NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

Imports and Exports of Hazardous Waste Multi-Rule and e-Manifest Update

(LAC 33:V.105, 109, 110, 1021, 1101, 1107, 1108, 1113, 1123, 1125, 1127, 1301, 1307, 1309, 1516, 1531, 3835, 3855, 3857, 3871, 3877, 3879, 4105,4143, 4145, and 4911)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.105, 109, 110, 1021, 1101, 1107, 1108, 1113, 1123, 1127, 1301, 1307, 1309, 1516, 1531, 3835, 3855, 3857, 3871, 3877, 3879, 4105,4143, 4145, and 4911 (Log # HW127ft).

This proposed Rule is identical to federal regulations found in 40 CFR 260.2(b) and (d); 260.4(a); 260.5; 260.11(g) and (g)(1); 261.4(d)(1) and (4), (e)(1) and (4); 261.6(a)(3)(i), and (5); 261.39(a)(5)(i), (iv)-(vi), (ix), and (xi); 261.10(d); 261.12(d); 261.41(c); 262.20(a)(1); 262.21(f)(5)-(8); 262.24(c), (e), and (g)-(h); 262 Subpart H; 263.10 and (d); 263.20(a)(2), (8) and (9), (c), (e)(2), (f)(2), and (g); 263.21(a)-(c), 264.12(a); 264.71(a)(2) and (3), (d), (j), and (l); 264.1086(c)(4)(i) and (d)(4)(i); 265.12(a); 265.71(a)(2) and (3), (d), (j), and (l); 266.70(b); 266.80(a); 273.20; 273.39; 273.40; 273.56; 273.62(a); and 273.70, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:963.A(2) and (3).

The proposed Rule adopts four federal rules under Subtitle C of the Resource Conservation and Recovery Act (RCRA): three rules related to the import and export of hazardous waste, and one rule related to fees associated with the hazardous waste e-Manifest system submitted solely to the U.S. Environmental Protection Agency (EPA). This proposed Rule incorporates the Imports and Exports of Hazardous Waste Rule, the Confidentiality Determinations for Hazardous Waste Export and Import Documents Rule, the Conforming Changes to Canada-Specific Hazardous Waste Import-Export Recovery and Disposal Operation Codes Rule, and the Hazardous Waste Electronic Manifest User Fee Rule. This proposed Rule:

• amends the existing regulations regarding the import and export of hazardous wastes into and from the United States of America, enables electronic submittal to the EPA of all import and export related documents, and enables electronic validation of consent for export shipments subject to consent requirements;

• applies a confidentiality determination such that no person can assert confidential business information claims for documents related to the import, export, transit of hazardous waste, and export of excluded cathode ray tubes;

• makes conforming changes to regulations related to 12 hazardous waste import and export recovery and disposal operations used in notices submitted to the EPA by U.S. importers and exporters, and in movement documents that accompany import and export shipments to solely reflect revisions made in Canadian regulations; and

• establishes the methodology the EPA will use to determine the user fees applicable to the national electronic manifest system.

The basis and rationale for this Rule are to mirror federal regulations. This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963(B)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:978.1 - 978.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Hearing**

A public hearing will be held on August 27, 2024, at 1:30 p.m. in the Galvez Building, Oliver Pollock Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at https://deqlouisiana.zoom.us/j/6836133613?omn=94218724960 or by telephone at (646) 255-1997 using the Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below, or at (225) 219-1325.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW127ft. Such comments must be received no later than August 27, 2024, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, fax (225) 219-4068, or E-mail to DEQ.Reg.Dev.Comments@la.gov. The comment period for this Rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW127ft. This regulation is available on the Internet at https://deq.louisiana.gov/page/monthly-regulation-changes-2024%20.

This proposed regulation is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Aurelia S. Giacometto

Secretary

**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**

**§105. Program Scope**

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706. Definitions appropriate to these rules and regulations, including solid waste and hazardous waste, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. — D.4. …

a. Except as provided in Subparagraphs D.4.b and d of this Section, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of LAC 33:V.Subpart 1 or to the notification requirements of Subsection A of this Section, when:

a.i. — c. …

d. In order to qualify for the exemption in Subparagraphs D.4.a.i and ii of this Section, the mass of a sample that will be exported to a foreign laboratory, or that will be imported to a U.S. laboratory from a foreign source, shall not exceed 25 kg.

5. Treatability Study Samples

a. Except as provided in Subparagraphs D.5.b and d of this Section, persons who generate or collect samples for the purpose of conducting treatability studies as defined in LAC 33:V.109 are not subject to any requirement of LAC 33:V.Chapters 10, 11, 13, 15, or 49, or to the notification requirements of Subsection A of this Section, nor are such samples included in the quantity determinations of LAC 33:V.1009 and 1013.C when:

a.i. — c.iii.(e). …

d. In order to qualify for the exemption in Subparagraph D.5.a of this Section, the mass of a sample that will be exported to a foreign laboratory or testing facility, or that will be imported to a U.S. laboratory or testing facility from a foreign source shall not exceed 25 kg.

D.6. — R.8.h. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:791 (March 2012), amended by the Office of the Secretary, Legal Division. LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), LR 43:1151 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020), LR 47:1851 (December 2021), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**§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.

\* \* \*

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

\* \* \*

*Concerned Countries*—the countries of export or import, and any countries of transit.~~exporting and importing Organization for Economic Cooperation and Development (OECD) member countries and any OECD member countries of transit.~~

\* \* \*

*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 *transboundary movement* of *hazardous waste* is planned or takes place.

\* \* \*

*EPA*—United States Environmental Protection Agency.

*EPA Acknowledgement of Consent*—~~the cable sent to the EPA from the United States Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.~~Repealed.

\* \* \*

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

\* \* \*

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

\* \* \*

*Organization for Economic Cooperation and Development (OECD) Area*—~~all land or marine areas under the national jurisdiction of any 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.~~Repealed.

\* \* \*

*Recovery Operations*—activities leading to resource recovery, recycling, reclamation, direct reuse or alternative uses ~~which include the following operations~~.

|  |  |
| --- | --- |
| ~~TABLE 1~~ | |
| ~~Code~~ | ~~Recovery Operations~~ |
| ~~R1~~ | ~~Use as a fuel (other than in direct incineration) or other means to generate energy~~ |
| ~~R2~~ | ~~Solvent reclamation/regeneration~~ |
| ~~R3~~ | ~~Recycling/reclamation of organic substances that are not used as solvents~~ |
| ~~R4~~ | ~~Recycling/reclamation of metals and metal compounds~~ |
| ~~R5~~ | ~~Recycling/reclamation of other inorganic materials~~ |
| ~~R6~~ | ~~Regeneration of acids or bases~~ |
| ~~R7~~ | ~~Recovery of components used for pollution abatement~~ |
| ~~R8~~ | ~~Recovery of components used from catalysts~~ |
| ~~R9~~ | ~~Used oil re-refining or other reuses of previously used oil~~ |
| ~~R10~~ | ~~Land treatment resulting in benefit to agriculture or ecological improvement~~ |
| ~~R11~~ | ~~Uses of residual materials obtained from any of the operations numbered R1-R10~~ |
| ~~R12~~ | ~~Exchange of wastes for submission to any of the operations numbered R1-R11~~ |
| ~~R13~~ | ~~Accumulation of material intended for any operation numbered R1-R12~~ |

\* \* \*

*Transboundary Movement*—any movement of hazardous waste from an area under the national jurisdiction of one ~~OECD member~~ country to an area under the national jurisdiction of another ~~OECD member~~ country.

