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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 12@ Standards Applicable to Generators of Hazardous Waste

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Article 8@ Transboundary Movements of Hazardous Waste for Recovery or Disposal

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Section 66262.84@ Imports of Hazardous Waste

66262.84 Imports of Hazardous Waste

(a)

General import requirements. (1) With the exception of subsection (a)(5) of this section, importers of shipments covered under a consent from U.S. EPA to the country of export issued before December 31, 2016 are subject to that approval and the requirements that existed at the time of that approval until such time the approval period expires. Otherwise, any other person who imports hazardous waste from a foreign country into the United States shall comply with the requirements of this chapter and the special requirements of this article. (2) In cases where the country of export does not require the foreign exporter to submit a notification and obtain consent to the export prior to shipment, the importer shall submit a notification to U.S. EPA in accordance with subsection (b) of this section. (3) The importer shall comply with the contract requirements in subsection (f) of this section. (4) The importer shall ensure compliance with the movement documents requirements in subsection(d) of this section; and (5) The importer shall ensure compliance with the manifest instructions for import shipments in subsection (c) of this section.

(1)

With the exception of subsection (a)(5) of this section, importers of shipments covered under a consent from U.S. EPA to the country of export issued before December 31, 2016 are subject to that approval and the requirements that existed at the time of that

approval until such time the approval period expires. Otherwise, any other person who imports hazardous waste from a foreign country into the United States shall comply with the requirements of this chapter and the special requirements of this article.

(2)

In cases where the country of export does not require the foreign exporter to submit a notification and obtain consent to the export prior to shipment, the importer shall submit a notification to U.S. EPA in accordance with subsection (b) of this section.

(3)

The importer shall comply with the contract requirements in subsection (f) of this section.

(4)

The importer shall ensure compliance with the movement documents requirements in subsection(d) of this section; and

(5)

The importer shall ensure compliance with the manifest instructions for import shipments in subsection (c) of this section.

(b)

Notifications. In cases where the competent authority of the country of export does not regulate the waste as hazardous waste and, thus, does not require the foreign exporter to submit to it a notification proposing export and obtain consent from U.S. EPA and the competent authorities for the countries of transit, but U.S. EPA does regulate the waste as hazardous waste: (1) The importer is required to provide notification in English to U.S. EPA of the proposed transboundary movement of hazardous waste at least sixty (60) days before the first shipment is expected to depart the country of export (the United States does not currently require financial assurance for these waste shipments). Notifications submitted

prior to the electronic import-export reporting compliance date shall be mailed or hand delivered to U.S. EPA at the addresses specified in 40 Code of Federal Regulations section 262.82(e). Notifications submitted on or after the electronic import-export reporting compliance date shall be submitted electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and shall include all of the following information: (A) Foreign exporter name, address, telephone, fax numbers, and email address; (B) Receiving facility name, U.S. EPA ID number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in 40 Code of Federal Regulations section 262.81; (C) Importer name (if not the owner or operator of the receiving facility), U.S. EPA ID number, physical address (a P.O. Box may be listed in addition to the physical address), telephone, fax numbers, and email address; (D) Intended transporter(s) and/or their agent(s); address, telephone, fax, and email address; (E) "U.S." as the country of import, "USA01" as the relevant competent authority code, and the intended U.S. port(s) of entry; (F) The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and the ports of entry and exit for each country of transit; (G) The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and port of exit for the country of export; (H) Statement of whether the notification covers a single shipment or multiple shipments; (I) Start and End Dates requested for transboundary movements; (J) Means of transport planned to be used; (K) Description(s) of each hazardous waste, including whether each hazardous waste is regulated universal waste under 40 Code of Federal Regulations part 273 or California Code of Regulations, title 22, chapter 23, spent lead-acid batteries being

