Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 1. General Provisions and Definitions

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

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Competent Authorities—the regulatory authorities of concerned countries having jurisdiction over transfrontier *transboundary* movements of wastes destined for *recovery operations*.

***

Consignee—(as used in LAC 33:V.1127) the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the importing country. Repealed.

***

Country of Export—any designated *OECD* member country listed in LAC 33:V.1113.I.1.a from which a *transboundary movement* of *hazardous waste* is planned to be initiated, or is initiated.

Country of Import—any designated *OECD* member country listed in LAC 33:V.1113.I.1.a to which a *transboundary movement* of *hazardous waste* is planned, or takes place, for the purpose of submitting the waste to *recovery operations* therein.
Country of Transit—any designated OECD member country listed in LAC 33:V.1113.I.1.a and b other than the exporting or importing country across which a transfrontier, transboundary movement of hazardous wastes is planned or takes place.

***

Exporter—the person under the jurisdiction of the country of export who has, or will have at the time of the transboundary movement, possession or other forms of legal control of the waste and who proposes transboundary movement of the hazardous waste for the ultimate purpose of submitting it to recovery operations. When the United States (U.S.) is the country of export, exporter is interpreted to mean a person domiciled in the United States.

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Exporting Country—any designated OECD member country listed in LAC 33:V.1113.I.1.a from which a transfrontier, transboundary movement of wastes is planned or has commenced.

***

Importer—the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the country of import.

Importing Country—any designated OECD member country listed in LAC 33:V.1113.I.1.a to which a transfrontier, transboundary movement of wastes is planned or takes place for the purpose of submitting the wastes to recovery operations therein.

***

Notifier—the person under the jurisdiction of the exporting country who has, or will have at the time the planned transfrontier movement commences, possession or other forms of legal control of the wastes and who proposes their transfrontier movement for the ultimate purpose of
submitting them to recovery operations. When the United States is the exporting country, notifier is interpreted to mean a person domiciled in the United States. Repealed.

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OECD—Organization for Economic Cooperation and Development.

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Organization for Economic Cooperation and Development (OECD) Area—all land or marine areas under the national jurisdiction of any designated OECD member country listed in LAC 33:V.1113.I.1.a. When the regulations refer to shipments to or from an OECD country, this means OECD area.

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Recognized Trader—a person who, with appropriate authorization of concerned countries, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate transfrontier transboundary movements of wastes destined for recovery operations.

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Recovery Operations—activities leading to resource recovery, recycling, reclamation, direct reuse or alternative uses as listed in Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988, (available from the Environmental Protection Agency, RCRA Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC 20460 (Docket Number F-94-IEHF-FFFFF), or at the National Archives and Records Administration (NARA) by telephone at (202) 741-6030, or at the Organization for Economic Co-operation and Development, Environment Directorate, 2 rue André Pascal, 75775 Paris Cedex 16, France), which include the following operations.
TABLE 1

<table>
<thead>
<tr>
<th>Code</th>
<th>Recovery Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1</td>
<td>Use as a fuel (other than in direct incineration) or other means to generate energy</td>
</tr>
<tr>
<td>R2</td>
<td>Solvent reclamation/regeneration</td>
</tr>
<tr>
<td>R3</td>
<td>Recycling/reclamation of organic substances that are not used as solvents</td>
</tr>
<tr>
<td>R4</td>
<td>Recycling/reclamation of metals and metal compounds</td>
</tr>
<tr>
<td>R5</td>
<td>Recycling/reclamation of other inorganic materials</td>
</tr>
<tr>
<td>R6</td>
<td>Regeneration of acids or bases</td>
</tr>
<tr>
<td>R7</td>
<td>Recovery of components used for pollution control/abatement</td>
</tr>
<tr>
<td>R8</td>
<td>Recovery of components used from catalysts</td>
</tr>
<tr>
<td>R9</td>
<td>Used oil re-refining or other reuses of previously used oil</td>
</tr>
<tr>
<td>R10</td>
<td>Land treatment resulting in benefit to agriculture or ecological improvement</td>
</tr>
<tr>
<td>R11</td>
<td>Uses of residual materials obtained from any of the operations numbered R1-R10</td>
</tr>
<tr>
<td>R12</td>
<td>Exchange of wastes for submission to any of the operations numbered R1-R11</td>
</tr>
<tr>
<td>R13</td>
<td>Accumulation of material intended for any operation in Table 2.B of the Annex of OECD Council Decision numbered R1-R12</td>
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</table>

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Transfrontier Transboundary Movement—any shipment of wastes destined for recovery operations from an area under the national jurisdiction of one OECD member country to an area under the national jurisdiction of another OECD member country.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.


Chapter 11. Generators

Subchapter A. General
§1101. Applicability

A. …

B. Any person who exports or imports hazardous waste subject to the manifesting requirements of this Chapter, the export requirements for spent lead-acid battery management standards in LAC 33:V.4145, or subject to the universal waste management standards of LAC 33:V.Chapter 38, to or from the OECD member countries listed in LAC 33:V.1113.I.1.a for recovery must comply with Subchapter B of this Chapter.

