

CALL CENTER QUESTIONS & ANSWERS

RCRA

1. Applicability of the Export Regulations to Universal Waste

A large quantity handler of universal waste (LQHUV) plans to export universal waste thermostats to Canada for recovery. Under RCRA Subtitle C, export requirements apply to primary exporters of hazardous waste (40 CFR §262.50). EPA defines primary exporter as any person who is required to originate the manifest for a shipment of hazardous waste (§262.51). However, pursuant to the universal waste management requirements in Part 273, large quantity handlers are not required to manifest shipments of universal waste (61 FR 16290; April 12, 1996). Would the large quantity handler of universal waste thermostats be subject to the exporting requirements when exporting the waste to Canada?

A large quantity handler who exports universal waste to a foreign destination without first sending the waste to a consolidation point or destination facility must comply with the requirements applicable to primary exporters in Part 262, Subpart E, even though a manifest is not required (61 FR 16290, 16306; April 12, 1996). Export requirements for universal waste include notification, annual reporting,

and recordkeeping. The exporter must send a notification of intent to export to the Office of Enforcement and Compliance Assurance 60 days prior to exporting the universal waste to a foreign facility. The notification must be in writing, signed by the exporter, and include information such as a description of the waste, estimates of the quantity and frequency the waste is being shipped, and the name of the foreign destination facility. This notification may cover export activities over a 12-month period (§262.53). EPA, in conjunction with the Department of State, will provide a complete notification to the receiving country and any transit countries. If the receiving country consents to the receipt of the universal waste, EPA will forward an Acknowledgement of Consent to the universal waste handler. Annual reports must be filed by March 1 of each year. Finally, exporters of universal waste must keep copies of each notification of intent to export, Acknowledgement of Consent, confirmation of delivery from the consignee, and annual reports for at least three years (§262.57).