



State of Oregon Department of Environmental Quality

Draft Fiscal Impact Statement

Hazardous Waste Management System: User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations

[83 FR 420-462](#), Federal Rulemaking Jan. 3, 2018, effective June 30, 2018

Introduction

The Oregon Department of Environmental Quality invites public input on the proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules. These amendments are in response to U.S. Environmental Protection Agency (EPA) rules issued under the Resource Conservation Recovery Act (RCRA) on Jan. 3, 2018, adding the Hazardous Waste Electronic Manifest User Fee Rule. This rule became federally effective June 30, 2018.

The Electronic Manifest User Fee rule allows EPA to establish a methodology to determine and revise user fees and to collect those fees. The rule also includes three non-fee related matters. The first is transporters designated on the manifest by generators can make changes on the manifest without prior, explicit approval from the generator, provided their contract with the generator grants them authority to make such changes. The second describes how data corrections may be made in the database and amends the “one-year rule” to allow for hybrid (combination of electronic and hard copy) manifests. The third includes two provisions that states must be authorized for: 1. Hazardous waste receiving facilities, including state-only hazardous waste receiving facilities, must pay fees to EPA for e-Manifest. 2. The receiving facilities must submit a signed copy of the manifest, and or data, to the national EPA e-Manifest database.

Two parts of the rule are not state authorized: 1. Subpart FF, that describes the way fees are applied, calculated, revised, paid, disputed, and collected 2. The revised printing of the new five-page manifest. Other provisions of the rule clarify that state-only waste receiving facilities must submit final manifests and pay fees to EPA, therefore those facilities must notify as a hazardous waste receiving facility and be issued a RCRA site identification number.

This rule is essentially an EPA rule that adds requirements that EPA is the only agency authorized to administer and enforce. The e-Manifest Act requires state rules to align with federal rules.

Fee Analysis

This rulemaking does not involve state fees. This rulemaking involves federal fees.

Statement of fiscal and economic impact

Fiscal and Economic Impact

EPA estimated cost savings and other benefits as the result of electronic manifests. They are estimated to accrue for both industrial and state government users of electronic manifests. Over the six-year period of analysis modeled in EPA's Regulatory Impact Analysis, the annualized post-rule costs of manifesting were estimated to be \$172 million when discounted at seven percent. Since the pre-rule cost of manifesting is estimated to be \$238 million, annualized cost savings from electronic manifests are estimated to be \$66 million.

Statement of Cost of Compliance

DEQ

DEQ expects minor impacts for staff training and performing additional outreach to those affected businesses through the hazardous waste technical assistance program, which will supplement EPA's outreach on this rule.

Local and state agencies

DEQ anticipates the proposed rule will have no adverse fiscal or economic impacts on local or other state agencies, and will likely result in an overall cost savings.

Public

DEQ identified no impacts to the public for this rule adoption.

Large and small businesses

A small business is one with 50 or fewer employees.

ORS 183.336 - Cost of Compliance for Small Businesses

1. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

DEQ reviewed its current list of conditionally exempt, small and large quantity generators and found this rule may affect approximately [TBD – awaiting data] listed active Oregon generators based on 2020 reporting with [TBD – awaiting data] identifying as small businesses.

2. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

The proposed rule does not require any additional state activities.

3. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

The proposed rule may require additional resources, such as computer equipment, to enter data into the EPA national e-manifest system. Businesses currently using computers in daily work will not need any additional resources to comply with the proposed rule.

4. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ included small business representatives on the hazardous waste rulemaking advisory committee to advise DEQ on the potential cost, if any, of compliance for small businesses. DEQ will also provide rulemaking notice to all manufacturers registered with DEQ as small and large quantity generators. These generator groups include small businesses.

Documents relied on for fiscal and economic impact

Document title	Document location
Federal Register entries for the incorporated rule	Link EPA Final Rule: https://www.gpo.gov/fdsys/pkg/FR-2018-01-03/pdf/2017-27788.pdf
Federal: <i>Regulatory Impact Analysis, EPA's 2017 Final Rule, Establishing User Fees for the RCRA Electronic Hazardous Waste Manifest System (e-Manifest)</i>	Link EPA Fiscal Impact Analysis: https://www.regulations.gov/document/EPA-HQ-OLEM-2016-0177-0090
Oregon Annual Hazardous Waste Reporting for disposal in 2020	Oregon Department of Environmental Quality Hazardous Waste Program 700 NE Multnomah St., Suite 600 Portland, OR 97232
Oregon Department of Employment 2020 data	Employment Department 875 Union St. NE Salem, OR 97311

Advisory committee fiscal review

DEQ appointed an advisory committee for this rulemaking.

As ORS 183.33 requires, DEQ will ask for the committee's recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how DEQ can comply with ORS 183.540 reduce that impact.

The committee will review the draft fiscal and economic impact statement and document its recommendations in the final approved meeting summary in June 2021.

The committee will determine if the proposed rules would or would not have a significant adverse impact on small businesses in Oregon. If a significant impact is identified by the committee, as ORS 183.333 and 183.540 requires, the committee will consider how DEQ could reduce the rules' fiscal impact on small business by:

- Establishing differing compliance or reporting requirements or time tables for small business;
- Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business;
- Utilizing objective criteria for standards;
- Exempting small businesses from any or all requirements of the rule; or
- Otherwise establishing less intrusive or less costly alternatives applicable to small business.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

DEQ determined the proposed rules would have no effect on the development costs because the proposed rule only affects businesses under the hazardous waste regulations.

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.