exported for recovery of lead under 40 Code of Federal Regulations part 266, subpart G, or industrial ethyl alcohol being exported for reclamation under 40 Code of Federal Regulations section 261.6(a)(3)(i), estimated total quantity of each hazardous waste, the applicable RCRA hazardous waste code(s) for each hazardous waste, the applicable OECD waste code from the lists incorporated by reference in 40 Code of Federal Regulations section 260.11, and the United Nations/U.S. Department of Transportation (DOT) ID number for each hazardous waste; (L) Specification of the recovery or disposal operation(s) as defined in 40 Code of Federal Regulations section 262.81; and (M) Certification/Declaration signed by the importer that states: I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement. Name: Signature: Date: (2) Notifications listing interim recycling operations or interim disposal operations. If the receiving facility listed in subsection (b)(1)(B) of this section shall engage in any of the interim recovery operations R12, R13, or RC3 or interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) of this section shall also include the final recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, RC1, and D1 through D12, shall be employed at the final recovery or disposal facility. The recovery and disposal operations in this subsection are defined in 40 Code of Federal Regulations section 262.81. (3) Renotifications. When the foreign exporter wishes to change any of the conditions specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original

notification or adding transporters), the importer shall submit a renotification of the changes to U.S. EPA using the allowable methods in subsection (b)(1) of this section. Any shipment using the requested changes cannot take place until U.S. EPA and the countries of transit consent to the changes and the importer receives a U.S. EPA AOC letter documenting the consents to the changes. (4) A notification is complete when U.S. EPA determines the notification satisfies the requirements of subsection (b)(1)(A) through (M) of this section. Where a claim of confidentiality is asserted with respect to any notification information required by subsection (b)(1)(A) through (M) of this section, U.S. EPA may find the notification not complete until any such claim is resolved in accordance with 40 Code of Federal Regulations section 260.2. (5) Where U.S. EPA and the countries of transit consent to the proposed transboundary movement(s) of the hazardous waste(s), U.S. EPA shall forward a U.S. EPA AOC letter to the importer documenting the countries' consents and U.S. EPA's consent. Where any of the countries of transit or U.S. EPA objects to the proposed transboundary movement(s) of the hazardous waste or withdraws a prior consent, U.S. EPA shall notify the importer. (6) Export of hazardous wastes originally imported into the United States. Export of hazardous wastes that were originally imported into the United States for recycling or disposal operations is prohibited unless an exporter in the United States complies with the export requirements in 40 Code of Federal Regulations section 262.83(b)(7).

(1)

The importer is required to provide notification in English to U.S. EPA of the proposed transboundary movement of hazardous waste at least sixty (60) days before the first shipment is expected to depart the country of export (the United States does not currently require financial assurance for these waste shipments). Notifications

submitted prior to the electronic import-export reporting compliance date shall be mailed or hand delivered to U.S. EPA at the addresses specified in 40 Code of Federal Regulations section 262.82(e). Notifications submitted on or after the electronic import-export reporting compliance date shall be submitted electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and shall include all of the following information: (A) Foreign exporter name, address, telephone, fax numbers, and email address; (B) Receiving facility name, U.S. EPA ID number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in 40 Code of Federal Regulations section 262.81; (C) Importer name (if not the owner or operator of the receiving facility), U.S. EPA ID number, physical address (a P.O. Box may be listed in addition to the physical address), telephone, fax numbers, and email address; (D) Intended transporter(s) and/or their agent(s); address, telephone, fax, and email address; (E) "U.S." as the country of import, "USA01" as the relevant competent authority code, and the intended U.S. port(s) of entry; (F) The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and the ports of entry and exit for each country of transit; (G) The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and port of exit for the country of export; (H) Statement of whether the notification covers a single shipment or multiple shipments; (I) Start and End Dates requested for transboundary movements; (J) Means of transport planned to be used; (K) Description(s) of each hazardous waste, including whether each hazardous waste is regulated universal waste under 40 Code of Federal Regulations part 273 or California Code of Regulations, title 22, chapter 23, spent lead-acid batteries being exported for recovery of lead under 40 Code of Federal Regulations part 266, subpart G, or

industrial ethyl alcohol being exported for reclamation under 40 Code of Federal Regulations section 261.6(a)(3)(i), estimated total quantity of each hazardous waste, the applicable RCRA hazardous waste code(s) for each hazardous waste, the applicable OECD waste code from the lists incorporated by reference in 40 Code of Federal Regulations section 260.11, and the United Nations/U.S. Department of Transportation (DOT) ID number for each hazardous waste; (L) Specification of the recovery or disposal operation(s) as defined in 40 Code of Federal Regulations section 262.81; and (M) Certification/Declaration signed by the importer that states: I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement. Name: Signature: Date:

