

66262.81 Definitions

The following definitions apply to 40 Code of Federal Regulations Part 262, Subpart H and this article.

(a)

"Competent authority" means the regulatory authority or authorities of concerned countries having jurisdiction over transboundary movements of wastes.

(b)

"Countries concerned" means the countries of export and import and any countries of transit.

(c)

"Consignee" means the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the importing country.

(d)

"Country of export" means any country from which a transboundary movement of hazardous wastes is planned to be initiated or is initiated.

(e)

"Country of import" means any country to which a transboundary movement of hazardous wastes is planned or takes place for the purpose of submitting the wastes to recovery or disposal operations therein.

(f)

"Country of transit" means any country other than the country of export or country of import across which a transboundary movement of hazardous wastes is planned or takes place.

(g)

"Disposal operations" means activities which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternate uses, which include: (1) D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12. (2) D2 Land treatment, such as biodegradation of liquids or sludges in soils. (3) D3 Deep injection, such as injection into wells, salt domes or naturally occurring repositories. (4) D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds or lagoons. (5) D5 Specially engineered landfill, such as placement into lined discrete cells which are capped and isolated from one another and the environment. (6) D6 Release into a water body other than a sea or ocean, and other than by operation D4. (7) D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4. (8) D8 Biological treatment not specified elsewhere in operations D1 through D12, which results in final compounds or mixtures which are discarded by means of any of operations D1 through D12. (9) D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, which results in final compounds or mixtures which are discarded by means of any of operations D1 through D12. (10) D10 Incineration on land. (11) D11 Incineration at sea. (12) D12 Permanent storage. (13) D13 Interim blending or mixing, before an operation that bears any of the disposal operations D1 to D12. (14) D14 Interim repackaging, before an operation that bears any of the disposal operations D1 to D12. (15) D15 Interim storage, before an operation that bears any of the disposal operations D1 to D12.

(16) DC1 Release, including the venting of compressed or liquified gases, or treatment, other than by any of disposal operation codes D1 to D12 (for transboundary movements with Canada only). (17) DC2 Testing of a new technology to dispose of a hazardous waste (for transboundary movements with Canada only).

(1)

D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.

(2)

D2 Land treatment, such as biodegradation of liquids or sludges in soils.

(3)

D3 Deep injection, such as injection into wells, salt domes or naturally occurring repositories.

(4)

D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds or lagoons.

(5)

D5 Specially engineered landfill, such as placement into lined discrete cells which are capped and isolated from one another and the environment.

(6)

D6 Release into a water body other than a sea or ocean, and other than by operation D4.

(7)

D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.

(8)

D8 Biological treatment not specified elsewhere in operations D1 through D12, which results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.

(9)

D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, which results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.

(10)

D10 Incineration on land.

(11)

D11 Incineration at sea.

(12)

D12 Permanent storage.

(13)

D13 Interim blending or mixing, before an operation that bears any of the disposal operations D1 to D12.

(14)

D14 Interim repackaging, before an operation that bears any of the disposal operations D1 to D12.

(15)

D15 Interim storage, before an operation that bears any of the disposal operations D1 to D12.

(16)

DC1 Release, including the venting of compressed or liquified gases, or treatment, other than by any of disposal operation codes D1 to D12 (for transboundary

movements with Canada only).

(17)

DC2 Testing of a new technology to dispose of a hazardous waste (for transboundary movements with Canada only).

(h)

"EPA Acknowledgment of Consent" or "AOC" means the letter U.S. EPA sends to the exporter documenting the specific terms of the country of import's consent and the country(ies) of transit's consent(s). The AOC meets the definition of an export license in U.S. Census Bureau regulations 15 Code of Federal Regulations section 30.1.

(i)

"Export" means the transportation of hazardous waste from a location under the jurisdiction of the United States to a location under the jurisdiction of another country, or a location not under the jurisdiction of any country, for the purposes of recovery or disposal operations therein.

(j)

"Exporter" also known as "primary exporter" on the RCRA hazardous waste manifest, means the person domiciled in the United States who is required to originate the movement document in accordance with 40 Code of Federal Regulations section 262.83(d) or the manifest for a shipment of hazardous waste in accordance with 40 Code of Federal Regulations part 262, subpart B, or article 2 of this chapter, which specifies a foreign receiving facility as the facility to which the hazardous wastes shall be sent, or any recognized trader who proposes export of the hazardous wastes for recovery or disposal operations in the country of import.

