are currently required to use a manifest, can use electronic manifests and satisfy other manifest-related obligations such as manifest data corrections, electronic reporting, and recordkeeping.

These registration requirements would mirror current requirements for large and small generators to register for e-Manifest at 40 CFR 262.20(a)(1) and (2) and 262.42. Large and small quantity generators must currently maintain e-Manifest accounts to access their final signed manifests from the EPA's e-Manifest system and to submit manifest data corrections and Exception Reports electronically to EPA's e-Manifest system.

To obtain signed and dated copies of completed manifests from the e-Manifest system, VSQGs managing episodic events under 40 CFR part 262, subpart L, hazardous waste transporters, healthcare facilities and reverse distributors subject to the hazardous waste pharmaceutical requirements at 40 CFR part 266 subpart P, PCB waste generators, and PCB waste transporters would be required to register personnel with the e-Manifest system. Specifically, EPA is proposing changes to 40 CFR 262.232(a)(3) (VSQGs managing episodic events), 263.20(a)(3) (hazardous waste transporters), 266.508(a) (healthcare facilities and reverse distributors of hazardous waste pharmaceuticals), and 761.208(b) (TSCA PCB waste generators, transporters, and commercial storage and disposal facilities). (See this preamble sections II.D.2.b

and II.E.13.b for further discussion about registration.) EPA recommends that each waste handler register at least two employees as Site Managers. The “Site Manager” permission level would enable these entities to use electronic manifests, acknowledge or verify shipment receipts, and satisfy other reporting requirements (e.g., generator electronic exception reporting, mandatory data corrections, and record retention) proposed in this proposed rule. In addition, “Site Managers” can approve permissions for other personnel in their organizations. For example, “Site Managers” could designate personnel with only “Viewer” permission levels in the e-Manifest module. Unlike the Site Manager permission level, persons with “Viewer” permissions would be restricted to only accessing manifests in their registered accounts to verify that shipments arrived at designated facilities. The “Viewer” permission level would ensure that these personnel could verify shipment receipts by the receiving facility, however, these personnel could not prepare and submit electronic Exception Reports or submit data corrections electronically to the EPA’s e-Manifest system.

While VSQGs managing episodic events under 40 CFR part 262 subpart L, healthcare facilities and reverse distributors subject to the hazardous waste pharmaceutical requirements at 40 CFR part 266 subpart P, and PCB waste generators, would be required to track their wastes using an electronic manifest, such entities can use hybrid manifests. Hybrid manifests would allow these entities the ability to sign a hard copy printout of the electronic manifest, allowing field personnel, employees, and contractors with direct physical responsibility for the waste shipment to avoid registering in the EPA’s e-Manifest system. However, registration would still be required to access the completed electronic manifest, make corrections, and file electronic exception reports. To support modernization and enhance data quality, EPA encourages these entities to adopt fully electronic manifests whenever feasible.

EPA acknowledges that transporters may face barriers for electronic manifesting, including for hybrid manifesting, for various reasons. While EPA has established the remote signer policy to mitigate barriers for electronic manifesting, EPA is considering an alternate

additional electronic signature solution, detailed in preamble section II.E. The alternate electronic signature approach would offer more flexibility than the remote signer policy option by allowing a transporter to sign an electronic manifest directly in the EPA's e-Manifest system, via Short Message Service (SMS), without the need to access the system either through an individual, registered e-Manifest account or communicating with a remote signer with an individual, registered e-Manifest account.

If finalized, the proposed changes described in this preamble section would go into effect upon the effective date of the final rule, with one exception for PCB waste generators and transporters. To support a smooth transition to the updated e-Manifest system, the EPA is proposing a delayed compliance timeline for e-Manifest registration for PCB waste generators and PCB waste transporters. While most provisions in this rule would take effect upon the effective date of the final rule, these entities would be required to register with the e-Manifest system by the paper manifest sunset date, as outlined in this preamble section II.B.

This delay serves two key purposes:

- It allows the EPA time to update the e-Manifest system to accept TSCA EPA ID numbers in place of RCRA EPA ID numbers (see section II.D.2.b. of this preamble below).
- It provides PCB waste generators and transporters with additional time to understand and comply with the new rule requirements.

By aligning the registration deadline for PCB generators and transporters with the paper sunset date, the EPA aims to reduce disruption, support compliance, and ensure that PCB waste generators and transporters have the tools and time they need to meet their obligations.

EPA requests comment on these proposed changes.

b. Obtaining an EPA ID.

As explained above in this preamble section II.D.2.a, EPA is proposing to require all waste handlers subject to manifesting, including hazardous waste generators, transporters, and TSCA regulated PCB waste handlers, to be registered with the e-Manifest system. Historically,

registration with e-Manifest has required an EPA ID issued under RCRA (referred to as a RCRA-issued EPA ID) obtained via EPA Form 8700-12 (Site Identification Form). However, PCB waste handlers have a separate notification process under the TSCA regulations using EPA Form 7710-53 (Notification of PCB Activity), under which certain PCB waste handlers receive an EPA ID issued under TSCA (referred to as a TSCA-issued EPA ID). To date, if a PCB waste handler wanted access to e-Manifest, they would have had to complete both EPA Form 7710-53 as well as EPA Form 8700-12. In addition, some PCB waste handlers are exempt from notification and are not required to obtain a TSCA-issued EPA ID.

To enable PCB waste handlers to use electronic manifests, EPA is proposing the following changes:

- PCB waste handlers would be allowed to register for e-Manifest access using either a RCRA-issued EPA ID obtained via EPA Form 8700-12 or a TSCA-issued EPA ID obtained using EPA Form 7710-53; EPA would update its e-Manifest system accordingly.
 - Under existing 40 CFR 761.205, non-exempt PCB waste generators, commercial storers, transporters, and disposers are required to notify EPA and obtain an ID via EPA Form 7710-53. These entities would be able to use this TSCA-issued ID (or an ID issued under RCRA) to register in the e-Manifest system.
 - PCB waste generators who are exempt (i.e., those who do not own or operate PCB storage facilities subject to the storage requirements of 40 CFR 761.65(b) or (c)(7)) are not currently required to notify EPA or obtain a TSCA-issued EPA ID. Under this proposal, these PCB waste generators would be required to notify EPA using EPA Form 7710-53 to obtain a TSCA-issued EPA ID to register with the e-Manifest system.¹
- EPA emphasizes that an EPA ID is required for all waste handlers to register with

¹ EPA estimates that approximately 4,068 (51.1%) PCB waste generators currently have RCRA-issued EPA IDs and are registered with the e-Manifest system. Of the remaining unregistered PCB waste generators, 3,898 generators, an additional 1,356 (34.8%) generators have RCRA-issued EPA IDs and can use them to register with e-Manifest. This leaves 2,542 PCB waste generators without RCRA IDs or TSCA IDs.

e-Manifest in order to access the manifests associated with a specific site and satisfy other requirements such as data corrections and electronic exception reporting. RCRA handlers and non-exempt PCB waste handlers that would be required to use electronic manifests and register for e-Manifest under this proposal are already required to notify EPA and obtain an ID. Thus, only PCB waste generators who are currently exempt would be newly subject to requirements to notify EPA and obtain an ID under this's proposal.

For further discussion regarding PCB waste generator notification and TSCA-issued ID assignment for e-Manifest registration, refer to this preamble section II.E.11.b.

EPA requests comment on these proposed changes.

c. Data correction requirements.

EPA is proposing data correction requirements for very small quantity generators managing episodic events under 40 CFR part 262, subpart L and healthcare facilities and reverse distributors subject to the hazardous waste pharmaceutical regulations under 40 CFR part 266, subpart P. These data correction requirements would mirror current requirements for large and small quantity generators. Under the existing regulations, LQGs and SQGs must submit data corrections to manifests within 30 days of receipt of the request by EPA or authorized state.² Under this proposal, VSQGs managing an episodic event under 40 CFR part 262, subpart L and healthcare facilities and reverse distributors subject to 40 CFR part 266, subpart P, would be required to submit data corrections electronically to the EPA's e-Manifest system within 30 days of the request by EPA or authorized state. Under this proposed change, if EPA requested corrections to portions of a manifest that a VSQG, healthcare facility, or reverse distributor was responsible for completing, the relevant entity would be required to follow the post-receipt data correction process detailed in 40 CFR 262.20(a)(2) to reconcile the errors.

If finalized, the proposed changes described in this preamble section would go into effect

² States must first adopt the e-Manifest Third Rule before they can administer and enforce the data correction provisions as well as all other aspects of the rule. The same would apply for the proposed changes in this section.

upon the effective date of the final rule. EPA requests comment on these proposed changes.

d. Recordkeeping requirements.

Existing manifest regulations under 40 CFR parts 262 through 266 and 761 generally require waste handlers to retain signed manifests and manifest-related reports (see this preamble sections II.E.5 and II.E.14) for at least three years, with recordkeeping periods extended during an enforcement action or upon request by the Administrator. Under current regulation and policy, entities registered with and maintaining access to e-Manifest through a handler account may satisfy the obligation to retain records of their manifests (whether paper or electronic) set forth at 40 CFR 264.74 by accessing their official manifest records (both paper and electronic) through e-Manifest.³ Once the paper manifest sunset date is in effect, and all manifest records are captured electronically within e-Manifest, the legacy paper-based recordkeeping requirements under RCRA and TSCA would become unnecessary as there would no longer be paper manifests and all copies of the electronic manifest would be accessible in e-Manifest. Since waste handlers could continue to use paper manifests until the paper sunset date, waste handlers would be required to retain paper manifest records until the receiving facility uploads them to the EPA's e-Manifest system and they are delivered to users' accounts. At that time, waste handlers can discard the paper copy as that copy would be replaced by the final manifest copy in the e-Manifest system. EPA notes that for electronic manifests, all the availability and retention obligations set forth at 40 CFR 264.74 are inherently satisfied by housing the electronic manifests in the e-Manifest system. Because these manifests are created, transmitted, signed, and stored electronically, users have immediate access to their copies of record through their

³ Generators registered with e-Manifest may satisfy Federal manifest recordkeeping requirements by accessing electronic copies through their accounts. As of January 22, 2025, receiving facilities are no longer required to mail completed manifests to LQGs and SQGs, who must maintain e-Manifest accounts to retrieve final signed copies. For paper manifests, generators may discard the initial signed paper copy once the final image is available in e-Manifest, except in hybrid manifest cases, where the initial hand-signed copy must be retained for the full three-year retention period. Transporters not registered with e-Manifest must retain any paper copies they obtain as their legal records. State-specific reporting obligations may also affect retention practices. This policy is detailed in EPA's e-Manifest FAQs #1 and #5, available under the "Record Retention and Distribution" and "Generator" sections at epa.gov/e-Manifest/frequent-questions-about-e-manifest.

registered accounts. Similarly, manifest-related reports such as Discrepancy and Exception reports required to be submitted to e-Manifest are likewise housed and accessible in the system. This instantaneous availability fulfills the regulatory intent of making manifests and manifest-related reports available for inspection and retained for recordkeeping purposes without requiring additional on-site documentation. The e-Manifest system only fulfills this regulatory recordkeeping requirement for manifests and manifest-related reports that are required to be submitted to e-Manifest and which are, in fact, submitted to the system; all other records must continue to be retained and made available upon request as required by regulation.

Therefore, EPA is proposing changes to most recordkeeping requirements for manifests and, as applicable, manifest-related reports, under 40 CFR 262.23(f)(4), 262.40, 263.22, 264/265.71(a)(2)(vi) and (b)(5), 267.71(a)(5) and (b)(5), 266.502(j)(1) and (2), 266.510(c), and §§ 761.210(e)(4), 761.213(b)(5), and 761.214(a)(1) and (2), (c)(1) and (2), and (d), with such documents retained in the e-Manifest system accounts in lieu of on-site facility recordkeeping. (Also, see this preamble sections II.E.11.a and II.E.14.a for proposed changes to recordkeeping requirements for PCB waste handlers' annual records and Exception Reports).

EPA would continue to require manifest recordkeeping requirements as it relates to the hybrid manifest. Generators would continue to retain their initial copy of the hybrid electronic manifests for the three-year recordkeeping period since, under the hybrid electronic manifest flow, generators sign a hard copy printout of the electronic manifest, and this copy is not housed in e-Manifest. Under the hybrid flow, this signed hard copy would be the only version of the manifest created that has the generator's signature and thus would need to be retained and made available for inspection. In addition, EPA would continue to require recordkeeping in the rare event that the e-Manifest system becomes unavailable for electronic manifesting. In this rare event, waste handlers would need to revert to hard copy paper manifests that would need to be retained for the three-year recordkeeping period until the final copy of the manifest is able to be submitted to the system. Please see this preamble section II.E.4 for further discussion about

paper replacement manifests.

EPA requests comment on these proposed changes. EPA also requests comment on whether the Agency should require upload of generators' paper copies of hybrid manifests in e-Manifest, thereby capturing all manifest copies in the e-Manifest system and eliminating the need to require recordkeeping by generators for these copies.

E. Additional conforming changes to various manifest/manifest-related regulations under 40 CFR parts 262, 266, 267, and 761

1. Manifest registry

EPA is proposing to add new paragraph (a)(3) under 40 CFR 262.21. Section 262.21 details the requirements for manifest tracking numbers, printing, and obtaining paper manifests. These provisions apply primarily to registrants authorized by EPA to print and distribute the paper manifest forms and govern:

- How registrants apply to print the paper formats of EPA Forms 8700-22 and 8700-22A
- Procedures for assigning manifest tracking numbers to printed paper forms
- Specifications for printed manifests such as paper type, paper weight of each copy, ink color of the instructions and binding method of the copies.
- Oversight of third-party printing operations.

Additionally, the manifest provision at 40 CFR 262.21(g)(1) allows a generator to use paper manifests printed by any source (e.g., state agency, commercial printer, hazardous waste generator, transporter, TSDf) so long as the source of the printed form is registered with EPA to print the paper manifest forms.

Beginning on and after the paper sunset date, only electronic manifests would be used for tracking shipments of hazardous waste. Further, only the EPA's e-Manifest system would assign unique MTNs to electronic manifests. Therefore, the manifest registry regulations would be unnecessary. EPA is proposing to sunset the manifest registry requirements beginning on the paper sunset date. At that time, hazardous waste generators would no longer obtain paper

manifest forms from registered sources. Additionally, registered printers would no longer produce paper manifest forms for use.

EPA requests comment on these proposed changes.

2. Reporting broker's information on manifest

To further support the transition away from paper manifests and enhance data transparency in the e Manifest system, EPA is proposing additional changes to 40 CFR 262.23. This amendment would require hazardous waste generators to explicitly identify brokers who assist in preparing or arranging hazardous waste shipments by including a standardized statement in Item 14 of the manifest. EPA is also proposing parallel amendments to 40 CFR 761.210 to apply this same reporting requirement to generators of PCB waste. This change aims to ensure broker information is consistently captured in the e-Manifest system, thereby enabling brokers to participate in electronic manifesting by accessing manifest records, correcting manifest data, and preparing electronic manifests on behalf of their generator customers.

Currently, although brokers may be listed on paper manifests, their information is often omitted from the e-Manifest system due to the absence of clear regulatory direction. As a result, brokers, who frequently play a central role in coordinating shipments, may be unable to access the manifest records for shipments they helped facilitate. Brokers provide essential administrative and logistical support to small and mid-sized generators, including manifest preparation, data correction, transporter and facility coordination, and customer service. While brokers may not take physical custody of the waste, their involvement is integral to the shipment process.

To address this gap, EPA proposes to redesignate existing paragraph (a)(3) as (a)(4) and add a new paragraph (a)(3) to 40 CFR 262.23 and 761.210. The new provision would require generators of hazardous or PCB waste to enter the following statement in the Item 14 field of the manifest when a broker is involved: “[Broker company name], EPA ID [EPA identification number], prepared and/or arranged the shipment on behalf of the generator.”

EPA also proposes to revise the manifest instructions for Item 14 to direct generators to include this broker information. If finalized, generators would be responsible for ensuring the statement is entered and that the broker's company name and EPA ID number are accurately included. Generators may arrange for the broker or other entities associated with the shipment to provide this information on their behalf. For paper manifests, EPA does not propose adding a new broker field. Instead, revised instructions would guide generators to enter the broker's details in Item 14, alerting the receiving facility to input this information into the e-Manifest system. For electronic manifests, brokers may either create the manifest directly or coordinate with generators or other listed parties to ensure their EPA ID is properly included during manifest preparation. In such cases, the receiving facility would not need to retrieve or re-enter the broker information, as the requirement would be considered satisfied. If finalized, the new requirement and associated changes to the manifest form instructions would take effect upon the effective date of the final rule. EPA requests public comment on this proposed change and to the proposed Item 14 instruction with respect to broker information on the manifest.

3. Hybrid manifest

Hybrid manifests, which are electronic manifests, currently allow generators who are not registered in e-Manifest or do not have an EPA ID number, to sign a printed copy of the electronic manifest generated from the e-Manifest system. The electronic manifest, printed and formatted on standard 8.5 x 11 office paper and printed from any available printer device, is signed in hard copy by both the generator and initial transporter. The generator retains a copy and provides one to the transporter, which may also serve as the U.S. DOT shipping paper. The transporter keeps the signed paper copy with the shipment until delivery to the receiving facility. Meanwhile, the initial transporter and all subsequent parties, including additional transporters and the designated facility, electronically sign the manifest in the system.

Beginning on the paper sunset date, manifest users would be required to use electronic manifests, either hybrid or fully electronic, to track hazardous waste shipments during

transportation. EPA would no longer accept paper manifest submissions in any format, including scanned images or data-plus-image files, except when in the rare event the EPA's e-Manifest system becomes unavailable as described below. To align with proposed updates to the recordkeeping requirements under 40 CFR 262.40 as discussed in this preamble section II.D.2.d, EPA is proposing a new provision at 40 CFR 262.24(c)(2) and to clarify that any generator, or healthcare facility or reverse distributor subject to 40 CFR part 266, subpart P who elects to use the hybrid manifest must retain the initial paper copy of the manifest at the facility for the full three-year record retention period. EPA is also proposing parallel amendments to 40 CFR 761.214(a)(1) to apply this same retention requirement to generators of PCB waste who use hybrid manifests. This copy is the only version that includes the generator's signature on the generator/offeror certification and is not uploaded to the EPA's e-Manifest system. As a result, the initial paper copy would not be accessible for electronic viewing, correction, or inspection via the EPA's e-Manifest system, nor could the entities print hard copies of their initial manifests from the system at the request of an inspector. Thus, this initial paper copy must be available for inspection at the facility or made available immediately upon request for inspection.

EPA recognizes that the point of custody transfer between the generator and transporter has been one of the key barriers to broader adoption of electronic manifests. This barrier arises because the individual physically present at the pickup, typically a transporter driver, often lacks a device, system access, or real time coordination needed to execute an electronic signature at the time of custody transfer (Remote Signer). EPA also recognizes that waste handlers face other key barriers, such as limited network access in the field where transporters pick up waste from generators. Another barrier is the technical and resource demands associated with adapting existing industry system to using electronic signatures. These challenges have made it difficult for some generators and transporters to fully transition to electronic manifests.

In light of EPA's proposal to require electronic manifests by the paper sunset date, EPA is considering additional, non-regulatory system enhancements to improve usability of electronic

signature options and support broader adoption. Further discussion of EPA's evaluation of an SMS-based signature approach is provided in this preamble section II.F.

EPA requests comment on these proposed changes. In addition, EPA is seeking comment on whether the hybrid manifest provision at 40 CFR 262.24(c)(1) remains necessary.

Considering the proposed signature method, the planned sunset of paper manifests, and the requirement for all manifest users to register with the e-Manifest system, the hybrid manifest may no longer be needed. On the other hand, the hybrid manifest could still be useful in cases where there is no cell/network coverage at the generator site.

4. Replacement paper manifest requirements in the event the EPA's e-Manifest system is unavailable

EPA is proposing to revise the existing manifest provisions at 40 CFR 262.24(e), 263.20(a)(6), 264.71(h)(1)(4), and 265.71(h)(1) through (4). These provisions require that waste handlers follow paper-based manifest procedures when the e-Manifest system is unavailable. Since system launch in June 2018, system downtime has been extremely limited, with manifest submission functionality exceeding 99.99% uptime. Currently, in the rare event that the e-Manifest system is unavailable to complete the tracking of a shipment that was initiated with an electronic manifest, generators must complete paper manifests and follow paper-based manifest procedures. Transporters must reproduce sufficient copies, include a notation in Item 14 identifying the manifest as a replacement, reference the original tracking number, and sign each copy by hand (40 CFR 263.20(a)(6)). Receiving facilities must sign and date Item 20, report discrepancies in Item 18 and send signed copies to the generator and the EPA's e-Manifest system within 30 days. (40 CFR 264.71(h) and 265.71(h)). All parties on the manifest must retain copies for recordkeeping.

To facilitate a complete sunset of paper manifests, EPA would amend these provisions to allow for generators and other waste handlers listed on the manifest to complete signatures on the printed copy of the electronic manifest and complete electronically in the system at such time

as the e-Manifest system becomes available. If users are unable to access e-Manifest to print their electronic manifest, EPA envisions allowing users to print a stand-alone manifest from an EPA website on a separate network and follow paper-based manifest tracking procedures for the transportation of the waste shipment. As soon as access to the EPA's e-Manifest system resumes, a receiving facility would be required to submit a paper replacement manifest to the EPA's e-Manifest system.