C. – I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.


§1113. Exports of Hazardous Waste

A. Applicability. Any person who exports hazardous waste to a foreign country, from a point of departure in the state of Louisiana, must comply with the requirements of this Chapter and with the special requirements of LAC 33:V.1113. This Section establishes requirements applicable to exports of hazardous waste. A primary exporter of hazardous waste must comply with the special requirements of LAC.
V.1113 this Section, and a transporter who transports hazardous waste for export must shall comply with applicable requirements of LAC 33:V.Chapter 13.

B. …

C. General Requirements. Exports of hazardous wastes are prohibited except in compliance with the applicable requirements of LAC 33:V.1113 this Section and LAC 33:V.Chapter 13. Exports of hazardous waste are prohibited unless:

1. notification in accordance with LAC 33:V.1113 Subsection D of this Section has been provided;

C.2. – D.1.b.viii. …

2. Notification shall be sent to the Office of Environmental Services, with "Attention: Notification to Export" prominently displayed on the front of the envelope.

[NOTE: This does not relieve the regulated community from the requirement of submitting notification to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, as required by 40 CFR 262.53(b) and LAC 33:V.1113 Paragraph D.1 of this Section.]

3. – 4. …

5. The administrative authority will shall provide a complete notification to the receiving country and any transit countries. A notification is complete when the administrative authority receives a notification which the administrative authority determines satisfies the requirements of LAC 33:V.1113 Paragraph D.1 of this Section. Where a claim of confidentiality is asserted with respect to any notification information required by LAC
Paragraph D.1 of this Section, the administrative authority may find the notification not complete until any such claim is resolved in accordance with LAC 33:I.Chapter 5.

6. Where the receiving country consents to the receipt of the hazardous waste, the administrative authority will forward an EPA Acknowledgement of Consent to the primary exporter for purposes of LAC 33:V.1113.Paragraph E.8 of this Section. Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, the administrative authority will notify the primary exporter in writing. The EPA will also notify the primary exporter of any responses from transit countries.

E. – E.6. …

7. In lieu of the requirements of LAC 33:V.1107.A.3, where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter must:

a. renotify the United States Environmental Protection Agency of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with LAC 33:V.1113.Paragraph D.3 of this Section and obtain an EPA Acknowledgment of Consent prior to delivery; or

7.b. – 9. …

F. Exception Reports. In lieu of the requirements of LAC 33:V.1111.C, a primary exporter must file an Exception Report with the United States Environmental Protection Agency, if Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460, if any of the following occurs:
I. International Agreements

1. Any person who exports or imports hazardous waste considered hazardous under U.S. national procedures, (i.e., meets the definition of hazardous waste in LAC 33:V.109, and is subject to either the manifest requirements of this Chapter, or subject to the universal waste management standards of LAC 33:V.Chapter 38, or the requirements for spent lead-acid batteries in LAC 33:V.4145) to or from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in LAC 33:V.1113.1 Subparagraph I.1.a, of this Section for purposes of recovery is subject to Subchapter B of this Section. The requirements of this Section and LAC 33:V.1123 do not apply to such exports and imports.

a. For the purposes of these regulations this Subchapter, the designated OECD member countries consist of Australia, Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, South Korea Republic of Korea, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

b. For the purposes of these regulations this Subchapter, Canada and Mexico are considered OECD member countries only for the purpose of transit.

2. Any person who exports hazardous waste to or imports hazardous waste from a designated OECD member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of this Section and LAC 33:V.1123; however, they are not subject to the requirements of LAC 33:V.1127.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

Subchapter B. Transfrontier Transboundary Shipments of Hazardous Waste

§1127. Transfrontier Transboundary Shipments of Hazardous Waste for Recovery within the OECD

A. Applicability

1. The requirements of this Subchapter apply to imports and exports of wastes that are considered hazardous under United States national procedures and are destined for recovery operations in the countries listed in LAC 33:V.1113.I.1.a. A waste is considered hazardous under United States national procedures if it meets the definition of hazardous waste in LAC 33:V.109 and is subject to either the manifesting requirements in LAC 33:V.1107 or to the universal waste management standards of LAC 33:V. Chapter 38, the waste:

a. meets the definition of hazardous waste as defined in 40 CFR 261.3; and
b. is subject to either the manifesting requirements of LAC 33:V.1107, the universal waste management standards of LAC 33:V.Chapter 38, or the export requirements in the spent lead-acid battery management standards of LAC 33:V.4145.

2. Any person (notifier, consignee, exporter, importer, or recovery facility operator) who mixes two or more wastes (including hazardous and nonhazardous wastes) or otherwise subjects two or more wastes (including hazardous and nonhazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and any notifier exporter duties, if applicable, under this Subchapter.