\* \* \*

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012), repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, LR 40:1338 (July 2014), LR 41:2600 (December 2015), LR 42:565 (April 2016), LR 42:2178 (December 2016), LR 43:1138 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1531 (August 2017), LR 46:898 (July 2020), LR 47:1852 (December 2021), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**§110. Incorporation by Reference**

A. — F.2. …

G. The following materials are available for purchase from the Organi~~s~~zation for Economic Co~~-~~operation and Development, Environment Directorate~~, 2 rue Andre Pascal, 75775 Paris Cedex 16, France~~:

1. *Guidance Manual for the Control of Transboundary Movements of Recoverable Wastes*, copyright 2009, Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedures and Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure, IBR,~~The OECD Green List of Wastes (revised May 1994), the Amber List of Wastes and Red List of Wastes (both revised May 1993) as set forth in Appendix 3, Appendix 4, and Appendix 5, respectively, to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations),~~ approved for LAC 33:V.Chapter 11.Subchapter B.~~1127.I~~;

2. Reserved.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:814 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:656 (April 1998), LR 24:1690 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:270 (February 2000), LR 27:291 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1010 (June 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:899 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**Chapter 10. Generators of Hazardous Waste**

[Editor's Note: Chapter 10 consolidates and reorganizes the requirements for generators formerly contained in LAC:V.108 and Chapter 11.]

**Subchapter B. Recordkeeping and Reporting for Small Quantity Generators and Large Quantity Generators**

**§1021. Annual Report for Large Quantity Generators**

A. — B. …

C. Exports of hazardous waste to foreign countries are not required to be reported on the annual report. A separate annual report requirement is set forth in 262.83(g), as incorporated by reference at 40 CFR Part 262, Subpart H, which is incorporated by reference in LAC 33:V.Chapter 11.Subchapter B~~LAC 33:V.1113.G~~ for hazardous waste exporters.

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

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:920 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**Chapter 11. Manifest, Import and Export Requirements**

[Editor's Note: The generator requirements in Chapter 10 et al. were consolidated and reorganized in LAC 33:V.Chapter 10.]

**Subchapter A. General**

**§1101. Applicability**

[Editor's Note: Parts of 1101 were either revised or moved to LAC 33:V.1003 as part of the consolidation and reorganization of the generator requirements in LAC 33:V.Chapter 10.]

A. …

B. Any person who exports or imports hazardous waste shall comply with LAC 33:V.1017 and LAC 33:V.Chapter 11.Subchapter B.~~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 shall comply with the applicable requirements of Sections 1113, 1125, and 1127 of this Chapter.~~

C. …

D. Manifest Copy Submission Requirements for Certain Interstate Waste

1. Shipments In any case in which the state where waste is generated or transported to a designated facility requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste shall, regardless of the state where the facility is located:

a. complete the facility portion of the applicable manifest;

b. sign and date the facility certification;

c. submit a final copy of the manifest to the e-Manifest system for data processing purposes; and

d. pay the appropriate fee per manifest to EPA for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in the *Code of Federal Regulations* at 40 CFR 265, Subpart FF (Fees for the Electronic Hazardous Waste Manifest Program), up to date as of July 1, 2021.

E. Applicability of Electronic Manifest System and User Fee Requirements to Facilities Receiving State-Only Regulated Waste Shipments

1. For purposes of this Section, state-only regulated waste means:

a. a nonRCRA waste that a state regulates more broadly under its state regulatory program; or

b. a RCRA hazardous waste that is federally exempt from manifest requirements, but not exempt from manifest requirements under state law.

2. Any case where a state requires a RCRA manifest to be used under state law to track the shipment and transportation of a state-only regulated waste to a receiving facility, the facility receiving such a waste shipment for management shall:

a. comply with the provisions of LAC 33:V.1516.B and C; and

b. pay the appropriate per manifest fee to EPA for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in the *Code of Federal Regulations* at 40 CFR 265, Subpart FF (fees for the electronic hazardous waste manifest program), up to date as of July 1, 2021.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:398 (May 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 22:20 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:660 (April 1998), LR 24:1106 (June 1998), LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:822 (May 2006), LR 38:782 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), LR 46:928 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**§1107. Manifest Requirements**

A. General Requirements. The revised manifest form and procedures in 40 CFR Parts ~~262 and the Appendix to Part 262~~ 260.10, 261.7, 262.20, 262.21, 262.27, 262.32, 262.34, 262.54, and 262.60, shall be effective as of September 5, 2006. As of September 5, 2006, Uniform Hazardous Waste Manifest forms ~~must~~shall be obtained only from EPA-registered and approved sources as identified by the Manifest Registry. Contact the Office of Environmental Services, or access the U.S. Environmental Protection Agency's website to obtain information on EPA-registered and approved sources.

1. A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal, or a treatment, storage, and disposal facility that offers for transport a rejected hazardous waste load, shall prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22 and, if necessary, EPA Form 8700-22A~~, according to the instructions included in the Appendix to 40 CFR Part 262~~.

A.2. — F.2. …

3. Restriction on Use of Electronic Manifests. A generator may prepare an electronic manifest for the tracking of hazardous waste shipments involving any RCRA hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the use of the electronic manifest system~~.~~, except that a generator may sign by hand and retain a paper copy of the manifest signed by hand of the initial transporter, instead of executing the generator copy electronically, enabling the transporter and subsequent waste handlers to execute the remainder of the manifest copies electronically.

4. …

5. Special Procedures When Electronic Manifest is Unavailable. If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator ~~must~~shall obtain and complete a paper manifest and if necessary, a continuation sheet (EPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions ~~in the appendix to 40 CFR Part 262~~, and use these paper forms from this point forward in accordance with the requirements of LAC 33:V.1107.D.

6. …

7. Reserved.~~Imposition of User Fee. A generator who is a user of the electronic manifest may be assessed a user fee by EPA for the origination of each electronic manifest. EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR Part 262.~~

8. Post-receipt Manifest Data Corrections. Any post-receipt data corrections may be submitted at any time by any interested person after facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest (e.g., waste handler) named on the manifest. Generators may participate in the post-receipt data corrections process electronically by following the process described in LAC 33:V.1516.L, which applies to corrections made to either paper or electronic manifest records.

G. — H.2. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:89 (January 2007), repromulgated LR 33:281 (February 2007), amended LR 33:2101 (October 2007), LR 34:622 (April 2008), LR 38:775 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:566 (April 2016), LR 43:1140 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:928 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**§1108. Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests**

A. 40 CFR 262.21 ~~and the associated appendix~~, up to date as of July 1, 2021~~July 1, 2009~~, ~~are~~is hereby incorporated by reference. 40 CFR 262.21 establishes standards and procedures for registrants who apply early to, and obtain approval from, the Director, Office of Solid Waste, US EPA, to print and distribute hazardous waste manifest forms.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 36:2274 (October 2010), LR 50:

**§1113. Reserved.~~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, shall comply with the requirements of this Chapter and with the special requirements of this Section. This Section establishes requirements applicable to exports of hazardous waste. Except to the extent LAC 33:V.1113.I provides otherwise, a primary exporter of hazardous waste shall comply with the special requirements of this Section, and a transporter who transports hazardous waste for export shall comply with applicable requirements of LAC 33:V.Chapter 13.~~

~~B. Reserved.~~

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

~~1. notification in accordance with Subsection D of this Section has been provided;~~

~~2. the appropriate authority in the receiving country has consented to accept the hazardous waste;~~

~~3. a copy of the EPA acknowledgment of consent for the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest (or shipping paper for exports by water [bulk shipment]);~~