(A)

Foreign exporter name, address, telephone, fax numbers, and email address;

(B)

Receiving facility name, U.S. EPA ID number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in 40 Code of Federal Regulations section 262.81;

(C)

Importer name (if not the owner or operator of the receiving facility), U.S. EPA ID number, physical address (a P.O. Box may be listed in addition to the physical address), telephone, fax numbers, and email address;

(D)

Intended transporter(s) and/or their agent(s); address, telephone, fax, and email address;

(E)

"U.S." as the country of import, "USA01" as the relevant competent authority code, and the

intended U.S. port(s) of entry;

(F)

The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and the ports of entry and exit for each country of transit;

(G)

The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and port of exit for the country of export;

(H)

Statement of whether the notification covers a single shipment or multiple shipments;

(I)

Start and End Dates requested for transboundary movements;

(J)

Means of transport planned to be used;

(K)

Description(s) of each hazardous waste, including whether each hazardous waste is regulated universal waste under 40 Code of Federal Regulations part 273 or California Code of Regulations, title 22, chapter 23, spent lead-acid batteries being exported for recovery of lead under 40 Code of Federal Regulations part 266, subpart G, or industrial ethyl alcohol being exported for reclamation under 40 Code of Federal Regulations section 261.6(a)(3)(i), estimated total quantity of each hazardous waste, the applicable RCRA hazardous waste code(s) for each hazardous waste, the applicable OECD waste code from the lists incorporated by reference in 40 Code of Federal Regulations section 260.11, and the United Nations/U.S. Department of Transportation (DOT) ID number for each hazardous waste;

(L)

Specification of the recovery or disposal operation(s) as defined in 40 Code of Federal Regulations section 262.81; and

(M)

Certification/Declaration signed by the importer that states: I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement. Name: Signature: Date:

(2)

Notifications listing interim recycling operations or interim disposal operations. If the receiving facility listed in subsection (b)(1)(B) of this section shall engage in any of the interim recovery operations R12, R13, or RC3 or interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) of this section shall also include the final recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, RC1, and D1 through D12, shall be employed at the final recovery or disposal facility. The recovery and disposal operations in this subsection are defined in 40 Code of Federal Regulations section 262.81.

(3)

Renotifications. When the foreign exporter wishes to change any of the conditions specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the importer shall submit a renotification of the changes to U.S. EPA using the allowable methods in subsection (b)(1) of this section. Any shipment using the requested changes cannot take place until U.S. EPA and the countries of transit consent to the changes and the importer receives a U.S. EPA AOC letter documenting the consents to the changes.

(4)

A notification is complete when U.S. EPA determines the notification satisfies the requirements of subsection (b)(1)(A) through (M) of this section. Where a claim of confidentiality is asserted with respect to any notification information required by subsection (b)(1)(A) through (M) of this section, U.S. EPA may find the notification not complete until any such claim is resolved in accordance with 40 Code of Federal Regulations section 260.2.

(5)

Where U.S. EPA and the countries of transit consent to the proposed transboundary movement(s) of the hazardous waste(s), U.S. EPA shall forward a U.S. EPA AOC letter to the importer documenting the countries' consents and U.S. EPA's consent. Where any of the countries of transit or U.S. EPA objects to the proposed transboundary movement(s) of the hazardous waste or withdraws a prior consent, U.S. EPA shall notify the importer.

