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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 66262.83@ Exports of Hazardous Waste

66262.83 Exports of Hazardous Waste

(a)

General export requirements. Except as provided in subsections (a)(5) and (6) of this section, exporters that have received an AOC from U.S. EPA before December 31, 2016 are subject to that approval and the requirements listed in the AOC that existed at the time of that approval until such time the approval period expires. All other exports of hazardous waste are prohibited unless: (1) The exporter complies with the contract requirements in subsection (f) of this section; (2) The exporter complies with the notification requirements in subsection (b) of this section; (3) The exporter receives an AOC from U.S. EPA documenting consent from the countries of import and transit (and original country of export if exporting previously imported hazardous waste); (4) The exporter ensures compliance with the movement documents requirements in subsection (d) of this section; (5) The exporter ensures compliance with the manifest instructions for export shipments in subsection (c) of this section; and (6) The exporter or a U.S. authorized agent: (A) For shipments initiated prior to the AES filing compliance date, does one of the following: 1. Submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 Code of Federal Regulations section 30.4(b), and includes the following items in the EEI, along with the other information required under 15 Code of Federal

Regulations section 30.6: a. U.S. EPA license code; b. Commodity classification code for each hazardous waste per 15 Code of Federal Regulations section 30.6(a)(12); c. U.S. EPA consent number for each hazardous waste; d. Country of ultimate destination code per 15 Code of Federal Regulations section 30.6(a)(5); e. Date of export per 15 Code of Federal Regulations section 30.6(a)(2); f. RCRA hazardous waste manifest tracking number, if required; g. Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 Code of Federal Regulations section 30.6(a)(15); or h. U.S. EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

2. Complies with a paper-based process by: a. Attaching paper documentation of consent (i.e., a copy of the U.S. EPA Acknowledgment of Consent, international movement document) to the manifest, or shipping papers if a manifest is not required, which shall accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter shall provide the transporter with the paper documentation of consent which shall accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter shall attach the paper documentation of consent to the shipping paper. b. Providing the transporter with an additional copy of the manifest, and instructing the transporter via mail, email or fax to deliver that copy to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with 40 Code of Federal Regulations section 263.20(g)(4)(ii). (B) For shipments initiated on or after the AES filing compliance date, submits Electronic Export Information (EEI) for each

shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 Code of Federal Regulations section 30.4(b), and includes the following items in the EEI, along with the other information required under 15 Code of Federal Regulations section 30.6: 1. U.S. EPA license code; 2. Commodity classification code for each hazardous waste per 15 Code of Federal Regulations section 30.6(a)(12); 3. U.S. EPA consent number for each hazardous waste; 4. Country of ultimate destination code per 15 Code of Federal Regulations section 30.6(a)(5); 5. Date of export per 15 Code of Federal Regulations section 30.6(a)(2); 6. RCRA hazardous waste manifest tracking number, if required; 7. Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 Code of Federal Regulations section 30.6(a)(15); or 8. U.S. EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

(1)

The exporter complies with the contract requirements in subsection (f) of this section;

(2)

The exporter complies with the notification requirements in subsection (b) of this section;

(3)

The exporter receives an AOC from U.S. EPA documenting consent from the countries of import and transit (and original country of export if exporting previously imported hazardous waste);

(4)

The exporter ensures compliance with the movement documents requirements in subsection (d) of this section;

(5)

The exporter ensures compliance with the manifest instructions for export shipments in subsection (c) of this section; and

(6)

The exporter or a U.S. authorized agent:(A) For shipments initiated prior to the AES filing compliance date, does one of the following: 1. Submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 Code of Federal Regulations section 30.4(b), and includes the following items in the EEI, along with the other information required under 15 Code of Federal Regulations section 30.6: a. U.S. EPA license code; b. Commodity classification code for each hazardous waste per 15 Code of Federal Regulations section 30.6(a)(12); c. U.S. EPA consent number for each hazardous waste; d. Country of ultimate destination code per 15 Code of Federal Regulations section 30.6(a)(5); e. Date of export per 15 Code of Federal Regulations section 30.6(a)(2); f. RCRA hazardous waste manifest tracking number, if required; g. Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 Code of Federal Regulations section 30.6(a)(15); or h. U.S. EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume. 2. Complies with a paper-based process by:a. Attaching paper documentation of consent (i.e., a copy of the U.S. EPA Acknowledgment of Consent, international movement document)

to the manifest, or shipping papers if a manifest is not required, which shall accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter shall provide the transporter with the paper documentation of consent which shall accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter shall attach the paper documentation of consent to the shipping paper. b. Providing the transporter with an additional copy of the manifest, and instructing the transporter via mail, email or fax to deliver that copy to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with 40 Code of Federal Regulations section 263.20(g)(4)(ii). (B) For shipments initiated on or after the AES filing compliance date, submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 Code of Federal Regulations section 30.4(b), and includes the following items in the EEI, along with the other information required under 15 Code of Federal Regulations section 30.6: 1. U.S. EPA license code; 2. Commodity classification code for each hazardous waste per 15 Code of Federal Regulations section 30.6(a)(12); 3. U.S. EPA consent number for each hazardous waste; 4. Country of ultimate destination code per 15 Code of Federal Regulations section 30.6(a)(5); 5. Date of export per 15 Code of Federal Regulations section 30.6(a)(2); 6. RCRA hazardous waste manifest tracking number, if required; 7. Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 Code of Federal Regulations section 30.6(a)(15); or 8. U.S. EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or

volume.