Additionally, EPA proposes to amend 40 CFR 264.71(h)(3) and (4) and 265.71(h)(3) and (4) to align with the registration requirements established in the e-Manifest Third Rule and those proposed in this document. Currently, these provisions require receiving facilities to send a signed and dated copy of the paper replacement manifest to the generator and send an additional signed and dated copy of the paper replacement manifest to the electronic manifest system within 30 days of delivery of the shipment. Additionally, a receiving facility must retain at their site one copy of the paper replacement manifest for at least three years from the date of delivery. As discussed in this preamble section II.D.2.d, the proposed changes under consideration for manifest recordkeeping would require all waste handlers to maintain e-Manifest accounts to access and retain final signed manifests within the EPA's e-Manifest system. Consequently, existing requirements for receiving facilities to send paper replacement manifests to generators and retain them for three years would no longer be necessary. EPA therefore proposes to amend these two provisions by eliminating the existing requirement that a receiving facility must send a replacement manifest copy to the generator within 30 days of shipment delivery and retain an additional copy onsite for three years. Instead, the proposed amendments would require waste handlers to retain replacement manifest copies at their site until the receiving facility uploads them to the EPA's e-Manifest system and they are delivered to both the generator's and facility's users accounts. Once the replacement manifest is available in the generator's and facility's accounts, they could discard their copies, relying on the system version to satisfy recordkeeping obligations.

If finalized, these proposed changes would go into effect on the paper sunset date. EPA requests comment on these proposed changes.

In addition, and to align with our efforts to modernize hazardous waste tracking and ensure consistent data quality across the e-Manifest system, the Agency is considering establishing a requirement that would restrict paper manifest submissions to data plus image uploads when the e-Manifest system is temporarily unavailable, and waste handlers must revert to paper manifest tracking during contingency scenarios. Currently, image-only submissions are permitted during system outages to ensure continuity of operations. However, EPA is evaluating whether it would be appropriate to allow image-only submissions after the paper manifest sunset date, given the expectation that facilities would be fully equipped to support data plus image workflows. Requiring data plus image uploads during system outages would reduce reliance on manual data entry, improve the accuracy and timeliness of manifest records, and reinforce digital readiness across the regulated community. EPA requests public comment on this potential requirement, which would go into effect on the paper sunset date.

5. RCRA hazardous waste exception, discrepancy, and unmanifested waste reporting

EPA is proposing several conforming changes to the exception, discrepancy, and unmanifested waste reporting requirements under 40 CFR parts 262, 264, 265, and 267. These changes are intended to align the regulations with the electronic reporting framework established in the 2024 e-Manifest Third Rule, clarify EPA's original intent, and ensure consistency across generator categories and receiving facilities.

a. Exception Reporting

EPA is proposing to amend 40 CFR 262.42(a) and (b) to require LQGs, SQGs, and VSQGs managing episodic events under 40 CFR part 262, subpart L to submit Exception Reports electronically via the e-Manifest system. This change ensures that regulators can access reports directly through the system, eliminating the need for written submissions. To that end, EPA is also proposing to remove and reserve outdated provisions that authorize written reporting

at 40 CFR 262.42(a)(2) and (b)(1).

Additionally, EPA is clarifying that the electronic exception reporting provisions at 40 CFR 262.42(d), established in the e-Manifest Third Rule, also apply to receiving facilities that must prepare an Exception Report for full or partial load rejections and container residues. These provisions ensure that facilities registered with and maintaining access to e-Manifest through a handler account:

- Satisfy record retention obligations under 40 CFR 264.74 and 265.74 by accessing official Exception Report records through the system; and
- Are not liable for failing to produce these reports during inspections if the failure is solely due to a technical issue with the e-Manifest system beyond their control.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

b. Discrepancy Reporting

EPA is proposing amendments to 40 CFR 264.72, 265.72, and 267.72 to clarify electronic reporting requirements, including electronic recordkeeping, are also in effect now under the e-Manifest program. These changes are intended to align the regulations with the intent of the e-Manifest Third Rule and correct regulatory inconsistencies. To align hazardous waste reporting requirements with the full implementation of the EPA's e-Manifest system, EPA is proposing to delete and reserve 40 CFR 264/265.72(c)(1) and amend 267.72(b) which reflect legacy paper-based discrepancy reporting. Sections 264.72(c)(1) and 265.72(c)(1) and 267.72(b) required that facility owners or operators submit a written exception report to EPA when discrepancies in waste shipments occur. This ensures that unresolved discrepancies are formally documented and communicated to the Agency.

However, as of December 1, 2025, paper-based discrepancy reporting is no longer allowed; facilities must comply with 40 CFR 264.72(c)(2) and 265.72(c)(2), which mandates the use of electronic discrepancy reporting through the EPA's e-Manifest system. (EPA

inadvertently omitted electronic discrepancy reporting for facilities operating under the standardized permit regulations and is proposing to amend 40 CFR 267.72 accordingly.)

Similarly, the proposed rule updates manifest transmittal requirements for rejected waste and residue shipments forwarded to another facility for management (40 CFR 264.72(e)(6) and 265.72(e)(6)). Under the e-Manifest Third Rule, large quantity generators (LQGs) and small quantity generators (SQGs) must obtain final, completed manifest copies from the EPA's e-Manifest system. Currently, the regulations require designated facilities that receive waste but subsequently forward it – either in full, in part, or as container residues – to prepare and sign a new manifest and mail the initial copy to the generator. To align with the sunset of paper manifests and the electronic reporting practices established in the e-Manifest Third Rule, EPA now proposes that these facilities transmit the initial manifest copies through the e-Manifest system instead of mailing them.

Lastly, the proposed rule clarifies that electronic recordkeeping requirements established in the e-Manifest Third Rule apply to electronic Discrepancy Reports. Specifically, the proposed changes:

- Add new paragraphs 40 CFR 264.72(c)(3) and (4), 265.72(c)(3) and (4), and 267.72(c). These additions would clarify that receiving facilities satisfy record retention obligations by accessing official Discrepancy Report records through the system and will not be held liable for failing to produce electronic Discrepancy Reports during inspections if the failure is solely due to a technical issue with the e-Manifest system beyond their control. These protections were intended for electronic discrepancy, exception, and unmanifested waste reporting all electronic requirements in the Third Rule but were not explicitly extended to discrepancy reporting.
- Amend 40 CFR 264.72(f)(8) and 265.72(f)(8). These revisions would clarify the recordkeeping provisions in 40 CFR 262.42(d) also apply to electronic Exception Reports for full or partial load rejections and container residues. Sections 264.72(f)(8) and

265.72(f)(8) require receiving facilities to submit Exception Reports electronically when rejected shipments or container residues are returned to the generator and no signed manifest is received within 60 days. EPA proposes to amend these provisions to clarify that such facilities satisfy record retention obligations under 40 CFR 264.74 and 265.74 by accessing official Exception Report records through the system; and will not be held liable for failing to submit Exception Reports if the failure is solely due to a technical issue with the e-Manifest system beyond their control.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

c. Unmanifested Waste Reporting

Consistent with the removal of outdated provisions for exception and discrepancy reporting, EPA is also proposing to remove and reserve outdated provisions 40 CFR 264.76(a) and 265.76(a) that authorize written reporting of unmanifested waste. Additionally, EPA is proposing to clarify that facilities satisfy record retention obligations under 40 CFR 264.74 and 265.74 by accessing official Unmanifested Waste Report records through the system. To that end, EPA proposes to add 40 CFR 264.76(c) and 265.76(c). These new provisions would clarify that receiving facilities satisfy record retention obligations under 40 CFR 264.74 and 265.74 by accessing official Unmanifested Waste Report records through the system; and are not liable for failing to produce unmanifested waste reports during inspections if the failure is due exclusively to a technical issue with the e-Manifest system beyond their control.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

6. Additional changes to export and import regulations

EPA is proposing amendments to hazardous waste export and import regulations at 40 CFR 262.83 (hazardous waste export shipments) and 262.84 (hazardous waste import shipments). EPA is additionally proposing three technical corrections to the import and export

requirements.

a. Hazardous waste export regulations.

EPA is proposing two changes to the hazardous waste export regulations. First, EPA is proposing conforming revisions to 40 CFR 262.83(c) to clarify that hazardous waste exporters must register with and use the EPA's e-Manifest system for manifest submissions, data corrections, and record retention, to correct the regulatory citation for confirmation of receipt and to clarify when data corrections for export manifests must be made consistent with requirements in 40 CFR 265.71(l). These revisions are intended to codify existing requirements that exporters must perform to comply with existing e-Manifest regulations and reinforce the electronic workflow established under prior e-Manifest rulemakings. Under current regulations, hazardous waste exporters are already required to submit completed manifests, whether initiated electronically or on paper, to the EPA's e-Manifest system, and to make any necessary data corrections electronically. Both functions require exporters to maintain active accounts within the e-Manifest system, effectively mandating registration. The proposed text revisions to 40 CFR 262.83(c)(4)(v) correct the citation for a foreign receiving facility certifying receipt of a hazardous waste export shipment, changing the reference from paragraph (d)(2)(xvii) to the correct paragraph (d)(2)(xv). The revisions also clarify that data corrections must be made if either of the following occurs:

- The exporter receives a confirmation of receipt from the foreign receiving facility, as per 40 CFR 262.83(d)(2)(xv), that documents significant differences in quantity (as defined by 40 CFR 265.72(b)) compared with the quantity listed on the RCRA export manifest submitted to the e-Manifest system.
- The exporter submits an exception report to EPA, as per 40 CFR 262.83(h)(1)(iii), because the foreign receiving facility rejected part or all of a hazardous waste export shipment and the rejected waste was sent to an alternate management facility or returned to the generator.

These thresholds parallel the manifest discrepancy requirements in 40 CFR 265.72(a) through (b) for significant differences in waste quantity received and significant differences in waste type. For domestic shipments, receiving facilities must document and report discrepancies but are not required to reject the waste. For foreign shipments, the process begins similarly, discrepancies must be documented and reported to the country of import and the exporter under the country of import's regulations, and additionally to EPA if the waste is rejected in full or in part. Whether the shipment is rejected in full or in part depends on the importing country's consent and applicable international agreements (e.g., OECD multilateral waste agreement). If the discrepancy results in the shipment being inconsistent with the waste type authorized for import, then the foreign facility cannot accept the waste, and the rejected portion must be shipped to an alternate authorized facility in the country of import, the U.S., or a third country, or returned to the U.S. generator.

Additionally, exporters meet the record retention requirements under 40 CFR 265.71(a)(2)(vi) by submitting manifests to the e-Manifest system, where the documents are automatically stored in their registered accounts. As a result, the proposed clarification on recordkeeping does not create new obligations but simply reaffirms the compliance practices already in place.

Second, EPA proposes removing the manifest provision in 40 CFR 262.83(c)(3) and reserving it for future use and adding paragraph (c)(5). To track the transportation of an export shipment to a U.S. seaport for loading onto an international carrier or to a U.S. road or rail port of exit, this current provision requires an exporter to obtain and use a paper manifest from a source that is registered and approved by EPA to print the manifest. However, this requirement is duplicative because it is already addressed in 40 CFR 262.21(g)(1) which is incorporated by reference in the introductory text of 40 CFR 262.83(c). Additionally, considering EPA's proposal to sunset paper manifests, EPA believes removal of this requirement would mitigate any confusion that waste handlers must continue to comply with these requirements when paper-

based manifest tracking ends on the paper sunset date.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

b. Hazardous waste import regulations.

EPA is proposing two changes to the hazardous waste import requirements regulations to align with the broader transition to electronic manifesting. First, EPA is proposing conforming revisions consistent with those discussed above for hazardous waste exporters. Specifically, EPA proposes to revise 40 CFR 262.84(c) to: (1) clarify that hazardous waste importers must register with and use EPA's e-Manifest system, and (2) incorporate by reference all manifest requirements under 40 CFR part 262, subpart B, to confirm that import shipments are subject to the same manifest standards as domestic hazardous waste shipments. Under current e-Manifest provisions, hazardous waste importers are already required to maintain active accounts in the EPA's e-Manifest system to access signed and dated manifests and to submit data corrections electronically. Importers also satisfy the record retention requirements under 40 CFR 262.40 when the designated receiving facility uploads the manifest to the system, and it is delivered to the importer's registered account. These proposed revisions to 40 CFR 262.84(c) codify existing operational expectations and do not impose new administrative burdens.

Consistent with the exporter's requirements mentioned above, hazardous waste importers are subject to the LQG and SQG requirements under 40 CFR part 262, subpart B. Current manifest provisions require importers to comply with 40 CFR 262.20 to track hazardous waste. Thus, EPA is revising 40 CFR 262.84(c)(1) to clarify that hazardous waste importers must comply with all manifest requirements of 40 CFR 262.20 through 262.25 except that the importer or the importer's agent must sign and date the certification and obtain the signature of the initial transporter. Additionally, EPA proposes to remove 40 CFR 262.84(c)(2) and reserve the paragraph. This provision currently requires importers to obtain a paper manifest from an EPA-registered printer. In light of EPA's broader efforts to phase out paper manifest tracking

and transition to exclusive use of electronic manifests, the importers would no longer be able to obtain paper manifests from registered printing sources. If finalized, this proposed change would go into effect upon the paper sunset date. Other proposed changes described in this preamble section would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

c. Technical corrections to the hazardous waste import and export requirements.

EPA is proposing four technical corrections to the import and export requirements. First, EPA is proposing revisions to 40 CFR 261.41(a)(2) and 262.82(e)(1) and (2) to reflect the updated organizational name and correct mail code for the International Waste Branch.

Second, EPA is proposing revisions to 40 CFR 262.83(a)(6) to reflect that the AES compliance date of December 31, 2017 (which was specified in an announcement in a Federal Register notice dated August 28, 2017 (82 FR 41015)) has passed and requirements concerning shipments made prior to that date can no longer apply and are thus obsolete.

Third, EPA is proposing revisions to the introductory text in 40 CFR 262.83(c)(4) to correct “final domestic transporter” to “last transporter” as the last transporter to carry the shipment to or across the U.S. port of exit could be a foreign transporter.

Lastly, EPA is proposing revisions to 40 CFR 262.84(b)(1) to reflect that all U.S. importer-submitted import notices are submitted electronically using the Waste Import Export Tracking System (WIETS) application in RCRAInfo at this time. Electronic import notices have made EPA's processing more efficient and allow importers and receiving facilities to store and download EPA Acknowledgement of Consent (AOC) letters and import consent documentation within WIETS rather than keeping paper copies for recordkeeping on site.

EPA requests comment on these proposed changes.

7. Additional changes to transporter regulations

EPA is proposing to amend paragraph 40 CFR 263.20(a)(1) to reflect the proposed changes to the definition of manifest. This proposed amendment conforms with the proposed

change to the definition of manifest and aligns this regulatory provision with the way the EPA's e-Manifest system is implemented in practice. Following the paper sunset date, all references to EPA Forms 8700-22 and 8700-22A in this section will apply exclusively to electronic manifests.

Consistent with the proposed changes to the hazardous waste generator regulations discussed in preamble section II.E., EPA proposes to amend § 263.20(a)(6). This paragraph outlines the replacement manifest procedures that hazardous waste transporters must follow if the e-Manifest system becomes unavailable.

If finalized, the proposed changes described in this preamble section would go into effect upon the effective date of the final rule. EPA requests comments on these proposed changes.

8. Additional changes to TSDF regulations

EPA is proposing additional changes to the manifest provisions in 40 CFR 264.70(b), 265.70(b) and 264.71(a)(1), 265.71(a)(1), 267.71(a)(1) and (2), 264.71(j)(1), 265.71(j)(1), and 264.1311, 265.1311 and adding a new provision, 40 CFR 264.71(a)(2)(iv), and 265.71(a)(2)(iv).
a. Proposed changes to 40 CFR 264.70(b), 265.70(b), 264.71(a)(1), 265.71(a)(1), 267.71 (a)(1) and (a)(2), and 761.213

EPA is proposing to remove and reserve paragraphs (b) from 40 CFR 264.70 and 265.70. These provisions were added in 2005 to explain that the revised manifest form and related procedures would not take effect until September 5, 2006. That date has long passed, and the manifest system has been updated several times since then, including through the development of the national e-Manifest system. The effective date language no longer serves any purpose and can be removed to improve clarity.

EPA is proposing conforming revisions to 40 CFR 264.71(a)(1), 265.71(a)(1), 267.71(a)(1) to clarify that receiving facilities must register with and use the EPA's e-Manifest system for manifest submissions, data corrections, and record retention. These revisions are intended to codify existing requirements that facilities must perform to comply with existing e-Manifest regulations and reinforce the electronic manifest workflow established under prior e-Manifest

rulemakings. Under current regulations, receiving facilities are already required to submit completed manifests, whether initiated electronically or on paper, to the EPA's e-Manifest system, and to make any necessary data corrections electronically (see additional revisions for facilities operating under standardized permits under this preamble section II.E.10). Both obligations require facilities to maintain active accounts within the e-Manifest system, effectively mandating registration. Additionally, receiving facilities satisfy the record retention requirements under 40 CFR 264.71 (a)(2)(vi), 265.71(a)(2)(vi) and 267.71(a)(5) when they submit manifests to the system and those manifests are delivered to their registered accounts. Therefore, the recordkeeping clarification proposed in this rule does not impose any new administrative burden but rather confirms existing compliance expectations.

EPA is proposing to amend the manifest requirements under 40 CFR 264.71(a)(2)(iv) and 265.71(a)(2)(iv), which are currently reserved, by adding a new provision to improve transparency and data accessibility in the e-Manifest system when brokers are involved in hazardous waste shipments. As discussed in this preamble section II.E.2, EPA proposes to require that the generator enters, or ensures that some other entity associated with the shipment enters on the generator's behalf, a standardized statement in Item 14 when a broker prepares the manifest or arranges the shipment on behalf of the generator.

Under the proposed amendments, 40 CFR 264.71(a)(2)(iv) and 265.71(a)(2)(iv) would also require the designated receiving facility to ensure that the broker's information is entered into the e-Manifest system at the time the manifest is submitted. Specifically, EPA proposes to require receiving facilities to report broker information when submitting manifest data to ensure this key role is consistently documented. Between the effective date of the final rule and the paper sunset date, when use of paper manifests would still be allowed, receiving facilities are in the best position to report broker information from Item 14 given they are the entities responsible for submitting paper manifests to the e-Manifest system. Furthermore, EPA anticipates that many generators will use hybrid manifests after the paper sunset, meaning they will sign printed copies

of electronic manifests by hand and may not originate or sign manifests electronically in the system. Additionally, paper replacement manifests may still be used during system outages. However, when a fully electronic manifest is used and the broker's information is entered during manifest preparation, the receiving facility would not need to retrieve or re-enter that information, and the requirement would be considered satisfied. To ensure broker data is consistently captured across all manifest formats, EPA is proposing that receiving facilities report this information when submitting manifest data.

Similarly, EPA is also proposing provisions under the requirements for owners and operators of hazardous waste facilities operating under a standardized permit and for commercial storers and disposers of PCB wastes. Specifically, EPA proposes to revise the existing requirement at 40 CFR 267.71(a)(4) and add a new requirement, 40 CFR 761.213(a)(2)(vi), for hazardous waste and PCB waste shipments to require that these entities ensure that the broker's information is entered into the e-Manifest system at the time the manifest is submitted.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes and the proposed manifest instruction for Item 14.

b. Proposed changes to 40 CFR 264/265.71(j)(1)

Sections 264.71(j)(1) and 265.71(j)(1) alert receiving facilities to their fee obligations, which are outlined in 40 CFR 264.1311 and 265.1311. EPA proposes to remove the terms "electronic" and "paper" from 40 CFR 264.71(j)(1) and 265.71(j)(1) to align with EPA's proposed sunset of paper manifests in lieu of electronic manifests. As EPA plans to sunset paper manifests and revise the fee provisions to reflect that shift, references to specific submission types are no longer necessary and would be removed for consistency. Sections 264.1311 and 265.1311 currently: (a) establish per-manifest fees for electronic and paper submissions; (b) permit receiving facilities to upload image files of completed paper manifests; and (c) allow submission of data files and image files representing paper manifests. Under the proposed

revisions, EPA would add new paragraphs (a)(4), (b)(3), and (c)(4) to eliminate paper manifests as acceptable submission formats beginning on the paper sunset date, except in limited situations if the e-Manifest system is unavailable. In such cases, receiving facilities would be permitted to submit paper replacement manifests to the EPA's e-Manifest system and would remain subject to the applicable per-manifest fee.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

c. Additional proposed changes to 40 CFR 264.72 and 265.72

In addition to the proposed changes described in this preamble section II.E.5.b, EPA is proposing changes to the existing requirements at 40 CFR 264.72(g) and 265.72(g). Under existing 40 CFR 264.72(g) and 265.72(g), a permitted or interim status facility that rejects a hazardous waste shipment, either in full or in part, or identifies a residue, and forwards the waste to an alternate facility, or returns it to the generator of the waste, must:

- Amend the original manifest to reflect the new destination.
- Re-sign the manifest to certify the changes;
- Send copies of the amended manifest to the generator of the waste and the transporter who brought the waste to the facility; and
- Submit the amended manifest to the EPA's e-Manifest system within 30 days of forwarding the shipment.