(6)

Export of hazardous wastes originally imported into the United States. Export of hazardous wastes that were originally imported into the United States for recycling or disposal operations is prohibited unless an exporter in the United States complies with the export requirements in 40 Code of Federal Regulations section 262.83(b)(7).

(c)

RCRA Manifest instructions for import shipments. (1) When importing hazardous waste, the importer shall meet all the requirements of 40 Code of Federal Regulations section 262.20 for the manifest except that: (A) In place of the generator's name, address and U.S. EPA identification number, the name and address of the foreign generator and the importer's name, address and U.S. EPA identification number shall be used. (B) In place of the generator's signature on the certification statement, the importer or his agent shall sign and date the

certification and obtain the signature of the initial transporter. (2) The importer may obtain the manifest form from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers). (3) In the International Shipments block, the importer shall check the import box and enter the point of entry (city and State) into the United States. (4) The importer shall provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with 40 Code of Federal Regulations sections 264.71(a)(3) and 265.71(a)(3). (5) In lieu of the requirements of 40 Code of Federal Regulations section 262.20(d), where a shipment cannot be delivered for any reason to the receiving facility, the importer shall instruct the transporter in writing via fax, email or mail to: (A) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and (B) Revise the manifest in accordance with the importer's instructions.

(1)

When importing hazardous waste, the importer shall meet all the requirements of 40 Code of Federal Regulations section 262.20 for the manifest except that: (A) In place of the generator's name, address and U.S. EPA identification number, the name and address of the foreign generator and the importer's name, address and U.S. EPA identification number shall be used. (B) In place of the generator's signature on the certification statement, the importer or his agent shall sign and date the certification and obtain the signature of the initial transporter.

(A)

In place of the generator's name, address and U.S. EPA identification number, the name and address of the foreign generator and the importer's name, address and U.S. EPA identification number shall be used.

(B)

In place of the generator's signature on the certification statement, the importer or his agent shall sign and date the certification and obtain the signature of the initial transporter.

(2)

The importer may obtain the manifest form from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).

(3)

In the International Shipments block, the importer shall check the import box and enter the point of entry (city and State) into the United States.

(4)

The importer shall provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with 40 Code of Federal Regulations sections 264.71(a)(3) and 265.71(a)(3).

(5)

In lieu of the requirements of 40 Code of Federal Regulations section 262.20(d), where a shipment cannot be delivered for any reason to the receiving facility, the importer shall instruct the transporter in writing via fax, email or mail to: (A) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and (B) Revise the manifest in accordance with the importer's instructions.

(A)

Return the hazardous waste to the foreign exporter or designate another facility within the United States; and

(B)

Revise the manifest in accordance with the importer's instructions.

(d)

Movement document requirements for import shipments.(1) The importer shall ensure that a movement document meeting the conditions of subsection (d)(2) of this section accompanies each transboundary movement of hazardous wastes from the initiation of the shipment in the country of export until it reaches the receiving facility, including cases in which the hazardous waste is stored and/or sorted by the importer prior to shipment to the receiving facility, except as provided in subsections (d)(1)(A) and (B).(A) For shipments of hazardous waste within the United States by water (bulk shipments only), the importer shall forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if imported by water. (B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the importer shall forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if imported by rail.

(2) The movement document shall include the following subsection (d)(2)(A) through (O) of this section:(A) The corresponding AOC number(s) and waste number(s) for the listed waste; (B) The shipment number and the total number of shipments under the AOC number; (C) Foreign exporter name, address, telephone, fax numbers, and email address; (D) Receiving facility name, U.S. EPA ID number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in 40 Code of Federal Regulations section 262.81; (E) Importer name (if not the owner or operator of the receiving facility), U.S. EPA ID number, address, telephone, fax numbers, and email address; (F) Description(s) of each hazardous waste, quantity of each hazardous waste in the shipment, applicable RCRA hazardous waste code(s) for each hazardous waste, the applicable OECD waste code for each

