Hazardsous Waste Electronic Manifest Establishment Act

The bill (S. 710) to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:


(a) In General.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

**SEC. 3024. Hazardous Waste Electronic Manifest Establishment Act.**

(1) BOARD.—The term 'Board' means the Hazardous Waste Electronic Manifest Establishment Board established under subsection (f).

(2) FUND.—The term 'Fund' means the Hazardous Waste Electronic Manifest Establishment System Fund established by subsection (d).

(3) PERSON.—The term 'person' includes an individual, corporation (including a Government corporation), company, association, firm, partnership, society, joint stock company, trust, municipality, commission, Federal agency, State, political subdivision of a State, or interstate body.

(4) SYSTEM.—The term 'system' means the hazardous waste electronic manifest system established under subsection (b).

(b) Establishment.—Not later than 3 years after the date of enactment of this Act, the Administrator shall establish a hazardous waste electronic manifest system that may be used by any user.

(c) Assessment of Fees.—

(1) In General.—The Administrator may impose on users such reasonable service fees as the Administrator determines to be necessary to pay costs incurred in developing, operating, maintaining, and upgrading the system, including any costs incurred in collecting and processing data from any paper manifests submitted to the system for the date on which the system enters operation.

(2) Collection of Fees.—The Administrator shall—

(A) collect the fees described in paragraph (1) from the users in advance of, or as reimbursement for, the provision by the Administrator of system-related services; and

(B) deposit the fees in the Fund for use in accordance with this subsection.

(3) Fee Structure.—

(A) In General.—The Administrator, in consultation with information technology vendors, shall determine through the contract award process described in subsection (c) the fee structure described in subsection (b) to recover the full cost to the Administrator of providing system-related services, including costs relating to—

(i) materials and supplies;

(ii) contracting and consulting;

(iii) overhead;

(iv) information technology (including costs of hardware, software, and related services);

(v) personnel management;

(vi) collection of service fees;

(vii) investment of any unused service fees;

(viii) reporting and accounting;

(ix) employment of direct and indirect Government personnel dedicated to establishing and maintaining the system; and

(x) project management.

(B) Adjustments in Fee Amount.—In consultation with the Board, the Administrator, in consultation with the Board, shall increase or decrease amount of a service fee determined under the fee structure described in paragraph (A) to reflect in any fiscal year the costs (including any necessary system upgrades); and

(x) minimize, to the maximum extent practicable, the accumulation of unused amounts in the Fund.

(4) Exception for Initial Period of Operation.—The requirement described in clause (ii) shall apply to any additional fees that accumulate in the Fund, in an amount that does not exceed $2,000,000, during the 3-year period beginning on the date on which the system enters operation.

(5) Reporting of Adjustments.—Adjustments to service fees described in clause (i) shall be made—

(A) initially, at the time at which initial development costs of the system have been recovered by the Administrator such that the service fee may be reduced to reflect the elimination of the system development component of the fee; and

(B) periodically thereafter, upon receipt and acceptance of the findings of any annual accounting or auditing report under subsection (d), if the report discloses a significant disparity for a fiscal year between the funds collected from service fees under this...