(A)

For shipments initiated prior to the AES filing compliance date, does one of the following: 1. Submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 Code of Federal Regulations section 30.4(b), and includes the following items in the EEI, along with the other information required under 15 Code of Federal Regulations section 30.6: a. U.S. EPA license code; b. Commodity classification code for each hazardous waste per 15 Code of Federal Regulations section 30.6(a)(12); c. U.S. EPA consent number for each hazardous waste; d. Country of ultimate destination code per 15 Code of Federal Regulations section 30.6(a)(5); e. Date of export per 15 Code of Federal Regulations section 30.6(a)(2); f. RCRA hazardous waste manifest tracking number, if required; g. Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 Code of Federal Regulations section 30.6(a)(15); or h. U.S. EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume. 2. Complies with a paper-based process by: a. Attaching paper documentation of consent (i.e., a copy of the U.S. EPA Acknowledgment of Consent, international movement document) to the manifest, or shipping papers if a manifest is not required, which shall accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter shall provide the transporter with the paper documentation of consent which shall accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter shall attach the paper documentation of consent to the shipping paper. b. Providing the transporter with an

additional copy of the manifest, and instructing the transporter via mail, email or fax to deliver that copy to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with 40 Code of Federal Regulations section 263.20(g)(4)(ii).

1.

Submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 Code of Federal Regulations section 30.4(b), and includes the following items in the EEI, along with the other information required under 15 Code of Federal Regulations section 30.6: a. U.S. EPA license code; b. Commodity classification code for each hazardous waste per 15 Code of Federal Regulations section 30.6(a)(12); c. U.S. EPA consent number for each hazardous waste; d. Country of ultimate destination code per 15 Code of Federal Regulations section 30.6(a)(5); e. Date of export per 15 Code of Federal Regulations section 30.6(a)(2); f. RCRA hazardous waste manifest tracking number, if required; g. Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 Code of Federal Regulations section 30.6(a)(15); or h. U.S. EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

a.

U.S. EPA license code;

b.

Commodity classification code for each hazardous waste per 15 Code of Federal Regulations section 30.6(a)(12);

c.

U.S. EPA consent number for each hazardous waste;

d.

Country of ultimate destination code per 15 Code of Federal Regulations section 30.6(a)(5);

e.

Date of export per 15 Code of Federal Regulations section 30.6(a)(2);

f.

RCRA hazardous waste manifest tracking number, if required;

g.

Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 Code of Federal Regulations section 30.6(a)(15); or

h.

U.S. EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

2.

Complies with a paper-based process by: a. Attaching paper documentation of consent (i.e., a copy of the U.S. EPA Acknowledgment of Consent, international movement document) to the manifest, or shipping papers if a manifest is not required, which shall accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter shall provide the transporter with the paper documentation of consent which shall accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter shall attach the paper documentation of consent to the shipping paper. b. Providing the transporter with an additional copy of the manifest, and instructing the transporter via mail, email or fax to deliver that copy to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with 40 Code of Federal Regulations section 263.20(g)(4)(ii).

a.

Attaching paper documentation of consent (i.e., a copy of the U.S. EPA Acknowledgment of Consent,

international movement document) to the manifest, or shipping papers if a manifest is not required, which shall accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter shall provide the transporter with the paper documentation of consent which shall accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter shall attach the paper documentation of consent to the shipping paper.

b.

Providing the transporter with an additional copy of the manifest, and instructing the transporter via mail, email or fax to deliver that copy to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with 40 Code of Federal Regulations section 263.20(g)(4)(ii).

(B)

For shipments initiated on or after the AES filing compliance date, submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 Code of Federal Regulations section 30.4(b), and includes the following items in the EEI, along with the other information required under 15 Code of Federal Regulations section 30.6:

1. U.S. EPA license code;
2. Commodity classification code for each hazardous waste per 15 Code of Federal Regulations section 30.6(a)(12);
3. U.S. EPA consent number for each hazardous waste;
4. Country of ultimate destination code per 15 Code of Federal Regulations section 30.6(a)(5);
5. Date of export per 15 Code of Federal Regulations section 30.6(a)(2);
6. RCRA hazardous waste manifest tracking number, if required;
7. Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 Code of Federal Regulations section 30.6(a)(15); or
8. U.S. EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

1.

U.S. EPA license code;

2.

Commodity classification code for each hazardous waste per 15 Code of Federal Regulations section 30.6(a)(12);

3.

U.S. EPA consent number for each hazardous waste;

4.

Country of ultimate destination code per 15 Code of Federal Regulations section 30.6(a)(5);

5.

Date of export per 15 Code of Federal Regulations section 30.6(a)(2);

6.

RCRA hazardous waste manifest tracking number, if required;

7.

Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 Code of Federal Regulations section 30.6(a)(15); or

8.

U.S. EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

(b)

Notifications (1) General notifications. At least sixty (60) days before the first shipment of hazardous waste is expected to leave the United States, the exporter shall provide notification in English to U.S. EPA of the proposed transboundary movement. Notifications shall be submitted electronically using U.S. EPA's Waste

Import Export Tracking System (WIETS), or its successor system. In addition, a copy of the notification shall be sent to the Import/Export Coordinator, Department of Toxic Substances Control, 7575 Metropolitan Drive, Suite 108, San Diego, CA 92108. Notwithstanding any other provision of law or regulation, notifications for non-RCRA hazardous waste exports shall only be sent to the Department. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery or disposal facility, and shall include all of the following information: (A) Exporter name and U.S. EPA identification number, address, telephone, fax numbers, and email address; (B) Foreign receiving facility name, 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) Foreign importer name (if not the owner or operator of the foreign receiving facility), 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 export name, "USA01" as the relevant competent authority code, and the intended U.S. port(s) of exit; (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 entry for the country of import; (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 waste in either metric tons or cubic meters, the applicable RCRA waste code(s) for each hazardous waste, if applicable, the California Hazardous Waste Code Number (from chapter 11, Appendix XII), 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 waste; (L) Specification of the recovery or disposal operation(s) as defined in 40 Code of Federal Regulations section 262.81. (M) Certification/Declaration signed by the exporter 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) Exports to pre-consented recovery facilities in OECD Member countries. If the recovery facility is located in an OECD member country and has been pre-consented by the competent authority of the OECD member country to recover the waste sent by exporters located in other OECD member countries, the notification may cover up to three years of shipments. Notifications proposing export to a pre-consented facility in an OECD member country shall include all information listed in subsections (b)(1)(A) through (b)(1)(M) of this section and additionally state that the facility is pre-consented. Exporters shall submit the notification to U.S. EPA using the allowable methods listed in subsection (b)(1) of this section at least ten days before the first shipment is expected to leave the United States. (3) Notifications listing interim recycling operations or interim disposal operations. If the foreign

receiving facility listed in subsection (b)(1)(B) of this section shall engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, or in the case of transboundary movements with Canada, any of the interim recovery operations R12, R13, or RC3, or interim disposal operations D13 to D14, or D15, the notification submitted according to subsection (b)(1) of this section shall also include the final foreign 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 and D1 through D12, or in the case of transboundary movements with Canada, which of the applicable recovery or disposal operations R1 through R11, RC1 to RC2, D1 through D12, and DC1 to DC2 shall be employed at the final foreign recovery or disposal facility. The recovery and disposal operations in this subsection are defined in 40 Code of Federal Regulations section 262.81. (4) Renotifications. When the exporter wishes to change any of the information 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 exporter shall submit a renotification of the changes to U.S. EPA using the allowable methods in subsection (b)(1) of this section, and the Department, in writing. Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives a U.S. EPA AOC letter documenting the countries' consents to the changes. (5) For cases where the proposed country of import and recovery or disposal operations are not covered under an international agreement to which both the United States and the country of import are parties, U.S. EPA shall coordinate with the Department of State to provide the complete notification to country of import and any countries of transit. In all other cases, U.S. EPA shall provide the notification

directly to the country of import and any countries of transit. A notification is complete when U.S. EPA receives a notification which U.S. EPA determines satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M) of this section. Where a claim of confidentiality is asserted with respect to any notification information required by subsections (b)(1)(A) through (b)(1)(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. (6) Where the countries of import and 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 exporter documenting the countries' consents. Where any of the countries of import and transit objects to the proposed transboundary movement(s) of the hazardous waste or withdraws a prior consent, U.S. EPA shall notify the exporter. (7) Export of hazardous wastes for recycling or disposal operations that were originally imported into the United States for recycling or disposal operations in a third country is prohibited unless an exporter in the United States complies with the export requirements of this section, including providing notification to U.S. EPA in accordance with subsection (b)(1) of this section. In addition to listing all required information in subsections (b)(1)(A) through (b)(1)(M) of this section, the exporter shall provide the original consent number issued for the initial import of the wastes in the notification, and receive an AOC from U.S. EPA documenting the consent of the competent authorities in new country of import, the original country of export, and any transit countries prior to re-export. (8) Upon request by U.S. EPA, the exporter shall furnish to U.S. EPA any additional information which the country of import requests in order to respond to a notification.

(1)

General notifications. At least sixty (60) days before the first shipment of hazardous waste is expected to leave the United States, the exporter shall provide notification in English to U.S. EPA of the proposed transboundary movement. Notifications shall be submitted electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. In addition, a copy of the notification shall be sent to the Import/Export Coordinator, Department of Toxic Substances Control, 7575 Metropolitan Drive, Suite 108, San Diego, CA 92108. Notwithstanding any other provision of law or regulation, notifications for non-RCRA hazardous waste exports shall only be sent to the Department. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery or disposal facility, and shall include all of the following information: (A) Exporter name and U.S. EPA identification number, address, telephone, fax numbers, and email address; (B) Foreign receiving facility name, 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) Foreign importer name (if not the owner or operator of the foreign receiving facility), 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 export name, "USA01" as the relevant competent authority code, and the intended U.S. port(s) of exit; (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 entry for the country of import; (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 waste in either metric tons or cubic meters, the applicable RCRA waste code(s) for each hazardous waste, if applicable, the California Hazardous Waste Code Number (from chapter 11, Appendix XII), 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 waste; (L) Specification of the recovery or disposal operation(s) as defined in 40 Code of Federal Regulations section 262.81. (M) Certification/Declaration signed by the exporter 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)

Exporter name and U.S. EPA identification number, address, telephone, fax numbers, and email address;

(B)

Foreign receiving facility name, 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)

Foreign importer name (if not the owner or operator of the foreign receiving facility), 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 export name, "USA01" as the relevant competent authority code, and the intended U.S. port(s) of exit;

(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 entry for the country of import;

(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 waste in either metric tons or cubic meters, the applicable RCRA waste code(s) for each hazardous waste, if applicable, the California Hazardous Waste Code Number (from chapter 11, Appendix XII), 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 waste;

(L)

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

(M)

Certification/Declaration signed by the exporter 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)

Exports to pre-consented recovery facilities in OECD Member countries. If the recovery facility is located in an OECD member country and has been pre-consented by the competent authority of the OECD member country to recover the waste sent by exporters located in other OECD member countries, the notification may cover up to three years of shipments. Notifications proposing export to a pre-consented facility in an OECD member country shall include all information listed in subsections (b)(1)(A) through (b)(1)(M) of this section and additionally state that the facility is pre-consented. Exporters shall submit the notification to U.S. EPA using the allowable methods listed in subsection (b)(1) of this section at least ten days before the first shipment is expected to leave the United States.

(3)

Notifications listing interim recycling operations or interim disposal operations. If the foreign receiving facility listed in subsection (b)(1)(B) of this section shall engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13

through D15, or in the case of transboundary movements with Canada, any of the interim recovery operations R12, R13, or RC3, or interim disposal operations D13 to D14, or D15, the notification submitted according to subsection (b)(1) of this section shall also include the final foreign 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 and D1 through D12, or in the case of transboundary movements with Canada, which of the applicable recovery or disposal operations R1 through R11, RC1 to RC2, D1 through D12, and DC1 to DC2 shall be employed at the final foreign recovery or disposal facility. The recovery and disposal operations in this subsection are defined in 40 Code of Federal Regulations section 262.81.

(4)

Renotifications. When the exporter wishes to change any of the information 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 exporter shall submit a renotification of the changes to U.S. EPA using the allowable methods in subsection (b)(1) of this section, and the Department, in writing. Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives a U.S. EPA AOC letter documenting the countries' consents to the changes.

(5)

For cases where the proposed country of import and recovery or disposal operations are not covered under an international agreement to which both the United States and the country of import are parties, U.S. EPA shall coordinate with the Department of State to provide the complete notification to country of import and any countries of transit. In all other cases, U.S. EPA shall provide the notification directly to the country

of import and any countries of transit. A notification is complete when U.S. EPA receives a notification which U.S. EPA determines satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M) of this section. Where a claim of confidentiality is asserted with respect to any notification information required by subsections (b)(1)(A) through (b)(1)(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.

(6)

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

(7)

Export of hazardous wastes for recycling or disposal operations that were originally imported into the United States for recycling or disposal operations in a third country is prohibited unless an exporter in the United States complies with the export requirements of this section, including providing notification to U.S. EPA in accordance with subsection (b)(1) of this section. In addition to listing all required information in subsections (b)(1)(A) through (b)(1)(M) of this section, the exporter shall provide the original consent number issued for the initial import of the wastes in the notification, and receive an AOC from U.S. EPA documenting the consent of the competent authorities in new country of import, the original country of export, and any transit countries prior to re-export.

(8)

Upon request by U.S. EPA, the exporter shall furnish to U.S. EPA any additional

information which the country of import requests in order to respond to a notification.

(c)

RCRA manifest instructions for export shipments. The exporter shall comply with the manifest requirements of 40 Code of Federal Regulations sections 262.20 through 262.23 except that: (1) In lieu of the name, site address and U.S. EPA ID number of the designated permitted facility, the exporter shall enter the name and site address of the foreign receiving facility; (2) In the International Shipments block, the exporter shall check the export box and enter the U.S. port of exit (city and State) from the United States. (3) The exporter shall list the consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use a Continuation Sheet(s) (U.S. EPA Form 8700-22A). (4) The exporter may obtain the manifest 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).

(1)

In lieu of the name, site address and U.S. EPA ID number of the designated permitted facility, the exporter shall enter the name and site address of the foreign receiving facility;

(2)

In the International Shipments block, the exporter shall check the export box and enter the U.S. port of exit (city and State) from the United States.

(3)

The exporter shall list the consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use a Continuation

Sheet(s) (U.S. EPA Form 8700-22A).

(4)

The exporter may obtain the manifest 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).

(d)

Movement document requirements for export shipments.(1) All exporters 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 until it reaches the foreign receiving facility, including cases in which the hazardous waste is stored and/or sorted by the foreign importer prior to shipment to the foreign receiving facility, except as provided in subsections (d)(1)(A) and (B) of this section. (A) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the exporter shall forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if exported by water. (B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the exporter 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 exported by rail. (2) The movement document shall include the following subsections (d)(2)(A) through (d)(2)(O) of this section: (A) The corresponding consent number(s) and hazardous waste number(s) for the listed hazardous waste from the relevant U.S. EPA AOC(s); (B) The shipment number and the total number of shipments from the U.S. EPA AOC; (C) Exporter name and U.S. EPA identification number, address, telephone, fax numbers, and email address; (D)

Foreign receiving facility name, 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) Foreign importer name (if not the owner or operator of the foreign receiving facility), 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, 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 exporter), address, telephone, fax numbers, and email of 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 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 foreign receiving facility); (N) Each U.S. person that has physical custody of the hazardous waste from the time the movement commences until it arrives at the foreign receiving facility shall sign the movement document (e.g., transporter, foreign importer, and owner or operator of the foreign receiving facility); and (O) As part of the contract requirements per subsection (f) of this section, the exporter shall require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter, to the competent authorities of the countries of

import and transit, and for shipments occurring on or after the electronic import-export reporting compliance date, the exporter shall additionally require that the foreign receiving facility send a copy to U.S. EPA at the same time using the allowable methods listed in subsection (b)(1) of this section.

(1)

All exporters 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 until it reaches the foreign receiving facility, including cases in which the hazardous waste is stored and/or sorted by the foreign importer prior to shipment to the foreign receiving facility, except as provided in subsections (d)(1)(A) and (B) of this section. (A) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the exporter shall forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if exported by water. (B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the exporter 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 exported by rail.

(A)

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

(B)

For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the exporter 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 exported by rail.

(2)

The movement document shall include the following subsections (d)(2)(A) through (d)(2)(O) of this section: (A) The corresponding consent number(s) and hazardous waste number(s) for the listed hazardous waste from the relevant U.S. EPA AOC(s); (B) The shipment number and the total number of shipments from the U.S. EPA AOC; (C) Exporter name and U.S. EPA identification number, address, telephone, fax numbers, and email address; (D) Foreign receiving facility name, 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) Foreign importer name (if not the owner or operator of the foreign receiving facility), 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, 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 exporter), address, telephone, fax numbers, and email of 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 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 foreign receiving facility); (N) Each U.S. person that has physical custody of the hazardous waste from the time the movement

commences until it arrives at the foreign receiving facility shall sign the movement document (e.g., transporter, foreign importer, and owner or operator of the foreign receiving facility); and (O) As part of the contract requirements per subsection (f) of this section, the exporter shall require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter, to the competent authorities of the countries of import and transit, and for shipments occurring on or after the electronic import-export reporting compliance date, the exporter shall additionally require that the foreign receiving facility send a copy to U.S. EPA at the same time using the allowable methods listed in subsection (b)(1) of this section.

(A)

The corresponding consent number(s) and hazardous waste number(s) for the listed hazardous waste from the relevant U.S. EPA AOC(s);

(B)

The shipment number and the total number of shipments from the U.S. EPA AOC;

(C)

Exporter name and U.S. EPA identification number, address, telephone, fax numbers, and email address;

(D)

Foreign receiving facility name, 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)

Foreign importer name (if not the owner or operator of the foreign receiving facility), 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, 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 exporter), address, telephone, fax numbers, and email of 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 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 foreign receiving facility);

(N)

Each U.S. person that has physical custody of the hazardous waste from the time the

movement commences until it arrives at the foreign receiving facility shall sign the movement document (e.g., transporter, foreign importer, and owner or operator of the foreign receiving facility); and

(o)

As part of the contract requirements per subsection (f) of this section, the exporter shall require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter, to the competent authorities of the countries of import and transit, and for shipments occurring on or after the electronic import-export reporting compliance date, the exporter shall additionally require that the foreign receiving facility send a copy to U.S. EPA at the same time using the allowable methods listed in subsection (b)(1) of this section.

(e)

Duty to return or re-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) and alternative arrangements cannot be made to recover or dispose of the waste in an environmentally sound manner in the country of import, the exporter shall ensure that the hazardous waste is returned to the United States or re-exported to a third country. If the waste shall be returned, the exporter shall provide for the return of the hazardous waste shipment within ninety days from the time the country of import informs U.S. EPA of the need to return the waste or such other period of time as the concerned countries agree. In all cases, the exporter shall submit an exception report to U.S. EPA in accordance with subsection (h) of this section.

(f)

Export contract requirements.(1) Exports of hazardous waste are prohibited unless they 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 exporter, foreign importer (if different from the foreign receiving facility), and the owner or operator of the foreign 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 subsections (f)(2)(A) through (D) of this section: (A) The company from where each export 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 foreign receiving facility. (3) 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. In such cases, contracts shall specify that: (A) The transporter or foreign receiving facility having actual possession or physical control over the hazardous wastes shall immediately inform the exporter, U.S. EPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements; 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 hazardous wastes and, as the case may be, shall provide the notification for re-export to the competent authority in the country of import and

include the equivalent of the information required in subsection (b)(1) of this section, the original consent number issued for the initial export of the hazardous wastes in the notification, and obtain consent from U.S. EPA and the competent authorities in the new country of import and any transit countries prior to re-export. (4) Contracts shall specify that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit. For contracts that shall be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify that the foreign receiving facility send a copy to U.S. EPA at the same time using the allowable methods listed in subsection (b)(1) of this section on or after that date. (5) Contracts shall specify that the foreign receiving facility shall send a copy of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import. For contracts that shall be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify that the foreign receiving facility send a copy to U.S. EPA at the same time using the allowable methods listed in subsection (b)(1) of this section on or after that date. (6) Contracts shall specify that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or RC3, or interim disposal operations D13 through D15, (recovery and disposal operations defined in 40 Code of Federal Regulations section 262.81) as appropriate, shall: (A) Provide the notification required in subsection (f)(3)(B) of this section prior to any re-export of the hazardous wastes to a final foreign

recovery or disposal facility in a third country; and (B) Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, DC1 or DC2 to the competent authority of the country of import. For contracts that shall be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify that the foreign facility send copies to U.S. EPA at the same time using the allowable method listed in subsection (b)(1) of this section on or after that date. (7) Contracts or equivalent arrangements shall include provisions for financial guarantees, if required by the competent authorities of the country of import and any countries of transit, 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 and other foreign countries do. It is the responsibility of the exporter to ascertain and comply with such requirements; in some cases, persons or facilities located in those OECD Member countries or other foreign countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees. (8) Contracts or equivalent arrangements shall contain provisions requiring each contracting party to comply with all applicable requirements of this section. (9) Upon request by U.S. EPA, U.S. exporters, importers, 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)

Exports of hazardous waste are prohibited unless they 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 exporter, foreign importer (if different from the foreign receiving facility), and the owner or operator of the foreign 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 subsections (f)(2)(A) through (D) of this section: (A) The company from where each export 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 foreign receiving facility.

(A)

The company from where each export 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 foreign receiving facility.

(3)

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. In such cases, contracts shall specify that: (A) The transporter or foreign receiving facility having actual possession or physical control over the hazardous wastes shall immediately inform the exporter, U.S. EPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements; 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 hazardous wastes and, as the case may be, shall provide the notification for re-export to the competent authority in the country of import and include the equivalent of the information required in subsection (b)(1) of this section, the original consent number issued for the initial export of the hazardous wastes in the notification, and obtain consent from U.S. EPA and the competent authorities in the new country of import and any transit countries prior to re-export.

(A)

The transporter or foreign receiving facility having actual possession or physical control over the hazardous wastes shall immediately inform the exporter, U.S. EPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements; 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 hazardous wastes and, as the case may be, shall provide the notification for re-export to the competent authority in the country of import and include the equivalent of the information required in subsection (b)(1) of this section, the original consent number issued for the initial export of the hazardous wastes in the notification, and obtain consent from U.S. EPA and the competent authorities in the new country of import and any transit countries prior to re-export.

(4)

Contracts shall specify that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit. For contracts that shall be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify that the foreign receiving facility send a copy to U.S. EPA at the same time using the allowable methods listed in subsection (b)(1) of this section on or after that date.

(5)

Contracts shall specify that the foreign receiving facility shall send a copy of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import. For contracts that shall be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify that the foreign receiving facility send a copy to U.S. EPA at the same time using the allowable methods listed in subsection (b)(1) of this section on or

after that date.

(6)

Contracts shall specify that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or RC3, or interim disposal operations D13 through D15, (recovery and disposal operations defined in 40 Code of Federal Regulations section 262.81) as appropriate, shall: (A) Provide the notification required in subsection (f)(3)(B) of this section prior to any re-export of the hazardous wastes to a final foreign recovery or disposal facility in a third country; and (B) Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, DC1 or DC2 to the competent authority of the country of import. For contracts that shall be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify that the foreign facility send copies to U.S. EPA at the same time using the allowable method listed in subsection (b)(1) of this section on or after that date.

(A)

Provide the notification required in subsection (f)(3)(B) of this section prior to any re-export of the hazardous wastes to a final foreign recovery or disposal facility in a third country; and

(B)

Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, DC1 or DC2 to the competent authority of the country of import. For contracts that shall be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify

that the foreign facility send copies to U.S. EPA at the same time using the allowable method listed in subsection (b)(1) of this section on or after that date.

(7)

Contracts or equivalent arrangements shall include provisions for financial guarantees, if required by the competent authorities of the country of import and any countries of transit, 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 and other foreign countries do. It is the responsibility of the exporter to ascertain and comply with such requirements; in some cases, persons or facilities located in those OECD Member countries or other foreign 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 and other foreign countries do. It is the responsibility of the exporter to ascertain and comply with such requirements; in some cases, persons or facilities located in those OECD Member countries or other foreign countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

(8)

Contracts or equivalent arrangements shall contain provisions requiring each

contracting party to comply with all applicable requirements of this section.

(9)

Upon request by U.S. EPA, U.S. exporters, importers, 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)

Annual reports. The exporter shall file an annual report with U.S. EPA no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. Prior to one year after the AES filing compliance date, the exporter shall mail or hand-deliver annual reports to U.S. EPA using one of the addresses specified in 40 Code of Federal Regulations section 262.82(e), or submit to U.S. EPA using the allowable methods specified in subsection (b)(1) of this section if the exporter has electronically filed U.S. EPA information in AES, or its successor system, per subsection (a)(6)(A)(1) of this section for all shipments made the previous calendar year. Subsequently, the exporter shall submit annual reports to U.S. EPA using the allowable methods specified in subsection (b)(1) of this section. A copy of each report shall be sent to the Department at the following address:

Import/Export Coordinator, Department of Toxic Substances Control, 7575

Metropolitan Drive, Suite 108, San Diego, CA 92108. The annual report shall

include all of the following subsections (g)(1) through (6) of this section specified

as follows: (1) The U.S. EPA identification number, name, and mailing and site

address of the exporter filing the report; (2) The calendar year covered by the report; (3) The name and site address of each foreign receiving facility; (4) By foreign receiving facility, for each hazardous waste exported: (A) A description of the hazardous waste; (B) The applicable U.S. EPA hazardous waste code(s) (from 40 Code of Federal Regulations part 261, subpart C or D) for each waste and, if applicable, the California Hazardous Waste Code Number (from chapter 11, Appendix XII); (C) The applicable waste code from the appropriate OECD waste list incorporated by reference in 40 Code of Federal Regulations section 260.11; (D) The applicable DOT ID number; (E) The name and U.S. EPA ID number (where applicable) for each transporter used over the calendar year covered by the report; and (F) The consent number(s) under which the hazardous waste was shipped, and for each consent number, the total amount of the hazardous waste and the number of shipments exported during the calendar year covered by the report; (5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100kg but less than 1,000kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to 40 Code of Federal Regulations section 262.41: (A) A description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated; and (B) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and (6) A certification signed by the exporter that states: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and

complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

(1)

The U.S. EPA identification number, name, and mailing and site address of the exporter filing the report;

(2)

The calendar year covered by the report;

(3)

The name and site address of each foreign receiving facility;

(4)

By foreign receiving facility, for each hazardous waste exported: (A) A description of the hazardous waste; (B) The applicable U.S. EPA hazardous waste code(s) (from 40 Code of Federal Regulations part 261, subpart C or D) for each waste and, if applicable, the California Hazardous Waste Code Number (from chapter 11, Appendix XII); (C) The applicable waste code from the appropriate OECD waste list incorporated by reference in 40 Code of Federal Regulations section 260.11; (D) The applicable DOT ID number; (E) The name and U.S. EPA ID number (where applicable) for each transporter used over the calendar year covered by the report; and (F) The consent number(s) under which the hazardous waste was shipped, and for each consent number, the total amount of the hazardous waste and the number of shipments exported during the calendar year covered by the report;

(A)

A description of the hazardous waste;

(B)

The applicable U.S. EPA hazardous waste code(s) (from 40 Code of Federal Regulations part 261, subpart C or D) for each waste and, if applicable, the California Hazardous Waste Code

Number (from chapter 11, Appendix XII);

(C)

The applicable waste code from the appropriate OECD waste list incorporated by reference in 40 Code of Federal Regulations section 260.11;

(D)

The applicable DOT ID number;

(E)

The name and U.S. EPA ID number (where applicable) for each transporter used over the calendar year covered by the report; and

(F)

The consent number(s) under which the hazardous waste was shipped, and for each consent number, the total amount of the hazardous waste and the number of shipments exported during the calendar year covered by the report;

(5)

In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100kg but less than 1,000kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to 40 Code of Federal Regulations section 262.41: (A) A description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated; and (B) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and

(A)

A description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated; and

(B)

A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and

(6)

A certification signed by the exporter that states: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

(h)

Exception reports. (1) The exporter shall file an exception report in lieu of the requirements of 40 Code of Federal Regulations section 262.42 (if applicable) and section 66262.42 of chapter 12 with U.S. EPA and the Department for RCRA hazardous waste, or with the Department for non-RCRA hazardous waste, if any of the following occurs: (A) The exporter has not received a copy of the hazardous waste manifest (if applicable) signed by the transporter identifying the point of departure of the hazardous waste from the United States, within forty-five (45) days from the date it was accepted by the initial transporter, in which case the exporter shall file the exception report within the next thirty (30) days; (B) The exporter has not received a written confirmation of receipt from the foreign receiving facility in accordance with subsection (d) of this section within ninety (90) days from the date the waste was accepted by the initial transporter in which case the exporter shall file the exception report within the next thirty (30) days; or (C) The foreign receiving facility notifies the exporter, or the country of import notifies U.S. EPA, of the need to return the shipment to the U.S. or arrange

alternate management, in which case the exporter shall file the exception report within thirty (30) days of notification, or one (1) day prior to the date the return shipment commences, whichever is sooner. (2) Prior to the electronic import-export reporting compliance date, exception reports shall be mailed or hand delivered to U.S. EPA using the addresses listed in 40 Code of Federal Regulations section 262.82(e). Subsequently, exception reports shall be submitted to U.S. EPA using the allowable methods listed in subsection (b)(1) of this section. (3) The primary exporter shall submit the exception reports to the Department at: DTSC REPORT REPOSITORY GENERATOR INFORMATION SERVICES SECTION P.O. BOX 806 SACRAMENTO, CA 95812-0806

(1)

The exporter shall file an exception report in lieu of the requirements of 40 Code of Federal Regulations section 262.42 (if applicable) and section 66262.42 of chapter 12 with U.S. EPA and the Department for RCRA hazardous waste, or with the Department for non-RCRA hazardous waste, if any of the following occurs: (A) The exporter has not received a copy of the hazardous waste manifest (if applicable) signed by the transporter identifying the point of departure of the hazardous waste from the United States, within forty-five (45) days from the date it was accepted by the initial transporter, in which case the exporter shall file the exception report within the next thirty (30) days; (B) The exporter has not received a written confirmation of receipt from the foreign receiving facility in accordance with subsection (d) of this section within ninety (90) days from the date the waste was accepted by the initial transporter in which case the exporter shall file the exception report within the next thirty (30) days; or (C) The foreign receiving facility notifies the exporter, or the country of import notifies U.S. EPA, of the need to return the shipment to the U.S. or arrange alternate management, in which case the exporter shall file the exception report within thirty

(30) days of notification, or one (1) day prior to the date the return shipment commences, whichever is sooner.

(A)

The exporter has not received a copy of the hazardous waste manifest (if applicable) signed by the transporter identifying the point of departure of the hazardous waste from the United States, within forty-five (45) days from the date it was accepted by the initial transporter, in which case the exporter shall file the exception report within the next thirty (30) days;

(B)

The exporter has not received a written confirmation of receipt from the foreign receiving facility in accordance with subsection (d) of this section within ninety (90) days from the date the waste was accepted by the initial transporter in which case the exporter shall file the exception report within the next thirty (30) days; or

(C)

The foreign receiving facility notifies the exporter, or the country of import notifies U.S. EPA, of the need to return the shipment to the U.S. or arrange alternate management, in which case the exporter shall file the exception report within thirty (30) days of notification, or one (1) day prior to the date the return shipment commences, whichever is sooner.

(2)

Prior to the electronic import-export reporting compliance date, exception reports shall be mailed or hand delivered to U.S. EPA using the addresses listed in 40 Code of Federal Regulations section 262.82(e). Subsequently, exception reports shall be submitted to U.S. EPA using the allowable methods listed in subsection (b)(1) of this section.

(3)

The primary exporter shall submit the exception reports to the Department at: DTSC
REPORT REPOSITORY GENERATOR INFORMATION SERVICES SECTION P.O. BOX 806

(i)

Recordkeeping. (1) The exporter shall keep the following records in subsections (i)(1)(A) through (E) of this section and provide them to U.S. EPA or authorized state personnel upon request: (A) A copy of each notification of intent to export and each U.S. EPA AOC for a period of at least three (3) years from the date the hazardous waste was accepted by the initial transporter; (B) A copy of each annual report for a period of at least three (3) years from the due date of the report; (C) A copy of any exception reports and a copy of each confirmation of receipt (i.e., movement document) sent by the foreign receiving facility to the exporter for at least three (3) years from the date the hazardous waste was accepted by the initial transporter; and (D) A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three (3) years from the date that the foreign receiving facility completed interim or final processing of the hazardous waste shipment. (E) A copy of each contract or equivalent arrangement established per 40 Code of Federal Regulations section 262.85 for at least three (3) years from the expiration date of the contract or equivalent arrangement. (2) Exporters may satisfy these recordkeeping requirements by retaining electronically submitted documents in the exporter'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 exporter may be held liable for the inability to produce such documents for inspection under this section if the exporter 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 exporter

bears no responsibility. (3) 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 exporter shall keep the following records in subsections (i)(1)(A) through (E) of this section and provide them to U.S. EPA or authorized state personnel upon request: (A) A copy of each notification of intent to export and each U.S. EPA AOC for a period of at least three (3) years from the date the hazardous waste was accepted by the initial transporter; (B) A copy of each annual report for a period of at least three (3) years from the due date of the report; (C) A copy of any exception reports and a copy of each confirmation of receipt (i.e., movement document) sent by the foreign receiving facility to the exporter for at least three (3) years from the date the hazardous waste was accepted by the initial transporter; and (D) A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three (3) years from the date that the foreign receiving facility completed interim or final processing of the hazardous waste shipment. (E) A copy of each contract or equivalent arrangement established per 40 Code of Federal Regulations section 262.85 for at least three (3) years from the expiration date of the contract or equivalent arrangement.

(A)

A copy of each notification of intent to export and each U.S. EPA AOC for a period of at least three (3) years from the date the hazardous waste was accepted by the initial transporter;

(B)

A copy of each annual report for a period of at least three (3) years from the due date of the report;

(C)

A copy of any exception reports and a copy of each confirmation of receipt (i.e., movement

document) sent by the foreign receiving facility to the exporter for at least three (3) years from the date the hazardous waste was accepted by the initial transporter; and

(D)

A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three (3) years from the date that the foreign receiving facility completed interim or final processing of the hazardous waste shipment.

(E)

A copy of each contract or equivalent arrangement established per 40 Code of Federal Regulations section 262.85 for at least three (3) years from the expiration date of the contract or equivalent arrangement.

(2)

Exporters may satisfy these recordkeeping requirements by retaining electronically submitted documents in the exporter'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 exporter may be held liable for the inability to produce such documents for inspection under this section if the exporter 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 exporter bears no responsibility.

(3)

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.