hazardous waste from the lists incorporated by reference in 40 Code of Federal Regulations section 260.11, and the United Nations/U.S. Department of Transportation (DOT) ID number for each hazardous waste; (G) Date movement commenced; (H) Name (if not the foreign exporter), address, telephone, fax numbers, and email of the foreign company originating the shipment; (I) Company name, U.S. EPA ID number, address, telephone, fax, and email address of all transporters; (J) Identification (license, registered name or registration number) of means of transport, including types of packaging; (K) Any special precautions to be taken by transporter(s); (L) Certification/declaration signed and dated by the foreign exporter that the information in the movement document is complete and correct; (M) Appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the receiving facility); (N) Each person that has physical custody of the waste from the time the movement commences until it arrives at the receiving facility shall sign the movement document (e.g., transporter, importer, and owner or operator of the receiving facility); and (O) The receiving facility shall send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the foreign exporter, to the competent authorities of the countries of export and transit, and for shipments received on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system.

(1)

The importer shall ensure that a movement document meeting the conditions of subsection (d)(2) of this section accompanies each transboundary movement of hazardous wastes from the initiation of the shipment in the country of export until it reaches the receiving facility, including cases in which the hazardous waste is stored

and/or sorted by the importer prior to shipment to the receiving facility, except as provided in subsections (d)(1)(A) and (B). (A) For shipments of hazardous waste within the United States by water (bulk shipments only), the importer shall forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if imported by water. (B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the importer shall forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if imported by rail.

(A)

For shipments of hazardous waste within the United States by water (bulk shipments only), the importer shall forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if imported by water.

(B)

For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the importer shall forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if imported by rail.

(2)

The movement document shall include the following subsection (d)(2)(A) through (O) of this section: (A) The corresponding AOC number(s) and waste number(s) for the listed waste; (B) The shipment number and the total number of shipments under the AOC number; (C) Foreign exporter name, address, telephone, fax numbers, and email address; (D) Receiving facility name, U.S. EPA ID number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in 40 Code of Federal Regulations section 262.81; (E)

Importer name (if not the owner or operator of the receiving facility), U.S. EPA ID number, address, telephone, fax numbers, and email address; (F) Description(s) of each hazardous waste, quantity of each hazardous waste in the shipment, applicable RCRA hazardous waste code(s) for each hazardous waste, the applicable OECD waste code for each hazardous waste from the lists incorporated by reference in 40 Code of Federal Regulations section 260.11, and the United Nations/U.S. Department of Transportation (DOT) ID number for each hazardous waste; (G) Date movement commenced; (H) Name (if not the foreign exporter), address, telephone, fax numbers, and email of the foreign company originating the shipment; (I) Company name, U.S. EPA ID number, address, telephone, fax, and email address of all transporters; (J) Identification (license, registered name or registration number) of means of transport, including types of packaging; (K) Any special precautions to be taken by transporter(s); (L) Certification/declaration signed and dated by the foreign exporter that the information in the movement document is complete and correct; (M) Appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the receiving facility); (N) Each person that has physical custody of the waste from the time the movement commences until it arrives at the receiving facility shall sign the movement document (e.g., transporter, importer, and owner or operator of the receiving facility); and (O) The receiving facility shall send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the foreign exporter, to the competent authorities of the countries of export and transit, and for shipments received on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system.

(A)

The corresponding AOC number(s) and waste number(s) for the listed waste;

(B)

The shipment number and the total number of shipments under the AOC number;

(C)

Foreign exporter name, address, telephone, fax numbers, and email address;

(D)

Receiving facility name, U.S. EPA ID number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in 40 Code of Federal Regulations section 262.81;

(E)

Importer name (if not the owner or operator of the receiving facility), U.S. EPA ID number, address, telephone, fax numbers, and email address;

(F)

Description(s) of each hazardous waste, quantity of each hazardous waste in the shipment, applicable RCRA hazardous waste code(s) for each hazardous waste, the applicable OECD waste code for each hazardous waste from the lists incorporated by reference in 40 Code of Federal Regulations section 260.11, and the United Nations/U.S. Department of Transportation (DOT) ID number for each hazardous waste;

