

US EPA ARCHIVE DOCUMENT

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

§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 ~~transfrontier~~transboundary movements of wastes destined for *recovery operations*.

Consignee—~~(as used in LAC 33:V.1127) the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the importing country.~~Repealed.

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 ~~transfrontier~~*transboundary movement of hazardous wastes* is planned or takes place.

Exporter—the person under the jurisdiction of the *country of export* who has, or will have at the time of the *transboundary movement*, possession or other forms of legal control of the waste and who proposes *transboundary movement* of the *hazardous waste* for the ultimate purpose of submitting it to *recovery operations*. When the United States (U.S.) is the *country of export*, *exporter* is interpreted to mean a person domiciled in the United States.

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

Importer—the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the *country of import*.

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

Notifier—~~the person under the jurisdiction of the exporting country who has, or will have at the time the planned transfrontier movement commences, possession or other forms of legal control of the wastes and who proposes their transfrontier movement for the ultimate purpose of~~

~~submitting them to recovery operations. When the United States is the exporting country, notifier is interpreted to mean a person domiciled in the United States.~~Repealed.

OECD—Organization for Economic Cooperation and Development.

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

Recognized Trader—a person who, with appropriate authorization of *concerned countries*, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate ~~transfrontier~~ transboundary movements of wastes destined for *recovery operations*.

Recovery Operations—activities leading to resource recovery, recycling, reclamation, direct reuse or alternative uses ~~as listed in Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988, (available from the Environmental Protection Agency, RCRA Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC 20460 (Docket Number F-94-IEHF-FFFFF), or at the National Archives and Records Administration (NARA) by telephone at (202) 741-6030, or at the Organization for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France),~~ which include the following operations.

<u>TABLE 1</u>	
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 control control <u>abatement</u>
R8	Recovery of components <u>used</u> 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 in Table 2.B of the Annex of OECD Council Decision <u>numbered R1-R12</u>

~~Transfrontier~~ Transboundary Movement—any ~~shipment~~ movement of wastes ~~destined for recovery operations~~ 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:**, **.

Chapter 11. Generators

Subchapter A. General

§1101. Applicability

A. ...

B. Any person who exports or imports hazardous waste 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 ~~must~~shall comply with Subchapter B of this Chapter.

C. – I. ...

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:**.

§1113. 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, ~~must~~shall comply with the requirements of this Chapter and with the special requirements of ~~LAC 33:V.1113~~this Section. ~~This Section~~LAC 33:V.1113 establishes requirements applicable to exports of hazardous waste. A primary exporter of hazardous waste ~~must~~shall comply with the special requirements of ~~LAC~~

~~33:V.1113~~this Section, and a transporter who transports hazardous waste for export ~~must~~shall comply with applicable requirements of LAC 33:V.Chapter 13.

B. ...

C. General Requirements. Exports of hazardous wastes are prohibited except in compliance with the applicable requirements of ~~LAC 33:V.1113~~this Section and LAC 33:V.Chapter 13. Exports of hazardous waste are prohibited unless:

1. notification in accordance with ~~LAC 33:V.1113~~Subsection D of this Section has been provided;

C.2. – D.1.b.viii. ...

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 ~~LAC 33:V.1113~~Paragraph D.1 of this Section.]

3. – 4. ...

5. The administrative authority ~~will~~shall provide a complete notification to the receiving country and any transit countries. A notification is complete when the administrative authority receives a notification which the administrative authority determines satisfies the requirements of ~~LAC 33:V.1113~~Paragraph D.1 of this Section. Where a claim of confidentiality is asserted with respect to any notification information required by ~~LAC~~

~~33:V.1113.Paragraph~~ D.1 of this Section, the administrative authority may find the notification not complete until any such claim is resolved in accordance with LAC 33:I.Chapter 5.

6. Where the receiving country consents to the receipt of the hazardous waste, the administrative authority ~~will~~shall forward an EPA Acknowledgement of Consent to the primary exporter for purposes of ~~LAC 33:V.1113.Paragraph~~ E.8 of this Section. Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, the administrative authority ~~will~~shall notify the primary exporter in writing. The EPA will also notify the primary exporter of any responses from transit countries.

E. – E.6. ...

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 ~~must~~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 ~~LAC 33:V.1113.Paragraph~~ D.3 of this Section and obtain an EPA Acknowledgment of Consent prior to delivery; or

7.b. – 9. ...