These steps ensure that all parties are informed of the change in destination and that data collected in the EPA's e-Manifest system is an accurate record of the waste's movement and final disposition. In light of the proposed changes to sunset paper manifests and require mandatory e-Manifest registration for entities required to manifest, EPA proposes to amend 40 CFR 264.72(g) and 265.72(g) to require that such facilities follow the existing post-receipt manifest data correction procedures at 40 CFR 264.71(l) and 265.71(l) to correct their manifest information. Such corrections are completed electronically via the EPA's e-Manifest system and

are transmitted to all parties involved with the shipment once the receiving facility submits the manifest corrections electronically to the system.

If finalized, the proposed changes described in this preamble section would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

9. Additional changes under 40 CFR part 266, subpart P

EPA is proposing conforming changes to the exception reporting requirements for healthcare facilities and reverse distributors under 40 CFR 266.502(i)(2) and 266.510(c)(9)(ii), respectively. These provisions currently require healthcare facilities to submit an exception report to the appropriate EPA Regional Administrator if they do not receive a signed manifest from the designated facility within 60 calendar days of the hazardous waste pharmaceuticals being accepted by the initial transporter, and reverse distributors to do so within 45 calendar days. The proposed changes would align these requirements with those requirements finalized for LQGs and SQGs in the e-Manifest Third Final Rule, which mandates electronic submission of exception reports via the EPA's e-Manifest system rather than by postal mail. For LQGs, the regulations require two actions: (1) contacting the transporter or receiving facility if a signed manifest is not received within 45 calendar days, and (2) submitting an electronic exception report to the EPA e-Manifest system if the signed manifest is still not received within 60 calendar days. SQGs must submit an electronic exception report if they have not received a signed manifest within 60 calendar days of shipment. Under the proposed changes to 40 CFR 266.502(i)(2) and 266.510(c)(9)(ii), healthcare facilities would follow the SQG timeline and process, while reverse distributors would follow the LQG requirements.

EPA is also proposing conforming revisions to § 266.509, which governs the tracking requirements for shipments of potentially creditable hazardous waste pharmaceuticals from healthcare facilities and reverse distributors to a reverse distributor. Under the existing 40 CFR part 266 subpart P regulation, these shipments are not subject to the hazardous waste manifest requirements; instead, the regulation replaces the manifest form and procedures with the use of a

DOT shipping paper and a requirement for confirmation of receipt upon delivery. The receiving reverse distributor must provide confirmation of delivery to the healthcare facility or reverse distributor that initiated the shipment, and the shipper must follow up if that confirmation is not received. EPA is also proposing to amend 40 CFR 266.509(c) to extend this follow up period from 35 days to 45 calendar days to conform with analogous changes made to exception reporting as part of the 2024 Manifest Third Rule, and to provide additional flexibility while maintaining appropriate oversight of shipment tracking.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA is requesting comment on these proposed changes.

10. Additional proposed changes to 40 CFR part 267

EPA is proposing conforming changes to the manifest and discrepancy reporting requirement at 40 CFR 267.71 and 267.72, respectively. EPA is requesting comment on the proposed changes, described below.

a. Addition of post-receipt manifest data correction procedures.

EPA established post-receipt manifest data correction requirements in the e-Manifest One Year Rule and later updated them in the Third Final Rule. These provisions enable entities listed on a hazardous waste manifest to electronically submit corrections to post-receipt data, including the manifest tracking number, corrected item numbers, original and revised data, and a certified statement with a valid electronic signature. Corrections may be submitted voluntarily at any time; however, if requested by EPA or authorized state, they must be completed within 30 days.

EPA inadvertently omitted equivalent manifest correction requirements under 40 CFR 267.71 for owners and operators of hazardous waste facilities operating under a standardized permit. To address this oversight, EPA is proposing to amend 40 CFR 267.71 to clarify that these facilities are also obligated to correct manifest data errors upon EPA or authorized state request. Specifically, EPA proposes to add the post-receipt manifest data procedures at 40 CFR 267.71(a)(8).

b. Proposed revisions to discrepancy reporting requirements.

The discrepancy reporting provisions in 40 CFR 267.72 currently require owners and operators of hazardous waste facilities operating under a standardized permit to identify and resolve any significant discrepancies, as defined in 40 CFR 267.72(a) between the quantity or type of hazardous waste listed on the manifest than what was received within 15 days of receipt of the shipment from the delivering transporter. If the discrepancies cannot be reconciled, the facility must submit a written report to the appropriate EPA Regional Administrator, detailing the discrepancy, reconciliation efforts, and attaching a copy of the accompanying manifest.

The proposed changes would align with the requirements finalized for permitted and interim status facilities under 40 CFR 264.72 and 265.72 in the e-Manifest Third Final Rule which mandates electronic submission of exception reports through the EPA's e-Manifest system rather than by postal mail. While the discrepancy reporting requirements in 40 CFR 267.72 are similar, they differ in reporting period. Permitted and interim status facilities have 20 calendar days to resolve discrepancies before reporting, while facilities operating under a standardized permit currently have 15 calendar days. Additionally, 40 CFR 264.72 and 265.72 include provisions for the electronic submission of discrepancy reports, which are not yet reflected in 40 CFR 267.72. Under the proposed revisions, standardized permit facilities would conform to both the 20-day reporting timeline and the electronic submission process consistent with the requirements for permitted and interim status facilities.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

11. Additional changes to 40 CFR 761.66, 761.180, 761.202, 761.205, 761.208, 761.214, 761.217, 761.218, and 761.219

To align with the registration and recordkeeping requirements under consideration in this proposed rule, EPA is proposing conforming changes to the PCB regulations under 40 CFR part 761 at 40 CFR 761.66, 761.180, and subpart K. EPA requests comment on these proposed

changes, as described below.

a. Annual records.

EPA is proposing changes to the annual recordkeeping requirements at 40 CFR 761.180(a) and (b). Currently, owners and operators of facilities using or storing certain PCBs and PCB Items and facilities used for commercial storage and disposal of PCBs and PCB Items must maintain annual records (including signed manifests, certificates of disposal, and inspection and cleanup records) at their facilities for at least three years (or for landfills, 20 years) after the facility ceases relevant PCB operations. The annual records also must be made available for inspection at the facility. To align this provision with the proposed changes to the manifest recordkeeping requirements discussed in section II.D.2.d of this, EPA is making conforming changes to paragraphs (a) and (b) to clarify that the signed manifests portion of the annual records may be maintained electronically in EPA's e-Manifest system.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

b. EPA IDs.

Under existing regulations, PCB waste generators must prepare a manifest before transporting waste off site for commercial storage or disposal (40 CFR 761.207(a)). Currently, only PCB waste generators who own or operate PCB storage facilities subject to 40 CFR 761.65(b) or (c)(7) are required to notify EPA of their PCB waste activities and obtain an EPA identification number under 40 CFR 761.205(c)(2). This has created a subset of manifesting generators who are exempt from requirements to notify and obtain an identification number from EPA and therefore unable to register with the e-Manifest system, which requires a valid EPA identification number. As described above in section II.D.2.b of this preamble, EPA is proposing to require PCB waste generators who are currently exempt (i.e., those who do not own or operate PCB storage facilities subject to the storage requirements of 40 CFR 761.65(b) or (c)(7)) to notify EPA and obtain a TSCA-issued EPA ID to register with the e-Manifest system.

EPA is proposing to amend 40 CFR 761.202(a) to provide that generators of PCB waste who are currently exempted from notifying EPA because their PCB waste activities are not described under 40 CFR 761.205(c)(2) must obtain an EPA identification number using the notification procedures and form described in 40 CFR 761.205(a)(2) no later than the paper sunset date. EPA is proposing to revise 40 CFR 761.205(a)(2) to require that these currently exempt generators must submit EPA Form 7710-53 by the paper sunset date in order to comply with the proposed e-Manifest registration requirement, and to make additional conforming changes to that paragraph as described below in this section. EPA is also proposing to revise 40 CFR 761.202(b)(1)(i) to provide that currently exempted generators of PCB waste may use the generic EPA identification number “40 CFR PART 761” only until the paper sunset date, or until they have obtained a unique EPA identification number, whichever occurs first. EPA is proposing to remove the generic identification number because it is incompatible with the e-Manifest system. In particular, 40 CFR 761.202(a) would be amended to state that generators of PCB waste who are exempted from notifying EPA under 40 CFR 761.205(c)(1) must notify EPA using the notification procedures and form described in 40 CFR 761.205 no later than the paper sunset date to obtain an EPA identification number. EPA proposes conforming changes to 40 CFR 761.205(c)(1), which exempts certain generators of PCB waste from notification requirements, to provide that generators currently exempt under this paragraph must notify EPA no later than the paper sunset date. Prior to the paper sunset date, generators exempted from notifying EPA under 40 CFR 761.205(c)(1) would be able to continue to use the generic identification number “40 CFR PART 761” on the manifests, records, and reports which they prepare under this subpart, unless such generators have a unique EPA identification number previously assigned to them under RCRA by EPA or a State, or an EPA identification number already assigned to them under TSCA by EPA. No later than the paper sunset date, these generators would have to comply with the applicable notification provisions in § 761.202(a).

EPA is also proposing to remove and reserve 40 CFR 761.205(b), which required PCB

waste handlers who had already notified EPA or states of their hazardous waste activities under RCRA to submit EPA Form 7710-53 by April 4, 1990, to notify EPA of their PCB waste activities and authorize use of their existing EPA identification number for PCB oversight. This one-time requirement is obsolete because EPA believes that affected entities have already complied with the 1990 deadline.

EPA also proposes to revise 40 CFR 761.66(f), Emergency Situations, to eliminate the provision allowing use of the generic ID “40 CFR PART 761” in lieu of an EPA ID on manifests for PCB waste in emergency situations while facilities wait for their identification number to be assigned. EPA believes ID issuance is no longer a time-consuming exercise due to automation of the process, such that facilities’ use of the generic ID is not expected to be necessary.

In addition, EPA is proposing amendments to 40 CFR 761.180(a), (b), and (b)(3), 761.202(b), (c), and (d), 761.205(a)(1), (a)(2), (a)(3), (c)(2)(i) and (c)(2)(ii) to eliminate outdated language and applicability and compliance dates related to PCB waste management activities. The dates established in 40 CFR 761.202 and 761.205, including: June 4, 1990 (40 CFR 761.202(b)); February 5, 1990 (40 CFR 761.202(c) and (d); 761.205(a)(1) and (2); 761.205(c)(2)(ii)); and April 4, 1990 (40 CFR 761.205(a)(1), (b), and (c)(2)(i)), were intended to differentiate between legacy operations and new entrants to the regulated community. Similarly, the recordkeeping and reporting requirements in 40 CFR 761.180(a), (b), and (b)(3), including the February 5, 1990, start date and the July 15, 1991, first reporting deadline, were designed to establish a baseline for annual documentation and reporting. These dates served as regulatory thresholds, determining whether facilities were subject to immediate notification and identification requirements or qualified for transitional provisions. This approach allowed EPA to bring existing PCB waste handlers into compliance while ensuring that any new PCB waste activities initiated after those dates were fully integrated into the regulatory framework from the outset.

After more than three decades, EPA believes the transitional need for these provisions

has passed. Continued reliance on the generic code is unnecessary and incompatible with the e-Manifest system for tracking purposes, including in emergency situations under 40 CFR 761.66(f), where EPA proposes to eliminate the allowance for generic IDs. The regulated community has had ample time to comply, and the vast majority of PCB waste handlers now possess valid EPA IDs issued under TSCA or RCRA programs. Likewise, the historical references to initial reporting periods in 40 CFR 761.180(a), (b), and (b)(3) no longer serve a regulatory function and are outdated. To preserve the reporting cycle and enforcement clarity without anchoring the requirements to obsolete dates, EPA is proposing to revise the language in paragraphs (a) and (b) to reflect ongoing obligations tied to calendar year cycles rather than historical start dates. In paragraph (b)(3), EPA is proposing to remove references to the July 15, 1991, submission date and the February 5 to December 31, 1990, reporting period, while retaining the requirement for annual reports to be submitted by July 15 of each year for the preceding calendar year.

If finalized, these proposed changes generally would go into effect upon the effective date of the final rule. However, under this proposed rulemaking, generators of PCB waste who are currently exempt from the notification and EPA ID assignment requirements per 40 CFR 761.205(c)(1) may continue to use the generic identification number until the paper sunset date or until they have obtained a unique EPA identification number, whichever occurs first. No later than that date, they must obtain a unique EPA identification number to register with the e-Manifest system. EPA requests comment on these proposed changes.

c. Changes to reporting requirements.

In addition to the proposed changes to 40 CFR 761.180(b)(3) discussed in the above section, EPA is further amending paragraph (b)(3) to remove language that suggests submissions of PCB annual reports should be sent to a physical address, and paragraph (b)(3)(vii) to correct that annual report submissions shall be made to the Director of the Office of Resource Conservation and Recovery instead of the Regional Administrator. The Agency is also revising the definition

of Director, Office Resource Conservation and Recovery at 40 CFR 761.3 to add flexibility for other types of submissions besides postal mail to one address. For example, form instructions may require submission to a different postal address, a web address, or to an electronic reporting system, as applicable. Conforming changes were made to 40 CFR 761.205(a)(3) to harmonize the submission language for the PCB annual reports and the notification of PCB activity forms. EPA believes these changes improve consistency and provide flexibility for alternative submissions of PCB forms.

12. Electronic Manifests

In addition to the proposed revisions to 40 CFR 761.207(g) described in this preamble sections II.B and II.D.1, including the sunset of paper manifests, removal of terms such as “handwritten” and “by hand,” and deletion of references stating that electronic manifests are the “legal equivalent” of paper forms, EPA is proposing three amendments to 40 CFR 761.207(g)(2)(iii), (iv), and (v). These provisions, originally established in EPA’s 2014 One Year Rule, apply to all PCB waste handlers required to use a manifest for transporting PCB waste. Currently, PCB waste transporters, commercial storers, and disposers registered with and maintaining access to e-Manifest through a handler account: (1) must meet record retention requirements by accessing manifest records through the e-Manifest system; and (2) are not held liable for failing to produce manifests during inspection if the failure is solely due to a technical issue with the e-Manifest system beyond their control. However, 40 CFR 761.207(g)(2)(iii) and (iv) currently reference only PCB waste generators. EPA is therefore proposing conforming changes to these provisions to clarify that transporters, storers, and disposers may also use electronic manifests to track PCB waste shipments.

To support the proposed delayed compliance date for the mandatory registration requirement discussed in the preamble, EPA is proposing amendments to 40 CFR 761.207(g)(2)(v). These amendments would clarify that both PCB waste generators and transporters who are not registered with the EPA’s e-Manifest system must arrange with

interested persons listed on the manifest (e.g., commercial storers or disposers) to electronically submit manifest data corrections on their behalf within 30 days of the correction request. Currently, this requirement applies only to unregistered generators.

To align the registration requirement with the paper sunset date, the proposed changes would explicitly extend this obligation to unregistered transporters. This clarification aims to eliminate ambiguity about whether PCB waste generators and transporters must register with the EPA's e-Manifest system by the paper sunset date in order to fulfill their obligation to submit corrections to post-receipt data within 30 days of a request by an authorized state or EPA.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

13. Registered printers and e-Manifest registration

EPA is proposing to amend 40 CFR 761.208 by revising existing paragraph (a)(1), adding new paragraph (a)(3), and revising existing paragraph (b).

a. Registered printers

Similar to the hazardous waste generator requirements for obtaining manifests under 40 CFR 262.21(g)(1), PCB waste generators currently may obtain and use paper manifests from any source, so long as the source of the printed form is registered with EPA to print the paper manifest forms. As explained in this preamble section II.E.3, beginning on the paper sunset date, hazardous waste generators would no longer be allowed to obtain paper manifest forms from registered sources or use them for manifest tracking. In addition, registered printers would no longer produce these forms for use. EPA is proposing corresponding changes to 40 CFR 761.208(a)(1) and (a)(2) for PCB waste generators.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

b. PCB waste handler registration

As explained in this preamble section II.D.2.a, EPA is proposing changes to 40 CFR

761.208(b) to require all PCB waste handlers subject to manifesting during transportation to register with the EPA's e-Manifest system in order to meet existing obligations for electronic reporting, data corrections, and recordkeeping. PCB waste generators and transporters would be newly subject to this registration requirement but would have additional time to comply before paper manifests are phased out. Commercial storers and disposers of PCB waste are not expected to be impacted, as they have been actively using the system since its launch in 2018.

Under current regulations, commercial storage and disposal facilities of PCB waste are already required to submit completed manifests, whether initiated electronically or on paper, to the EPA's e-Manifest system, and to make any necessary data corrections electronically. Both obligations require facilities to maintain active accounts within the e-Manifest system, effectively mandating registration. Additionally, receiving facilities satisfy the record retention requirements under § 761.180 when they submit manifests to the system and those manifests are delivered to their registered accounts. Thus, the proposal to require that these entities register with the EPA's e-Manifest system simply formalizes what they are already doing and supports the shift to fully electronic tracking.

EPA is requesting comment on these proposed changes.

14. TSCA exception, discrepancy, and unmanifested waste reporting

EPA is proposing both new and conforming changes to the exception, discrepancy, and unmanifested waste reporting requirements under 40 CFR part 761 for PCB wastes. These changes are intended to support the transition to electronic reporting under the July 2024 e-Manifest Third Rule, clarify EPA's original intent, and ensure consistency across hazardous waste and TSCA PCB waste programs. The proposed amendments include a new requirement for PCB waste generator registration and electronic Exception Report submission, as well as conforming updates to discrepancy and unmanifested waste reporting provisions for receiving facilities.

a. Exception Reporting

As discussed in this preamble section II.D.2.a, EPA is proposing to require that PCB waste generators register with the EPA e-Manifest system. If finalized, the registration requirement would mandate that all generators and transporters of PCB waste register with the e-Manifest system by the paper sunset date. Prior to that date, PCB waste generators may continue to submit written Exception Reports to the appropriate EPA Regional Administrator. However, beginning on the paper sunset date, PCB waste generators would be required to submit electronic Exception Reports to the e-Manifest system and maintain those electronic reports in their registered accounts within the EPA national e-Manifest system. Accordingly, EPA is proposing to revise paragraph 40 CFR 761.217(c) to require that PCB waste generators submit electronic Exception Reports to the e-Manifest system beginning on the paper sunset date, or once they have obtained a unique EPA identification number, whichever occurs first, in lieu of submitting them to the appropriate EPA Regional Administrator. Prior to the paper sunset date, PCB waste generators that have not obtained an EPA identification number may continue to submit written Exception Reports to the appropriate EPA Regional Administrator and must maintain each written Exception Report onsite for three years, consistent with 40 CFR 761.214(d). Once a PCB waste generator has obtained an EPA identification number, the generator must submit each Exception Report electronically through the EPA e-Manifest system and maintain those reports in the generator's registered e-Manifest account, even before the paper sunset date. For electronic Exception Reports, all availability and recordkeeping obligations set forth in 40 CFR 761.214 are inherently satisfied by housing the electronic reports in the e-Manifest system. Beginning on the paper sunset date, all PCB waste generators must submit electronic Exception Reports to the e-Manifest system and maintain those reports in their registered e-Manifest accounts.

EPA is requesting comment on these proposed changes.

b. Discrepancy Reporting

EPA is proposing conforming changes to the discrepancy reporting requirements for

TSCA PCB wastes to align with the electronic reporting framework established in the e-Manifest Third Rule. Specifically, EPA is proposing to delete and reserve 40 CFR 761.215(c)(1). As explained in preamble section II.E.5.b, paper-based discrepancy reporting is no longer allowed as of December 1, 2025. Facilities must comply with 40 CFR 761.215(c)(2), which mandates the use of electronic discrepancy reporting through the EPA's e-Manifest system. Additionally, EPA proposes to amend 40 CFR 761.215(e)(6) to extend the removal of the final copy transmittal requirement to designated alternate facilities managing full and partial load rejections. EPA intended to include this change in the e-Manifest Third Rule, which established that receiving facilities are only required to submit completed manifest copies to the e-Manifest system. EPA is proposing additional amendments in 40 CFR 761.215 to clarify that electronic recordkeeping also applies to electronic discrepancy reporting.

To further support electronic reporting, EPA is proposing to:

- Add new paragraph 40 CFR 761.215(c)(3) to specify that commercial storers and disposers satisfy record retention obligations by accessing official Discrepancy Report records through the system and are not liable for failing to produce these reports during inspections if the failure is solely due to a technical issue with the e-Manifest system beyond their control.
- Add new paragraph 40 CFR 761.215(c)(4) to provide that commercial storers and disposers of PCB wastes would not be held liable for failing to produce electronic Discrepancy Reports during inspections if the failure is solely due to a technical issue with the e-Manifest system beyond their control.
- Amend 40 CFR 761.215(f)(8) to extend the electronic exception reporting requirements (40 CFR 761.217(c)) to commercial storers and disposers of PCB wastes that must prepare Exception Reports for full or partial load shipments that must be forwarded to an alternate facility or returned to the generator. EPA proposes to amend this provision by clarifying that these facilities must comply with the electronic Exception Reports under

40 CFR 761.217(a)(1) and (c) in lieu of the written report provision under 40 CFR 761.217(a)(2).

These changes would align the requirements with the Third Rule's intent and current electronic reporting practices. If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA is requesting comment on these proposed changes.