(G)

Date movement commenced;

(H)

Name (if not the foreign exporter), address, telephone, fax numbers, and email of the foreign company originating the shipment;

(I)

Company name, U.S. EPA ID number, address, telephone, fax, and email address of all transporters;

(J)

Identification (license, registered name or registration number) of means of transport,
including types of packaging;

(K)

Any special precautions to be taken by transporter(s);

(L)

Certification/declaration signed and dated by the foreign exporter that the information in the movement document is complete and correct;

(M)

Appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the receiving facility);

(N)

Each person that has physical custody of the waste from the time the movement commences until it arrives at the receiving facility shall sign the movement document (e.g., transporter, importer, and owner or operator of the receiving facility); and

(O)

The receiving facility shall send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the foreign exporter, to the competent authorities of the countries of export and transit, and for shipments received on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system.

(e)

Duty to return or export hazardous wastes. When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consent(s), the provisions of subsection (f)(4) of this section apply. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste shall be

returned to the country of export or exported to a third country. The provisions of subsection (b)(6) of this section apply to any hazardous waste shipments to be exported to a third country. If the return shipment shall cross any transit country, the return shipment may only occur after U.S. EPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the importer.

(f)

Import contract requirements. (1) Imports of hazardous waste shall occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements shall be executed by the foreign exporter, importer, and the owner or operator of the receiving facility, and shall specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements. (2) Contracts or equivalent arrangements shall specify the name and U.S. EPA ID number, where available, of subsection (f)(2)(A) through (D) of this section: (A) The foreign company from where each import shipment of hazardous waste is initiated; (B) Each person who shall have physical custody of the hazardous wastes; (C) Each person who shall have legal control of the hazardous wastes; and (D) The receiving facility. (3) Contracts or equivalent arrangements shall specify the use of a movement document in accordance with subsection (d) of this section. (4) Contracts or equivalent arrangements shall specify which party to the contract shall assume responsibility for alternate management of the hazardous wastes if their disposition cannot be carried out as

described in the notification of intent to export submitted by either the foreign exporter or the importer. In such cases, contracts shall specify that: (A) The transporter or receiving facility having actual possession or physical control over the hazardous wastes shall immediately inform the foreign exporter and importer, and the competent authority where the shipment is located of the need to arrange alternate management or return; and (B) The person specified in the contract shall assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of the hazardous wastes and, as the case may be, shall provide the notification for re-export required in 40 Code of Federal Regulations section 262.83(b)(7). (5) Contracts shall specify that the importer or the receiving facility that performed interim recycling operations R12, R13, or RC3, or interim disposal operations D13 through D15, as appropriate, shall provide the notification required in 40 Code of Federal Regulations section 262.83(b)(7) prior to the re-export of hazardous wastes. The recovery and disposal operations in this subsection are defined in 40 Code of Federal Regulations section 262.81. (6) Contracts or equivalent arrangements shall include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in accordance with applicable national or international law requirements. (A) Financial guarantees so required are intended to provide for alternate recycling, disposal or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD Member countries or other foreign countries do. It is the responsibility of the importer to ascertain and comply with such requirements; in some cases, persons or facilities located in those countries may refuse to

enter into the necessary contracts absent specific references or certifications to financial guarantees. (7) Contracts or equivalent arrangements shall contain provisions requiring each contracting party to comply with all applicable requirements of this article. (8) Upon request by U.S. EPA, importers or disposal or recovery facilities shall submit to U.S. EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 40 Code of Federal Regulations section 2.203(b) shall be treated as confidential and shall be disclosed by U.S. EPA only as provided in 40 Code of Federal Regulations section 260.2.

(1)

Imports of hazardous waste shall occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements shall be executed by the foreign exporter, importer, and the owner or operator of the receiving facility, and shall specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

(2)

Contracts or equivalent arrangements shall specify the name and U.S. EPA ID number, where available, of subsection (f)(2)(A) through (D) of this section: (A) The foreign company from where each import shipment of hazardous waste is initiated; (B) Each person who shall have physical custody of the hazardous wastes; (C) Each person who

shall have legal control of the hazardous wastes; and (D) The receiving facility.

