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Midwest Businesses Could See Waste-Tracking Cost Savings from Illinois EPA Proposal

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Going paperless is generally seen as a cost-savings initiative. But, consistent with Governor Rauner's "Cutting the Red Tape" initiative, the Illinois Environmental Protection Agency (Illinois EPA) proposed a rule that would allow Illinois businesses to track state-regulated, non-hazardous special wastes using paper waste manifests, the way that they had tracked these wastes before June 2018. The change would actually save significant money for generators, transporters, and receiving facilities dealing in state-regulated, non-hazardous special wastes, because they would no longer have to use the e-Manifest and pay its per-manifest fees.

By way of background, in June 2018, the U.S. Environmental Protection Agency (EPA) launched the e-Manifest system, a national system for tracking hazardous waste shipments electronically. The federal e-Manifest rules allow hazardous waste generators and transporters to use the paper Uniform Hazardous Waste Manifest (Uniform Manifests) to track their waste shipments, but receiving facilities must use the e-Manifest system to track any federally regulated and state-regulated waste for which a Uniform Manifest is required. Additionally, the rules require receiving facilities to pay a per-manifest fee. The EPA incentivizes the use of the e-Manifest system by offering receiving facilities that use electronic manifests a big discount of five dollars per manifest (compared to the \$15 per-manifest charge to submit a paper manifest by mail).

Illinois law currently requires Illinois businesses to use the EPA's e-Manifest system to track shipments of both hazardous and state-regulated non-hazardous special wastes, which includes pollution control waste, potentially infectious medical waste, and industrial process waste. Illinois law has long required businesses to use the EPA's Uniform Manifest to track shipments of all special waste. Therefore, because the new federal e-Manifest rules require use of the electronic manifest in states where tracking is done via the EPA's Uniform Manifest, Illinois receiving facilities must manifest all state-regulated special wastes via the e-Manifest system.

The Illinois EPA's proposed rule would reverse course by allowing Illinois businesses to use a paper manifest provided by the Illinois EPA in lieu of the e-Manifest system to track shipments of state regulated non-hazardous special wastes. According to the Illinois EPA, this rule would reduce regulatory and administrative burdens for generators, transporters, and receiving facilities in several ways:

- Fewer fees
- Less staff time needed for e-Manifest data entry
- Less frequent reporting requirements
- Avoidance of federal fines and penalties for noncompliance

The Illinois EPA states the money saved by the rulemaking can be "reinvested into those Illinois businesses and the communities they help to grow and support." If the rule is adopted, Illinois businesses will still have to use the e-Manifest system to track shipments of federally and state-regulated hazardous waste.

The Illinois Pollution Control Board has yet to set a date for the public hearing on this proposed rule.



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