~~4. the hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the EPA Acknowledgement of Consent.~~

~~D. Notification of Intent to Export~~

~~1. A primary exporter of hazardous waste must notify the United States Environmental Protection Agency of an intended export before such waste is scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12-month or lesser period. The notification must be in writing, signed by the primary exporter, and include the following information:~~

~~a. name, mailing address, telephone number, and EPA ID number of the primary exporter;~~

~~b. by consignee, for each hazardous waste type:~~

~~i. a description of the hazardous waste and the EPA hazardous waste number (LAC 33:V.4901 and 4903), U.S. Department of Transportation proper shipping name, hazard class, and ID number for each hazardous waste as identified in 49 CFR Part 171-177;~~

~~ii. the estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported;~~

~~iii. the estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22);~~

~~iv. all points of entry to and departure from each foreign country through which the hazardous waste will pass;~~

~~v. a description of the means by which each shipment of the hazardous waste will be transported (e.g., mode of transportation vehicle [air, highway, rail, water, etc.], type[s] of container [drums, boxes, tanks, etc.]);~~

~~vi. a description of the manner in which the hazardous waste will be treated, stored, or disposed of in the receiving country (e.g., land or ocean incineration, other land disposal, ocean dumping, recycling);~~

~~vii. the name and site address of the consignee and any alternate consignee; and~~

~~viii. the name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in such country and the nature of its handling while there.~~

~~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 Paragraph D.1 of this Section.]~~

~~3. Except for changes to the telephone number required by Subparagraph D.1.a of this Section, changes to the information required by Clause D.1.b.v of this Section, and decreases in the quantity indicated pursuant to Clause D.1.b.iii of this Section, when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous waste specified in the original notification), the primary exporter must provide the United States Environmental Protection Agency with a written renotification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to Clause D.1.b.viii of this Section and in the ports of entry to and departure from transit countries pursuant to Clause D.1.b.iv of this Section) has been obtained and the primary exporter received an EPA acknowledgment of consent reflecting the receiving country's consent to the changes.~~

~~4. Upon request by the United States Environmental Protection Agency, a primary exporter shall furnish to the United States Environmental Protection Agency any additional information which a receiving country requests in order to respond to a notification.~~

~~5. In conjunction with the United States Department of State, the United States Environmental Protection Agency (EPA) shall provide a complete notification to the receiving country and any transit countries. A notification is complete when the EPA receives a notification which the EPA determines satisfies the requirements of Paragraph D.1 of this Section. Where a claim of confidentiality is asserted with respect to any notification information required by Paragraph D.1 of this Section, the EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.~~

~~6. Where the receiving country consents to the receipt of the hazardous waste, the EPA shall forward an EPA acknowledgement of consent to the primary exporter for purposes of Paragraph E.8 of this Section. Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, the EPA shall notify the primary exporter in writing. The EPA will also notify the primary exporter of any responses from transit countries.~~

~~E. Special Manifest Requirements. A primary exporter must comply with manifest requirements of LAC 33:V.1107, except for the following.~~

~~1. In lieu of the name, site address, and EPA ID number of the designated permitted facility, the primary exporter must enter the name and site address of the consignee.~~

~~2. In lieu of the name, site address, and EPA ID number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate consignee.~~

~~3. In the International Shipments block, the primary exporter shall check the export box and enter the point of exit (city and state) from the United States.~~

~~4. The following statement must be added to the end of the first sentence of the certification set forth in Item 16 of the Uniform Hazardous Waste Manifest Form: "and conforms to the terms of the attached EPA acknowledgment of consent."~~

~~5. The primary exporter shall obtain the manifest form from any source that is registered with the US EPA as a supplier of manifests.~~

~~6. The primary exporter must require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies (as defined in LAC 33:V.1516.C.1) between the manifest and the shipment. A copy of the manifest signed by such facility may be used to confirm delivery of the hazardous waste.~~

~~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 shall:~~

~~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 Paragraph D.3 of this Section and obtain an EPA acknowledgment of consent prior to delivery; or~~

~~b. instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and~~

~~c. instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.~~

~~8. The primary exporter must attach a copy of the EPA acknowledgement of consent to the shipment to the manifest which must accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter must provide the transporter with an EPA acknowledgment of consent which must accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter must attach the copy of the EPA acknowledgment of consent to the shipping paper.~~

~~9. The primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with LAC 33:V.1307.G.4.~~

~~F. Exception Reports. In lieu of the requirements of LAC 33:V.1023, a primary exporter must file an exception report with the 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:~~

~~1. he has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter;~~

~~2. within 90 days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the consignee that the hazardous waste was received; or~~

~~3. the waste is returned to the United States.~~

~~G. Annual Reports~~

~~1. Primary exporters of hazardous waste shall file with the United States Environmental Protection Agency no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. Such reports shall include the following:~~

~~a. the EPA identification number, name, and mailing and site address of the exporter;~~

~~b. the calendar year covered by the report;~~

~~c. the name and site address of each consignee;~~

~~d. by consignee, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from LAC 33:V.4901 or 4903), U.S. Department of Transportation hazard class, the name and US EPA ID number (where applicable) for each transporter used, the total amount of waste shipped and number of shipments pursuant to each notification;~~

~~e. except for hazardous waste produced by exporters of greater than 100 kg, but less than 1000 kg, in a calendar month, unless provided in accordance with LAC 33:V.1021 in even numbered years:~~

~~i. a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and~~

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

~~f. a certification signed by the primary exporter which 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. Reports shall be sent to the administrative authority of the Louisiana Department of Environmental Quality. [NOTE: This does not relieve the regulated community from the requirement of submitting annual reports in accordance with 40 CFR 262.56 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. Hand-delivered reports should be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW, Washington, DC 20004.]~~

~~H. Recordkeeping~~

~~1. For all exports a primary exporter must:~~

~~a. keep a copy of each notification of intent to export for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;~~

~~b. keep a copy of each EPA acknowledgment of consent for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;~~

~~c. keep a copy of each confirmation of delivery of the hazardous waste from the consignee for at least three years from the date the hazardous waste was accepted by the initial transporter; and~~

~~d. keep a copy of each annual report for a period of at least three years from the due date of the report.~~

~~2. 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 United States Environmental Protection Agency.~~

~~I. International Agreements~~

~~1. Any person who exports or imports 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, 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 OECD, as defined in 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 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, Republic of Korea, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.~~

~~b. For the purposes of 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.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the 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 2000), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 33:2102 (October 2007), LR 34:72 (January 2008), LR 34:622 (April 2008), LR 38:782 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 46:929 (July 2020), repealed by the Office of the Secretary, Legal Affairs Division LR 50:

**§1123. Reserved.~~Imports of Foreign Hazardous Waste~~**

~~A. Any person who imports hazardous waste from a foreign country into the state of Louisiana must comply with this Chapter and the special requirements of LAC 33:V.1123.~~

~~B. When importing hazardous waste from a foreign country into the state of Louisiana, a person must meet all the requirements of LAC 33:V.1107 for the manifest except that:~~

~~1. the name and address of the foreign generator and the importer's name, address, and EPA identification number must replace the generator's name, address, and EPA identification number;~~

~~2. the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter to replace the generator's signature on the certification statement;~~

~~3. in the comment section (Section J) of the manifest form, the importer must indicate the name of any transit countries with the corresponding ports and dates of entry and departure through which each waste type passed and the nature of its handling while there, the point of entry and the date on which the waste entered the United States and the date on which the Importation of Hazardous Waste Notification Form (HW-2) was mailed to the administrative authority; and~~