B. General Conditions

1. Scope. The level of control for exports and imports of waste is indicated by assignment of the waste to a green, amber, or red list either a list of wastes subject to the green control procedures or a list of wastes subject to the amber control procedures and by United States national procedures as defined in Paragraph A.1 of this Section. The OECD green, amber, and red green and amber lists are incorporated by reference in LAC 33:V.110 Paragraph I.4 of this Section.

   a. Wastes on the green list are subject to existing controls normally applied to commercial transactions, except as provided in the following Listed Waste Subject to the Green Control Procedures

      i. Green-list wastes that are not considered hazardous under United States national procedures are subject to amber list controls as defined in Paragraph A.1 of this Section are subject to existing controls normally applied to commercial transactions.

      ii. Green-list wastes that are sufficiently contaminated or mixed with amber-list wastes such that the waste or waste mixture is considered hazardous under
United States national procedures as defined in Paragraph A.1 of this Section are subject to the amber-list amber controls procedures set forth in this Subchapter.

iii. Green-list wastes that are sufficiently contaminated or mixed with other wastes subject to red-amber list controls such that the waste or waste mixture is considered hazardous under United States national procedures must be handled in accordance with the red-amber list controls.

b. Wastes on the amber list that are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section are subject to the amber-list controls of this Subchapter.

Listed Wastes Subject to the Amber Control Procedures

i. If amber-list Amber wastes that are sufficiently contaminated or mixed with other wastes subject to red-list controls such that the waste or waste mixture is considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, are subject to the amber control procedures set forth in this Subchapter, the wastes must be handled in accordance with the red-list controls.

ii. Reserved. Amber wastes that are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, are subject to the amber control procedures in the United States, even if it is imported to, or exported from, a designated OECD member country listed in LAC 33:V.1113.1.1.a that does not consider the waste to be hazardous. In such an event, the responsibilities of the amber control procedures are as follows:

(a). U.S. Exports. The United States shall issue an acknowledgement of receipt and assume other responsibilities of the competent authority of the country of import.
(b). U.S. Imports. The U.S. recovery facility/importer

and the United States shall assume the obligations associated with the amber control procedures

that normally apply to the exporter and country of export, respectively.

e. Wastes on the red list that are considered hazardous under United

States national procedures as defined in Paragraph A.1 of this Section are subject to the red-list

controls of this Subchapter.

iii. Amber wastes that are not considered hazardous under

United States national procedures as defined in Paragraph A.1 of this Section but are considered

hazardous by an OECD member country are subject to the amber control procedures in the

OECD member country that considers the waste hazardous. All responsibilities of the U.S.
importer/exporter shift to the importer/exporter of the OECD member country that considers the

waste hazardous unless the parties make other arrangements through contracts.

[NOTE: Some wastes on subject to the amber or red lists amber control

procedures are not listed or otherwise identified as hazardous under RCRA (e.g.,
polychlorinated biphenyls) and, Therefore, they are not subject to the amber list

or red-list amber control procedures of this Subchapter. Regardless of the status

of the waste under RCRA, however, other federal environmental statutes (e.g., the

Toxic Substances Control Act) may restrict certain waste imports or exports. Such

restrictions continue to apply without regard to this Subchapter.]

c. Procedures For Mixtures of Wastes

i. A green waste that is mixed with one or more other green

wastes such that the resulting mixture is not considered hazardous under United States national

procedures as defined in Paragraph A.1 of this Section, shall be subject to the green control
procedures, provided the composition of this mixture does not impair its environmentally sound recovery.

[NOTE: The regulated community should note that some OECD member countries may require, by domestic law, that mixtures of different green wastes be subject to the amber control procedures.]

ii. A green waste that is mixed with one or more amber wastes, in any amount, *de minimis* or otherwise, or a mixture of two or more amber wastes, such that the resulting waste mixture is considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, are subject to the amber control procedures, provided the composition of this mixture does not impair its environmentally sound recovery.

[NOTE: The regulated community should note that some OECD member countries may require, by domestic law, that a mixture of a green waste and more than a *de minimis* amount of an amber waste or a mixture of two or more amber wastes be subject to the amber control procedures.]

d. Wastes not yet assigned to an OECD waste list are eligible for transfrontier movements, as follows:

i. if such wastes are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, these wastes are subject to the red-list controls; or

ii. if such wastes are not considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, such wastes may move as though they appeared on the green list; such wastes are subject to the green control procedures.

2. General Conditions Applicable to Transfrontier Movements of Hazardous Waste
a. The waste must be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country.

b. The transfrontier movement must be in compliance with applicable international transport agreements.

[NOTE: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADNR (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).]