To align with the proposal to delay compliance with the mandatory registration requirements for generators and transporters of PCB waste discussed in this preamble section II.D.2.a, EPA is proposing to modify the current requirement at 40 CFR 761.215(g). Under the current requirement, facilities that reject a waste shipment after signing, dating, and returning a copy of the manifest to the delivering transporter or generator must initiate a new manifest to document the rejection. The facility must complete the new manifest and send copies to the appropriate parties, while also maintaining records of both the original and new manifests in accordance with paper-based transmittal and recordkeeping procedures.

To support the transition to electronic manifesting, EPA is proposing to sunset the paper-based data correction, transmittal and recordkeeping requirements specified in this section. Effective on the paper sunset date, facilities would no longer be required to comply with the paper manifest procedures outlined in this paragraph. Instead, facilities would adhere to the electronic manifest data correction procedures. Specifically, if a facility rejects a waste after having signed, dated, and returned a copy of the manifest to the delivering transporter or generator, it will follow the post-receipt manifest data correction procedures described in 40 CFR 264.71(i). This would include noting the rejection in the discrepancy space of the manifest and recording the manifest tracking number from Item 4 of the new manifest in the discrepancy space of the amended manifest.

EPA is requesting comment on these proposed changes.

c. Unmanifested Waste Reporting

EPA is proposing conforming changes to the unmanifested waste reporting requirements

for TSCA PCB wastes to reflect the transition to electronic reporting. Specifically, EPA proposes to remove and reserve 40 CFR 761.216(a), which references written unmanifested waste reporting. This provision is now obsolete due to the establishment of electronic reporting protocols under the e-Manifest Third Rule.

To further support electronic reporting and ensure consistency with other waste programs, EPA is also proposing to add new paragraph 40 CFR 761.216(c) to specify that commercial storers and disposers satisfy record retention obligations by accessing official Unmanifested Waste Report records through the system and are not liable for failing to produce these reports during inspections if the failure is solely due to a technical issue with the e-Manifest system beyond their control. (EPA inadvertently omitted electronic recordkeeping requirements for electronic unmanifested waste reporting for commercial disposers and storers and is proposing to amend 40 CFR 761.216 accordingly.) These amendments reflect EPA's commitment to modernizing TSCA PCB waste regulations, harmonizing reporting requirements across RCRA and TSCA programs, and supporting the continued implementation of the e-Manifest system.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA is requesting comment on these proposed changes.

15. Retention of manifest records

In addition to the proposed changes to § 761.214 described in this preamble sections II.D.2.d and II.E.3, EPA proposes to add new paragraphs 40 CFR 762.214(f) and (g) to clarify generator and transporter liability protections when the e-Manifest system is unavailable for producing manifests and exception reports during an inspection. These proposed changes would not go into effect until the paper sunset date.

This proposal aligns with the existing manifest and electronic exception reporting regulations at 40 CFR 761.207(g)(2)(iv) and 761.217(c)(4) (redesignated as 761.217(c)(3)(iv) under this proposed rule), which state that a generator may not be held liable for failing to

produce an electronic manifest or exception report during inspection if the generator can demonstrate that the failure was due exclusively to a technical difficulty with the e-Manifest system, and that the generator was not responsible for the issue.

These proposed changes would not go into effect until the paper sunset date because PCB waste generators and transporters would not be required to comply with requirements to register with the e-Manifest system until that date. As such, before the paper sunset date, unregistered generators and transporters would be required to retain any paper copies they obtain in executing waste shipments that involve paper manifests for at least three years in accordance with the existing recordkeeping requirements in 40 CFR 761.214(a) through (e) as these paper copies, including written Exception Reports (40 CFR 761.214(d)), will be viewed as their legal copies of record.

EPA requests comment on these proposed changes.

16. Certificates of disposal and one-year exception reporting

Under existing 40 CFR 761.218 and 761.219, electronic certificates of disposal and one-year exception reports generated through EPA-approved electronic systems are considered legally equivalent to their paper counterparts bearing handwritten signatures. These electronic documents fulfill all regulatory requirements for completion, signature, provision, and retention. EPA is proposing revisions to paragraphs (e) and (e)(1) of 40 CFR 761.218 and 761.219 to remove references to their legal equivalency to written documents or reports. This change aligns with broader updates to electronic manifests and electronic manifest-related reporting provisions detailed in this rule and aims to ensure consistency across all PCB waste reporting obligations within the regulatory framework.

If finalized, these proposed changes would go into effect upon the effective date of the final rule. EPA requests comment on these proposed changes.

F. Proposed new signature option

EPA is considering establishing a new signature option to supplement the electronic

manifest workflow and provide flexibility to users. The goal of this option is to make the electronic manifest signature interaction as close to the paper handwritten signature process as possible. Under this option, a user would not need to be registered in order to sign or change the manifest. The printed manifest shipping paper would contain information, including instructions, a number to text to and a Quick Response (QR) code to scan with a mobile device to access the manifest via a link. Per these instructions, a user would interact with the system by texting this number or scanning the QR code, then receiving a SMS or via a link to sign and make changes to the manifest within the e-Manifest system.

Under this proposed option, the process to create the manifest remains the same, whereby any registered user can create the initial manifest in the e-Manifest system that contains the generator, initial transporter, designated facility and draft waste information. This manifest can be initiated directly in the e-Manifest system or from an industry system and submitted to the e-Manifest system via API.

When the waste is ready to be shipped and the initial transporter arrives at the generator site for pickup, the generator may review and finalize the waste information on the printed manifest, such as descriptions, containers, quantities and waste codes, and then would sign the manifest using an existing signature option or this proposed option which is further described below.

Below is the basic workflow for signing the manifest if there are no changes to the manifest:

- Registered user creates the initial manifest in the e-Manifest system that contains the generator, initial transporter, designated facility and draft waste information and prints a copy and brings to the site.
- User texts their EPA ID and Manifest Tracking Number (MTN) to the e-Manifest system or scans a QR code (in accordance with instructions on printed manifest).
- System confirms manifest is eligible to be signed by validating the user's combination of

MTN and EPA ID.

- System confirms that EPA ID number matches manifest and responds with certification statements.
 - If the current signer is the generator, system sends generator a Generator/Offeror certification.
 - If the current signer is the transporter, system sends transporter(s) an Acknowledgement of Receipt.
- System produces copy of a manifest (i.e., PDF or image) with prompts to user to enter name for signature.
- User enters and texts/communicates the name to the system.
- System accepts the provided name as the signer of the manifest and sets the current date as the date signed.

If there are changes to the manifest, the user scans the QR code that appears on the printed manifest or accesses the link and provides the MTN and EPA ID Number to obtain access. The user can make the necessary changes and proceed with the signing process using the SMS steps described above or complete the signature using the link where they would see the appropriate certification statement and provide their name to complete the signature.

The existing electronic signature workflow would remain in place where each party signs the manifest when the waste changes custody. Each party could elect to use an existing signature option, or the new proposed signature option described above.

The SMS signature option would afford the same signature timing flexibility as the remote signer policy. Currently a handler utilizing the remote signer policy must execute an electronic signature to the hazardous waste manifest within the earlier of either 24 hours from the time that a handler's field personnel received the waste from the preceding waste handler (i.e., generator or transporter) or before transferring the waste to another handler (i.e., another transporter or receiving facility). This flexibility would apply should there be a lack of network

or internet connectivity in the field to execute the electronic signature after obtaining custody of the waste. If there is a lack of connectivity at a generator site, the hybrid manifest could be utilized, allowing the generator and initial transporter to sign a printed copy of the electronic manifest and given to the generator to meet their recordkeeping requirements. The transporter would then be able to submit the generator signature information to the system and electronically sign the manifest after obtaining connectivity following departure from the generator site.

G. Summary of proposed changes to manifest regulations

The table below provides a summary of EPA’s proposed changes for specific waste handlers. This table does not include the technical corrections to the hazardous waste import and export requirements described in this preamble section II.E.6.c.

Table 1 – Summary of EPA’s Proposed Changes

Proposed Requirement	CFR Citation(s)	Proposed Amendment(s)
Definitions	§ 260.10	Revise definitions for electronic manifest, manifest, and user of e-Manifest system
Large and Small Quantity Generators		
Sunset paper-based manifest tracking	§§ 262.20, 262.21, and 262.24	Revise § 262.20(a)(1) and (3), add 262.21(a)(3), and revise 262.24(a)
Retain manifest records in e-Manifest system unless the initial copy of hybrid manifest	§§ 262.23, 262.24, 262.40	Revise § 262.23(a) and (f)(4), add § 262.24(c)(2), revise § 262.40(a), (b), and (d)
Other Proposed Changes to Part 262		
Removal of references to “handwritten” signatures or sign “by hand”	§§ 262.23, and 262.24	Revise §§ 262.23(a), 262.24(a) and (a)(1)
Report broker information in Item 14 of manifest	§ 262.23	Add § 262.23(a)(3)
Replacement manifests	§ 262.24	Revise § 262.24(e)
General and exception reporting requirements	§ 262.42	Reserve § 262.42(a)(2), revise 262.42(a)(3)(i) and (b)
VSQG operating under 40 CFR part 262, subpart L		
Sunset paper-based manifest tracking	§ 262.232	Add § 262.232(a)(8)
Register with e-Manifest	§ 262.232	Revise § 262.232(a)(3)
Submit data corrections within 30 days of request	§ 262.232	Revise § 262.232(a)(3)
Hazardous Waste Exporters		
Sunset paper-based manifest tracking	§ 262.83	Reserve § 262.83 (c)(3) and add (c)(5)

Register with e-Manifest and submit manifest data corrections	§ 262.83	Revise § 262.83(c) and (c)(4)(v)
Hazardous Waste Importers		
Sunset paper-based manifest tracking	§ 262.84	Revise § 262.84(c) and (1), reserve 262.84(c)(2), and add 262.84(c)(5)
Register with e-Manifest	§ 262.84	Revise § 262.84(c)
RCRA Transporter		
Sunset paper-based manifest tracking	§ 263.20	Revise § 263.20(a)(4)
Register with e-Manifest	§ 263.20	Revise § 263.20(a)(3)
Retain manifest records in e-Manifest system	§ 263.22	Revise § 263.22(a), (c)(1) and (2), and (d) and add paragraphs (f) and (g)
Other Proposed Changes to Part 263		
Manifest requirement	§ 263.20	Revise 263.20(a)(1)
Removal of references to “handwritten” signatures or sign “by hand”	§ 263.20	Revise § 263.20(a)(4) and (a)(4)(i), 263.20(a)(6)(iii), 263.20(d)(1), 263.20(e)(3), 263.20(f)(3)(i), and 263.20(f)(4)(i)
Replacement manifests	§ 263.20	Revise § 263.20(a)(6)(i)
Owners and operators of Permitted facilities (Part 264)		
Sunset paper-based manifest tracking	§ 264.71	Add §§ 264.71(a)(2)(v)(C), 264.1311(a)(4) and (5), (b)(3), and (c)(4)
Register with e-Manifest	§ 264.71	Revise § 264.71(a)(1)
Retain manifest records in e-Manifest system	§ 264.71	Revise § 264.71(a)(2)(vi) and (b)(5)
Other Proposed Changes to Part 264		
Removal of outdated effective date of manifest form and references to “handwritten” signatures or sign “by hand”	§§ 264.70 and 264.71	Reserve § 264.70(b) and revise § 264.71(a)(2)(i), 264.71(f) and (1), and (h)(1)
Replacement manifests	§ 264.71	§ 264.71(h)(3) and (4)
Removal the words “electronic” and “paper”	§ 264.71	Revise § 264.71(j)(1)
Submit broker information to e-Manifest system	§ 264.71	Add § 264.71(a)(2)(iv)
Revise electronic discrepancy reporting requirements	§ 264.72	Reserve § 264.72(c)(1), add 264.72(c)(3) and (4), and revise paragraphs (e)(6), (f)(8), and (g)
Revise electronic unmanifested waste reporting requirements	§ 264.76	Reserve § 264.76(a) and add paragraph (c)
Revise definition of paper submission submissions	§ 264.1310	Revise § 264.1310
Owners and operators of facilities with interim status (Part 265)		
Sunset paper-based manifest tracking	§ 265.71	Add §§ 265.71(a)(2)(v)(C), 265.1311(a)(4) and (5), (b)(3), and (c)(4)

Register with e-Manifest	§ 265.71	Revise § 265.71(a)(1)
Retain manifest records in e-Manifest system	§ 265.71	Revise § 265.71(a)(2)(vi) and (b)(5)
Other Proposed Changes to Part 265		
Removal of outdated effective date of manifest form and references to “handwritten” signatures or sign “by hand”	§§ 265.70 and 265.71	Reserve § 265.70(b) and revise § 265.71(a)(2)(i), (f) and (1), and (h)(1)
Replacement manifests	§ 265.71	Revise § 265.71(h)(3) and (4)
Removal the words “electronic” and “paper”	§ 265.71	Revise § 265.71(j)(1)
Submit broker information to e-Manifest system	§ 265.71	Add § 265.71(a)(2)(iv)
Revise electronic discrepancy reporting requirements	§ 265.72	Reserve § 265.72(c)(1), add paragraphs (c)(3) and (4), and revise paragraphs (e)(6), (f)(8), and (g)
Revise electronic unmanifested waste reporting requirements	§ 265.76	Reserve § 265.76(a) and add paragraph (c)
Revise definition of paper submission submissions	§ 265.1310	Revise § 264.1310
Owners and operators of facilities with standardized permits (Part 267)		
Sunset paper-based manifest tracking	§ 267.71	Add § 267.71(a)(7)
Register with e-Manifest	§ 267.71	Revise § 267.71(a)(1)
Retain manifest records in e-Manifest system	§ 267.71	Revise § 267.71(a)(5) and paragraph (b)(5)
Submit broker information to e-Manifest system	§ 267.71	Revise § 267.71(a)(4)
Other Proposed Changes to Part 267		
Manifest submissions and user fees	§ 267.71	Revise § 267.71(a)(4)
Submit data corrections within 30 days of request	§ 267.71	Add § 267.71(a)(8)
Discrepancy Reporting	§ 267.72	Revise § 267.72(b) and add paragraph (c)
Healthcare Facility subject to 40 CFR part 266, subpart P		
Register with e-Manifest	§ 266.508	Revise § 266.508(a)
Submit Exception Reports and manifest data corrections to e-Manifest	§§ 266.502 and 266.508	Revise § 266.502(i)(2)(i)(A)(1) and (2), and § 266.508(a)
Retain manifest and Exception Report records in the EPA’s e-Manifest system	§ 266.502	Revise § 266.502(j)(1) and (2)
Contact carrier to confirm delivery	§ 266.509	Revise § 266.509(c)
Reverse Distributor subject to 40 CFR part 266, subpart P		
Register with e-Manifest	§ 266.508	Revise § 266.508(a)
Submit manifest data corrections and Exception Reports	§§ 266.508 and 266.510	Revise § 266.508(a) and § 266.510(c)(9)(ii)(A)(1) and (2)
Retain manifest and Exception Report records in the EPA’s e-Manifest system	§ 266.510	Revise § 266.510(c)(10)(ii) and (c)(10)(iv)
Contact carrier to confirm delivery	§ 266.509	Revise § 266.509(c)
PCB Generator		

Sunset paper-based manifest tracking	§ 761.207	Add § 761.207(g)(1)(iii)
Obtain TSCA EPA identification number	§ 761.202	Revise § 761.202(a)
Register with e-Manifest	§ 761.208	Add § 761.208(b)
Phase out generic ID “40 CFR PART 761”	§§ 761.202 and 761.205	Revise §§ 761.202(b)(1)(i), 761.205(c)(1)
Submit data corrections within 30 days of request	§ 761.207	Revise § 761.207(g)(2)(v)
Generator Requirements	§ 761.210	Revise § 761.210(a), and (a)(1)-(2), Redesignate paragraph (a)(3) to (a)(4), and add paragraph (a)(3).
Retain manifest and exception report records in e-Manifest system	§§ 761.210 and 761.214	Revise §§ 761.210(e)(4) and 761.214(a)(1) and (d), and 761.214(f)
PCB Transporter		
Sunset paper-based manifest tracking	§ 761.207	Add § 761.207(g)(1)(iii)
Register with e-Manifest	§ 761.208	Add § 761.208(b)
Submit data correction within 30 days or request	§ 761.207	Revise § 761.207(g)(2)(v)
Retain manifest records in e-Manifest system	§ 761.214	Revise § 761.214(a)(2), and paragraphs (c)(1) and (2), and add § 761.214(g)
PCB Commercial Storage and Disposal Facilities		
Sunset paper-based manifest tracking	§§ 761.207 and 761.213	Add §§ 761.207(g)(1)(iii) and 761.213(f)
Register with e-Manifest	§ 761.208	Revise § 761.208(b)
Retain manifest records in e-Manifest system	§ 761.213	Revise § 761.213(b)(5)
Other Proposed Changes to Part 761		
Definitions	§ 761.3	Revise definitions for "Director of ORCR", "electronic manifest", and "manifest"
Obtaining Manifests	§ 761.208	Revise §761.208(a)(1) and add paragraph (a)(3)
Removal of references to “handwritten” signatures or sign “by hand”	§§ 761.207, 761.217, 761.218, 761.219	Revise §§ 761.207(g)(2)(i), 761.217(a)(1), paragraphs (b)(1), (c), and (c)(1), 761.218(e) and paragraph (e)(1), and 761.219(e) and paragraph (e)(1)
Emergency Situations	§ 761.66	Revise § 761.66(f)
Annual Records and PCB Annual Reports	§ 761.180	Revise § 761.180(a) and paragraphs (b), (b)(3), and (b)(3)(vii)
Removal of outdated references	§§ 761.180, 761.202, 761.205	Revise §§ 761.180(a), (b), and (b)(3), 761.202(b), and 761.205(a)(1), (a)(2), (c)(2)(i) and (c)(2)(ii), and reserve

		§§ 761.202(c), and (d), and 761.205(b)
Submission instructions for the notification of PCB activity form	§ 761.205	Revise § 761.205(a)(3)
General manifest requirements	§ 761.207	Revise § 761.207(g)(2), (g)(2)(iii), and (g)(2)(iv)
Inability to produce an electronic manifest for inspection	§ 761.214	Add § 761.214(f) and (g)
Record and submit Broker information to e-Manifest system	§§ 761.210 and 761.213	Add §§ 761.210(a)(3) and 761.213(a)(2)(vi)
Discrepancy Reporting	§ 761.215	Reserve § 761.215(c)(1), add paragraphs (c)(3) and (4), and revise paragraphs (e)(6), (f)(8) and (g)
Unmanifested Waste Reports	§ 761.216	Reserve § 761.216(a) and add paragraphs (c), (c)(1)-(2)
Sunset written Exception Reports	§ 761.217	Revise § 761.217(a)(1), (b)(1), and (c)

III. HOW WOULD THESE PROPOSED REGULATORY CHANGES BE ADMINISTERED AND ENFORCED IN THE STATES?

A. Applicability of Federal Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize a state hazardous waste program to operate in lieu of the Federal program within the state. Following authorization, EPA maintains its enforcement authorities, although authorized states have primary enforcement responsibility for their authorized programs. The standards and requirements for state authorization are found in 40 CFR part 271.

Prior to the enactment of the Hazardous and Solid Waste Amendments of 1984 (HSWA), an authorized state hazardous waste program operated entirely in lieu of the Federal program in that state. The Federal requirements no longer applied in the authorized state, and EPA could not issue permits for any facilities in that state. When new, more stringent or broader Federal requirements were promulgated, the state was obligated to adopt equivalent authorities under state law within specified time frames. However, new requirements did not take effect in an

authorized state until the state adopted such equivalent authorities, and these requirements did not become part of the authorized program enforceable by EPA until EPA authorized them.

In contrast, with the enactment of RCRA section 3006(g), which was added by HSWA, new Federal requirements and prohibitions imposed pursuant to HSWA authority take effect in authorized states at the same time that they take effect in unauthorized states. EPA is directed by section 3006(g) to implement HSWA-based requirements and prohibitions in authorized states until EPA authorizes equivalent state authorities. While states must still adopt state-law equivalents to HSWA-based requirements and prohibitions to retain final authorization, until the states do so, and EPA authorizes the state-law equivalents, EPA implements and enforces these provisions in authorized states.

Authorized states are required to modify their programs when EPA promulgates Federal requirements that are more stringent or broader in scope than existing Federal requirements. RCRA section 3009 allows the states to impose standards more stringent than those in the Federal program (see also 40 CFR 271.1). If EPA promulgates a Federal requirement that is less stringent or narrower in scope than an existing requirement or of equivalent stringency, authorized states may, but are not required to, adopt a new equivalent requirement regardless of whether or not it is promulgated under HSWA authority.