~~4. a copy of the Importation of Hazardous Waste Notification Form must accompany the manifest form.~~

~~C. A person who imports hazardous waste shall obtain a manifest form from any source that is registered with the US EPA as a supplier of manifests.~~

~~1. In the International Shipments block, the importer shall check the import box and enter the point of entry (city and state) into the United States.~~

~~2. The importer shall provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to the US EPA.~~

~~D. Any person who imports hazardous waste from a foreign country into the state of Louisiana must prepare an Importation of Hazardous Waste Notification Form (HW-2) notifying the administrative authority of an intended import at least 30 days but not prior to one year before such waste is scheduled to enter the state of Louisiana. This notification form must be obtained from the administrative authority. The notification form must be signed by the importer and include the following information:~~

~~1. name, mailing address, telephone number, and EPA identification number of the importer;~~

~~2. for each hazardous waste type:~~

~~a. a description of the hazardous waste and the EPA hazardous waste number (LAC 33:V.4901 and 4903), the United States Department of Transportation shipping name, the hazard class, and the ID number for each hazardous waste imported;~~

~~b. the estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest form (8700-22); and~~

~~c. a description of the manner in which each hazardous waste type will be treated, stored, or disposed of in the state of Louisiana, e.g., incineration, land disposal, recycling;~~

~~3. a description of the means by which the shipment of the hazardous waste will be transported, e.g., mode of transportation (air, highway, rail, water, etc.) and types of containers (drums, boxes, tanks, etc.); and~~

~~4. the name of the U.S. port of entry with the corresponding date of entry and the nature of the handling of the waste from its point of entry into the U.S. until its final destination.~~

~~E. Notification shall be sent to the Office of Environmental Services, with "Attention: Notification to Import Foreign Hazardous Waste" prominently displayed on the front of the envelope. Such notices shall be sent by certified mail.~~

~~F. Except for changes to the telephone number required by LAC 33:V.1123.D.1, decreases in the quantity indicated pursuant to LAC 33:V.1123.D.2.c, and changes to the information required by LAC 33:V.1123.D.2.e, when conditions specified on the original notification change (including changes in the estimate of the quantity of hazardous waste specified in the original notification), the importer must provide the administrative authority with written notice of the change. Notice of such change must be submitted to the administrative authority prior to import into the state of Louisiana of the waste that is the subject of the change.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:20 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 33:2103 (October 2007), repealed by the Office of the Secretary, Legal Affairs Division, LR 50:

**§1125. Reserved.~~Unmanifested Foreign Hazardous Waste~~**

~~A. Any person who imports foreign generated material that has not been classified as hazardous waste prior to entry into the state of Louisiana, but subsequently is determined to be hazardous waste, must immediately notify the Office of Environmental Services by telephone.~~

~~B. Any person who imports foreign generated material that has not been classified as hazardous waste prior to entry into the state of Louisiana, but subsequently is determined to be hazardous must, within seven business days:~~

~~1. file, in writing, an unmanifested waste report with the Office of Environmental Services, which shall include:~~

~~a. the facility name and location;~~

~~b. the port of entry of the hazardous waste;~~

~~c. the date of entry of the hazardous waste;~~

~~d. clarification of existence or nonexistence of an Importation of Hazardous Waste Notification Form (HW-2);~~

~~e. the name of the transporter from port of entry to the destination facility;~~

~~f. the vehicle numbers of the transporters; and~~

~~g. the date of transportation; and~~

~~2. prepare a manifest and file a copy of the completed manifest for the unmanifested waste with the administrative authority. (The transporter's signature may be omitted from the manifest; however, the comment section [Section J] of the manifest must explain why the signature was omitted and must detail the unmanifested waste circumstance.)~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:21 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2103 (October 2007), repealed by the Office of the Secretary, Legal Affairs Division, LR 50:

**Subchapter B. Transboundary Shipments of Hazardous Waste**

**§1127. Transboundary Shipments of Hazardous Waste for Recovery and Disposal ~~within the OECD~~**

A. Applicability

1. The requirements of this Subchapter shall apply to the transboundary movements of hazardous waste.~~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 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 (including exporter, importer, disposal facility operator, 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 exporter duties, if applicable, under this Subchapter.

B. Definitions, General Conditions, and Exports and Imports of Hazardous Wastes. Any transboundary movement of hazardous waste shall meet the requirements of the *Code of Federal Regulations* at 40 CFR Part 262, Subpart H (Transboundary Movements of Hazardous Waste for Recovery or Disposal), up to date as of October 1, 2021, which are hereby incorporated by reference.

~~1. Scope. The level of control for exports and imports of waste is indicated by assignment of the waste to 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 and amber lists are incorporated by reference in Paragraph I.4 of this Section.~~

~~a. Listed Waste Subject to the Green Control Procedures~~

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

~~ii. Green 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 set forth in this Subchapter.~~

~~iii. Green wastes that are sufficiently contaminated or mixed with other wastes subject to 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 amber list controls.~~

~~b. Listed Wastes Subject to the Amber Control Procedures~~

~~i. 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 set forth in this Subchapter.~~

~~ii. 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.I.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.~~

~~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 subject to the amber control procedures are not listed or otherwise identified as hazardous under RCRA. Therefore, they are not subject to the 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) restrict certain waste imports or exports. Such restrictions continue to apply with 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 transboundary 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 amber control procedures; 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 are subject to the green control procedures.~~

~~2. General Conditions Applicable to Transboundary Movements of Hazardous Waste~~

~~a. The waste shall 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 transboundary movement shall 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).]~~

~~c. Any transit of waste through a non-OECD member country must be conducted in compliance with all applicable international and national laws and regulations.~~

~~3. Provisions Relating to Re-Export for Recovery to a Third Country~~

~~a. Re-export of wastes subject to the amber control 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 an exporter 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 shall 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. The 30-day period begins once the competent authorities of both the initial exporting country and new importing country issue Acknowledgements of Receipt of the notification.~~

~~ii. The transboundary 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 amber control 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 an exporter in the original importing country in accordance with Subsection C of this Section. The transboundary 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 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. Washington, D.C. 20460, by mail, e-mail without digital signature followed by mail, or fax followed by mail;~~

~~d. 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;~~

~~e. 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.~~

~~7. 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. Confidentiality Determinations for Hazardous Waste Export and Import Documents. No claim of business confidentiality may be asserted by any person with respect to information contained in cathode ray tube export documents. The provisions of the *Code of Federal Regulations* at 40 CFR 260.2(d), July 1, 2021, are hereby incorporated by reference.~~Notification and Consent~~

~~1. Applicability. Consent shall 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 control procedures are subject to the requirements of Paragraph C.2 of this Section and wastes not identified on any list are subject to the requirements of Paragraph C.3 of this Section.~~

~~2. Amber Wastes. The export from the United States of hazardous waste as described in Paragraph A.1 of this Section subject to the amber control procedures are prohibited unless the notification and consent requirements of this Subsection are met.~~

~~a. Transactions Requiring Specific Consent~~

~~i. Notification. At least 45 days prior to the commencement of each transboundary movement, the 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 shall include all of the information identified in Paragraph C.4 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 exporter, the 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. Transboundary Movements to Facilities Preapproved by the Competent Authorities of the Importing Countries to Accept Specific Wastes for Recovery~~

~~i. Notification. The exporter shall provide EPA the information identified in Paragraph C.4 of this Section, in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification shall 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 shall 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. 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. 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.~~

~~4. Notification Information. Notifications submitted under this Section shall include:~~