2.c. – 3. ...

a. Re-export of wastes subject to the amber-list control system procedures from the United States, as the importing country, to a third country listed in LAC 33:V.1113.I.1.a may occur only after a notifier in the United States provides notification to and obtains consent of the competent authorities in the third country, the original exporting country, and new transit countries. The notification must comply with the notice and consent procedures in Subsection C of this Section for all concerned countries, and the original exporting country. The competent authorities of the original exporting country as well as the competent authorities of all other concerned countries have 30 days to object to the proposed movement.

i. ...

ii. The transfrontier movement may commence if no objection has been lodged after the 30-day period has passed or immediately after written consent is received from all relevant OECD importing and transit countries.

b. Re-export of wastes subject to the red-list control system procedures from the original importing country to a third country listed in LAC
33:V.1113.I.1.a may occur only following notification of the competent authorities of the third country, the original exporting country, and new transit countries by a notifier or exporter in the original importing country in accordance with Subsection C of this Section. The transfrontier movement may not proceed until receipt by the original importing country of written consent from the competent authorities of the third country, the original exporting country, and new transit countries.

c. In the case of re-export of amber-list or red-list wastes to a country other than those listed in LAC 33:V.1113.I.1.a, notification to and consent of the competent authorities of the original OECD member country of export and any OECD member countries of transit is required as specified in Subparagraphs B.3.a- and b of this Section in addition to compliance with all international agreements and arrangements to which the first importing OECD member country is a party and all applicable regulatory requirements for exports from the first importing country.

4. Duty to Return or Re-Export Wastes Subject to the Amber Control Procedures. When a transboundary movement of wastes subject to the amber control procedures cannot be completed in accordance with the terms of the contract or the consent(s) and alternative arrangements cannot be made to recover the waste in an environmentally sound manner in the country of import, the waste shall be returned to the country of export or re-exported to a third country. The requirements of Paragraph B.3 of this Section apply to any shipments to be re-exported to a third country. The following provisions apply to shipments to be returned to the country of export as appropriate.

a. Return from the United States to the Country of Export. The U.S. importer shall inform EPA at the specified address in Clause C.2.a.i of this Section of the need to return the shipment. EPA will then inform the competent authorities of the countries of export
and transit, citing the reason(s) for returning the waste. The U.S. importer shall complete the return within 90 days from the time EPA informs the country of export of the need to return the waste, unless informed in writing by EPA of another timeframe agreed to by the concerned member countries. If the return shipment will cross any transit country, the return shipment may only occur after EPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the U.S. importer.

b. Return From the Country of Import to the United States. The U.S. exporter shall provide for the return of the hazardous waste shipment within 90 days from the time the country of import informs EPA of the need to return the waste or such other period of time as the concerned member countries agree. The U.S. exporter shall submit an exception report to EPA in accordance with Paragraph G.2 of this Section.

5. Duty to Return Wastes Subject to the Amber Control Procedures from the Country of Transit. When a transboundary movement of wastes subject to the amber control Procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover these wastes in an environmentally sound manner, the waste shall be returned to the country of export. The following provisions apply as appropriate:

a. Return from the United States (as Country of Transit) to the Country of Export. The U.S. transporter shall inform EPA at the specified address in Clause C.2.a.i of this Section of the need to return the shipment. EPA will then inform the competent authority of the country of export, citing the reason(s) for returning the waste. The U.S. transporter shall complete the return within 90 days from the time EPA informs the country of export of the need to return the waste, unless informed in writing by EPA of another time frame agreed to by the concerned member countries.
b. Return from the Country of Transit to the United States (as Country of Export). The U.S. exporter shall provide for the return of the hazardous waste shipment within 90 days from the time the competent authority of the country of transit informs EPA of the need to return the waste or such other period of time as the concerned member countries agree. The U.S. exporter shall submit an exception report to EPA in accordance with Paragraph G.2 of this Section.

6. Requirements for Wastes Destined for and Received by R12 and R13 Facilities. The transboundary movement of wastes destined for R12 and R13 operations shall comply with all amber control procedures for notification and consent as set forth in Subsection C of this Section and for the movement document as set forth in Subsection D of this Section.

Additional responsibilities of R12/R13 facilities include:

a. Indicating in the notification document the foreseen recovery facility or facilities where the subsequent R1-R11 recovery operation takes place or may take place.

b. Within three days of receipt of the wastes by the R12/R13 recovery facility or facilities, the facility(ies) shall return a signed copy of the movement document to the exporter and to the competent authorities of the countries of export and import. The facility(ies) shall retain the original of the movement document for three years.

c. As soon as possible, but no later than 30 days after the completion of the R12/R13 recovery operation and no later than one calendar year following the receipt of the waste, the R12 or R13 facility(ies) shall send a certificate of recovery to the foreign exporter and to the competent authority of the country of export and to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N. W.
When a R12/R13 recovery facility delivers wastes for recovery to a
R1-R11 recovery facility located in the country of import, it shall obtain as soon as possible, but
not later than one calendar year following delivery of the waste, a certification from the R1-R11
facility that recovery of the wastes at that facility has been completed. The R12/R13 facility shall
promptly transmit the applicable certification to the competent authorities of the countries of
import and export, identifying the transboundary movements to which the certification pertain.

When a R12/R13 recovery facility delivers wastes for recovery to
an R1-R11 recovery facility located in the initial country of export, amber control procedures
apply, including a new notification. If located in a third country other than the initial country of
export, amber control procedures apply, with the additional provision that the competent
authority of the initial country of export shall also be notified of the transboundary movement.