The e-Manifest Act contains similar authority to HSWA with respect to Federal and state implementation responsibilities in RCRA authorized states. Section 2(g)(3) of the e-Manifest Act, entitled Administration, provides that EPA shall carry out regulations promulgated under the Act in each state unless the state program is fully authorized to carry out such regulations in lieu of EPA. Also, section 2(g)(2) of the Act provides that any regulation promulgated by EPA under the e-Manifest Act shall take effect in each state (under Federal authority) on the same effective date that EPA specifies in its promulgating regulation. Thus, the result is that regulations promulgated by EPA under the e-Manifest Act, like HSWA-based regulations, are implemented and enforced by EPA until the states are authorized to carry them out.

EPA changes to Federal manifest form requirements must be implemented consistently in the States and on the same effective date. See 70 FR 10776 at 10810 (March 4, 2005). This is true whether the manifest form change is based on RCRA or on e-Manifest Act authority and whether the changes are more or less stringent than the existing Federal program.

TSCA does not grant the EPA authority to authorize States to administer the PCB program. The EPA directly implements the Federal PCB regulations in all States and territories. Because TSCA is not administered by State programs, all changes to 40 CFR part 761 become effective in all States and territories on the effective date of the rule.

All States would comply with the proposed requirements for sunseting the use of paper manifests on and after the paper sunset date.

The remainder of this section discusses the State authorization implications for this's proposed manifest requirements.

B. Authorization of States for This Proposal

Except for two provisions that would be promulgated under HSWA authority, the rest of this proposal would be promulgated solely under e-Manifest statutory authority. The two provisions in this proposal that would be promulgated under HSWA authority (specifically, RCRA section 3006(g)) are proposed 40 CFR 262.83(c)(5) and 262.84(c)(5), which would consist of provisions to sunset paper manifest tracking for hazardous waste export and import shipments. Therefore, when promulgated, the Agency would add these sections of the rule to Table 1 in 40 CFR 271.1(j), which identifies the Federal program requirements that are promulgated pursuant to the statutory authority that was added by HSWA. States must apply for final authorization for the HSWA provisions in Table 1, as discussed in the following section of this preamble. The proposed regulatory provisions would contain language to sunset paper based manifest tracking. Manifest users could use paper manifests prior to the paper sunset date. Thereafter, manifest users would be required to track their waste shipments electronically via the EPA e-Manifest system. Therefore, proposed 40 CFR 262.83(c)(5) and 262.84(c)(5) would take

effect under Federal authority prior to State authorization but only when the electronic manifest form is used in these States in lieu of the paper forms.

All other aspects of the proposed amendments detailed in this rule are based on the authority of the e-Manifest Act. If finalized, the EPA would implement, and regulated entities would be required to comply with these provisions in all States consistently either on the effective date of the rule or on the proposed paper sunset date. States would be required to adopt the authorizable e-Manifest Act-based provisions of this final rule in order to enforce them under State law, and to maintain manifest program consistency. However, the EPA would continue to implement and enforce these provisions until such time as the State modifies its authorized program to adopt these provisions and receives authorization from the EPA for the program modification.

EPA is proposing conforming changes to the manifest provisions in 40 CFR 264.71(j)(1) and 265.71(j)(1) and in 40 CFR 264.1311 and 265.1311. Sections 264.71(j)(1) and 265.71(j)(1) alert facilities to their fee obligations, which are outlined in 40 CFR 264.1311 and 265.1311. EPA proposes to remove the terms “electronic” and “paper” from 40 CFR 264.71(j)(1) and 265.71(j)(1) to align with EPA’s regulatory shift towards fully electronic manifests and removing outdated paper-based references. These user fee provisions in subpart FF are based on the authority of the e-Manifest Act and will be implemented and enforced by the EPA on the effective date of the final rule and perpetually thereafter. The user fee provisions of subpart FF describe the methods and processes that the EPA alone will use in setting fees to recover its program costs, and in administering and enforcing the user fee requirements. Therefore, States cannot be authorized to implement or enforce any of the subpart FF provisions.

C. Conforming Changes to 40 CFR 271.10, 271.11, and 271.12

This proposed rule includes conforming changes to 40 CFR 271.10, 271.11, and 271.12, addressing the requirements for hazardous waste generators, transporters, and receiving facilities, respectively, that must be included in authorized state programs to maintain consistency with the

Federal program. These changes are designed to support EPA's transition to exclusive electronic manifesting and to ensure that authorized state programs remain consistent with the Federal requirements and procedures governing use of the national e-Manifest system.

There are three key general changes proposed across these sections, tailored to each handler category:

- **Mandatory Registration and Use of the e-Manifest System:** EPA proposes to require generators (including very small quantity generators operating under 40 CFR part 262, subpart L and healthcare facilities and reverse distributors subject to 40 CFR part 266, subpart P), transporters, and receiving facilities to register with and use the EPA e-Manifest system. This includes accessing signed and dated copies of completed manifests, submitting data corrections electronically, submitting Exception, Discrepancy, and Unmanifested Waste Reports, and retaining manifest records and manifest-related reports, if applicable. EPA is also proposing to require brokers involved with a manifested shipment to be added to the manifest. Generally, these activities are already required under existing Federal regulations and e-Manifest system procedures, and the proposed revisions codify these expectations to ensure consistent implementation across authorized state programs.
- **Sunset of Paper Manifesting:** EPA proposes to sunset the use of paper manifests for shipments initiated on or after the designated paper sunset date. Authorized state programs must require exclusive use of the electronic manifest format, consistent with EPA's statutory authority under section 2(g)(1)(B) of the e-Manifest Act. This change supports national consistency, improves data quality, and reduces administrative burden associated with paper processing.
- **Confirmation of Manifest Formats:** EPA proposes to revise relevant regulatory provisions to confirm that both the Federal paper manifest format and the electronic manifest format, as defined in § 260.10, serve as the formats of EPA Forms 8700-22 and 8700-22A. This

clarification ensures that authorized state programs recognize both formats as valid regulatory instruments, consistent with Federal definitions and system design.

The following table “Summary of Proposed Revisions to 40 CFR Part 271”, summarizes the proposed revisions to 40 CFR 271.10, 271.11, and 271.12, outlining changes that authorized state programs must adopt to remain consistent with Federal requirements. It highlights updates across generator, transporter, and facility categories, including mandatory e-Manifest registration, the sunset of paper manifesting, and recognition of both paper and electronic formats as EPA Forms 8700-22 and 8700-22A. EPA notes that the proposed revisions sunsetting paper manifesting (40 CFR 271.10(f)(1), 271.10(j)(3), 271.11(c)(5), and 271.12(n)) would begin on the paper sunset date. All other revisions would begin upon the final rule’s effective date.

Table: Summary of Proposed Revisions to 40 CFR Part 271

Citation	Handler Category	Proposed Change
§ 271.10(b)	Generators	Revise to require registration with and use of e-Manifest for data corrections, recordkeeping, and reporting
§ 271.10(f)(1)	Generators	Revise to sunset paper manifesting to begin tracking wastes exclusively with electronic manifests
§ 271.10(f)(3) and (h)	Generators	Revise to confirm that paper and electronic manifests as defined in § 260.10 serve as the Federal formats for EPA Forms 8700-22 and 8700-22A
§ 271.10(j)(3)	Exporters	Revise to sunset paper manifesting to begin tracking wastes exclusively with electronic manifests
§ 271.11(b)	Transporters	Revise to require registration with and use of e-Manifest for data corrections, recordkeeping, and reporting
§ 271.11(c)(1)	Transporters	Revise to confirm that paper and electronic manifests as defined in § 260.10 serve as the Federal formats for EPA Forms 8700-22 and 8700-22A
§ 271.11(c)(5)	Transporters	Revise to sunset paper manifesting to begin tracking wastes exclusively with electronic manifests
§ 271.12(h)	Receiving facilities	Revise to require registration with and use of e-Manifest for data corrections, recordkeeping, and reporting

§ 271.12(n)	Receiving facilities	Revise to sunset paper manifesting to begin tracking wastes exclusively with electronic manifests
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IV. Statutory and Executive Orders Reviews

Additional information about these statutes and executive orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563:

Improving Regulation and Regulatory Review

This proposed rulemaking is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This proposed rulemaking is expected to be an Executive Order 14192 deregulatory action. Details on the estimated cost savings of this proposed rule can be found in EPA's analysis of the potential costs and benefits associated with this action.

C. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 0801.29. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

The primary effect of this proposed rule will be to replace all paper-based information requirements with electronic-based requirements. The sunseting of paper is not expected to increase burden. This ICR shows a decrease in burden and cost to 1,945,606 and \$105,850,379 from the previous final rule ICR 2,585,955 and \$135,404,144. Additionally, the number of respondents has been updated from previous final rule ICR of 199,796 to 103,059 to reflect active generators.

Respondents/affected entities: Business or other for-profit.

Respondent's obligation to respond: The recordkeeping and notification requirements are required for parties performing relevant manifest activities (e.g., submitting export manifests). These requirements are described in detail in the ICR Supporting Statement.

Estimated number of respondents: 103,059.

Frequency of response: Per Shipment.

Total estimated burden: 1,945,606 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$105,850,216, includes \$17,496,588 annualized capital costs or O&M costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule. The EPA will respond to any ICR-related comments in the final rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs using the interface at

www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting

"Currently under Review - Open for Public Comments" or by using the search function. OMB

must receive comments no later than **[INSERT DATE 30 DAYS AFTER DATE OF**

PUBLICATION IN THE FEDERAL REGISTER].

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will result in cost savings for regulated entities, including small entities. The analysis supporting this conclusion is described in the Economic Assessment associated with this proposed rule.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain unfunded mandate of \$100 million (adjusted annually for inflation) or more (in 1995 dollars) as described in UMRA, 2 U.S.C. 1531–1538. The proposed rule is expected to lead to net annual cost savings.

F. Executive Order 13132: Federalism

This proposed rulemaking does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

This proposed rulemaking does not have Tribal implications as specified in Executive Order 13175. It will not impose any new requirements on Tribal officials, nor will it impose substantial direct compliance costs on them. This proposed rulemaking will not create a mandate for Tribal governments, i.e., there are no authorized Tribal programs that will require revision and reauthorization on account of the e-Manifest system and regulatory program requirements. Nor do we believe that the e-Manifest system will impose any enforceable duties on these entities. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2-202 of the Executive Order.

Therefore, this action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, EPA’s Policy on Children’s Health also does not apply. This action is proposing the sunseting of

paper manifests in favor or electronic manifests. There are no children's health considerations for this action.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This proposed rulemaking is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

List of Subjects

40 CFR Part 260

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Incorporation by reference.

40 CFR Part 261

Environmental protection, Hazardous materials, Intergovernmental relations, Recycling, Waste treatment and disposal

40 CFR Part 262

Environmental protection, Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, International organizations, Labeling, Packaging and containers, Recycling, Reporting and recordkeeping requirements.

40 CFR Part 263

Environmental protection, Exports, Hazardous materials transportation.

40 CFR Part 264

Environmental protection, Hazardous waste, Imports, Packaging and containers, Reporting and recordkeeping requirements.

40 CFR Part 265

Environmental protection, Hazardous waste, Imports, Packaging and containers, Reporting and recordkeeping requirements.

40 CFR Part 266

Environmental protection, Exports, Hazardous recyclable materials, Imports, Precious metal recovery, Recycling, Spent lead-acid batteries, Waste treatment and disposal.

40 CFR Part 267

Environmental protection, Hazardous waste, Imports, Reporting and recordkeeping requirements.

40 CFR Part 271

Environmental protection, Administrative practice and procedure, Hazardous materials transportation, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

40 CFR Part 761

Environmental protection, Hazardous Substances, Labeling, Polychlorinated biphenyls (PCBs), Reporting and recordkeeping requirements.

Lee Zeldin,
Administrator.

For the reasons set forth in the preamble, EPA proposes to amend [40 CFR parts 260, 261, 262, 263, 264, 265, 266, 267, 271](#), and [761](#) as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for part 260 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921-6927, 6930, 6934, 6935, 6937, 6938, 6939, 6939g, and 6974.

Subpart B—Definitions

2. Amend § 260.10 by:

- a. Revising the definitions of “Electronic manifest,” and “Manifest,”; and
- b. Revising the definition “User of the electronic manifest system” by:
 - i. Revising paragraph (3); and
 - ii. Adding paragraph (4).

The revisions and additions read as follows:

§ 260.10 Definitions.

* * * * *

Electronic manifest (or e-Manifest) means the electronic format of the manifest (EPA Form 8700-22) and the continuation sheet (EPA Form 8700-22A) that is obtained from EPA's national e-Manifest system and transmitted electronically to the system.

* * * * *

Manifest means a shipping document in paper or electronic format designated as EPA Form 8700-22, including EPA Form 8700-22A when continuation sheets are necessary, originated and signed in accordance with the applicable requirements of 40 CFR parts 262

through 265 of this chapter and with the instructions included with the form.

* * * * *

*User of the electronic manifest system ****

* * * * *

(3) Elects to use the paper format of the manifest form and submits to the system for data processing purposes by uploading a paper copy of the manifest (or a copy and the data from such a paper copy), in accordance with § 262.24(e) of this chapter as a contingency in the event the EPA electronic manifest system is not available.

(4) Except as provided in § 262.24(e) of this part, beginning on the paper sunset date **[DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE]**, users of the electronic manifest system may no longer use the paper manifest format of EPA Forms 8700-22 and 8700-22A for all shipments initiated on and after this date. Users must obtain, complete and transmit an electronic manifest format supplied by the EPA electronic manifest system on and after the paper sunset date.

* * * * *

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

3. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

Subpart E—Exclusions/Exemptions

4. Amend § 261.41 by revising paragraph (a)(2) to read as follows:

§ 260.41 Notification and Recordkeeping for Used, Intact Cathode Ray Tubes (CRTs) Exported for Reuse.

(a) * * *

(2) Notifications submitted by mail should be sent to the following mailing address: Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Waste

Identification, Notice, and Generators Division, International Waste Branch (Mail Code 2255T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Hand-delivered notifications should be sent to: Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Waste Identification, Notice, and Generators Division, International Waste Branch (Mail Code 2255T), Environmental Protection Agency, William Jefferson Clinton West Building, Room 1329, 1301 Constitution Ave. NW, Washington, DC 20004. In both cases, the following shall be prominently displayed on the front of the envelope: “Attention: Notification of Intent to Export CRTs.”

* * * * *

Part 262—Standards Applicable to Generators of Hazardous Waste

5. The authority citation for part 262 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922–6925, 6937, 6938 and 6939g.

Subpart B—Manifest Requirements Applicable to Small and Large Quantity Generators

6. Amend § 262.20 by revising paragraphs (a)(1) and (a)(3) introductory text to read as follows:

§ 262.20 General requirements.

(a) * * *

(1) *Paper manifest.* A generator that transports or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, must prepare a manifest (OMB Control number 2050-0039) on EPA Form 8700-22 and, if necessary, EPA Form 8700-22A. A large and small quantity generator must register with the EPA's e-Manifest system to obtain signed and dated copies of completed manifests from the EPA e-Manifest system and comply with paragraph (a)(2) of this section. Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], a generator may no longer use paper manifests to satisfy the requirements under this section. A generator must obtain, complete, sign, provide,

use, or retain an electronic manifest in accordance with paragraph (a)(3) of this section for all shipments initiated on and after this date the paper sunset date.

* * * * *

(3) *Electronic manifest.* A person who prepares and uses an electronic manifest must:

* * * * *

7. Amend § 262.21 by adding paragraph (a)(3) to read as follows:

§ 262.21 Manifest tracking numbers, manifest printing, and obtaining manifests.

(a) * * *

(3) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], paragraphs (a) through (g) of this section no longer apply. Beginning on the paper sunset date, a registrant may no longer print, or have printed, the manifest for use of distribution nor assign manifest tracking numbers to manifests and generators may no longer obtain manifests from any source authorized by EPA to produce and distribute manifest paper forms. Except as described in § 262.24(e) of this part, beginning on the paper sunset date, manifests must be obtained from and manifest tracking numbers assigned by EPA.

* * * * *

8. Amend § 262.23 by revising paragraphs (a) and (f)(4) to read as follows:

§ 262.23 Use of the manifest.

(a) The generator must: (1) Sign the manifest certification; and (2) Obtain the signature of the initial transporter and date of acceptance on the manifest; (3) When a broker performs activities such as preparing the manifest or arranging the shipment (e.g., coordinating transporter pickup or selecting the designated facility) on behalf of the generator, the generator must ensure that the following statement is entered in Item 14 of the manifest: “[Broker company name], EPA ID [EPA identification number], prepared and/or arranged the shipment on behalf of the generator.” The generator may arrange for the broker, or another entity associated with the shipment to enter the statement but remains responsible for ensuring that the

broker's company name and EPA identification number are accurately included in the statement. For electronic manifests, this information may be entered during manifest preparation by the broker or other authorized party; and

(4) Retain one copy, in accordance with § 262.40(a).

* * * * *

(f) * * *

(4) Retain at the generator's site a copy of each manifest until the manifest is submitted to the EPA's e-Manifest system and delivered to the generator's account by the designated facility which rejected the waste under the rejection or container residue procedures of § 264.72 or § 265.72

9. Amend § 262.24 by:

- a. Revising paragraph (a) introductory text and paragraph (a)(1);
- b. Adding paragraph (c)(2); and
- c. Revising paragraph (e).

The revisions and additions read as follows:

§ 262.24 Use of the electronic manifest.

(a) *Use of electronic manifests.* Electronic manifests that are obtained, completed, and transmitted in accordance with § 262.20(a)(3), and used in accordance with this section satisfy for all purposes any requirement in §§ 262.20 and 262.23 of this part to obtain, complete, sign, provide, use, or retain a manifest. Except as provided in paragraph (e) of this section, beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], a person required to prepare a manifest under § 262.20(a) must use an electronic manifest for all shipments initiated on and after this date.

(1) Any requirement in these regulations to sign a manifest or manifest certification, or to obtain a signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of § 262.25.

* * * * *

(c) * * *

(2) A generator must retain at the facility the initial paper copy of the manifest for at least three years. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

* * * * *

(e) *Special procedures when electronic manifest is unavailable.* If a generator has prepared an electronic manifest for a hazardous waste shipment, but the EPA's electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator must:

(i) Complete a paper copy of the electronic manifest described in paragraph (d) of this section in accordance with § 262.23 of this part, retain a copy of the printed manifest, and reproduce sufficient copies of the printed manifest in accordance with § 262.22 of this part to provide the initial transporter and all subsequent waste handlers with a copy for their files.

(ii) If the generator is unable to access the EPA e-Manifest system to print their electronic manifest due to a documented outage of the EPA's e-Manifest System, a generator must obtain a manifest from EPA's alternate e-Manifest website and complete the printed manifest in accordance with § 262.23 of this part.

* * * * *

Subpart D—Recordkeeping and Reporting Applicable to Small and Large Quantity Generators

10. Amend § 262.40 by revising paragraphs (a) and (b) and adding paragraph (d) to read as follows:

§ 262.40 Recordkeeping.

(a) A generator must keep a copy of each manifest signed in accordance with § 262.23(a) until the manifest is submitted to the EPA's e-Manifest system and delivered to the generator's

registered account by the designated facility which received the waste. In hybrid manifest situations a generator must keep the initial copy of a signed paper manifest described in § 262.24(c)(1). This initial signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

(b) A generator must keep a copy of Biennial Report for a period of at least three years from the due date of the report. A generator must maintain an Exception Report in the generator's registered account in the EPA's e-Manifest system.

* * * * *

(d) No generator may be held liable for the inability to produce an electronic manifest or electronic Exception Report for inspection under this section if the generator can demonstrate that the inability to produce the electronic manifest or electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

11. Amend § 262.42 by:

a. Removing and reserving paragraph (a)(2)

b. Revising paragraphs (a)(3)(i) and (b) to read as follows:

§ 262.42 Exception reporting.

(a) * * *

(3) * * *

(i) A copy of the manifest for which the generator does not have confirmation of delivery.

* * * * *

(b) Beginning on December 1, 2025, the EPA will no longer accept mailed paper Exception Reports from small quantity generators. Beginning on December 1, 2025, a small quantity generator must submit a copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA e-Manifest system. Generators that are normally VSQGs but are subject to the SQG provisions of this paragraph (b) because of an

episodic generation event pursuant to § 262.232(a)(5), must also submit a copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA e-Manifest system.

* * * * *

Subpart H—Transboundary Movements of Hazardous Waste for Recovery or Disposal

§ 262.82 [Amended]

12. Amend § 262.82 in paragraphs (e)(1) and (2) by removing the text “Materials Recovery and Waste Management Division, International Branch (Mail Code 2255A)” wherever it appears and adding in their places the text “Waste Identification, Notice, and Generators Division, International Waste Branch (Mail Code 2255T)”.

13. Amend § 262.83 by:

- a. Revising and republishing paragraph (a)(6);
- b. Revising paragraph (c) introductory text;
- c. Removing and reserving paragraph (c)(3);
- d. Revising paragraph (c)(4) introductory text by removing the text “final domestic transporter” and adding in its place the text “last transporter”;
- e. Revising paragraph (c)(4)(v); and
- f. Adding paragraph (c)(5).

The revisions and additions read as follows:

§ 262.83 Exports of hazardous waste.

