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RCRA/Superfund/OUST Hotline Monthly Report Question

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3. Export of Restricted Waste

A generator determines that he is managing a restricted hazardous waste under the November 7, 1986 Land Disposal Restrictions rule (see November 7, 1986 Federal Register, 51 FR 40572). However, the waste is going to be exported to a Canadian disposal facility. Does the generator need to attach a notification and/or certification for each shipment of waste as per section 268.7?

Yes. The June 4, 1987 correction notice (see June 4, 1987 Federal Register, 52 FR 21010) reiterates the Agency's intent that the Section 268.7 waste analysis, notice, and recordkeeping requirements are applicable regardless of whether or when such restricted wastes are ultimately land disposed (52 FR 21011). The key to determination of applicability of the requirements is whether the generator handles restricted wastes exceeding the applicable treatment standards. (Id.)

The Agency realizes that the notification and/or certification documentation is not legally necessary for the Canadian disposal facility. However, the Agency still requires the notification and/or certification for each shipment of restricted waste. Unforeseen circumstances may arise during the transportation of the restricted waste and it might need to be handled by a domestic hazardous waste treatment, storage or disposal facility. The notification and/or certification documentation will allow waste handling in accordance with the land disposal regulations should this situation arise.