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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

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9. Export of Recyclable Materials

Are generators and transporters of recyclable materials used for precious metals recovery subject to the export regulations that were published on August 8, 1986 (51 FR 28664)?

Yes, exporters of recyclable materials used for precious metals recovery are subject to the export regulations in 40 CFR 262.50.

Subpart E of Part 262 (§262.50) requires "primary exporters" to comply with the export requirements. A primary exporter, as defined in 40 CFR 262.50, is any person who is required to originate a manifest for a shipment of hazardous waste in accordance with 40 CFR Part 262, Subpart B, or equivalent State provision which specifies a treatment, storage, or disposal facility in a receiving country as the facility to which the hazardous waste will be sent. A primary exporter also includes any intermediary arranging for the export.

Generators of recyclable materials used for precious metals recovery must prepare a manifest in accordance with Part 262 Subpart B per §266.70(b)(2). If a generator exports his wastes for precious metals recovery, he meets the definition of a "primary exporter" and is subject to the export requirements in Subpart E-Exports of Hazardous Waste. These export requirements include:

- (a) written notification to EPA of intent to export 60 days prior to the initial shipment in a 12 month period;
- (b) exporting only after receipt of an Acknowledgement of Consent;
- (c) attaching the Acknowledgement of Consent to the manifest which is prepared in accordance with special manifest requirements of §262.54;
- (d) filing exception reports, if needed;
- (e) filing an annual report on his export activities and waste minimization efforts

(f) keeping records for three years

Transporters involved with exports of recyclable precious metal wastes must also meet certain export requirements. According to §266.70(b)(2), transporters of recyclable precious metal wastes must comply with the manifest provision of §§263.20 and 263.21. The export regulations of August 8, 1986 modified the §262.20 manifest requirements for exports. Transporters must ensure that the Acknowledgement of Consent accompanies the waste shipment and cannot accept the waste without it. The transporter may not accept the waste for export if he knows the shipment does not conform to the Acknowledgement of Consent (51 FR 28685). The transporter must give a copy of the manifest to a U.S. customs agent at the point the waste leaves the U.S.

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