(a) * * *

(6) The exporter or a U.S. authorized agent submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with [15 CFR 30.4\(b\)](#), and includes the following items in the EEI, along with the other information required under [15 CFR 30.6](#). (i) EPA license code;

(ii) Commodity classification code for each hazardous waste per 15 CFR 30.6(a)(12);

(iii) EPA consent number for each hazardous waste;

(iv) Country of ultimate destination code per 15 CFR 30.6(a)(5);

(v) Date of export per 15 CFR 30.6(a)(2);

(vi) RCRA hazardous waste manifest tracking number, if required;

(vii) Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6(a)(15); or

(viii) EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

* * * * *

(c) *RCRA manifest instructions for export shipments.* The exporter must register with e-Manifest and use the EPA's e-Manifest system to comply with data correction in paragraph (c)(4)(v) of this section and the recordkeeping and reporting requirements of this part. The exporter must comply with the manifest requirements of §§ 262.20 through 262.25 except that:

* * * * *

(v) Manifest data corrections must be made if the foreign facility has certified to the receipt of hazardous wastes by sending a copy of the movement document to the exporter per paragraph (d)(2)(xv) of this section that documents significant differences in quantity (as defined by 40 CFR 265.72(b)) when compared with the quantity listed on the RCRA export manifest, or if the exporter has submitted an export exception report to EPA per paragraph (h)(1)(iii) of this section because the foreign receiving facility rejected part or all of a hazardous waste export

shipment and the rejected hazardous waste was sent to an alternate management facility or returned to the generator. The post-receipt data corrections may be submitted at any time. If requested by the Director, an exporter must address manifest data corrections within 30 days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process as described in § 265.71(l) of this chapter, which applies to corrections made to either paper or electronic manifests.

(5) Prior to the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], hazardous waste exporters may obtain, complete, sign, use, retain, and submit paper manifests to the EPA e-Manifest system to satisfy the requirements of this section. Beginning on the paper sunset date, except as provided in paragraphs (c)(1) and (c)(4)(iv) of this section, exporters must obtain, complete, sign, provide, use, and retain electronic manifests in accordance with the regulations under § 262.24 of this part. Beginning on the paper sunset date, paper manifests may no longer be used to meet the requirements of this section for shipments for all shipments initiated on or after this date. Within 30 days of receiving an export manifest from the final domestic transporter carrying the shipment to or across the U.S. port of exit, the exporter must submit the signed and dated electronic manifest and all electronic continuation sheets to the EPA e-Manifest system.

14. Amend § 262.84 by:

- a. Revising paragraph (b)(1) introductory text;
- b. Revising paragraph (c) introductory text and (c)(1);
- c. Removing and reserving paragraph (c)(2); and
- d. Adding paragraph (c)(5)

The revisions and additions read as follows:

§ 262.84 Imports of hazardous waste.

* * * * *

(b) * * *

(1) The importer is required to provide notification in English to EPA of the proposed transboundary movement of hazardous waste at least sixty (60) days before the first shipment is expected to depart the country of export. Notifications must be submitted electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and must include all of the following information:

* * * * *

(c) *RCRA Manifest instructions for import shipments.* The importer must register with e-Manifest and use the EPA's e-Manifest system to comply with the data correction and the recordkeeping and reporting requirements of this part.

(1) The importer must comply with the manifest requirements of §§ 262.20 through 262.25 except that:

(i) In place of the generator's name, mailing and site addresses and EPA identification number, the name and site address of the foreign generator and the importer's name, mailing address and EPA identification number must be used.

(ii) In place of the generator's signature on the certification statement, the importer or his agent must sign and date the certification and obtain the signature of the initial transporter.

* * * * *

(5) Except as provided in § 262.24(c)(1) and (e) of this part for paper manifest use, beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], an importer may no longer use paper manifests to satisfy the requirements under this section. Beginning on the paper sunset date, an importer must obtain, complete, sign, provide, use, or retain an electronic manifest in accordance with the regulations under §§ 262.20

through 262.25 of this part for all shipments initiated on or after this date.

* * * * *

Subpart L—Alternative Standards for Episodic Generation

15. Amend § 262.232 by revising paragraph (a)(3) and adding paragraph (a)(8) to read as follows.

§ 262.232 Conditions for a generator managing hazardous waste from an episodic event.

(a) * * *

(3) *EPA ID Number.* The very small quantity generator must have an EPA identification number or obtain an EPA identification number using EPA Form 8700-12. The very small quantity generator must use the EPA identification number to register with the EPA e-Manifest system to obtain signed and dated copies of completed manifests from the EPA e-Manifest system and comply with the small quantity generator provisions under § 262.20(a)(2) of this part for post-receipt manifest data corrections.

* * * * *

(8) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], a very small quantity generator must use an electronic manifest for the tracking of waste shipments involving any RCRA hazardous waste initiated on or after this date, except that a very small quantity generator may comply with the manifest requirements for electronic manifest use specified under § 262.24(c)(1) and (2) of this part.

Part 263—Standards Applicable to Transporters of Hazardous Waste

16. The authority citation for part 263 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922-6925, 6937, 6938, and 6939g.

Subpart B—Compliance With the Manifest System and Recordkeeping

17. Amend § 263.20 by revising paragraphs (a)(1) and (3), and (a)(4) introductory text, (4)(i), (a)(6)(i) and (iii), (d)(1), (e)(3), (f)(3)(i), and (f)(4)(i) to read as follows:

§ 263.20 The manifest system.

(a) * * *

(1) *Manifest requirement.* A transporter may not accept hazardous waste from a generator unless the transporter is also provided with the paper format of a manifest form (EPA Form 8700-22, and if necessary, EPA Form 8700-22A) signed in accordance with the requirement of §§ 262.23 and 262.24(c)(1) and(2), or is provided with the electronic format (electronic manifest form) that is obtained, completed, and transmitted in accordance with § 262.20(a)(3) of this chapter, and signed with a valid and enforceable electronic signature as described in 40 CFR 262.25.

* * * * *

(3) *e-Manifest Registration.* A transporter must register with the EPA's e-Manifest system to comply with paragraph (a)(9) of this section and § 263.22 of this part.

(4) *Use of electronic manifest.* Electronic manifests that are obtained, completed, and transmitted in accordance with § 262.20(a)(3) of this chapter, and used in accordance with this section for the electronic manifest formats of EPA Forms 8700-22 and 8700-22A satisfy for all purposes any requirement in these regulations to obtain, complete, sign, carry, provide, give, use, or retain a manifest. Except as provided in paragraph (a)(6) of this section, beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], transporters may no longer use paper manifests to satisfy the requirements under this section. Beginning on the paper sunset date, a transporter must use an electronic manifest from the EPA's e-Manifest system to comply with this section for all shipments initiated or completed on or after this date.

(i) Any requirement in these regulations to sign a manifest or manifest certification, or to obtain a signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 CFR 262.25.

* * * * *

(6) * * *

(i) The transporter in possession of the hazardous waste when the electronic manifest becomes unavailable due to a documented outage of the EPA's e-Manifest system shall reproduce sufficient copies of the printed manifest that is carried on the transport vehicle pursuant to paragraph (a)(4)(iii) of this section or obtain a manifest from the EPA's alternative e-Manifest website, complete the printed manifest in accordance with §§ 262.20 and 262.23. The transporter shall reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste.

* * * * *

(iii) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste must ensure that each paper copy is individually signed and that a signature appears on each copy.

* * * * *

(d) * * *

(1) Obtain the date of delivery and the signature of that transporter or of the owner or operator of the designated facility on the manifest; and

* * * * *

(e) * * *

(3) The delivering transporter obtains the date of delivery and signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and

* * * * *

(f) * * *

(3) * * *

(i) Obtain the date of delivery and signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

* * * *

(4) * * *

(i) Obtain the date of delivery and the signature of the next non-rail transporter on the manifest; and

* * * * *

18. Amend § 263.22 by revising paragraphs (a), (c)(1) and (2), and (d) and adding paragraphs (f) and (g) to read as follows:

§ 263.22 Recordkeeping.

(a) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility until the manifest is submitted to the EPA's e-Manifest system and delivered to the transporter's registered account by the designated facility which received the waste.

* * * * *

(c) * * *

(1) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required in § 263.20(f)(2) until the manifest is submitted to the EPA's e-Manifest system and delivered to the initial rail transporter's registered account by the designated facility which received the waste; and

(2) The final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) until the manifest is submitted to the EPA's e-Manifest system and delivered to the final rail transporter's registered account by the designated facility which received the waste. Note: Intermediate rail transporters are not required to keep records pursuant to these regulations.

(d) A transporter who transports hazardous waste out of the United States must keep a copy of the manifest indicating that the hazardous waste left the United States until the manifest is submitted to the EPA's e-Manifest system and delivered to the transporter's registered account

when the manifest is submitted by the exporter.

* * * * *

(f) For a paper replacement manifest, a transporter described in paragraphs (a), (c), or (d) of this section must retain a copy of the paper replacement manifest described in § 263.20(a)(6) until the paper replacement manifest is submitted to the EPA e-Manifest system and delivered to the transporter's account when the replacement manifest is uploaded by the receiving facility.

(g) No transporter may be held liable for the inability to produce an electronic manifest for inspection under this section if the transporter can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the e-Manifest system for which the transporter bears no responsibility.

PART 264—Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

19. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6939g.

Subpart E—Manifest System, Recordkeeping, and Reporting

§ 264.70 [Amended]

20. Amend § 264.70 by removing and reserving paragraph (b).

21. Amend § 264.71 by:

a. Revising paragraphs (a)(1) and (a)(2)(i);

b. Adding paragraphs (a)(2)(iv) and (a)(2)(v)(C);

c. Revising paragraph (a)(2)(vi); and

d. Revising paragraphs (b)(5),(f) introductory text,(f)(1), (h)(1) and (3through (4), and (j)(1).

The revisions and additions read as follows:

§ 264.71 Use of manifest system.

* * * * *

(a) * * *

(1) A facility must register and use the EPA's e-Manifest system to comply with the data correction requirements in paragraph (1) of this section, the record retention requirements in paragraph (a)(vi) of this section and the reporting requirements in paragraph (a)(2)(v)(B) of this section and § 264.71(f) of this part. If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or the agent of the owner/operator, must sign and date the manifest as indicated in paragraph (a)(2) of this section to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

(2) * * *

(i) Sign and date each copy of the manifest;

* * * * *

(iv) If a broker statement is provided in Item 14 of the manifest, the receiving facility must ensure that the broker's information is included in the manifest data submitted to the e-Manifest system. This requirement is satisfied when the manifest is fully electronic, and the broker's information is entered during manifest preparation. For paper or hybrid manifests, the receiving facility must coordinate with the broker, generator, and/or other listed parties to ensure the information is accurately reported at the time of manifest submission.

(v) * * *

(C) *Options for compliance on* [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**]. Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], facilities must submit electronic manifests to the EPA e-Manifest system in accordance with applicable regulations for all shipments initiated on or after this date. Paper manifest submissions will only be accepted after this date under the limited use provisions described in § 264.71(h) and must follow the

applicable submission and fee requirements.

(vi) Retain at the facility a copy of the manifest until the manifest is submitted to the EPA's e-Manifest system and delivered to the facility's registered account.

(b) * * *

(5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) until the manifest is submitted to the EPA's e-Manifest system and delivered to the facility's registered account.

* * * * *

(f) *Use of electronic manifest.* Electronic manifests that are obtained, completed, and transmitted in accordance with § 262.20(a)(3) of this chapter, and used in accordance with this section in the electronic manifest format of EPA Forms 8700-22 and 8700-22A satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.

(1) Any requirement in these regulations for the owner or operator of a facility to sign a manifest or manifest certification, or to obtain a signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 CFR 262.25.

* * * * *

(h) * * *

(1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest,

* * * * *

(3) Within 30 days of delivery of the waste to the designated facility, the owner or operator of the facility must send a signed and dated copy of the paper replacement manifest to the EPA e-Manifest system, and

(4) Retain at the facility a copy of the manifest until the manifest is submitted to the EPA's e-Manifest system and delivered to the facility's registered account.

* * * * *

(j) *Imposition of user fee for manifest submissions.*

(1) As prescribed in § 264.1311, and determined in § 264.1312, an owner or operator who is a user of the electronic manifest system shall be assessed a user fee by EPA for the submission and processing of each manifest. EPA shall update the schedule of user fees and publish them to the user community, as provided in § 264.1313.

* * * * *

22. Amend § 264.72 by:

a. Removing and reserving paragraph (c)(1);

b/ Adding paragraphs (c)(3) and (4); and

c. Revising paragraphs (e)(6), (f)(8), and (g).

The revisions and additions read as follows:

§ 264.72 Manifest discrepancies.

* * * * *

(c) * * *

(3) Any requirement in § 264.74 for a facility to keep or retain a copy of a Discrepancy Report is satisfied by retention of a signed electronic Discrepancy Report in the facility's account on the EPA e-Manifest system, provided that the Discrepancy Report is readily available if requested by the EPA.

(4) No facility may be held liable for the inability to produce an electronic Discrepancy Report for inspection under this section if the facility can demonstrate that the inability to produce the electronic Discrepancy Report is due exclusively to a technical difficulty with the e-Manifest system for which the facility bears no responsibility.

* * * * *

(e) * * *

(6) Sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation and transmit the initial copy of the manifest to the generator via the manifest to the EPA's e-Manifest system.

* * * * *

(f) * * *

(8) For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in § 262.42(a) and (d).

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in § 261.7(b) of this chapter after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must follow the post-receipt manifest data correction procedures at § 264.71(l) of this part to note the rejection or residue in the discrepancy space of its manifest. The facility must also record the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest.

23. Amend § 264.76 by removing and reserving paragraph (a) and adding paragraph (c) to read as follows:

§ 264.76 Unmanifested waste report.

* * * * *

(c) (1) Any requirement in § 264.74 for a facility to keep or retain a copy of an Unmanifested Waste Report is satisfied by retention of a signed electronic Unmanifested Waste Report in the facility's account on the EPA's e-Manifest system, provided that the Unmanifested Waste Report is readily available if requested by the EPA.

(2) No facility may be held liable for the inability to produce an electronic Unmanifested Waste Report for inspection under this section if the facility can demonstrate that the inability to produce the electronic Unmanifested Waste Report is due exclusively to a technical difficulty with the e-Manifest system for which the facility bears no responsibility.

Subpart FF—Fees for the Electronic Hazardous Waste Manifest Program

24. Amend § 264.1310 by revising the definition “Paper manifest submissions” to read as follows:

§ 264.1310 Definitions applicable to this subpart.

* * * * *

Paper manifest submissions mean submissions to the EPA e-Manifest system, by facility owners or operators, of the data from the designated facility copy of the completed paper manifest format of EPA Forms 8700 22 and 8700 22A. Such submissions may be made by submitting image files from paper manifests or continuation sheets in accordance with [§ 264.1311\(b\)](#), or by submitting both an image file and data file in accordance with the procedures of [§ 264.1311\(c\)](#).

* * * * *

25. Amend § 264.1311 by adding paragraphs (a)(4) and (5), (b)(3), and (c)(4) to read as follows:

§ 264.1311 Manifest transactions subject to fees.

(a) * * *

(4) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], facilities must submit electronic manifests to the EPA e-Manifest system for all hazardous waste shipments originating on or after that date. EPA will no longer accept paper manifest submissions or image/data file uploads for these shipments, except as permitted under the limited paper manifest use provisions in § 264.71(h). For electronic manifest submissions, a fee will be assessed at the applicable rate for electronic manifests. For

replacement manifests submitted under § 264.71(h), a fee will be assessed based on the method of submission, either by uploading an image file or a data file representation of the paper manifest.

(5) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], facilities must submit electronic manifests to the EPA e Manifest system for all return shipments originating on or after that date. EPA will no longer accept paper return shipment manifests or image/data file submissions, except as permitted under the limited paper manifest use provisions in § 264.71(h). For electronic manifest submissions, a fee will be assessed at the applicable rate for electronic manifests. For replacement manifests submitted under § 264.71(h), a fee will be assessed based on the method of submission—either by uploading an image file or a data file representation of the paper manifest.

(b) * * *

(3) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], facilities must submit electronic manifests to the EPA e Manifest system for all hazardous waste shipments originating on or after that date. EPA will no longer accept image file uploads of paper manifests for these shipments, except as permitted under the limited paper manifest use provisions in § 264.71(h). For such replacement manifests, the responsible representative must continue to make a CROMERR-compliant certification, and the facility will be assessed a fee based on the method of submission. For electronic manifest submissions, a fee will be assessed at the applicable rate for electronic manifests.

(c) * * *

(4) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], facilities must submit electronic manifests to the EPA e Manifest system for all hazardous waste shipments originating on or after that date. EPA will no longer accept data file uploads of paper manifests for these shipments, except as permitted under the limited paper manifest use provisions in § 264.71(h). For such replacement manifests, the

responsible representative must continue to make a CROMERR-compliant certification, and the facility will be assessed a fee based on the method of submission. For electronic manifest submissions, a fee will be assessed at the applicable rate for electronic manifests.

Part 265—Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

26. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6906, 6912, 6922, 6923, 6924, 6925, 6935, 6936, 6937, and 6939g.

Subpart E—Manifest System, Recordkeeping, and Reporting

§ 265.70 [Amended]

27. Amend § 265.70 by removing and reserving paragraph (b).

28. Amend § 265.71 by:

a. Revising paragraphs (a)(1) and (a)(2)(i), (vi);

b. Adding paragraphs (a)(2)(iv) and (a)(2)(v)(C); and

c. Revising paragraphs (b)(5), (f) introductory text and (f)(1), (h)(1), and (3) through (4), and (j)(1).

The revisions and additions read as follows:

§ 265.71 Use of manifest system.

(a)

(1) A facility must register and use the EPA's e-Manifest system to comply with the data correction requirements in paragraph (l) of this section, the record retention requirements in paragraph (a)(vi) of this section and the reporting requirements in paragraph (a)(2)(v)(B) of this section and § 264.71(f) of this part. If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or the agent of the owner/operator, must sign and date the manifest as indicated in paragraph (a)(2) of this section to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in

the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

(2) * * *

(i) Sign and date each copy of the manifest;

* * * * *

(iv) If a broker statement is provided in Item 14 of the manifest, the receiving facility must ensure that the broker's information is included in the manifest data submitted to the e-Manifest system. This requirement is satisfied when the manifest is fully electronic, and the broker's information is entered during manifest preparation. For paper or hybrid manifests, the receiving facility must coordinate with the broker, generator, and/or other listed parties to ensure the information is accurately reported at the time of manifest submission.

(v) * * *

(C) *Options for compliance on [DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE].* Beginning on the paper sunset date [DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE], facilities must submit electronic manifests to the EPA e-Manifest system in accordance with applicable regulations. Paper manifest submissions will only be accepted after the sunset date under the limited use provisions described in § 265.71(h) and must follow the applicable submission and fee requirements.

(vi) Retain at the facility a copy of the manifest until the manifest is submitted to the EPA's e-Manifest system and delivered to the facility's registered account.

(b) * * *

(5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) until the manifest is submitted to the EPA's e-Manifest system and delivered to the facility's registered account.

* * * * *

(f) *Use of electronic manifest.* Electronic manifests that are obtained, completed, and transmitted in accordance with § 262.20(a)(3) of this chapter, and used in accordance with this section in the electronic manifest format of EPA Forms 8700-22 and 8700-22A satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.

(1) Any requirement in these regulations for the owner or operator of a facility to sign a manifest or manifest certification, or to obtain a signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 CFR 262.25.

(h) * * *

(1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest,

* * * * *

(3) Within 30 days of delivery of the waste to the designated facility, the owner or operator of the facility must send a signed and dated copy of the paper replacement manifest to the EPA e-Manifest system, and

(4) Retain at the facility a copy of the manifest until the manifest is submitted to the EPA's e-Manifest system and delivered to the facility's registered account.

* * * * *

(j) *Imposition of user fee for manifest submissions.*

(1) As prescribed in § 264.1311, and determined in § 264.1312, an owner or operator who is a user of the electronic manifest system shall be assessed a user fee by EPA for the submission and processing of each manifest. EPA shall update the schedule of user fees and publish them to the user community, as provided in § 264.1313.

29. Amend § 265.72 by:

- a. Removing and reserving paragraph (c)(1);
- b. Adding paragraphs (c)(3) and (4); and
- c. Revising paragraphs (e)(6), (f)(8), and (g).

The revisions and additions read as follows:

§ 265.72 Manifest discrepancies.

(c) * * *.

(3) Any requirement in § 265.74 for a facility to keep or retain a copy of a Discrepancy Report is satisfied by retention of a signed electronic Discrepancy Report in the facility's account on the EPA e-Manifest system, provided that the Discrepancy Report is readily available if requested by the EPA.

(4) No facility may be held liable for the inability to produce an electronic Discrepancy Report for inspection under this section if the facility can demonstrate that the inability to produce the electronic Discrepancy Report is due exclusively to a technical difficulty with the e-Manifest system for which the facility bears no responsibility.

* * * * *

(e) * * *

(6) Sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation and transmit the initial copy of the manifest to the generator via the manifest to the EPA's e-Manifest system.