Laboratory Analysis Exemption. The transboundary movement of an
amber waste is exempt from the amber control procedures if it is in certain quantities and
destined for laboratory analysis to assess its physical or chemical characteristics, or to determine
its suitability for recovery operations. The quantity of such waste shall be determined by the
minimum quantity reasonably needed to perform the analysis in each particular case adequately,
but in no case exceed 25 kgs. Waste destined for laboratory analysis must still be appropriately
packaged and labeled.

C. Notification and Consent

1. Applicability. Consent must be obtained from the competent
authorities of the relevant OECD importing and transit countries prior to exporting hazardous
waste destined for recovery operations subject to this Subchapter. Hazardous wastes subject to
amber list controls, amber control procedures are subject to the requirements of Paragraph C.2 of this Section; hazardous wastes subject to red list controls are subject to the requirements of Paragraph C.3 of this Section; and wastes not identified on any list are subject to the requirements of Paragraph C.4 of this Section.

2. **Amber-List Amber Wastes.** The export from the United States of hazardous wastes as described in Paragraph A.1 of this Section that appear on the amber list is subject to the amber control procedures are prohibited unless the notification and consent requirements of this Subsection are met.

   a. …

   i. **Notification.** At least 45 days prior to the commencement of each transboundary movement, the notifier exporter must provide written notification, in English, of the proposed transboundary movement to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in Paragraph C.54 of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same RCRA waste codes are to be sent periodically to the same recovery facility by the same notifier exporter, the notifier exporter may submit one general notification of intent to export these wastes in multiple shipments during a period of up to one year. When a general notification is used for multiple shipments, each shipment shall be accompanied by a movement document pursuant to Subsection D of this Section.
ii. Tacit Consent. If no objection has been lodged by any concerned country (i.e., exporting, importing, or transit countries) to a notification provided pursuant to Clause C.2.a.i of this Section within 30 days after the date of issuance of the Acknowledgment of Receipt of notification by the competent authority of the importing country, the transboundary movement may commence. Tacit consent expires one calendar year after the close of the 30-day period; renotification and renewal of all consents are required for exports after that date.

iii. Written Consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the transboundary movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renotification and renewal of each expired consent is required for exports after that date.

b. Shipments Transboundary Movements to Facilities Preapproved by the Competent Authorities of the Importing Countries to Accept Specific Wastes for Recovery

i. Notification. The exporter must provide EPA the information identified in Paragraph C.54 of this Section, in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification should indicate that the recovery facility is preapproved, and the notification may apply to a single specific shipment or to multiple shipments as described in Clause C.2.a.i of this Section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, with the words "OECD Export Notification-Preapproved Facility" prominently displayed on the envelope. General notifications
that cover multiple shipments as described in Clause C.2.a.i of this Section may cover a period of up to three years. When a general notification is used for multiple shipments, each shipment shall be accompanied by a movement document pursuant to Subsection D of this Section.

ii. Shipments may commence after the notification required in Clause C.2.a.i of this Section has been received by the competent authorities of all concerned countries, unless the notifier has received information indicating that the competent authorities of one or more concerned countries objects to the shipment. Exports to preapproved facilities may take place after seven working days from the issuance of an acknowledgement of receipt of the notification by the competent authority of the country of import, unless the exporter has received information indicating that the competent authority of any countries concerned objects to the shipment.

3. Red-List Wastes. The export from the United States of hazardous wastes as described in Paragraph A.1 of this Section that appear on the red list is prohibited unless notice is given in accordance with Clause C.2.a.i of this Section and the notifier receives written consent from the importing country and any transit countries prior to commencement of the transfrontier movement.

4. Unlisted Wastes. Wastes not assigned to the green, amber, or red list that are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section are subject to the notification and consent requirements established for red-list wastes in accordance with Paragraph C.3 of this Section. Unlisted wastes that are not considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section are not subject to amber or red controls when exported or imported.

3. Wastes not Covered in the OECD Green and Amber Lists. Wastes destined for recovery operations that have not been assigned to the OECD green and amber lists,
incorporated by reference in Paragraph I.4 of this Section but which are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, shall be subject to the notification and consent requirements established for the amber control procedures in accordance with Paragraph C.2 of this Section. Wastes destined for recovery operations, that have not been assigned to the OECD green and amber lists incorporated by reference in Paragraph I.4 of this Section, and are not considered hazardous under U.S. national procedures as defined by Paragraph A.1 of this Section shall be subject to the green control procedures.

