

PPC: X
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NTIS: SUB-9224-96-009

2. Tolling Agreement and Exports

A small quantity generator (SQG) sends hazardous waste to a reclamation facility in Canada with whom they have a contractual agreement. Will this SQG need to comply with the export requirements in 40 CFR Part 262, Subpart E?

SQGs shipping hazardous waste under a reclamation agreement are not subject to the export requirements. Export requirements apply only to primary exporters of hazardous waste (Section 262.53). EPA defines primary exporter as "any person who is required to originate the manifest for a shipment of hazardous waste..."(Section 262.51). A SQG whose waste is reclaimed via contractual agreement is not subject to the manifest requirements provided the SQG follows the provisions of Section 262.20(e). As no manifest is required, the SQG does not meet the definition of primary exporter and, therefore, does not need to comply with the export requirements.