Importing Hazardous Waste from OECD Countries Listed in §262.58(a)(1) (40 CFR 262 Subpart H)

OECD Foreign Source Importing to US

US Treatment/Disposal Facility (TSDF) Accepting Materials from OECD Foreign Source

Foreign source decides to export waste or recyclables to US for recycling

Contracts or equivalent legal arrangements established between all parties that are legally enforceable in all concerned countries.

US TSDF decides to accept hazardous waste from foreign source

US TSDF notifies EPA Regional Office four weeks in advance of expected initial shipment of specific waste from

specific foreign source

If hazardous waste export, foreign exporter sends notice to its competent authority proposing export to US for recycling

If not hazardous waste export, US receiving facility/importer must submit export notice to EPA for consent directly.

Foreign exporter (or US

TSDF if not haz waste ex-

port) must prepare Move-

ment Document for each

transporter. Transporters

shipment, provide to initial

outside of US are supposed

to sign and date the Move-

cepting custody of the ship-

of export within 90 days of

date country of export in-

formed of need to return.

ment Document when ac-

US TSDF receives consent documentation from EPA, keeps on file to match with incoming shipments

Country of export sends copy of notice to EPA and any listed countries of transit (including stops at ports)

Shipment enters United States

US importer assumes generator responsibilities, including initiating RCRA manifest and submitting exception reports as required (e.g., if shipment rejected or lost)

EPA reviews notice using criteria to determine whether to:

- consent (if hazardous but proposed management acceptable)
- object (if hazardous and proposed management not acceptable), or
- neither consent nor object (if not subject to hazardous waste

ment from another transporter. If transit disrupted and return needed, transporter is supposed to inform country of transit, which in turn informs country of export. Foreign exporter must complete return to country

requirements in US)

EPA sends out:

- Final response (e.g., consent, object) to country of export
- If response is consent, consent documentation (i.e., cover letter and copy of foreign notice) to US destination facilities listed in notice by either mail, fax, or email depending on contact information listed in notice

US facility completes recycling shipment, must send confirmation of recovery to all parties no later than 30 days after completing recovery AND no later than 1 year from receipt of shipment.

US facility submits biennial report noting import shipments as required

Transporter signs RCRA manifest and Movement Document, delivers to US TSDF; US TSDF either receives or rejects shipment. If receiving, US TSDF (1) sends copy of signed and dated Movement Document to foreign exporter, EPA, countries of export and transit within 3 days of receipt, and (2) matches RCRA manifest with relevant consent documentation from EPA on file, sends copies of RCRA manifest and consent documentation to EPA within 30 days of receipt. If rejecting, US TSDF must inform foreign exporter and EPA (should also inform US importer, Regional EPA and state agency). If alternate facility found in US, alternate facility must also get okay from Regional EPA and its state agency for that facility to get variance from 264.12(a)(1) requirement. If return needed, US importer must complete return within 90 days from date EPA informs country of export of need for