(A)

The foreign company from where each import shipment of hazardous waste is initiated;

(B)

Each person who shall have physical custody of the hazardous wastes;

(C)

Each person who shall have legal control of the hazardous wastes; and

(D)

The receiving facility.

(3)

Contracts or equivalent arrangements shall specify the use of a movement document in accordance with subsection (d) of this section.

(4)

Contracts or equivalent arrangements shall specify which party to the contract shall assume responsibility for alternate management of the hazardous wastes if their disposition cannot be carried out as described in the notification of intent to export submitted by either the foreign exporter or the importer. In such cases, contracts shall specify that: (A) The transporter or receiving facility having actual possession or physical control over the hazardous wastes shall immediately inform the foreign exporter and importer, and the competent authority where the shipment is located of the need to arrange alternate management or return; and (B) The person specified in the contract shall assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of the hazardous wastes and, as the case may be, shall provide the notification for re-export required in 40 Code of Federal Regulations section 262.83(b)(7).

(A)

The transporter or receiving facility having actual possession or physical control over the hazardous wastes shall immediately inform the foreign exporter and importer, and the competent authority where the shipment is located of the need to arrange alternate management or return; and

(B)

The person specified in the contract shall assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of the hazardous wastes and, as the case may be, shall provide the notification for re-export required in 40 Code of Federal Regulations section 262.83(b)(7).

(5)

Contracts shall specify that the importer or the receiving facility that performed interim recycling operations R12, R13, or RC3, or interim disposal operations D13 through D15, as appropriate, shall provide the notification required in 40 Code of Federal Regulations section 262.83(b)(7) prior to the re-export of hazardous wastes. The recovery and disposal operations in this subsection are defined in 40 Code of Federal Regulations section 262.81.

(6)

Contracts or equivalent arrangements shall include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in accordance with applicable national or international law requirements. (A) Financial guarantees so required are intended to provide for alternate recycling, disposal or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD Member countries

or other foreign countries do. It is the responsibility of the importer to ascertain and comply with such requirements; in some cases, persons or facilities located in those countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

(A)

Financial guarantees so required are intended to provide for alternate recycling, disposal or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD Member countries or other foreign countries do. It is the responsibility of the importer to ascertain and comply with such requirements; in some cases, persons or facilities located in those countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

(7)

Contracts or equivalent arrangements shall contain provisions requiring each contracting party to comply with all applicable requirements of this article.

(8)

Upon request by U.S. EPA, importers or disposal or recovery facilities shall submit to U.S. EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 40 Code of Federal Regulations section 2.203(b) shall be treated as confidential and shall be disclosed by U.S. EPA only as provided in 40 Code of Federal Regulations section 260.2.

(g)

Confirmation of recovery or disposal. The receiving facility shall do the following:

(1) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty (30) days after completing recovery or disposal on the waste in the shipment and no later than one (1) calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. (2) If the receiving facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, the receiving facility shall promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one (1) year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1 to RC2, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export, and for confirmations received on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. The recovery and disposal operations in this subsection are defined in 40 Code of Federal Regulations section 262.81.

(1)

Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty (30) days after completing recovery or disposal on the waste in the shipment and no later than one (1) calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export

Tracking System (WIETS), or its successor system.

(2)

If the receiving facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, the receiving facility shall promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one (1) year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1 to RC2, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export, and for confirmations received on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. The recovery and disposal operations in this subsection are defined in 40 Code of Federal Regulations section 262.81.