5-4. Notification Information. Notifications submitted under this Section must include:

a. serial number or other accepted identifier of the notification form document;

b. notifier/exporter name and EPA identification number (if applicable), address, and telephone number and telefax numbers; fax number, and email address;

c. importing recovery facility name, address, telephone number and telefax numbers, email address, and technologies employed;

d. consignee/importer name (if not the owner or operator of the recovery facility), address, and telephone number and telefax numbers, and email address; whether the consignee/importer will engage in waste exchange recovery operation R12 or waste accumulation recovery operation R13 or storage prior to delivering the waste to the final recovery facility and identification of recovery operations to be employed at the final recovery facility;

e. intended transporters and/or their agents; address, telephone number, fax number, and email address;

f. country of export and relevant competent authority and point of departure;
g. countries of transit and relevant competent authorities and points of entry and departure;

h. country of import and relevant competent authority and point of entry;

i. statement of whether the notification is a single notification or a general notification. If general, include the period of validity requested;

j. date foreseen for commencement of transboundary movement;

k. designation of waste type(s) from the appropriate OECD list (amber or red and waste list code) incorporated by reference in Paragraph I.4 of this Section, descriptions of each waste type, estimated total quantity of each, RCRA waste code, and United Nations number for each waste type; and

l. certification/declaration signed by the notifier 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 guarantees are or shall be in force covering the transfrontier movement."

Name: ______________________

Signature: ___________________

Date: ______________________

[NOTE: The United States does not currently require financial assurance; however, United States exporters may be asked by other governments to provide]
and certify to such assurance as a condition of obtaining consent to a proposed movement.]

1. ______ means of transport envisaged;

m. ______ specification of the recovery operation(s) as defined in LAC 33:V.109; and

n. ______ certification/declaration signed by the exporter that states:

"I certify that the above information is complete and correct to the best of my knowledge, legally enforceable written contractual obligations have been entered into, and any applicable insurance or other financial guarantees shall cover the transboundary movement."

Name: ___________________________

Signature: _________________________

Date: _____________________________

[NOTE: The United States does not currently require financial assurance for these waste shipments. However, United States exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.]

5. ______ Certificate of Recovery. As soon as possible, but no later than 30 days after the completion of recovery and no later than one calendar year following receipt of the waste, the U.S. recovery facility shall send a certificate of recovery to the exporter and to the competent authorities of the countries of export and import by mail, email (without a digital signature) or fax followed by mail. The certificate of recovery shall include a signed, written, and dated statement that affirms that the waste materials were recovered in the manner agreed to by the parties to the contract required under Subsection E of this Section.
D. Tracking Document

1. All United States parties subject to the contract provisions of Subsection E of this Section must ensure that a tracking movement document meeting the conditions of Paragraph D.2 of this Section accompanies each shipment of wastes subject to amber-list or red-list control from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored and/or exchanged by the consignee importer prior to shipment to the final recovery facility, except as provided in Subparagraphs 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 generator must forward the tracking movement document with the manifest to the last water (bulk shipment) transporter to handle the waste in the United States if exported by water (in accordance with the manifest routing procedures in LAC 33:V.1107.D.3).

   b. For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must forward the tracking movement document with the manifest (in accordance with the routing procedures for the manifest in LAC 33:V.1107.D.4) to the next nonrail transporter, if any, or the last rail transporter to handle the waste in the United States if exported by rail.

2. The tracking movement document must include all information required under Subsection C of this Section for notification and the following:

   a. date shipment commenced;

   b. name (if not exporter), address, and telephone number, and telefax numbers, and email of primary exporter;

   c. …
d. identification (license, registered name, or registration number) of means of transport, including types of packaging envisaged;

e. …

f. certification/declaration signed by the exporter that no objection to the shipment has been lodged as follows:

"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, that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement, and that:

[Delete sentences that are not applicable]

1. all necessary consents have been received; or

2. the shipment is directed at a recovery facility within the OECD area and no objection has been received from any of the concerned countries within the 30 day tacit consent period; or

3. the shipment is directed to a recovery facility preauthorized for that type of waste within the OECD area; such an authorization has not been revoked, and no objection has been received from any of the concerned countries."

[Delete sentences that are not applicable]

Name: ____________________________

Signature: _________________________

Date: ____________________________

and
g. appropriate signatures for each custody transfer (e.g., transporter, consignee, importer, and owner or operator of the recovery facility).

3. Notifiers also must comply with the special manifest requirements of LAC 33:V.1113.E.1, 2, 3, 5, and 9; and consignees must comply with the import requirements of LAC 33:V.1123.

4. Each United States person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the tracking movement document (e.g., transporter, consignee, importer, and owner or operator of the recovery facility).

5. Within three working days of the receipt of imports subject to this Subchapter, the owner or operator of the United States recovery facility must send signed copies of the tracking movement document to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries. If the concerned U.S. recovery facility is a R12 and R13 recovery facility as defined under LAC 33:V.109. Recovery Operations, Table 1, the facility shall retain the original of the movement document for three years.

E. Contracts

1. Transfrontier movements of hazardous wastes subject to the amber or red control procedures 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 must be executed by the notifier and the owner or operator of the recovery
facility and must 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 arrangement.