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

~~b. exporter name and EPA identification number (if applicable), address, telephone number, fax number, and email address;~~

~~c. importing recovery facility name, address, telephone number, fax number, email address, and technologies employed;~~

~~d. importer name (if not the owner or operator of the recovery facility), address, telephone number, fax number, and email address; whether the importer will engage in waste exchange recovery operation R12 or waste accumulation recovery operation R13 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 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;~~

~~l. 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 shall ensure that a movement document meeting the conditions of Paragraph D.2 of this Section accompanies each transboundary movement of wastes subject to the amber control procedures from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored and/or sorted by the 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 shall forward the 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 shall forward the 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 movement document shall include all information required under Subsection C of this Section for notification and the following:~~

~~a. date movement commenced;~~

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

~~c. company name and EPA ID number of all transporters;~~

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

~~e. any special precautions to be taken by transporters;~~

~~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 transboundary movement, and that:~~

~~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, importer, and owner or operator of the recovery facility).~~

~~3. Exporters also shall comply with the special manifest requirements of LAC 33:V.1113.E.1, 2, 3, 5, and 9; and importers 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 shall sign the movement document (e.g., transporter, 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 shall send signed copies of the movement document to the exporter, 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. Transboundary movements of hazardous wastes subject to the amber 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 exporter 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. Contracts or equivalent arrangements must specify the name and EPA ID number, where available, of:~~

~~a. the generator of each type of waste;~~

~~b. each person who will have physical custody of the wastes;~~

~~c. each person who will have legal control of the wastes; and~~

~~d. the recovery facility.~~

~~3. Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if its disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify that:~~

~~a. the person having actual possession or physical control over the wastes will immediately inform the 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 the return of waste, and shall provide the notification for re-export.~~

~~4. Contracts must specify that the 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 exporter to ascertain and comply with such requirements; in some cases, transporters or importers may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.]~~

~~6. Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subchapter.~~

~~7. Upon request by EPA, United States exporters, importers, or recovery facilities 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 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. Provisions Relating to Recognized Traders~~

~~1. A recognized trader who takes physical custody of a waste and conducts recovery operations (including storage prior to recovery) is acting as the owner or operator of a recovery facility and must be so authorized in accordance with all applicable federal laws.~~

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

~~3. A recognized trader shall not arrange for import or export of hazardous waste without having received an EPA identification number.~~

~~G. Reporting and Recordkeeping~~

~~1. Annual Reports. For all waste movements subject to this Subchapter, persons (e.g., 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 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 exporter filing the report;~~

~~b. the calendar year covered by the report;~~

~~c. the name and site address of each final recovery facility;~~

~~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. in even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kg but less than 1,000 kg in a calendar month and except for hazardous waste for which information was already provided pursuant to LAC 33:V.1021:~~

~~i. a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and~~

~~ii. 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~~

~~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.1023 (if applicable), with the 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 20560, if any of the following occurs:~~

~~a. he has not received a copy of the RCRA hazardous waste manifest (if applicable) signed by the transporter 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 exporter has not received written confirmation from the recovery facility that the hazardous waste was received; or~~

~~c. the waste is returned to the United States.~~

~~3. Recordkeeping~~

~~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. a copy of each notification of intent to export and all written consents obtained from the competent authorities of concerned countries for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;~~

~~ii. a copy of each annual report for a period of at least three years from the due date of the report; and~~

~~iii. a copy of any exception reports and a copy of each confirmation of delivery (i.e., movement documentation) sent by the recovery facility to the 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. Preapproval for United States Recovery Facilities—Reserved.~~

~~I. OECD Waste Lists~~

~~1. General. For the purposes of this Subchapter, a waste is considered hazardous under United States national procedures, and hence subject to this Subchapter, if the waste:~~

~~a. meets the definition of hazardous waste in LAC 33:V.109; and~~

~~b. is subject to either the Federal RCRA manifesting requirements of this Chapter, 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 Paragraph I.1 of this Section, it is subject to 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. The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Subsection B of this Section.~~

~~4. 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 2000), LR 27:293 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2103 (October 2007), LR 34:72 (January 2008), LR 34:1012 (June 2008), LR 38:783 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:930 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**Chapter 13. Transporters**

**§1301. Applicability**

A. — E. …

F. A transporter of hazardous waste that is being imported from or exported to any other country for purposes of recovery or disposal~~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 40 CFR Part 262, Subpart H, which is incorporated by reference in LAC 33:V.Chapter 11.Subchapter B ~~including, but not limited to, LAC 33:V.1127.D for movement documents~~.

G. — H. …

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**§1307. The Manifest System**

A. A transporter may not accept hazardous waste from a generator or another transporter unless it is accompanied by a manifest form (EPA Form 8700-22, and if necessary, EPA Form 8700-22A), signed by the generator in accordance with the provisions of LAC 33:V.1107, or is provided with an electronic manifest that is obtained, completed, and transmitted in accordance with LAC 33:V.1107.A.9, and signed with a valid and enforceable electronic signature as described in LAC 33:V.1107.G. The transportation of any hazardous wastes without a manifest shall be deemed a violation of these regulations and the Act. For exports of hazardous waste subject to 40 CFR Part 262 Subpart H, which is incorporated by reference in LAC 33:V.Chapter 11.Subchapter B,~~In the case of exports other than those subject to LAC 33:V.1125,~~ a transporter may not accept hazardous~~such~~ waste without a manifest signed by the generator in accordance with this Chapter, as appropriate, and for exports occurring under the terms of a consent decree issued by EPA on or after December 31, 2016, a movement document that includes all information required by 40 CFR 262.83(d). ~~from a primary exporter or other person:~~

~~1. if he knows the shipment does not conform to the EPA acknowledgment of consent; and~~

~~2. unless, in addition to a manifest signed by the generator, such waste is also accompanied by an EPA acknowledgment of consent which, except for shipments by rail, is attached to the manifest, or shipping paper for exports by water (bulk shipment). For exports of hazardous waste subject to the requirements of LAC 33:V.1125, a transporter may not accept hazardous waste without a tracking document that includes all information required by LAC 33:V.1127.D.~~

B. …

C. The transporter ~~must~~shall ensure that the manifest accompanies the hazardous waste. The transporter shall ensure that a movement document that includes all information required by 40 CFR 262.83(d) also accompanies the hazardous waste in the case of exports occurring under the terms of a consent issued by EPA to the exporter on or after December 31, 2016. The transporter shall ensure that a movement document that includes all information required by 40 CFR 262.84(d) also accompanies the hazardous waste in the case of imports occurring under the terms of a consent issued by EPA to the country of export or the importer on or after December 31, 2016.~~, except as provided for bulk water or rail transport in LAC 33:V.1307.E and F. In the case of exports, the transporter must ensure that a copy of the EPA acknowledgment of consent also accompanies the hazardous waste.~~

D. — E.1. …

2. a shipping paper containing all the information required on the manifest (excluding the EPA identification number, generator certification and signature) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by 40 CFR 262.83(d) or 262.84(d) accompanies the hazardous waste; ~~an EPA acknowledgment of consent accompanies the hazardous waste;~~

E.3. — F.1.d. …

2. rail transporters ~~must~~shall ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by 40 CFR 262.83(d) or 262.84(d) accompanies the hazardous waste at all times;~~, an EPA acknowledgment of consent accompanies the hazardous waste at all times;~~

a. ~~[NOTE:~~ Intermediate rail transporters are not required to sign ~~either~~ the manifest, movement document, or shipping paper.~~]~~

F.3. — G.3. …

4. for paper manifests only: ~~give a copy of the manifest to a United States Customs official at the point of departure from the United States.~~

a. send a copy of the manifest to the e-Manifest system in accordance with the allowable methods specified in LAC 33:V.1516.B.7; and

b. for shipments initiated prior to the automated export system filing compliance date, when instructed by the exporter to do so, give a copy of the manifest to a United States Customs official at the point of departure from the United States of America.

