



Interim Compliance Assistance Policy for Manifest Exception and Discrepancy Reports

Program Name: Hazardous Waste and Toxics Reduction

Policy Effective: January 22, 2025

Policy Ends: Upon Ecology's adoption of Federal e-Manifest Third Rule (89 FR 60692) through State Dangerous Waste Regulation rulemaking.

Date(s) of Substantive Updates: Not applicable at this time

References: Federal e-Manifest Third Rule (89 FR 60692), Chapter 173-303 WAC

Executive Summary

The Washington State Department of Ecology (Ecology) and the United States Environmental Protection Agency (EPA) currently require different timeframes for the initial search for an unsubmitted manifest and for manifest exception and discrepancy reports. This interim policy aligns state requirements with federal requirements.

Starting January 22, 2025, the reporting timelines below apply to:

- Medium quantity generators (MQGs).
- Large quantity generators (LQGs).
- Permitted Treatment Storage and Disposal (TSD) Facilities.

Manifest Exception Reports

- Initiate a search for unsubmitted or unsigned manifests if not received within 45 days.
- Submit a manifest exception report if manifest is not received within 60 days.

TSD Facility Manifest Discrepancy Reports

- Receiving facilities must submit a discrepancy report if manifest issues are not resolved within 20 days.

Why do we need this interim policy?

Ecology issued this interim policy to clarify the applicability of differences between the State's Dangerous Waste Regulations and the Federal [e-Manifest Third Rule](#).¹ The EPA rule partially went into effect January 22, 2025, and Ecology last updated the Dangerous Waste Regulations ([Chapter 173-303 WAC](#))² in 2020. Ecology and EPA currently require different manifest exception and discrepancy report submittal timeframes. This conflict creates confusion for the regulated community and regulatory agencies.

¹ [epa.gov/e-manifest/final-rule-integrating-e-manifest-exports-and-other-manifest-related-reports-pcb](https://www.epa.gov/e-manifest/final-rule-integrating-e-manifest-exports-and-other-manifest-related-reports-pcb)

² <https://app.leg.wa.gov/WAC/default.aspx?cite=173-303>

EPA implements and enforces regulations according to the federal e-Manifest Act. States with authorized programs can adopt more stringent regulatory requirements than their federal counterpart regulations. However, EPA doesn't allow states to have different exception and discrepancy report submission regulations, even if the state's regulations are arguably "more stringent." This is to ensure consistent implementation of manifest rules nationwide.

Due to the need for consistency in the national e-Manifest requirements, Ecology is deferring to the federal manifest reporting processes and timeframes in 40 CFR 262.42(a)(1), (2), (b)(1); 264.72(c) instead of the manifest reporting timeframes in Chapter 173-303 WAC. This interim policy is effective until Ecology conducts rulemaking to adopt the federal e-Manifest regulations into the Washington Administrative Code (WAC). You can find more information on Ecology's [rulemaking webpage](#).³

Regulatory Comparison Tables

Table 1: Comparison of old and new exception reporting timeframes.

	Before January 22, 2025		After January 22, 2025
	WA State Regulations WAC 173-303-220(2)	Federal Regulations 40 CFR 262.42	Federal Regulations and this Interim Policy
MQGs must initiate a search for unsubmitted or unsigned manifest if not received within:	35 days	Not Required	45 days*
MQGs must file an exception report if not received within:	45 days	60 days	60 days
LQGs must initiate search for unsubmitted or unsigned manifest if not received within:	35 days	35 days	45 days
LQGs must file an exception report if not received within:	45 days	45 days	60 days

*The federal rules don't require federal small quantity generators (medium quantity generators in Washington State) to search for the unsubmitted manifest.

Table 2: Comparison of old and new submittal timeframes to comply with discrepancy reporting.

	Before January 22, 2025		After January 22, 2025
	WA State Regulations WAC 173-303-370(5) WAC 173-303-810(14)(i)(i)	Federal Regulations 40 CFR 264.72 40 CFR 265.72 40 CFR 761.215	Federal Regulations and this Interim Policy
Receiving facilities must submit a discrepancy report if not resolved within:	15 days	15 days	20 days

³ ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking

What are the benefits of this interim policy?

- Clarifies and ensures consistent expectations for manifest process and timeframe requirements that differ between state and federal rules when:
 - Searching for unsubmitted manifests.
 - Submitting manifest exception reports.
 - Submitting discrepancy reports.
- Clearly defines when this interim policy is in effect.

What conditions must facilities follow to comply with this interim policy?