* * * * *

(f) * * *

(8) For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in § 262.42(a) and (d).

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity

limits for “empty” containers set forth in § 261.7(b) of this chapter after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must follow the post-receipt manifest data correction procedures at § 265.71(l) of this part to note the rejection or residue in the discrepancy space of its manifest. The facility must also record the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest.

30. Amend § 265.76 by removing and reserving paragraph (a) and adding paragraph (c) to read as follows:

§ 265.76 Unmanifested waste report.

* * * * *

(c)

(1) Any requirement in § 265.74 for a facility to keep or retain a copy of an Unmanifested Waste Report is satisfied by retention of a signed electronic Unmanifested Waste Report in the facility's account on the EPA's e-Manifest system, provided that the Unmanifested Waste Report is readily available if requested by the EPA.

(2) No facility may be held liable for the inability to produce an electronic Unmanifested Waste Report for inspection under this section if the facility can demonstrate that the inability to produce the electronic Unmanifested Waste Report is due exclusively to a technical difficulty with the e-Manifest system for which the facility bears no responsibility.

Subpart FF—Fees for the Electronic Hazardous Waste Manifest Program

31. Amend § 265.1310 by revising the definition “Paper manifest submissions” to read as follows:

§ 265.1310 Definitions applicable to this subpart.

* * * * *

Paper manifest submissions mean submissions to the EPA e-Manifest system, by facility

owners or operators, of the data from the designated facility copy of the completed paper manifest format of EPA Forms 8700-22 and 8700-22A. Such submissions may be made by submitting image files from paper manifests or continuation sheets in accordance with [§ 264.1311\(b\) of this chapter](#), or by submitting both an image file and data file in accordance with the procedures of [§ 264.1311\(c\) of this chapter](#).

* * * * *

32. Amend § 265.1311 by adding paragraphs (a)(4) and (5), (b)(3), and (c)(4) to read as follows:

§ 265.1311 Manifest transactions subject to fees.

(a) * * *

(4) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], facilities must submit electronic manifests to the EPA e-Manifest system for all hazardous waste shipments originating on or after that date. EPA will no longer accept paper manifest submissions or image/data file uploads for these shipments, except as permitted under the limited paper manifest use provisions in § 265.71(h). For electronic manifest submissions, a fee will be assessed at the applicable rate for electronic manifests. For replacement manifests submitted under § 265.71(h), a fee will be assessed based on the method of submission, either by uploading an image file or a data file representation of the paper manifest.

(5) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], facilities must submit electronic manifests to the EPA e-Manifest system for all return shipments originating on or after that date. EPA will no longer accept paper return shipment manifests or image/data file submissions, except as permitted under the limited paper manifest use provisions in § 265.71(h). For electronic manifest submissions, a fee will be assessed at the applicable rate for electronic manifests. For replacement manifests submitted under § 265.71(h), a fee will be assessed based on the method of submission, either by

uploading an image file or a data file representation of the paper manifest.

(b) * * *

(3) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], facilities must submit electronic manifests to the EPA e Manifest system for all hazardous waste shipments originating on or after that date. EPA will no longer accept image file uploads of paper manifests for these shipments, except as permitted under the limited paper manifest use provisions in § 265.71(h). For such replacement manifests, the responsible representative must continue to make a CROMERR-compliant certification, and the facility will be assessed a fee based on the method of submission. For electronic manifest submissions, a fee will be assessed at the applicable rate for electronic manifests.

(c) * * *

(4) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], facilities must submit electronic manifests to the EPA e Manifest system for all hazardous waste shipments originating on or after that date. EPA will no longer accept data file uploads of paper manifests for these shipments, except as permitted under the limited paper manifest use provisions in § 265.71(h). For such replacement manifests, the responsible representative must continue to make a CROMERR-compliant certification, and the facility will be assessed a fee based on the method of submission. For electronic manifest submissions, a fee will be assessed at the applicable rate for electronic manifests.

Part 266—Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

33. The authority citation for part 266 continues to read as follows:

Authority: 42 U.S.C. 1006, 2002(a), 3001-3009, 3014, 3017, 6905, 6906, 6912, 6921, 6922, 6924-6927, 6934, and 6937.

Subpart P—Hazardous Waste Pharmaceuticals

34. Amend § 266.502 by revising paragraphs (i)(2)(i)(A)(1) and (2), (j)(1) and (2) to read

as follows:

§ 266.502 Standards for healthcare facilities managing non-creditable hazardous waste pharmaceuticals.

* * * * *

(i) * * *

(2) * * *

(i) * * *

(A) * * *

(1) A legible copy of the manifest, with some indication that the healthcare facility has not received confirmation of delivery, to the EPA e-Manifest system; and

(2) An explanation of the efforts taken to locate the non-creditable hazardous waste pharmaceuticals and the results of those efforts.

* * * * *

(j) * * *

(1) A healthcare facility must keep a copy of each manifest signed in accordance with § 262.23(a) until the manifest is submitted to the EPA's e-Manifest system and delivered to the healthcare facility's account by the designated facility which received the non-creditable hazardous waste pharmaceuticals. A healthcare facility must keep a copy of a signed paper manifest described in § 262.24(c)(1). This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

(2) A healthcare facility must maintain an Exception Report in the healthcare facility's registered account in the EPA's national e-Manifest system. No healthcare facility may be held liable for the inability to produce an electronic Exception Report for inspection under this section if the healthcare facility can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the healthcare facility bears no responsibility.

* * * * *

35. Amend § 266.508 is by revising paragraph (a) introductory text and paragraphs (a)(2)(i) and (ii) to read as follows:

§ 266.508 Shipping non-creditable hazardous waste pharmaceuticals from a healthcare facility or evaluated hazardous waste pharmaceuticals from a reverse distributor.

(a) Shipping non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals. A healthcare facility and reverse distributor operating under this subpart must register with the EPA's e-Manifest system to obtain signed and dated copies of completed manifests from the EPA e-Manifest system and comply with the manifest data correction requirement at § 262.20(a)(2) of this chapter, and the biennial reporting requirements of this part regardless of its hazardous waste generator category for non-pharmaceutical hazardous waste. A healthcare facility must ship non-creditable hazardous waste pharmaceuticals, and a reverse distributor must ship evaluated hazardous waste pharmaceuticals off-site to a designated facility (such as a permitted or interim status treatment, storage, or disposal facility) in compliance with:

* * * * *

(2) * * *

(i) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals is not required to list all applicable EPA hazardous waste numbers (*i.e.*, hazardous waste codes) in Item 13 of the manifest.

(ii) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals must write the word “PHRM” or “PHARMS” in Item 13 of the manifest. A healthcare facility may also include the applicable EPA hazardous waste numbers (*i.e.*, hazardous waste codes) in Item 13 of the manifest.

36. Amend § 266.509 by revising paragraph (c) to read as follows:

§ 266.509 Shipping potentially creditable hazardous waste pharmaceuticals from a healthcare facility or a reverse distributor to a reverse distributor.

* * * * *

(c) *Procedures for when delivery confirmation is not received within 45 calendar days.* If a healthcare facility or reverse distributor initiates a shipment of potentially creditable hazardous waste pharmaceuticals to a reverse distributor and does not receive delivery confirmation within 45 calendar days from the date that the shipment of potentially creditable hazardous waste pharmaceuticals was sent, the healthcare facility or reverse distributor that initiated the shipment must contact the carrier and the intended recipient (*i.e.*, the reverse distributor) promptly to report that the delivery confirmation was not received and to determine the status of the potentially creditable hazardous waste pharmaceuticals.

* * * * *

37. Amend § 266.510 by revising paragraphs (c)(9)(ii)(A)(1) and (2), and (c)(10)(ii) and (iv) to read as follows:

§ 266.510 Standards for the management of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals at reverse distributors.

* * * * *

(c) * * *

(9) * * *

(ii) * * *

(A) * * *

(1) If a reverse distributor does not receive a copy of the manifest with the signature of the owner or operator of the designated facility within 45 calendar days of the date the evaluated hazardous waste pharmaceuticals were accepted by the initial transporter, the reverse distributor must contact the transporter and/or the owner or operator of the designated facility to determine the status of the evaluated hazardous waste pharmaceuticals.

(2) A reverse distributor must submit an exception report to the EPA e-Manifest system if it has not received a copy of the manifest with the signature of the owner or operator of the

designated facility within 60 calendar days of the date the evaluated hazardous waste pharmaceutical was accepted by the initial transporter. The exception report must include:

(i) A legible copy of the manifest for which the reverse distributor does not have confirmation of delivery; and

(ii) An explanation of the efforts taken to locate the hazardous waste pharmaceuticals and the results of those efforts.

* * * * *

(10) * * *

(ii) A reverse distributor must keep a copy of each manifest signed in accordance with § 262.23(a) until the manifest is submitted to the EPA's e-Manifest system and delivered to the reverse distributor's account by the designated facility that received the evaluated hazardous waste pharmaceutical. A reverse distributor must keep a copy of a signed paper manifest described in § 262.24(c)(1). This signed copy must be retained as a record for at least three years from the date the evaluated waste was accepted by the initial transporter. This signed copy must be retained as a record for at least three years from the date the evaluated hazardous waste pharmaceutical was accepted by the initial transporter.

* * * * *

(iv) A reverse distributor must maintain an Exception Report in the healthcare facility's registered account in the EPA's national e-Manifest system. No reverse distributor may be held liable for the inability to produce an electronic Exception Report for inspection under this section if the reverse distributor can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

* * * * *

Part 267—Standards for owners and operators of hazardous waste facilities operating under a standardized permit

38. The authority citation for part 267 continues to read as follows:

Authority: 42 U.S.C. 6902, 6912(a), 6924-6926, and 6930.

Subpart E—Recordkeeping, Reporting, and Notifying

39. Amend § 267.71 by:

- a. Revising paragraphs (a)(1), (4) and (5);
- b. Adding paragraphs (a)(7) and (8); and
- c. Revising paragraph (b)(5).

The revisions and additions read as follows:

§ 267.71 Use of the manifest system.

(a) * * *

(1) A facility must register and use the EPA's e-Manifest system to comply with the data correction requirements in paragraph (a)(8) of this section, the record retention requirements in paragraph (a)(5) of this section and the reporting requirements of this section and §264.71(f) or § 265.71(f) of this part. If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or his agent, must:

* * * * *

(4) Within 30 days after the delivery, send a copy of the manifest to the EPA e-Manifest system per 40 CFR 264.71(a)(2)(v) or 265.71(a)(2)(v) and comply with the manifest provisions under 40 CFR part 264, subpart FF or 40 CFR part 265, subpart FF of this chapter regarding fees for the electronic hazardous waste; manifest program. If a broker statement is provided in Item 14 of the manifest, the receiving facility must ensure that the broker's information is included in the manifest data submitted to the e-Manifest system. This requirement is satisfied when the manifest is fully electronic, and the broker's information is entered during manifest preparation. For paper or hybrid manifests, the receiving facility must coordinate with the broker, generator, and/or other listed parties to ensure the information is accurately reported at the time of manifest submission.

(5) Retain at the facility a copy of the manifest until the manifest is submitted to the EPA's e-Manifest system and delivered to the facility's registered account; and

* * * * *

(7) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], facilities must submit electronic manifests to the EPA e-Manifest system in accordance with applicable regulations. Paper manifest submissions will only be accepted after the sunset date under the limited use provisions described in § 264.71(h) and must follow the applicable submission and fee requirements.

(8) Comply with the post-receipt manifest data corrections requirements at § 264.71(l) or § 265.71(l) of this part.

* * * * *

(b) * * *

(5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) until the manifest is submitted to the EPA's e-Manifest system and delivered to the facility's registered account.

* * * * *

§ 267.72 Manifest discrepancies.

40. Amend § 267.72 by revising paragraph (b) and adding paragraph (c) to read as follows:

* * * * *

(b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 20 days after receiving the waste, the owner or operator must immediately submit a Discrepancy Report to the EPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(c)

(1) Any requirement in § 264.74 for a facility to keep or retain a copy of a Discrepancy Report is satisfied by retention of a signed electronic Discrepancy Report in the facility's account on the EPA e-Manifest system, provided that the Discrepancy Report is readily available if requested by the EPA.

(2) No facility may be held liable for the inability to produce an electronic Discrepancy Report for inspection under this section if the facility can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

PART 271—Requirements for Authorization of State Hazardous Waste Programs

41. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6926, and 6939g.

Subpart A—Requirements for Final Authorization

42. Amend § 271.1 by:

- a. In table 1, adding the entry in chronological order by “Promulgation date”; and
- b. In table 2, adding the entry in chronological order by “Effective date”.

The additions read as follows:

§ 271.1 Purpose and scope.

* * * * *

(j) * * *

(2) * * *

TABLE 1—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promulgation date	Title of regulation	Federal Register Reference	Effective Date
*	*	*	*

<p><i>[Date of publication of final rule in the Federal Register (FR)].</i></p>	<p>Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-related Reports, PCB Manifest Amendments and Technical Corrections</p>	<p><i>[FR page numbers]</i></p>	<p><i>[Date of X months from date of publication of final rule].</i></p>
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TABLE 2—SELF-IMPLEMENTING PROVISIONS OF THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Effective date		Self-implementing provision	RCRA citation	Federal Register reference	
*	*	*	*	*	*
<p><i>[Date X days after publication of final rule in the Federal Register (FR)].</i></p>		<p>Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-related Reports, PCB Manifest Amendments and Technical Corrections</p>	<p>3017</p>	<p><i>[Federal Register citation].</i></p>	

* * * * *

43. Amend § 271.10 by:

- a. Revising paragraphs (b), (f)(1) and (3) introductory text, and (h); and
- b. Adding paragraph (j)(3).

The revisions and addition read as follows:

§ 271.10 Requirements for generators of hazardous wastes.

* * * * *

(b) The State shall have authority to require all generators register with and use the EPA’s e-Manifest system for data corrections, record retention and reporting. States must require that generators comply with reporting and recordkeeping requirements equivalent to those under 40 CFR 262.40 and 262.41. States that choose to receive electronic documents must include the requirements of 40 CFR part 3–(Electronic reporting) in their Program (except that states that choose to receive electronic manifests and/or permit the use of electronic manifests must comply

with any applicable requirements for e-Manifest in this section of this section).

(f) * * *

(1) Use a manifest system that ensures that interstate and intrastate shipments of hazardous waste are designated for delivery and, in the case of intrastate shipments, are delivered to facilities that are authorized to operate under an approved state program or the Federal program. The manifest system must require the use of the paper or electronic manifest formats as required by § 262.20(a) of this chapter. No other paper or electronic format of the manifest form, shipping paper, or information other than that required by Federal requirements, may be required by the state to travel with the shipment, or to be transmitted electronically, as a means to track the transportation and delivery of hazardous waste shipments. No other electronic signature other than that required by the Federal electronic manifest requirements may be required by a state to be executed in connection with the signing of an electronic manifest. Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], the manifest system must require the use of the electronic manifest format as required by § 262.20(a)(3) of this chapter. Authorized state programs must ensure that all off-site shipments of hazardous waste are tracked exclusively through the EPA's national e-Manifest system. The use of paper manifests is no longer permitted for shipments initiated on or after the paper sunset date, except as specifically authorized under § 262.24 (c)(1) or (e) of this chapter.

* * * * *

(3) Except as provided in paragraph (f)(1) of this section, ensure that all wastes offered for transportation are accompanied by an electronic or paper format of the manifest form, except:

* * * * *

(h) The state must follow the Federal manifest format for the paper and electronic format of the manifest forms (EPA Forms 8700-22 and 8700-22A) and their instructions. The state must follow the Federal electronic manifest format and instructions as obtained from the Electronic Manifest System described in § 260.10 of this chapter.

* * * * *

(j) * * *

(3) The State program must require that exporters of hazardous waste comply with requirements equivalent to those under 40 CFR part 262, subpart H. States must ensure that exporters use the EPA e-Manifest system to initiate and track all export shipments of hazardous waste, consistent with §§ 262.82(a) and 262.83(b). For shipments initiated on or after the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], the use of paper manifests is no longer permitted, except as specifically authorized under emergency or contingency provisions. Exporters must submit an electronic format of the manifest form to the EPA's e-Manifest system in accordance with § 262.83(c)(4) and must retain electronic records in accordance with § 262.40(a). State programs must incorporate the requirements of 40 CFR part 3– (Electronic Reporting) and ensure consistency with Federal electronic manifesting procedures for export shipments.

44. Amend § 271.11 by:

- a. Revising paragraphs (b) and (c)(1); and
- b. Adding paragraph (c)(5).

The revisions and addition read as follows:

§ 271.11 Requirements for transporters of hazardous wastes.

* * * * *

(b) The State shall have authority to require and must require all transporters register and use the EPA's e-Manifest system for data corrections, record retention and reporting. Transporters must comply with reporting and recordkeeping requirements equivalent to those under 40 CFR 263.22. States that choose to receive electronic documents must include the requirements of 40 CFR part 3 (Electronic reporting) in their Program (except that states that choose to receive electronic manifests and/or permit the use of electronic manifests must comply with any applicable requirements for e-Manifest in this section of this section).

(c)

(1) The State must require the transporter to carry the paper format of manifest forms (EPA Forms 8700-22 and 8700-22A) during transport, or, where the electronic manifest format of the forms is used and the U. S. Department of Transportation's Hazardous Materials Regulations, 49 CFR parts 171 through 180, require a paper shipping document on the transport vehicle, to carry one printed copy of the electronic manifest during transport, except in the case of shipments by rail or water, for which transporters may carry a shipping paper as specified in 40 CFR 263.20(e) and (f).

* * * * *

(5) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], the use of paper manifests is no longer permitted, except as specifically authorized under § 263.20(a)(6) of this part. The State must require transporters to use the electronic manifest format exclusively beginning on the paper sunset date and to carry a printed copy of the electronic manifest only when required under U.S. Department of Transportation regulations at 49 CFR parts 171 through 180. The State program must ensure that transporters comply with all applicable requirements for electronic manifesting under § 263.20(a)(4) of this chapter, except when access to the EPA system is unavailable. In such instances, the state must require that the transporter comply with paper replacement manifest procedures during transport in accordance with § 263.20(a)(6) of this chapter.

* * * * *

45. Amend § 271.12 by revising paragraph (h) adding paragraph (n) to read as follows:
§ 271.12 Requirements for hazardous waste management facilities.

* * * * *

(h) Inspections, monitoring, registration with and use of EPA's e-Manifest system (for manifest data correction and recordkeeping), and reporting. States that choose to receive electronic documents must include the requirements of 40 CFR part 3—(Electronic reporting) in

their Program (except that states that choose to receive electronic manifests and/or permit the use of electronic manifests must comply with paragraph (i) of this section);

* * * * *

(n) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], requirements for owners and operators to submit electronic manifests to the EPA e-Manifest system in lieu of paper manifests except when electronic manifests are unavailable. In such instances, requirements for owners and operators to submit paper replacement manifests in accordance with §§ 264.71(h) and 265.71(h) of this chapter.

PART 761—Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions

46. The authority citation for part 761 continues to read as follows:

Authority:15 U.S.C. 2605, 2607, 2611, 2614, and 2616 and 42 U.S.C. 6939g.

Subpart A—General

47. Amend § 761.3 by revising the definitions of “Director, Office of Resource Conservation and Recovery”, “Electronic manifest” and “Manifest” to read as follows:

§ 761.3 Definitions.

* * * * *

Director, Office of Resource Conservation and Recovery means the Director of the Office of Resource Conservation and Recovery of the Office of Land and Emergency Management of the United States Environmental Protection Agency. Submissions to the Director shall be sent to 1200 Pennsylvania Ave. NW, MC5303T, Washington, DC 20460, unless otherwise specified, or through an electronic method of submission, as applicable.

* * * * *

Electronic manifest (or e-Manifest) means the electronic format of the manifest (EPA Form 8700-22) and the continuation sheet (EPA Form 8700-22A) that is obtained from EPA's

national e-Manifest system and transmitted electronically to the system.

* * * * *

Manifest means a shipping document designated as EPA Form 8700-22, including EPA Form 8700-22A when continuation sheets are necessary. The form may be completed in either paper or electronic format and must be originated and signed in accordance with the applicable requirements of 40 CFR parts 262 through 265 of this chapter and subpart K of this part and with the instructions included with the form.

* * * * *

Subpart D—Storage and Disposal

§ 761.66 [Amended]

48. Amend § 761.66(f) by removing the fifth sentence and in the sixth sentence removing the word “alternatively”.

Subpart J—General Records and Reports

48. Amend § 761.180 by revising paragraphs (a) introductory text, (b) introductory text, (b)(3) introductory text, and (b)(3)(vii) to read as follows:

§ 761.180 Records and monitoring.

* * * * *

(a) PCBs and PCB Items in service or projected for disposal. Each owner or operator of a facility, other than a commercial storer or a disposer of PCB waste, using or storing at any one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s), or one or more PCB Transformers, or 50 or more PCB Large High or Low Voltage Capacitors shall develop and maintain at the facility, or a central facility provided they are maintained at that facility, all annual records and the written annual document log of the disposition of PCBs and PCB Items. The written annual document log must be prepared for each facility by July 1 covering the previous calendar year (January through December). The annual document log shall be maintained for at least three years after the facility ceases using or storing PCBs and PCB Items

in the quantities prescribed in this paragraph (a). Annual records shall be maintained for the same period. The annual records and the annual document log shall be available for inspection at the facility where they are maintained by authorized representatives of EPA during normal business hours, except that manifests in the annual records instead may be maintained electronically in EPA's e-Manifest system in accordance with § 761.180(f)(2), and each owner or operator of a facility subject to these requirements shall know the location of these records.

