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Importing RCRA Hazardous Waste (40 CFR 262 Subpart H)

Flowchart
key

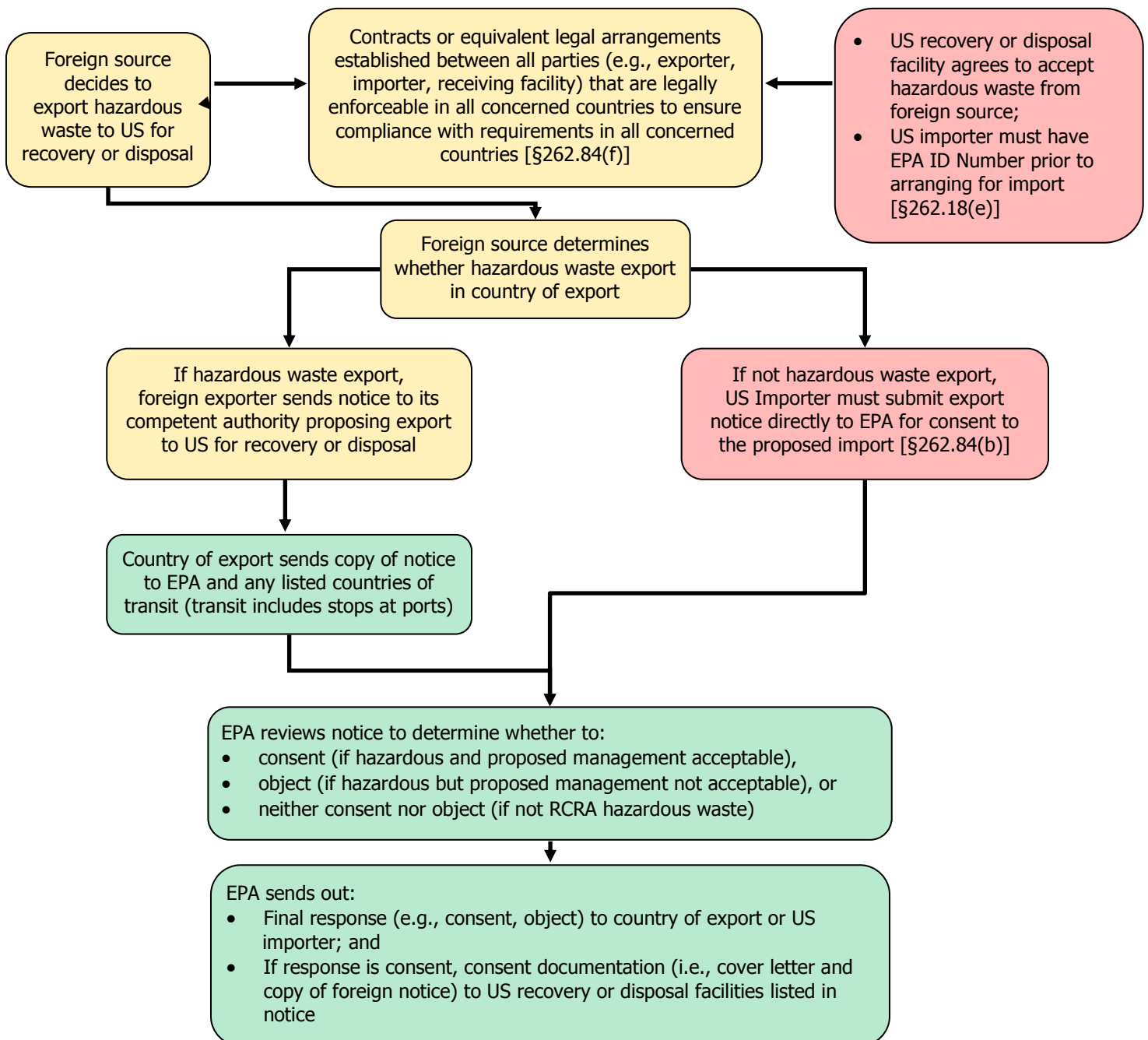
EPA or Country of Export

US Importer or US Recovery Or Disposal Facility (TSDF)

Foreign Source Shipping to US

Foreign or US Transporters

Pre-Shipment Requirements



Import Shipment Requirements

Foreign source (or US importer if not haz waste export) prepares the international movement document for each shipment and provides to initial transporter.

Transporters sign and date the international movement document when accepting custody of the shipment from another transporter.

Shipment enters United States.

Is shipment disrupted before it enters US?

Transporter informs country of transit of disruption and need to return shipment, which in turn informs country of export.

US importer assumes generator responsibilities, including initiating RCRA manifest unless waste exempted (e.g., SLABS and universal waste) and submitting exception reports as required (e.g., if shipment rejected by US recovery or disposal facility or lost somewhere between US border and US recovery or disposal facility). [§262.10(e)]

Foreign source must complete shipment return to country of export within 90 days of date country of export informed of need to return.

Transporters sign and date RCRA manifest, if manifested, and the international movement document, and deliver shipment to US recovery or disposal facility. [§262.84(c), §262.84(d)(2)(xiv)]

Does US facility accept or reject shipment?

If shipment accepted, US facility:

- Sends copy of signed and dated international movement document within 3 days of receipt to foreign exporter, to countries of export and transit, and starting on electronic import-export reporting compliance date, to EPA. [§262.84(d)(2)(xv), §264.71(d)]
- Matches RCRA manifest, if manifested, with relevant consent documentation from EPA on file, adds consent numbers for each listed waste onto manifest, sends copy of RCRA manifest within 30 days of receipt to EPA until it can send manifest to e-manifest system. [§264.71(a)(3)]

If shipment rejected, US facility must inform foreign exporter and EPA (should also inform US importer, Regional EPA and state agency). The person specified in the contract assumes responsibility for locating an acceptable alternate location in the US or arranging the return of the hazardous wastes. [§262.84(f)(4)]

For manifested import shipments, after consulting with the responsible person specified in the contract, the importer must instruct the transporter to designate another facility within the United States or return the hazardous waste to the foreign exporter and revise the manifest in accordance with the importer's instructions. [§262.84(c)(5)]

US facility completes shipment recycling or disposal, must send confirmation of recovery or disposal no later than 30 days after completing recovery AND no later than 1 year from receipt of shipment to foreign exporter, to the country of export, and starting on electronic import-export reporting compliance date, to EPA. [(§262.84(g), §264.12(a)(4)(i)]

For manifested shipments, US importer submits exception report noting rejection of import shipment and subsequent redirection or return. [§262.42]

US facility submits biennial report noting import shipments as required. [§264.75(c)] If LQG, US importer submits biennial report noting imported and domestically generated wastes. [§262.41]