After December 1, 2025:

- Facilities must submit electronic exception, discrepancy, and unmanifested waste reports to the e-Manifest module in RCRAInfo.
- Ecology will no longer accept mailed paper or e-mailed exception, discrepancy, and unmanifested waste reports.
- Medium and large quantity generators will not be subject to the requirement in WAC 173-303-220(2)(a), (b), and (e) for handwritten signatures.

Initial Search for Unsubmitted Manifest (Medium and Large Quantity Generators)

A medium or large quantity generator must contact the transporter(s) and/or designated facility to determine the status of their dangerous waste shipment if they don't receive a copy of the manifest within 45 days of the date the initial transporter accepted their waste.

Ecology may enforce the manifest exception report requirements of WAC 173-303-220(2)(a) when the following apply:

- The federal timeframe of 45 days is exceeded.
- The medium or large quantity generator does not contact the transporter(s) and/or facility to determine the status of the dangerous waste shipment.

Exception Reporting (Medium and Large Quantity Generators)

Ecology may enforce the manifest exception report requirements of WAC 173-303-220(2)(b) when the following apply:

- The federal timeframe of 60 days is exceeded.
- The medium or large quantity generator does not submit an exception report.

Rejected Shipments of Dangerous Waste

Medium or large quantity generators whose shipment is rejected or forwarded to an alternative facility by the designated facility, must follow the initial search and exception reporting as required in the sections above using the new manifest generated by the original designated facility.

Treatment, Storage, and Disposal Facility Discrepancy Reporting

Upon discovering a significant difference in quantity or type of dangerous waste designated on the manifest or shipping paper, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter. If the discrepancy is not resolved within 20 days after receiving the waste, the owner or operator must take the following actions:

- Before December 1, 2025, immediately submit the following to **Ecology**:
 - A letter describing the discrepancy and attempts to reconcile it.
 - A copy of the manifest or shipping paper at issue.
- After December 1, 2025, immediately submit the following to the **EPA e-Manifest system** in RCRAInfo.
 - Discrepancy report.
 - A copy of the manifest or shipping paper at issue.

Ecology may cite violations or take enforcement action using the 15-day timeframe specified in WAC 173-303-370(5)(c), if a TSD permittee:

- Exceeds the federal 20-day timeframe.
- Does not immediately submit to Ecology:
 - A letter (in the form of a discrepancy report in the e-Manifest system after December 1, 2025) describing the discrepancy and attempts to reconcile it.
 - A copy of the manifest or shipping paper at issue.

Background for TSDs

Unless the owner or operator of a TSD facility is operating to interim status standards, Ecology administers and enforces the requirements for discrepancy reporting under a TSD facility's permit conditions and not the Dangerous Waste Regulations. WAC 173-303-810(8) shields a permitted facility from most of the Dangerous Waste Regulations so long as they are following their permit requirements.

Requirements for discrepancy reports are standardized in Washington State by requiring permittees' compliance with a Part 1 – General Permit Condition language that directly references WAC 173-303-370, instead of specifically outlining the requirements for the manifest discrepancy reports.

Manifest Exception Report State Stringency

Ecology will not implement the requirement in WAC 173-303-220(2)(d) to submit an exception report in less than 45 days. Instead, we will defer to the federal 60-day timeframe to ensure consistency with federal requirements for manifest exception reporting.

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Useful Links

[WAC 173-303-220\(2\)](#)⁵ – Generator Reporting

[WAC 173-303-370\(5\)](#)⁶ – Manifest System

[WAC 173-303-810\(14\)\(i\)\(i\)](#)⁷ – General Permit Conditions

[40 CFR 262.42](#)⁸ – Exception Reporting

[40 CFR 264.72](#)⁹ – Manifest Discrepancies

[40 CFR 265.72](#)¹⁰ – Manifest Discrepancies (Interim Status)

[40 CFR 761.215](#)¹¹ – Toxic Substances Control Act Manifest Discrepancies

⁴ ecology.wa.gov/accessibility

⁵ app.leg.wa.gov/wac/default.aspx?cite=173-303-220

⁶ app.leg.wa.gov/wac/default.aspx?cite=173-303-370

⁷ app.leg.wa.gov/wac/default.aspx?cite=173-303-810

⁸ ecfr.gov/current/title-40/chapter-I/subchapter-I/part-262/subpart-D/section-262.42

⁹ ecfr.gov/current/title-40/chapter-I/subchapter-I/part-264/subpart-E/section-264.72

¹⁰ ecfr.gov/current/title-40/chapter-I/subchapter-I/part-265/subpart-E/section-265.72

¹¹ ecfr.gov/current/title-40/chapter-I/subchapter-R/part-761/subpart-K/section-761.215