H. — L. …

M. Reserved.~~Imposition of User Fee for Electronic Manifest Use. A transporter who is a user of the electronic manifest may be assessed a user fee by EPA for the origination or processing of each electronic manifest. EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR part 262.~~

N. …

O. Post-Receipt Manifest Data Corrections. After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. Transporters may participate electronically in the post-receipt data corrections process by following the process described in LAC 33:V.1516.L.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1109 (October 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), amended by the Office of the Secretary, Legal Division, LR 42:567 (April 2016), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

**§1309. Compliance with the Manifest**

A. The transporter ~~must~~shall deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter, except as provided in Subsection B of this Section, to:

1. …

2. the alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery~~, and such action is approved by the administrative authority~~;

A.3. — B. …

1. for a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility’s date and the ~~facility’s~~ signature, the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the Discrepancy block of the original manifest. The transporter shall retain a copy of this manifest in accordance with LAC 33:V.1311, and give remaining copies of the original to the rejecting facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter shall obtain a new manifest to accompany the shipment, and the new manifest ~~must~~shall include all of the required information in LAC 33:V.1516.C.5.a.(i)-(vi);

2. for a full load rejection that will be taken back by the transporter, a copy of the original manifest which includes ~~the date and~~ the rejecting facility’s date and signature and that attests to the rejection, the description of the rejection in the discrepancy block, and the name, address, phone number, and ID number for the alternate facility, or generator, to which the shipment ~~must~~shall be delivered. The transporter shall retain a copy of the manifest and give a copy to the rejecting designated facility. If the original manifest is not used, the transporter ~~must~~shall obtain a new manifest for shipment.

C. — E. …

F. Emergency Condition. If the hazardous waste cannot be delivered in accordance with Paragraph A.1, 2 or 4 of this Section because of an emergency condition other than rejection of the waste by the designated facility, or alternate designated facility, then the transporter shall contact the generator for further instructions and shall revise the manifest according to the generator’s instructions.

G. Transporters Without Agency Authority. If the hazardous waste is not delivered to the next designated transporter in accordance with Paragraph A.3 of this Section, and the current transporter is without contractual authorization from the generator to act as the generator’s agent with respect to transporter additions or substitutions, then the current transporter shall contact the generator for further instructions prior to making any revisions to the transporter designations on the manifest. Afterwards, the current transporter may make such revisions if:

1. the hazardous waste is not delivered in accordance with Paragraph A.3 of this Section because of an emergency condition; or

2. the current transporter proposes to change the transporter(s) designated on the manifest by the generator, to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety; and

3. the generator authorizes the revision.

H. Transporters With Agency Authority. If the hazardous waste is not delivered to the next designated transporter in accordance with Paragraph A.3 of this Section, and the current transporter has authorization from the generator to act as the generator’s agent, then the current transporter may change the transporter(s) designated on the manifest, or add a new transporter during transportation without the generator’s prior explicit approval, provided that:

1. the current transporter is authorized by a contractual provision that provides explicit agency authority for the transporter to make such transporter changes on behalf of the generator;

2. the transporter enters in Item 14 of each manifest in which a change is made, the following statement of its agency authority: “Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator’s behalf;” and

3. the change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

I. Generator Liability. The grant by a generator of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under Paragraph B.3 of this Section does not affect the generator’s liability or responsibility for complying with any applicable requirement under this Chapter, or grant any additional authority to the transporter to act on behalf of the generator.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), LR 27:44 (January 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:930 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**Chapter 15. Treatment, Storage, and Disposal Facilities**

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

A. — B. …

1. If a facility receives a hazardous waste shipment accompanied by a manifest, the owner or operator, or his or her agent, shall:

a. sign and date each copy of the manifest ~~to certify that the hazardous waste covered by the manifest was received, the waste was received except as noted in the Discrepancy block, or the waste was rejected~~;

b. note any ~~significant~~ discrepancies in the manifest (as defined in Paragraph C.1 of this Section) on each copy of the manifest~~. The administrative authority does not intend that the owner or operator of a facility whose procedures under LAC 33:V.1519.C include waste analysis must perform that analysis before signing the manifest and giving it to the transporter. Paragraph C.3 of this Section, however, requires reporting an unreconciled discrepancy discovered during later analysis~~;

c. immediately give the transporter at least one copy of the ~~signed~~ manifest;

d. within 30 ~~working~~ days after the delivery, send a ~~signed~~ copy of the manifest to the generator; and

e. ~~within 30 days of delivery, send the top copy (page 1) of the manifest to the e-manifest system for purposes of data entry and processing. In lieu of mailing this paper copy to EPA, the owner or operator may transmit to the EPA system an image file of page 1 of the manifest, or both a data string file and the image file corresponding to page 1 of the manifest. Any data or image files transmitted to EPA under this Subparagraph must be submitted in data file and image file formats that are acceptable to EPA and that are supported by EPA’s electronic reporting requirements and by the electronic manifest system; and~~

~~f~~. retain at the facility a copy of each manifest for at least three years from the date of delivery~~.~~;

2. — 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 shall provide a copy of the movement document bearing all required signatures to the foreign exporter, to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively; and on or after the electronic import-export reporting compliance date, to EPA electronically using EPA’s Waste Import Export Tracking System (WIETS), or its successor system. The original copy of the movement document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility’s account on EPA’s WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No owner or operator of a facility may 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 EPA’s WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.~~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 competent authorities of all other concerned countries. The original copy of the movement document shall be maintained at the facility for at least three years from the date of signature.~~

5. The owner or operator of a facility receiving hazardous waste subject to LAC 33:V.Chapter 11.Subchapter B from a foreign source shall:~~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, Washington, D.C. 20460-0001.~~

a. list the relevant consent number from consent documentation supplied by EPA to the facility for each waste listed on the manifest matched to the relevant list number for the waste from Block 9b. (If additional space is needed, the owner or operator should use a continuation sheet(s) (EPA Form 8700-22A)); and

b. send a copy of the manifest within 30 days of delivery to EPA using the addresses listed in 40 CFR 262.82(e), until the facility can submit such a copy to the e-Manifest system according to Paragraph B.7 of this Section.

6. …

7. Paper Manifest Submission Requirements. Beginning on June 30, 2021, the requirement to submit the top copy (page 1) of the paper manifest and any paper continuation sheet to the e-Manifest system for purposes of data entry and processing may be met by the owner or operator only by transmitting an image file of page 1 of the manifest and any continuation sheet to the EPA system, or by transmitting both a data file and the image file corresponding to page 1 of the manifest and any continuation sheet to the EPA system, within 30 days of the date of delivery. Submissions of copies to the e-Manifest system shall be made to the electronic mail/submission address specified at the e-Manifest program website’s directory of services.