(h)

Recordkeeping. (1) The importer shall keep the following records and provide them to U.S. EPA or authorized state personnel upon request: (A) A copy of each notification that the importer sends to U.S. EPA under subsection (b)(1) of this section and each U.S. EPA AOC it receives in response for a period of at least three (3) years from the date the hazardous waste was accepted by the initial foreign transporter; and (B) A copy of each contract or equivalent arrangement established per subsection (f) of this section for at least three (3) years from the expiration date of the contract or equivalent arrangement. (2) The receiving facility shall keep the following records: (A) A copy of each confirmation of receipt (i.e., movement document) that the receiving facility sends to the foreign exporter for at least three (3) years from the date it received the hazardous waste; (B) A copy of each confirmation of recovery or disposal that the receiving facility sends

to the foreign exporter for at least three (3) years from the date that it completed processing the waste shipment; (C) For the receiving facility that performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15 (recovery and disposal operations defined in 40 Code of Federal Regulations section 262.81), a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to it for at least three (3) years from the date that the final recovery or disposal facility completed processing the waste shipment; and (D) A copy of each contract or equivalent arrangement established per subsection (f) of this section for at least three (3) years from the expiration date of the contract or equivalent arrangement. (3) Importers and receiving facilities may satisfy these recordkeeping requirements by retaining electronically submitted documents in the importer's or receiving facility's account on U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system, provided that copies are readily available for viewing and production if requested by any U.S. EPA or authorized state inspector. No importer or receiving facility may be held liable for the inability to produce such documents for inspection under this article if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system for which the importer or receiving facility bears no responsibility. (4) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the U.S. EPA Administrator.

(1)

The importer shall keep the following records and provide them to U.S. EPA or authorized state personnel upon request: (A) A copy of each notification that the

importer sends to U.S. EPA under subsection (b)(1) of this section and each U.S. EPA AOC it receives in response for a period of at least three (3) years from the date the hazardous waste was accepted by the initial foreign transporter; and (B) A copy of each contract or equivalent arrangement established per subsection (f) of this section for at least three (3) years from the expiration date of the contract or equivalent arrangement.

(A)

A copy of each notification that the importer sends to U.S. EPA under subsection (b)(1) of this section and each U.S. EPA AOC it receives in response for a period of at least three (3) years from the date the hazardous waste was accepted by the initial foreign transporter; and

(B)

A copy of each contract or equivalent arrangement established per subsection (f) of this section for at least three (3) years from the expiration date of the contract or equivalent arrangement.

(2)

The receiving facility shall keep the following records: (A) A copy of each confirmation of receipt (i.e., movement document) that the receiving facility sends to the foreign exporter for at least three (3) years from the date it received the hazardous waste; (B) A copy of each confirmation of recovery or disposal that the receiving facility sends to the foreign exporter for at least three (3) years from the date that it completed processing the waste shipment; (C) For the receiving facility that performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15 (recovery and disposal operations defined in 40 Code of Federal Regulations section 262.81), a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to it for at least three (3) years from the date that the final recovery or disposal facility completed processing the waste shipment; and (D) A copy

of each contract or equivalent arrangement established per subsection (f) of this section for at least three (3) years from the expiration date of the contract or equivalent arrangement.

(A)

A copy of each confirmation of receipt (i.e., movement document) that the receiving facility sends to the foreign exporter for at least three (3) years from the date it received the hazardous waste;

(B)

A copy of each confirmation of recovery or disposal that the receiving facility sends to the foreign exporter for at least three (3) years from the date that it completed processing the waste shipment;

(C)

For the receiving facility that performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15 (recovery and disposal operations defined in 40 Code of Federal Regulations section 262.81), a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to it for at least three (3) years from the date that the final recovery or disposal facility completed processing the waste shipment; and

(D)

A copy of each contract or equivalent arrangement established per subsection (f) of this section for at least three (3) years from the expiration date of the contract or equivalent arrangement.

(3)

Importers and receiving facilities may satisfy these recordkeeping requirements by retaining electronically submitted documents in the importer's or receiving facility's account on U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system, provided that copies are readily available for viewing and production if

requested by any U.S. EPA or authorized state inspector. No importer or receiving facility may be held liable for the inability to produce such documents for inspection under this article if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system for which the importer or receiving facility bears no responsibility.

(4)

The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the U.S. EPA Administrator.