(k)

"Foreign exporter" means the person under the jurisdiction of the country of export who has, or shall have at the time the planned transboundary movement commences, possession or other forms of legal control of the hazardous wastes and who proposes shipment of the hazardous wastes to the United States for recovery or disposal operations.

(l)

"Foreign importer" means the person to whom possession or other form of legal control of the hazardous waste is assigned at the time the exported hazardous waste is received in the country of import.

(m)

"Foreign receiving facility" means a facility which, under the importing country's applicable domestic law, is operating or is authorized to operate in the country of import to receive the hazardous wastes and to perform recovery or disposal operations on them.

(n)

"Import" means the transportation of hazardous waste from a location under the jurisdiction of another country to a location under the jurisdiction of the United States for the purposes of recovery or disposal operations therein.

(o)

"Importer" means the person to whom possession or other form of legal control of the hazardous waste is assigned at the time the imported hazardous waste is received in the United States.

(p)

"Notifier" means the person under the jurisdiction of the exporting country who has, or will have at the time the planned transboundary movement commences, possession or legal control of the wastes and who proposes their transboundary

movement for the ultimate purpose of submitting them to recovery operations. When the United States (U.S.) is the exporting country, notifier is interpreted to mean a person domiciled in the U.S.

(q)

"OECD area" means all land or marine areas under the national jurisdiction of any OECD Member country. When the regulations refer to shipments to or from an OECD Member country, this means OECD area.

(r)

"OECD" means the Organization for Economic Cooperation and Development.

(s)

"OECD Member country" means the countries that are members of the OECD and participate in the Amended 2001 OECD Decision. (U.S. EPA provides a list of OECD Member countries at

<https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-waste>).

(t)

"Receiving facility" means a U.S. facility which, under RCRA and other applicable domestic laws, is operating or is authorized to operate to receive hazardous wastes and to perform recovery or disposal operations on them.

(u)

"Recovery operations" means activities leading to resource recovery, recycling, reclamation, direct re-use or alternative which include: (1) R1 Use as a fuel (other than in direct incineration) or other means to generate energy. (2) R2 Solvent reclamation/regeneration. (3) R3 Recycling/reclamation of organic substances which are not used as solvents. (4) R4 Recycling/reclamation of metals and metal compounds. (5) R5 Recycling/reclamation of other inorganic materials. (6)

R6 Regeneration of acids or bases. (7) R7 Recovery of components used for pollution control. (8) R8 Recovery of components from catalysts. (9) R9 Used oil re-refining or other reuses of previously used oil. (10) R10 Land treatment resulting in benefit to agriculture or ecological improvement. (11) R11 Use of residual materials obtained from any of the recovery operation codes numbered R1 through R10 or RC1. (12) R12 Interim exchange of wastes before recycling using any of the recovery operation codes numbered R1 through R11 or RC1. (13) R13 Interim accumulation of wastes before recycling using any of the recovery operation codes numbered R1 through R11 or RC1. (14) RC1 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 to R10 (for transboundary shipments with Canada only). (15) RC2 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only). (16) RC3 Interim storage prior to any of operations R1 to R11 or RC1 (for transboundary shipments with Canada only).

(1)

R1 Use as a fuel (other than in direct incineration) or other means to generate energy.

(2)

R2 Solvent reclamation/regeneration.

(3)

R3 Recycling/reclamation of organic substances which are not used as solvents.

(4)

R4 Recycling/reclamation of metals and metal compounds.

(5)

R5 Recycling/reclamation of other inorganic materials.

(6)

R6 Regeneration of acids or bases.

(7)

R7 Recovery of components used for pollution control.

(8)

R8 Recovery of components from catalysts.

(9)

R9 Used oil re-refining or other reuses of previously used oil.

(10)

R10 Land treatment resulting in benefit to agriculture or ecological improvement.

(11)

R11 Use of residual materials obtained from any of the recovery operation codes numbered R1 through R10 or RC1.

(12)

R12 Interim exchange of wastes before recycling using any of the recovery operation codes numbered R1 through R11 or RC1.

(13)

R13 Interim accumulation of wastes before recycling using any of the recovery operation codes numbered R1 through R11 or RC1.

(14)

RC1 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 to R10 (for transboundary shipments with Canada only).

(15)

RC2 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only).

(16)

RC3 Interim storage prior to any of operations R1 to R11 or RC1 (for transboundary shipments with Canada only).

(v)

"Transboundary movement" means any movement of hazardous wastes from an area under the national jurisdiction of one country to an area under the national jurisdiction of another country.