complete representations of the facility's received manifests, and that the facility acknowledges that it is obligated to pay the applicable per manifest fee for each manifest included in the submission.

(c) *Data file uploads from paper manifests*. Receiving facilities may submit data file representations of completed, ink-signed manifests in lieu of submitting mailed paper forms or image files to the e-Manifest system. Such data file submissions from paper manifests may be made for individual manifests received by a facility or as a batch upload of data files from multiple paper manifests received at the facility.

(1) The data file upload must be made in a data file format approved by EPA and supported by the e-Manifest system;

(2) The receiving facility must also submit an image file of each manifest

that is included in the individual or batch data file upload; and

(3) At the time of submission of the data file upload, a responsible representative of the receiving facility must make a CROMERR compliant certification that to the representative's knowledge or belief, the data and images submitted are accurate and complete representations of the facility's received manifests, and that the facility acknowledges that it is obligated to pay the applicable per manifest fee for each manifest included in the submission.

§ 265.1312 **User fee calculation methodology.**

(a) The fee calculation formula or methodology that EPA will use initially to determine per manifest fees is as follows:

$$Fee_i = \left(\frac{System\ Setup\ Cost}{Years \times N_t}\right) + \left(Marginal\ Cost_i + \frac{O\&M\ Cost}{N_t}\right) \times (1 + Indirect\ Cost\ Factor)$$

$$System\ Setup\ Cost = Procurement\ Cost + EPA\ Program\ Cost$$

$$O\&M\ Cost =$$
$$Electronic\ System\ O\&M\ Cost + Paper\ Center\ O\&M\ Cost + Help\ Desk\ Cost +$$
$$EPA\ Program\ Cost + CROMERR\ Cost +$$
$$LifeCycle\ Cost\ to\ Modify\ or\ Upgrade\ eManfiest\ System\ Related\ Services$$

Where Fee_i represents the per manifest fee for each manifest submission type ''i'' and N_t refers to the total number of manifests completed in a year.

(b)(1) If after four years of system operations, electronic manifest usage

does not equal or exceed 75% of total manifest usage, EPA may transition to the following formula or methodology to determine per manifest fees:

$$Fee_i = \left(\frac{System\ Setup\ Cost}{Years\ \times\ N_t}\right) + \left(Marginal\ Cost_i + \frac{O\&M_i\ Cost}{N_i}\right) \times (1 + Indirect\ Cost\ Factor)$$

$$System\ Setup\ Cost = Procurement\ Cost + EPA\ Program\ Cost$$

$$O\&M_{fully\ electronic}\ Cost =$$
$$Electronic\ System\ O\&M\ Cost + Help\ Desk\ Cost + EPA\ Program\ Cost + CROMERR\ Cost$$
$$+ LifeCycle\ Cost\ to\ Modify\ or\ Upgrade\ eManfiest\ System\ Related\ Services$$

$$O\&M_{all\ other}\ Cost = Electronic\ System\ O\&M\ Cost + Paper\ Center\ O\&M\ Cost +$$
$$Help\ Desk\ Cost + EPA\ Program\ Cost + CROMERR\ Cost +$$
$$LifeCycle\ Cost\ to\ Modify\ or\ Upgrade\ eManfiest\ System\ Related\ Services$$

Where N_i refers to the total number of one of the four manifest submission types "i" completed in a year and $O\&M_i$ Cost refers to the differential O&M Cost for each manifest submission type "i."

(2) At the completion of four years of system operations, EPA shall publish a notice:

(i) Stating the date upon which the fee formula set forth in paragraph (b)(1) of this section shall become effective; or

(ii) Stating that the fee formula in paragraph (b)(1) of this section shall not go into effect under this section, and that the circumstances of electronic manifest adoption and the appropriate fee response shall be referred to the System Advisory Board for the Board's advice.

§ 265.1313   User fee revisions.

(a) *Revision schedule.* (1) EPA will revise the fee schedules for e-Manifest submissions and related activities at two-year intervals, by utilizing the applicable fee calculation formula prescribed in § 265.1312 and the most recent program cost and manifest usage numbers.

(2) The fee schedules will be published to users through the e-Manifest program website by July 1 of each odd numbered calendar year, and will cover the next two fiscal years beginning on October 1 of that year and ending on September 30 of the next odd numbered year.

(b) *Inflation adjuster.* The second year of each two-year fee schedule shall be adjusted for inflation by using the following adjustment formula:

$$Fee_{iYear\ 2} = Fee_{iYear1} \times (CPI_{Year2-2}/CPI_{Year2-1})$$

Where:

Fee_{iYear2} is the Fee for each type of manifest submission "i" in Year 2 of the fee cycle;

Fee_{iYear1} is the Fee for each type of manifest submission "i" in Year 1 of the fee cycle; and

$CPI_{Year2-2}/CPI_{Year2-1}$ is the ratio of the CPI published for the year two years prior to Year 2 to the CPI for the year one year prior to Year 2 of the cycle.

(c) *Revenue recovery adjusters.* The fee schedules published at two-year intervals under this section shall include an adjustment to recapture revenue lost in the previous two-year fee cycle on account of imprecise estimates of manifest usage. This adjustment shall be calculated using the following adjustment formula to calculate a revenue recapture amount which will be added to O&M Costs in the fee calculation formula of § 265.1312:

$$Revenue\ Recapture_i = [(N_{iYear1} + N_{iYear2})_{Actual} - (N_{iYear1} + N_{iYear2})_{Est}] \times Fee_{i(Ave)}$$

Where:

Revenue Recapture$_i$ is the amount of fee revenue recaptured for each type of manifest submission "i;"

$(N_{iYear1} + N_{iYear2})_{Actual} - (N_{iYear1} + N_{iYear2})_{Est}$ is the difference between actual manifest numbers submitted to the system for each manifest type during the previous 2-year cycle, and the numbers estimated when we developed the previous cycle's fee schedule; and

$Fee_{i(Ave)}$ is the average fee charged per manifest type over the previous two-year cycle.