C. — I. …

J. Imposition of User Fee for ~~Electronic~~ Manifest Submissions~~Use~~. An owner or operator who is a user of the electronic manifest ~~format~~system may be assessed a user fee by EPA for the ~~origination~~submission and ~~or~~ processing of each electronic manifest and paper manifest. ~~An owner or operator may also be assessed a user fee by EPA for the collection and processing of paper manifest copies that owners or operators must submit to the electronic manifest system operator under LAC 33:V.1516.B.1.e.~~ EPA shall ~~maintain and~~ update ~~from time-to-time~~ the ~~current~~ schedule of ~~electronic manifest system~~ user fees and publish them to the user community, as provided in 40 CFR 264.1313.~~, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR part 262.~~ An owner or operator subject to user fees under this Section shall make user fee payments in accordance with the requirements of 40 CFR 264.1314, subject to the informal fee dispute resolution process of 40 CFR 264.1316, and subject to the sanctions for delinquent payments under 40 CFR 264.1315.

K. …

L. Post-Receipt Manifest Data Corrections. After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) shown on the manifest. Interested persons shall meet the requirements of the *Code of Federal Regulations* at 40 CFR 264.71(l), up to date as of July 1, 2021, which are hereby incorporated by reference.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended LR 33:2104 (October 2007), LR 34:623 (April 2008), LR 34:1012 (June 2008), LR 38:777, 789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:568 (April 2016), LR 43:1141 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:932 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**§1531. Required Notices**

A. The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source ~~must~~shall submit the notices required by the *Code of Federal Regulations* at 40 CFR 264.12, October 1, 2021, which are hereby incorporated by reference.~~notify the Office of Environmental Services in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.~~

B. Reserved.~~The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to LAC 33:V.Chapter 11.Subchapter B shall provide a copy of the movement document bearing all required signatures to the foreign exporter, 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 all other concerned countries within three working days of receipt of the shipment. The original of the signed movement document shall 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.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2473 (November 2000), LR 27:294 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2105 (October 2007), LR 38:789 (March 2012), LR 50:

**Chapter 38. Universal Wastes**

**Subchapter B. Standards for Small Quantity Handlers of Universal Waste**

**§3835. Exports**

A. A small quantity handler of universal waste who sends universal waste to a foreign destination~~, other than to those OECD countries specified in LAC 33:V.1113.I.1.a (in which case the handler~~ is subject to the requirements of LAC 33:V.Chapter 11.Subchapter B.~~), must:~~

~~1. comply with the requirements applicable to a primary exporter in LAC 33:V.1113.D, G.1.a-d, G.1.f, G.2, and H;~~

~~2. export such universal waste only upon consent of the receiving country and in conformance with the EPA acknowledgment of consent as defined in LAC 33:V.1113; and~~

~~3. provide a copy of the EPA acknowledgment of consent for the shipment to the transporter transporting the shipment for export.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:573 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:684 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

**Subchapter C. Standards for Large Quantity Handlers of Universal Waste**

**§3855. Tracking Universal Waste Shipments**

A. Receipt of Shipments. A large quantity handler of universal waste ~~must~~shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received ~~must~~shall include the following information:

1. — 3. …

B. Shipments Off-Site. A large quantity handler of universal waste ~~must~~shall keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste sent ~~must~~shall include the following information:

B.1. — C.2. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:576 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1762 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3121 (December 2005), LR 50:

**§3857. Exports**

A. A large quantity handler of universal waste who sends universal waste to a foreign destination~~, other than to those OECD countries specified in LAC 33:V.1113.I.1.a (in which case the handler~~ is subject to the requirements of LAC 33:V.Chapter 11.Subchapter B.~~), must:~~

~~1. comply with the requirements applicable to a primary exporter in LAC 33:V.1113.D, G.1.a-d, G.1.f, G.2, and H;~~

~~2. export such universal waste only upon consent of the receiving country and in conformance with the EPA acknowledgment of consent as defined in LAC 33:V.1113; and~~

~~3. provide a copy of the EPA acknowledgment of consent for the shipment to the transporter transporting the shipment for export.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:577 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

**Subchapter D. Standards for Universal Waste Transporters**

**§3871. Exports**

A. A universal waste transporter transporting a shipment of universal waste to a foreign destination ~~other than to those OECD countries specified in LAC 33:V.1113.I.1.a (in which case the transporter~~ is subject to the requirements of LAC 33:V.Chapter 11.Subchapter B.~~) may not accept a shipment if the transporter knows the shipment does not conform to the EPA acknowledgment of consent. In addition the transporter must ensure that:~~

~~1. a copy of the EPA acknowledgment of consent accompanies the shipment; and~~

~~2. the shipment is delivered to the facility designated by the person initiating the shipment~~.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998) amended by the Office of the Secretary, Legal Affairs Division, LR 50:

**Subchapter E. Standards for Destination Facilities**

**§3877. Tracking Universal Waste Shipments**

A. The owner or operator of a destination facility ~~must~~shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received ~~must~~shall include the following information:

A.1. — B. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1762 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3121 (December 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

**Subchapter F. Import Requirements**

**§3879. Imports**

A. Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of LAC 33:V.Chapter 11.Subchapter B and this Chapter, immediately after the waste enters the United States, as indicated in Paragraphs A.1-3 of this Section.

1. — 3. …

B. Reserved.~~Persons managing universal waste that is imported from an OECD country as specified in LAC 33:V.1113.I.1.a are subject to Paragraphs A.1-3 of this Section, in addition to the requirements of LAC 33:V.Chapter 11.Subchapter B.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

**Chapter 41. Recyclable Materials**

**§4105. Requirements for Recyclable Material**

A. — A.1. …

a. industrial ethyl alcohol that is reclaimed, except that exports and imports of such recyclable materials shall comply with LAC 33:V.Chapter 11.Subchapter B~~, unless otherwise provided in an international agreement as specified in LAC 33:V.1113.I~~:

i. a person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary exporter in LAC 33:V.Chapter 11.Subchapter B~~1113.D, G, and H~~, export such materials only upon consent of the receiving country and in conformance with the Louisiana State Acknowledgment of Consent as defined in LAC 33:V.Chapter 11.Subchapter B~~1113~~, and provide a copy of the Louisiana State Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

1.a.ii. — 3. …

4. Hazardous waste that is exported to or imported for purpose of recovery is subject to~~from designated member countries of the Organization for Economic Cooperation and Development (OECD) (as defined in LAC 33:V.1113.I.1.a) for the purpose of recovery is subject to the requirements of~~ LAC 33:V.Chapter 11.Subchapter B~~, if it is subject to either the manifesting requirements of LAC 33:V.Chapter 11 or to the universal waste management standards of LAC 33:V.Chapter 38~~.

B. — E. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:219 (March 1990), LR 17:362 (April 1991), repromulgated LR 18:1256 (November 1992), amended LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), LR 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), LR 24:1108 (June 1998), LR 24:1742 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:608 (April 2006), LR 38:779 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:945 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**§4143. Recyclable Materials Utilized for Precious Metal Recovery**

A. — B.4. …

5. persons who export precious metals to or import precious metals from ~~designated OECD member~~other countries for recovery are subject to the requirements of LAC 33:V.Chapter 11.Subchapter B and LAC 33:V.4311. ~~Persons who export precious metals to or import precious metals from non-OECD countries for recovery are subject to the requirements of LAC 33:V.1113 and 1123.~~

C. — D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq and specifically 2180.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:611 (April 2006), LR 36:2554 (November 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:945 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**§4145. Spent Lead-Acid Batteries Being Reclaimed**