* * * * *

(b) Disposers and commercial storers of PCB waste. Each owner or operator of a facility (including high efficiency boiler operations) used for the commercial storage or disposal of PCBs and PCB Items shall maintain annual records on the disposition of all PCBs and PCB items at the facility and prepare and maintain a written annual document log that includes the information required by paragraphs (b)(2) of this section for PCBs and PCB Items that were handled as PCB waste at the facility. The written annual document log shall be prepared by July 1 for the previous calendar year (January through December). The written annual document log shall be maintained at each facility for at least three years after the facility is no longer used for the storage or disposal of PCBs and PCB Items except that, in the case of chemical waste landfills, the annual document log shall be maintained at least 20 years after the chemical waste landfill is no longer used for the disposal of PCBs and PCB Items. The annual records shall be maintained for the same period. The annual records and written annual document log shall be available at the facility for inspection by authorized representatives of the EPA, except that manifests in the annual records instead may be maintained electronically in the EPA's e-Manifest system in accordance with § 761.180(f)(2). From the written annual document log the owner or operator of a facility must prepare the annual report containing the information required by paragraphs (b)(3)(i) through ((vi) of this section for PCBs and PCB Items that were handled as PCB waste at the facility during the previous calendar year (January through December). The annual report must be submitted by July 15 of each year for the preceding calendar year. If the

facility ceases commercial PCB storage or disposal operations, the owner or operator of the facility shall provide at least 60 days advance written notice to the Regional Administrator for the region in which the facility is located of the date the facility intends to begin closure.

* * * * *

(3) The owner or operator of a PCB disposal facility (including an owner or operator who disposes of their own waste and does not receive or generate manifests) or a commercial storage facility shall submit an annual report using EPA Form 6200-025, which briefly summarizes the records and annual document log required to be maintained and prepared under paragraphs (b)(1) and (2) of this section to the Director, Office Resource Conservation and Recovery by July 15 of each year. The annual report shall contain no confidential business information. The annual report shall consist of the information listed in paragraphs (b)(3)(i) through (vi) of this section.

* * * * *

(vii) The requirement to submit annual reports to the Director, Office Resource Conservation and Recovery continues until the submission of the annual report for the calendar year during which the facility ceases PCB storage or disposal operations. Storage operations have not ceased until all PCB waste, including any PCB waste generated during closure, has been removed from the facility.

* * * * *

Subpart K—PCB Waste Disposal Records and Reports

49. Amend § 761.202 by:

- a. Adding a sentence at the end of paragraph (a);
- b. Revising paragraph (b) introductory text;
- c. Revising paragraph (b)(1)(i); and
- d. Removing and reserving paragraphs (c) and (d).

The revisions and addition as follows:

§ 761.202 EPA identification numbers.

(a) * * * No later than the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], generators of PCB waste whose PCB waste activities are not described under § 761.205(c)(2) of this part, must have obtained an EPA identification number using the notification procedures and form described in § 761.205(a)(2) solely for the purpose of registering with the EPA e-Manifest system.

* * * * *

(b) *Prohibitions.* The following prohibitions apply:

(1) * * *

(i) Process, store, dispose of, transport, or offer for transportation PCB waste without having received an EPA identification number from EPA. A generator of PCB waste who is exempted from notification under § 761.205(c)(1), shall be regarded as having received from EPA the identification number “40 CFR PART 761” only until the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], or until they have obtained a unique EPA identification number, whichever occurs first. Beginning on the paper sunset date, these generators must have obtained a unique EPA identification number in accordance with § 761.205(a)(2) of this part and shall not offer for transportation PCB waste without having received an EPA identification number from EPA.

* * * * *

50. Amend § 761.205 by:

- a. Revising paragraphs (a)(1) through (3);
- c. Remove and reserve paragraph (b);
- d. Revising paragraph (c)(1);
- e. Revising paragraph (c)(2)(i) by removing the text “by no later than April 4, 1990”; and
- f. Revising paragraph (c)(2)(ii) by removing the text “after February 5, 1990”.

The revisions read as follows:

§ 761.205 Notification of PCB waste activity (EPA Form 7710-53).

(a) * * *

(1) All generators (other than generators whose PCB waste activities are not described under paragraph (c)(2) of this section), commercial storers, transporters, and disposers of PCB waste shall notify EPA of their PCB waste activities by filing EPA Form 7710-53 with EPA prior to engaging in PCB waste handling activities. Upon receiving the notification form, EPA will assign an EPA identification number to each entity that notifies.

(2) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], generators of PCB waste whose PCB waste activities are not described in paragraph (c)(2) of this section, must comply with the notification requirements in paragraph (a) of this section by having filed EPA Form 7710-53, except for paragraph (a)(4)(vi) of this section. These generators shall notify EPA in order to comply with the e-Manifest registration requirement at § 761.208(b) of this part.

(3) Any person required to notify EPA under this section shall submit EPA Form 7710-53 to the Director, Office Resource Conservation and Recovery.

* * * * *

(c) * * *

(1) Prior to the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], generators of PCB waste need not notify EPA and receive unique EPA identification numbers under this section, unless their PCB waste activities are described in paragraph (c)(2) of this section. Generators exempted from notifying EPA under this paragraph (c) shall use the generic identification number “40 CFR PART 761” on the manifests, records, and reports which they shall prepare under this subpart, unless such generators elect to use a unique EPA identification number previously assigned to them under RCRA by EPA or a State or until an EPA identification number has been assigned to them under TSCA by EPA. No later than the paper sunset date [**DATE 24 MONTHS AFTER DATE OF**

PUBLICATION OF FINAL RULE], these generators must comply with the applicable notification provisions in paragraph (a)(2) of this section.

(2) * * *

(i) Generators storing PCB waste subject to the storage requirements of § 761.65 (b) or (c)(7) shall notify EPA by filing EPA Form 7710-53 with EPA.

(ii) Generators who desire to commence storage of PCB waste shall notify EPA and receive an EPA identification number before they may commence storage of PCBs at their facilities established under § 761.65 (b) or (c)(7).

* * * * *

51. Amend § 761.207 by adding paragraph (g)(1)(iii) and revising paragraph (g)(2) to read as follows:

§ 761.207 The manifest—general requirements.

* * * * *

(g) * * *

(1) * * *

(iii) Except as provided in § 262.24(c) and (e) of this chapter, beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], a person required to prepare a manifest under this section may no longer prepare and use paper formats of EPA Forms 8700-22 and 8700-22A, or any other PCB manifest continuation sheet. Beginning on the paper sunset date, a person required to prepare a manifest under this section must prepare and use an electronic manifest in accordance with § 262.24 of this chapter and must comply with the requirements of 40 CFR 3.10 for the reporting of electronic documents to the EPA.

(2) Use of electronic manifest. Electronic manifests that are obtained, completed, and transmitted in accordance with § 262.20(a)(3) of this chapter, and used in accordance with §§ 262.20, 262.24, and 262.25 of this chapter in electronic manifest format of EPA Forms

8700-22 and 8700-22A, satisfy for all purposes any requirement in subpart K of this part to obtain, complete, sign, provide, use, or retain a manifest.

(i) Any requirement in subpart K of this part to sign a manifest or manifest certification, or to obtain a signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of § 262.25 of this chapter.

(ii) Any requirement in [subpart K of this part](#) to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the EPA e-Manifest system. (iii) Any requirement in subpart K of this part for a person to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the person's account on the EPA e-Manifest system, provided that such copies are readily available for viewing and production if requested by any the EPA or authorized State inspector.

(iv) No person may be held liable for the inability to produce an electronic manifest for inspection under this section if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

(v) After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (*e.g.*, waste handler) named on the manifest. If corrections are requested by the Director for portions of the manifest that a generator, transporter, or a commercial storage or disposal facility is required to complete, those PCB waste handlers must address the data correction within 30 days from the date of the request. Data corrections must be made electronically via the post-receipt data corrections process described in § 265.71(l) of this chapter. Prior to the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], generators and transporters of PCB waste who are not registered with the EPA e-Manifest system must arrange with interested persons shown on the

manifest to electronically submit manifest data corrections on their behalf within 30 days of the date of the correction request. No later than the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], these entities must be registered with the EPA e-Manifest system in accordance with § 761.208 of this part to directly access the post-receipt corrections process.

* * * * *

52. Amend § 761.208 by revising paragraph (a)(1) introductory text and adding paragraphs (a)(3) and (b) to read as follows:

§ 761.208 Obtaining manifests.

(a) * * *

(1) Prior to the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], a generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest under 40 CFR 262.21(c) and (e). A registered source may be a:

* * * * *

(3) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], paragraph (a)(1) of this section no longer applies. Except as described in § 262.24(e) of this chapter, beginning on the paper sunset date, a generator may no longer use paper manifests and manifests must be obtained from and have manifest tracking numbers assigned by EPA's e-Manifest system.

(b) Generators, commercial storers and disposers, and transporters of PCB waste must register with the EPA e-Manifest system to obtain signed and dated copies of completed manifests from the EPA e-Manifest system and comply with the manifest data correction, recordkeeping, and electronic reporting requirements of this part. Generators and transporters of PCB waste must register with the EPA e-Manifest system no later than the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**].

53. Amend § 761.210 by:

- a. Revising paragraph (a);
- b. Adding paragraph (a)(4); and
- c. Revising paragraph (e)(4).

The revisions and addition read as follows:

§ 761.210 Use of the manifest—Generator requirements.

(a) The generator must do each of the following:

- (1) Sign the manifest certification;
- (2) Obtain the signature of the initial transporter and date of acceptance on the manifest;
- (3) When a broker performs activities such as preparing the manifest or arranging the shipment (e.g., coordinating transporter pickup or selecting the designated facility) on behalf of the generator, the generator must ensure that the following statement is entered in Item 14 of the manifest: “[Broker company name], EPA ID [EPA identification number], prepared and/or arranged the shipment on behalf of the generator.” The generator may arrange for the broker, or another entity associated with the shipment to enter the statement but remains responsible for ensuring that the broker’s company name and EPA identification number are accurately included in the statement. For electronic manifests, this information may be entered during manifest preparation by the broker or other authorized party; and

(4) Retain one copy, in accordance with § 761.214(a)(1).

* * * * *

(e) * * *

- (4) Retain at the generator's site a copy of each manifest until the manifest is submitted to the EPA’s e-Manifest system and delivered to the generator’s account by the designated facility which rejected the waste under the manifest procedures of § 761.215(e) and (f).

54. Amend § 761.213 by:

- a. Adding paragraph (a)(2)(vi);
- b. Revising paragraph (b)(5); and
- c. Adding paragraph (f).

The revisions and additions read as follows:

§ 761.213 Use of manifest—Commercial storage and disposal facility requirements.

(a) * * *

(2) * * *

(vi) If a broker statement is provided in Item 14 of the manifest, the commercial storage or disposal facility must ensure that the broker’s information is included in the manifest data submitted to the e-Manifest system. This requirement is satisfied when the manifest is fully electronic, and the broker’s information is entered during manifest preparation. For paper or hybrid manifests, the commercial storage or disposal facility must coordinate with the broker, generator, and/or other listed parties to ensure the information is accurately reported at the time of manifest submission.

(b) * * *

(5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) until the manifest is submitted to the EPA’s e-Manifest system and delivered to the facility’s registered account. No facility may be held liable for the inability to produce an electronic manifest or Discrepancy Report for inspection under this section if the owner or operator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the owner or operator bears no responsibility.

* * * * *

(f) Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], a commercial storage or disposal facility must submit electronic manifests to the EPA’s e-Manifest system in accordance with applicable regulations

for all shipments initiated on or after this date. Paper manifest submissions will only be accepted after this date under the limited use provisions described in § 265.71(h) of this chapter and must follow the applicable submission and fee requirements under paragraph (e) of this section.

55. Amend § 761.214 by:

- a. Revising paragraphs (a)(1) and (2);
- b. Revising paragraphs (c)(1) and (2);
- c. Revising paragraph (d); and
- f. Adding paragraphs (f) and (g).

The revisions and additions read as follows:

§ 761.214 Retention of manifest records.

(a)

(1) Prior to the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], a generator must keep a copy of each manifest signed in accordance with § 761.210(a) for three years or until they receive a signed copy from the designated facility which received the PCB waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter. A generator who is registered with EPA's e-Manifest system and maintains access to e-Manifest can use the records stored in e-Manifest to satisfy the manifest recordkeeping requirement of this paragraph. Such generators must keep a copy of each manifest signed in accordance with § 262.23(a) until the manifest is submitted to the EPA's e-Manifest system and delivered to the generator's registered account by the designated facility which received the PCB waste. Beginning on the paper sunset date, a generator must keep a copy of each manifest signed in accordance with § 262.23(a) until the manifest is submitted to the EPA's e-Manifest system and delivered to the generator's registered account by the designated facility which received the PCB waste. In hybrid manifest situations, a generator must keep the initial copy of a signed paper manifest described in § 262.24(c)(1). This initial signed copy must be retained as a record for at

least three years from the date the waste was accepted by the initial transporter. A generator subject to annual document requirements under § 761.180 shall retain copies of each manifest in accordance with this paragraph (a).

(2) Prior to the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], a transporter of PCB waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the PCB waste was accepted by the initial transporter. A transporter who is registered with e-Manifest and maintains access to e-Manifest can use the records stored in e-Manifest to satisfy the manifest recordkeeping requirement of this paragraph. These transporters must keep a copy of each manifest until the manifest is submitted to the EPA's e-Manifest system and delivered to the transporter's registered account by the designated facility which received the PCB waste. Beginning on the paper sunset date, a transporter must keep a copy of each manifest signed in accordance with § 262.23(a) until the manifest is submitted to the EPA's e-Manifest system and delivered to the transporter's registered account by the designated facility which received the PCB waste.

* * * * *

(c) * * *

(1) Prior to the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], the initial rail transporter must keep a copy of the manifest and shipping paper with all the information required in § 761.211(f)(2) for a period of three years from the date the PCB waste was accepted by the initial transporter. An initial rail transporter who is registered with e-Manifest and maintains access to e-Manifest can use the records stored in e-Manifest to satisfy the manifest recordkeeping requirement of this paragraph (c). These transporters must keep a copy of the manifest until the manifest is submitted to the EPA's e-Manifest system and delivered to the generator's registered account by the designated

facility which received the PCB waste; beginning on the paper sunset date, the initial rail transporter must keep a copy of the manifest until the manifest is submitted to the EPA's e-Manifest system and delivered to the transporter's registered account by the designated facility which received the PCB waste; and

(2) Prior to the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], the final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the PCB waste was accepted by the initial transporter. The final rail transporter who is registered with e-Manifest and maintains access to e-Manifest can use the records stored in e-Manifest to satisfy the manifest recordkeeping requirement of this paragraph. These transporters must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) until the manifest is submitted to the EPA's e-Manifest system and delivered to the transporter's registered account by the designated facility which received the PCB waste. Beginning on the paper sunset date, the final transporter must keep a copy of the final signed copy of each manifest signed in accordance with § 262.23(a) until the manifest is submitted to the EPA's e-Manifest system and delivered to the transporter's registered account by the designated facility which received the PCB waste.

Note to paragraph (c): Intermediate rail transporters are not required to keep records pursuant to these regulations.

(d) Prior to the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], a generator must keep a copy of each Exception Report for a period of at least three years from the due date of the report. Beginning on the paper sunset date, a generator must maintain each Exception Report in the generator's registered account in the EPA's e-Manifest system.

* * * * *

(f) No generator may be held liable for the inability to produce an electronic manifest or

electronic Exception Report for inspection under this section if the generator can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

(g) No transporter may be held liable for the inability to produce an electronic manifest for inspection under this section if the transporter can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

56. Amend § 761.215 by:

- a. Removing and reserving paragraph (c)(1);
- b. Adding paragraphs (c)(3) and (4);
- c. Revising paragraphs (e)(6) and (f)(8); and
- d. Adding two sentences to end of paragraph (g).

The revisions and additions read as follows:

§ 761.215 Manifest discrepancies.

* * * * *

(c) * * *

(3) Any requirement in § 761.180(f)(2) for a facility to keep or retain a copy of a Discrepancy Report is satisfied by retention of a signed electronic Discrepancy Report in the facility's account on the EPA e-Manifest system, provided that the Discrepancy Report is readily available if requested by the EPA.

(4) No facility may be held liable for the inability to produce an electronic Discrepancy Report for inspection under this section if the facility can demonstrate that the inability to produce the electronic Discrepancy Report is due exclusively to a technical difficulty with the e-Manifest system for which the facility bears no responsibility.

* * * * *

(e) * * *

(6) Sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation and transmit the initial copy of the manifest to the generator via the manifest to EPA's e-Manifest system.

* * * * *

(f) * * *

(8) For full or partial load rejections that are returned to the generator, the facility must also comply with the exception reporting requirements in § 761.217 (a)(1) and (c).

(g) * * * Beginning on the paper sunset date [**DATE 24 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE**], the paper transmittal and recordkeeping requirements in this paragraph (g) no longer apply. Beginning on the paper sunset date, if a facility rejects a waste after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must follow the post-receipt manifest data correction procedures at § 264.71(l) of this chapter to note the rejection in the discrepancy space of its manifest. The facility must also record the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest.

57. Amend § 761.216 by removing and reserving paragraph (a) and adding paragraph (c) to read as follows:

§ 761.216 Unmanifested waste report.

* * * * *

(c)

(1) Any requirement in this part for a facility to keep or retain a copy of an Unmanifested Waste Report upon request is satisfied by retention of a signed electronic Discrepancy Report in the facility's account on the EPA e-Manifest system, provided that the Discrepancy Report is readily available if requested by the EPA.

(2) No facility may be held liable for the inability to produce an electronic Unmanifested

Waste Report for inspection under this section if the facility can demonstrate that the inability to produce the electronic Unmanifested Waste Report is due exclusively to a technical difficulty with the e- Manifest system for which the facility bears no responsibility.

58. Amend § 761.217 by revising paragraphs (a)(1), (b)(1), and (c) to read as follows:

§ 761.217 Exception reporting.

(a)

(1) A generator of PCB waste, who does not receive a copy of the manifest with the signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter, shall immediately contact the transporter and/or the owner or operator of the designated facility to determine the status of the PCB waste.

* * * * *

(b) * * *

(1) The copy of the manifest received by the generator must have the signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility, and

* * * * *

(c) Prior to the paper manifest sunset date, a generator may submit Exception Reports electronically through the EPA e-Manifest system in lieu of paragraph (a) of this section unless the generator has obtained an EPA identification number, in which case the generator must submit any Exception Report electronically through the e-Manifest system. Beginning on the paper manifest sunset date, a generator must submit and retain all Exception Reports electronically through the EPA e-Manifest system. The Exception Report shall include the following:

(1) A copy of the manifest for which the generator does not have confirmation of delivery.

(2) An explanation of the efforts taken to locate the hazardous waste and the results of

those efforts.

(3) Electronic Exception Reports that are originated in the EPA e-Manifest system in accordance with paragraph (a) of this section and used in accordance with this section satisfy for all purposes any requirement in this section to complete, sign, provide, and retain an Exception Report.

(i) Any requirement in this section to sign an Exception Report certification is satisfied by signing with a valid and enforceable electronic signature within the meaning of § 262.25 of this chapter.

(ii) Any requirement in this section to give, provide or send an Exception Report to the EPA Regional Administrator is satisfied when an electronic Exception Report is transmitted to the EPA Regional Administrator by submission to the e-Manifest system.

(iii) Any requirement in § 761.214 for a generator to keep or retain a copy of an Exception Report is satisfied by retention of a signed electronic Exception Report in the generator's account on the national e-Manifest system, provided that the Exception Report is readily available for viewing and production if requested by any EPA or authorized State inspector.

(iv) No generator may be held liable for the inability to produce an electronic Exception Report for inspection under this section if the generator can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

59. Amend § 761.218 by revising paragraphs (e) introductory text and (e)(1) to read as follows:

§ 761.218 Certificate of disposal.

* * * * *

(e) Electronic certificates of disposal that are originated in an EPA-approved electronic

system in accordance with this section satisfy for all purposes any requirement in this section to complete, sign, provide, and retain a certificate of disposal.

(1) Any requirement in this section to sign a certificate of disposal is satisfied by signing with a valid and enforceable electronic signature within the meaning of § 262.25 of this chapter.

* * * * *

60. Amend § 761.219 by revising paragraphs (e) introductory text and (e)(1) to read as follows:

§ 761.219 One-year exception reporting.

* * * * *

(e) Electronic One-year Exception Reports that are originated in an EPA-approved electronic system in accordance with paragraph (a) of this section and used in accordance with this section satisfy for all purposes any requirement in this section to complete, sign, provide, and retain a One-year Exception Report.

(1) Any requirement in this section to sign a One-year Exception Report certification is satisfied by signing with a valid and enforceable electronic signature within the meaning of § 262.25 of this chapter.

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