2. – 3. …

a. the person having actual possession or physical control over the wastes will immediately inform the notifier, exporter and the competent authorities of the exporting and importing countries and, if the wastes are located in a country of transit, the competent authorities of that country; and

b. the person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging their return to the original country of export, the return of waste, and shall provide the notification for re-export.

4. Contracts must specify that the consignee, importer will provide the notification required in Paragraph B.3 of this Section prior to re-export of controlled wastes to a third country.

5. Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any concerned country, in accordance with applicable national or international law requirements.

[NOTE: 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 do. It is the
responsibility of the notifier exporter to ascertain and comply with such requirements; in some cases, transporters or consignees importers may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

6. …

7. Upon request by EPA, United States notifier exporters, consignees importers, or recovery facilities must shall submit to 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 CFR 2.203(b) will be treated as confidential and will be disclosed by EPA only as provided in 40 CFR 260.2.

[NOTE: Although the United States does not require routine submission of contracts at this time, OECD Council Decision C(92)39/FINAL allows member countries to impose such requirements. When other OECD member countries require submission of partial or complete copies of the contract as a condition to granting consent to proposed movements, EPA will request the required information; absent submission of such information, some OECD member countries may deny consent for the proposed movement.]

F. – F.1. …

2. A recognized trader acting as a notifier exporter or consignee importer for transfrontier transboundary shipments of waste must comply with all the requirements of this Subchapter associated with being a notifier exporter or consignee importer.

G. Reporting and Recordkeeping
1. Annual Reports. For all waste movements subject to this Subchapter, persons (e.g., notifier exporters, recognized traders) who meet the definition of primary exporter in LAC 33:V.109 or who initiate the movement document under Subsection D of this Section shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, 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. (If the primary exporter or the person who initiates the movement document under Subsection D of this Section is required to file an annual report for waste exports that are not covered under this Subchapter, he may include all export information in one report, provided the information required by in Subparagraph 1.a of this Subsection on exports of waste destined for recovery within the designated OECD member countries is contained in a separate section.) Such reports shall include the following:

   a. the EPA identification number, name, and mailing and site address of the notifier exporter filing the report;

   b. – c. …

   d. by final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from LAC 33:V.Chapter 49), designation of waste type(s) from OECD waste lists and applicable waste code from the OECD lists incorporated by reference in Paragraph I.4 of this Section, the DOT hazard class, the name and U.S. EPA identification number (where applicable) for each transporter used, the total amount of hazardous waste shipped pursuant to this Subchapter, and the number of shipments pursuant to each notification;

   e. – e.ii. …
f. a certification signed by the person acting as primary exporter or initiator of the movement document under Subsection D of this Section 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."

2. Exception Reports. Any person who meets the definition of primary exporter in LAC 33:V.109 or who initiates the movement document under Subsection D of this Section must file an exception report, in lieu of the requirements of LAC 33:V.1111.C (if applicable), with the Office of Environmental Services Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20560, if any of the following occurs:

a. he has not received a copy of the tracking documentation RCRA hazardous waste manifest (if applicable) signed by the transporter stating identifying the point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;

b. within 90 days from the date the waste was accepted by the initial transporter, the notifier exporter has not received written confirmation from the recovery facility that the hazardous waste was received; or

2.c. – 3. …
a. Persons who meet the definition of primary exporter in LAC 33:V.109 or who initiate the movement document under this Section shall keep the following records:

i. – ii. …

iii. a copy of any exception reports and a copy of each confirmation of delivery (i.e., tracking movement documentation) sent by the recovery facility to the notifier exporter for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.

iv. a copy of each certificate of recovery sent by the recovery facility to the exporter for at least three years from the date that the recovery facility completed processing the waste shipment.

b. 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 administrative authority.

H. – I.1.a. …

b. is subject to either the Federal RCRA manifesting requirements of this Chapter, or to the universal waste management standards of LAC 33:V.Chapter 38, or the export requirements in the spent lead-acid battery management standards of LAC 33:V.4145.

2. If a waste is hazardous under Subparagraph I.1.a of this Section and it appears on the amber or red list, it is subject to amber list or red list requirements respectively, the amber control procedures, regardless of whether it appears in Appendix 4 of the OECD Decision, as defined in Subsection B of this Section.

3. If a waste is hazardous under Subparagraph I.1.a of this Section and it does not appear on either the amber or red list, it is subject to red list requirements. The
appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Subsection B of this Section.