A. …

| **If Your Batteries:** | **And If You:** | **Then You:** | **And You:** |
| --- | --- | --- | --- |
| 1. — 5. … | | | |
| 6. will be reclaimed through regeneration or any other means. | export these batteries for reclamation in a foreign country. | are exempt from LAC 33:V.Chapters 3, 5, 7, 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.Chapters 10 (except for 1005 and 1017) and 11 (except for Subchapter B).~~, except for LAC 33:V.1005, 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”.~~ | are subject to LAC 33:V.Chapters 1~~, 31, 39, 41,~~ and 49 as applicable and LAC 33:V.1005, 1017, and 3105, Table 1, and LAC 33:V.Chapter 11.Subchapter B.~~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.~~ |
| 7. will be reclaimed through regeneration or any other means. | transport these batteries in the U. S. to export them for reclamation in a foreign country. | are exempt from LAC 33:V.Chapters 3, 5, 7, 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. | ~~must~~shall comply with applicable requirements in LAC 33:V.Chapter 11.Subchapter B.~~33:V.1125 (if shipping to one of the OECD countries specified in LAC 33:V.1113.I.1.a, or must comply with the following:~~  ~~(a) you may not accept a shipment if you know the shipment does not conform to the EPA Acknowledgement of Consent;~~  ~~(b) you must ensure that a copy of the EPA Acknowledgement of Consent accompanies the shipment; and~~  ~~(c) you must ensure that the shipment is delivered to the facility designated by the person initiating the shipment.~~ |
| 8. will be reclaimed other than through regeneration. | import these batteries from foreign country and store these batteries but you aren't the reclaimer. | are exempt from LAC 33:V.Chapters 3, 5, 7, 10 (except for 1005 and 1017), 11 (except for Subchapter B), 13, 15, 17,19, 21, 23, 25, 27, 28, 29, 30, 32, 33, 35, 37, and 43, and the notification requirements at Section 3010 of RCRA. | are subject to LAC 33:V. Chapters 1 and 49, LAC 33:V.1005, 1017, and 3105, Table 1, LAC 33:V.Chapter 11.Subchapter B, and applicable provisions under LAC 33:V.Chapter 22. |
| 9. will be reclaimed other than through regeneration. | import these batteries from foreign country and store these batteries before you reclaim them. | shall comply with LAC 33:V.4145.B, and as appropriate other regulatory provisions described in 4145.B. | are subject to LAC 33:V. Chapters 1 and 49, LAC 33:V.1005, 1017, 1103, and 3105, Table 1, LAC 33:V.Chapter 11.Subchapter B, and applicable provisions under LAC 33:V.Chapter 22. |
| 10. will be reclaimed other than through regeneration. | import these batteries from foreign country and don't store these batteries before you reclaim them. | are exempt from LAC 33:V.Chapters 3, 5, 7, 10 (except for 1005), 11 (except for Subchapter B), 13, 15, 17,19, 21, 23, 25, 27, 28, 29, 30, 32, 33, 35, 37, 43, and the notification requirements at Section 3010 of RCRA. | are subject to LAC 33:V. Chapters 1 and 49, LAC 33:V.1005, 1017, and 3105, Table 1, LAC 33:V.Chapter 11.Subchapter B, and applicable provisions under LAC 33:V.Chapter 22. |

B. — B.2.d. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 13:237 (April 1987), LR 23:579 (May 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 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 38:790 (March 2012), amended by the Office of the Secretary, Legal Affairs Division, LR 46:945 (July 2020), LR 50:

**Chapter 49. Lists of Hazardous Wastes**

[Editor’s Note: Chapter 49 is divided into two Sections: category I hazardous wastes, which consist of hazardous wastes from nonspecific and specific sources (F and K wastes), acute hazardous wastes (P wastes), and toxic wastes (U wastes) (LAC 33:V.4901); and category II hazardous wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

**§4911. Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) Undergoing Recycling**

A. — A.5. …

a. In addition to the applicable conditions specified in Paragraphs A.1-4 of this Section, exports of used, broken CRTs ~~must~~shall comply with the ~~following~~ requirements of the *Code of Federal Regulations* at 40 CFR 261.39 (conditional exclusions for used, broken cathode ray tubes (CRTs), and processed CRT glass undergoing recycling), up to date as of July 1, 2021, which is hereby incorporated by reference.

~~i. Notify EPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12 month period. The notification must be in writing, signed by the exporter, and include:~~

~~(a). name, mailing address, telephone number, and EPA ID number (if applicable) of the exporter of the CRTs;~~

~~(b). the estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported;~~

~~(c). the estimated total quantity of CRTs specified in kilograms;~~

~~(d). all points of entry to, and departure from, each foreign country through which the CRTs will pass;~~

~~(e). a description of the means by which each shipment of the CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), and types(s) of container used (drums, boxes, tanks, etc.);~~

~~(f). the name and address of the recycler(s), the estimated quantity of used CRTs to be sent to each facility, and the names of any alternate recyclers;~~

~~(g). a description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs; and~~

~~(h). the name of any transit country through which the CRTs will be sent, and a description of the approximate length of time the CRTs will remain in such country and the nature of their handling while there.~~

~~ii. Notifications submitted~~ ~~by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (Mail Code 2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 1200 Pennsylvania Ave., NW, Washington, DC. In both cases, the following shall be prominently displayed on the front of the envelope: “Attention: Notification of Intent to Export CRTs.”~~

~~iii. Upon request by EPA, the exporter shall furnish to EPA any additional information which a receiving country requests in order to respond to a notification.~~

~~iv. EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of Clause A.5.a.i. of this Section. Where a claim of confidentiality is asserted with respect to any notification information required by Clause A.5.a.i. of this Section, EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.~~

~~v. The export of CRTs is prohibited unless the receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the CRTs, EPA will forward an acknowledgment of consent to export CRTs to the exporter. Where the receiving country objects to receipt of the CRTs or withdraws a prior consent, EPA will notify the exporter in writing. EPA will also notify the exporter of any responses from transit countries;~~

~~vi. When the conditions specified on the original notification change, the exporter must provide EPA with a written renotification of the change, except for changes to the telephone number in Subclause A.5.a.i.(a). of this Section, and decreases in the quantity indicated in Subclause A.5.a.i.(c). of this Section. The shipment cannot take place until consent of the receiving country to the changes has been obtained (except for changes to information about points of entry and departure and transit countries pursuant to Subclauses A.5.a.i.(d). and A.5.a.i.(h) of this Section).~~

~~vii. A copy of the Acknowledgment of Consent to Export CRTs must accompany the shipment of CRTs. The shipment must conform to the terms of the acknowledgment.~~

~~viii. If a shipment of CRTs cannot be delivered for any reason to the recycler or the alternate recycler, the exporter of CRTs must renotify EPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with Subclause A.5.a.i.(f). of this Section, and obtain another Acknowledgment of Consent to Export CRTs.~~

~~ix. Exporters must keep copies of notifications and acknowledgments of consent to export CRTs for a period of three years following receipt of the acknowledgment.~~

~~x. CRT exporters must file with EPA no later than March 1 of each year, an annual report summarizing the quantities (in kilograms), frequency of shipment, and ultimate destination(s) (i.e., the facility or facilities where the recycling occurs) of all used CRTs exported during the previous calendar year. Such reports must also include the following:~~

~~(a). the name, EPA ID number (if applicable), and mailing and site address of the exporter;~~

~~(b). the calendar year covered by the report; and~~

~~(c). a certification signed by the CRT 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 this 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.”~~

~~xi. Annual reports must be submitted to the office specified in Clause A.5.a.ii. of this Section. Exporters must keep copies of each annual report for a period of at least three years from the due date of the report.~~

B. — E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3122 (December 2005), amended LR 34:645 (April 2008), amended by the Office of the Secretary, Legal Division, LR 41:2601 (December 2015), amended by the Office of the Secretary, Legal Affairs Division, LR 50: