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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 15@ Interim Status Standards for Owners and Operators of Hazardous Waste Transfer, Treatment, Storage, and Disposal Facilities

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Article 2@ General Facility Standards

|-&gt;

Section 66265.12@ Required Notices

## **66265.12 Required Notices**

### **(a)**

The owner or operator of a facility that is arranging or has arranged to receive hazardous waste subject to 40 Code of Federal Regulations part 262, subpart H and article 8, chapter 12, of this division from a foreign source shall submit the following required notices: (1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall notify the Department in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. The notification shall be sent to the Import/Export Coordinator, Department of Toxic Substances Control, 7575 Metropolitan Drive, Suite 108, San Diego, CA 92108. Notice of subsequent shipments of the same waste from the same foreign source is not required. (2) As per 40 Code of Federal Regulations section 262.84(b) and section 66262.84(b), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and obtain consent from U.S. EPA and the competent authorities for the countries of transit, such owner or operator of the facility, if acting as the importer shall provide notification of the proposed transboundary movement in English to U.S. EPA using the allowable methods listed in 40 Code of Federal Regulations section 262.84(b)(1) and section 66262.84(b)(1) at least 60 days before the first shipment is expected to depart the country of export. The notification may cover

up to one year of shipments of wastes having similar physical and chemical characteristics, the same United Nations classification, the same RCRA waste codes and OECD waste codes, and being sent from the same foreign exporter. (3) As per 40 Code of Federal Regulations section 262.84(d)(2)(xv) and section 66262.84(d)(2)(O), a copy of the movement document bearing all required signatures within three (3) working days of receipt of the shipment to the foreign exporter; to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively; and on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. The original of the signed movement document shall be maintained at the facility for at least three (3) years. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system, provided that copies are readily available for viewing and production if requested by any U.S. EPA or authorized state inspector. No owner or operator of a facility shall be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system for which the owner or operator of a facility bears no responsibility. (4) As per 40 Code of Federal Regulations section 262.84(f)(4) and section 66262.84(f)(4), if the facility has physical control of the waste and it shall be sent to an alternate facility or returned to the country of export, such owner or operator of the facility shall inform U.S. EPA, using the allowable methods listed in 40 Code of Federal

Regulations section 262.84(b)(1) and section 66262.84(b)(1), of the need to return or arrange alternate management of the shipment. (5) As per 40 Code of Federal Regulations section 262.84(g) and section 66262.84(g), such owner or operator shall: (A) Send copies 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 foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. (B) If the facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. The recovery and disposal operations in this subsection are defined in 40 Code of Federal Regulations section 262.81 and section 66262.81.

**(1)**

The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall notify the Department in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. The notification shall be sent to

the Import/Export Coordinator, Department of Toxic Substances Control, 7575 Metropolitan Drive, Suite 108, San Diego, CA 92108. Notice of subsequent shipments of the same waste from the same foreign source is not required.

**(2)**

As per 40 Code of Federal Regulations section 262.84(b) and section 66262.84(b), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and obtain consent from U.S. EPA and the competent authorities for the countries of transit, such owner or operator of the facility, if acting as the importer shall provide notification of the proposed transboundary movement in English to U.S. EPA using the allowable methods listed in 40 Code of Federal Regulations section 262.84(b)(1) and section 66262.84(b)(1) at least 60 days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics, the same United Nations classification, the same RCRA waste codes and OECD waste codes, and being sent from the same foreign exporter.

**(3)**

As per 40 Code of Federal Regulations section 262.84(d)(2)(xv) and section 66262.84(d)(2)(O), a copy of the movement document bearing all required signatures within three (3) working days of receipt of the shipment to the foreign exporter; to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively; and on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. The original of the signed movement document shall be maintained at the facility for at least three (3) years. The owner or operator of a facility may satisfy this recordkeeping

requirement by retaining electronically submitted documents in the facility's account on U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system, provided that copies are readily available for viewing and production if requested by any U.S. EPA or authorized state inspector. No owner or operator of a facility shall be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system for which the owner or operator of a facility bears no responsibility.

**(4)**

As per 40 Code of Federal Regulations section 262.84(f)(4) and section 66262.84(f)(4), if the facility has physical control of the waste and it shall be sent to an alternate facility or returned to the country of export, such owner or operator of the facility shall inform U.S. EPA, using the allowable methods listed in 40 Code of Federal Regulations section 262.84(b)(1) and section 66262.84(b)(1), of the need to return or arrange alternate management of the shipment.

**(5)**

As per 40 Code of Federal Regulations section 262.84(g) and section 66262.84(g), such owner or operator shall: (A) Send copies 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 foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. (B) If the facility performed any of recovery operations R12, R13, or

RC3, or disposal operations D13 through D15, promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. The recovery and disposal operations in this subsection are defined in 40 Code of Federal Regulations section 262.81 and section 66262.81.

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Send copies 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 foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system.

**(B)**

If the facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to U.S. EPA

electronically using U.S. EPA's Waste Import Export Tracking System (WIETS), or its successor system. The recovery and disposal operations in this subsection are defined in 40 Code of Federal Regulations section 262.81 and section 66262.81.

**(b)**

The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) shall inform the generator in writing that the owner or operator has the appropriate interim status for, and will accept, the waste the generator is shipping. The owner or operator shall keep a copy of this written notice as part of the operating record.

**(c)**

Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of 40 Code of Federal Regulations section 264.12, this chapter, 40 Code of Federal Regulations part 270, and chapter 20 of this division. An owner's or operator's failure to notify the new owner or operator of the requirements shall not relieve the new owner or operator of the obligation to comply with all applicable requirements.