4. The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Subsection B of this Section. The OECD waste lists, as set forth in Annex B (“Green List”) and Annex C (“Amber List”) (collectively “OECD waste lists”) of the 2009 “Guidance Manual for the Implementation of Council Decision C (2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations,” are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This material is incorporated as it exists on the date of the approval and a notice of any change in these materials will be published in the Federal Register. The materials are available for inspection at: the U.S. Environmental Protection Agency, Docket Center Public Reading Room, EPA West, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004 (Docket # EPA-HQ-RCRA-2005-0018) or at the National Archives and Records Administration (NARA), and may be obtained from the Organization for Economic Cooperation and Development, Environment Directorate, 2 rue André Pascal, F-75775 Paris Cedex 16, France. For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html. To contact the EPA Docket Center Public Reading Room, call (202) 566-1744. To contact the OECD, call +33 (0) 1 45 24 81 67.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November...
Chapter 13. Transporters

§1301. Applicability

A. – E. …

F. A transporter of hazardous waste subject to the federal manifesting requirements of LAC 33:V.Chapter 11 or subject to the waste management standards of LAC 33:V.Chapter 38 that is being imported from or exported to any of the countries listed in LAC 33:V.1113.I.1.a for purposes of recovery is subject to this Chapter and to all other relevant requirements of LAC 33:V.Chapter 11.Subchapter B including, but not limited to, LAC 33:V.1127.D for tracking movement documents.

G. – H. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.


Chapter 15. Treatment, Storage, and Disposal Facilities

§1516. Manifest System for Treatment, Storage, and Disposal (TSD) Facilities

A. – B.3. …

4. Within three working days of the receipt of a shipment subject to LAC 33:V.Chapter 11.Subchapter B, the owner or operator of the facility must provide a copy of
the trackingmovement document bearing all required signatures to the notifier exporter, to the Office of Enforcement and Compliance Assurance, Office of Compliance Federal Activities, Enforcement Planning, Targeting and Data Division (2222A), International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave, NW, Washington, DC 20460, and to competent authorities of all other concerned countries. The original copy of the trackingmovement document must be maintained at the facility for at least three years from the date of signature.

5. If a facility receives hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest and documentation confirming EPA’s consent to the import of hazardous waste to the following address within 30 days of delivery: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW (2221A), Washington, D.C. 20460-0001. In addition, the facility must, within 30 days:

   B.5.a. – D.7. Comment. …

   AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.


§1531. Required Notices

   A. …

   B. The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to LAC 33:V.Chapter 11.Subchapter B must provide a copy of the trackingmovement document bearing all required signatures to the foreign notifier exporter, to the
Office of Enforcement and Compliance Assurance, Office of Compliance Federal Activities, Enforcement Planning, Targeting and Data Division (2222A), International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave, NW, Washington, DC 20460, and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking movement document must be maintained at the facility for at least three years. In addition, such owner or operator shall, as soon as possible, but no later than 30 days after the completion of recovery and no later than one calendar year following the receipt of the hazardous waste, send a certificate of recovery to the foreign exporter and to the competent authority of the country of export and to EPA’s Office of Enforcement and Compliance Assurance at the above address by mail, email (without a digital signature), or fax followed by mail.

C. – E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.


Chapter 41. Recyclable Materials

§4145. Spent Lead-Acid Batteries Being Reclaimed

A. …
<table>
<thead>
<tr>
<th>If Your Batteries:</th>
<th>And If You:</th>
<th>Then You:</th>
<th>And You:</th>
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<tbody>
<tr>
<td>1. – 5. …</td>
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<tr>
<td>If Your Batteries:</td>
<td>And If You:</td>
<td>Then You:</td>
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<tr>
<td>6. will be reclaimed through regeneration or any other means.</td>
<td>export these batteries for reclamation in a foreign country.</td>
<td>are exempt from LAC 33:V.Chapters 3, 5, 7, 9, 13, 15, 17,19, 21, 22, 23, 25, 27, 28, 29, 30, 32, 33, 35, 37, and 43, and the notification requirements at section 3010 of RCRA. You are also exempt from LAC 33:V.Chapter 11, except for LAC 33:V.1103, and except for the applicable requirements in either: (a) LAC 33:V.1125; or (b) LAC 33:V.1113.D “Notification of Intent to Export”, LAC 33:V.1113.G.1.a-d, f and G.2 “Annual Reports”, and LAC 33:V.1113.H “Recordkeeping”.</td>
<td>are subject to LAC 33:V.Chapters 1, 31, 39, 41, and 49 as applicable and LAC 33:V.1103, and either must comply with LAC 33:V.1125.A (if shipping to one of the OECD countries specified in LAC 33:V.1113.I.1.a), or shall: (a) Comply with the requirements applicable to a primary exporter in LAC 33:V.1113.D, G.1.a-d, G.2, and H. b) Export these batteries only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in LAC 33:V.1113.A-I.2; and (c) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.</td>
</tr>
</tbody>
</table>
If Your Batteries:  

<table>
<thead>
<tr>
<th>And If You:</th>
<th>Then You:</th>
<th>And You:</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Will be reclaimed through regeneration or any other means.</td>
<td>Transport these batteries in the U. S. to export them for reclamation in a foreign country.</td>
<td>are exempt from LAC 33:V.Chapters 3, 5, 7, 9, 13, 15, 17, 19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, 41, and 43, and the notification requirements at section 3010 of RCRA.</td>
</tr>
</tbody>
</table>

B. – B.2.d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

26:287 (February 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:611 (April 2006), LR 32:830 (May 2006), LR 38:0000 (March 2012).