F. Exception Reports. In lieu of the requirements of LAC 33:V.1111.C, a primary exporter must file an ~~E~~exception ~~R~~report with the ~~United States Environmental Protection Agency, if~~ 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:

F.1. – H.2. ...

I. International Agreements

1. Any person who exports or imports ~~hazardous 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, or subject to 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 ~~Organization for Economic Cooperation and Development (OECD)~~, as defined in ~~LAC 33:V.1113.I.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 ~~these regulations~~ 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, ~~South Korea~~ Republic of Korea, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

b. For the purposes of ~~these regulations~~ 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.

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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:**.

Subchapter B. ~~Transfrontier~~Transboundary Shipments of Hazardous Waste

§1127. ~~Transfrontier~~Transboundary Shipments of Hazardous Waste for Recovery within the OECD

A. Applicability

1. The requirements of this Subchapter apply to 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 ~~it meets the definition of hazardous waste in LAC 33:V.109 and is subject to either the manifesting requirements in LAC 33:V.1107 or to the universal waste management standards of LAC 33:V.Chapter 38.~~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 (~~notifier, consignee~~exporter, importer, 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 ~~notifier~~exporter duties, if applicable, under this Subchapter.

B. General Conditions

1. Scope. The level of control for exports and imports of waste is indicated by assignment of the waste to a ~~green, amber, or red list~~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, amber, and red~~ green and amber lists are incorporated by reference in ~~LAC 33:V.110~~Paragraph I.4 of this Section.

a. ~~Wastes on the green list are subject to existing controls normally applied to commercial transactions, except as provided in the following.~~Listed Waste Subject to the Green Control Procedures

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

ii. ~~Green-list wastes that are sufficiently contaminated or mixed with amber list wastes such that the waste or waste mixture is~~considered hazardous under

United States national procedures as defined in Paragraph A.1 of this Section are subject to the ~~amber-list~~amber controls procedures set forth in this Subchapter.

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

b. ~~Wastes on the amber list that are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section are subject to the amber list controls of this Subchapter.~~ Listed Wastes Subject to the Amber Control Procedures

i. ~~If —amber list~~Amber wastes that are sufficiently contaminated or mixed with other wastes subject to red list controls such that the waste or 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 set forth in this Subchapter. ~~the wastes must be handled in accordance with the red list controls.~~

ii. ~~Reserved.~~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.

~~c. Wastes on the red list that are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section are subject to the red list controls of this Subchapter.~~

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 ~~on subject to the amber or red lists~~amber control procedures are not listed or otherwise identified as hazardous under RCRA, (e.g., polychlorinated biphenyls) and, ~~Therefore, they are not subject to the amber list or red list~~amber controls 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) ~~may~~ restrict certain waste imports or exports. Such restrictions continue to apply without 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 ~~transfrontier~~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 ~~red list controls~~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 may move as though they appeared on the green lists~~such wastes are subject to the green control procedures.

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

a. The waste ~~must~~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 ~~transfrontier~~transboundary movement ~~must~~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), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).]

2.c. – 3. ...

a. Re-export of wastes subject to the ~~amber-list~~ control ~~system~~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 a ~~notifier~~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 ~~must~~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. ...

ii. The ~~transfrontier~~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 ~~red list control system~~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 ~~a notifier~~an exporter in the original importing country in accordance with Subsection C of this Section. The ~~transfrontier~~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~~-list~~ or red~~-list~~ 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. Notification and Consent

1. Applicability. Consent ~~must~~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 list controls~~ amber control procedures are subject to the requirements of Paragraph C.2 of this Section; ~~hazardous wastes subject to red list controls are subject to the requirements of Paragraph C.3 of this Section;~~ and wastes not identified on any list are subject to the requirements of Paragraph C.4~~3~~2 of this Section.

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

a. ...

i. Notification. At least 45 days prior to the commencement of ~~the transfrontier~~ each transboundary movement, the ~~notifier~~ exporter must provide written notification, in English, of the proposed ~~transfrontier~~ 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 ~~must~~ shall include all of the information identified in Paragraph C.5~~4~~3 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 ~~notifier~~ exporter, the ~~notifier~~ 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 ~~A~~acknowledgment of ~~R~~ceipt of notification by the competent authority of the importing country, the ~~transfrontier~~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 ~~transfrontier~~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. ~~Shipments~~Transboundary Movements to Facilities Preapproved by the Competent Authorities of the Importing Countries to Accept Specific Wastes for Recovery

i. Notification. The ~~notifier~~exporter ~~must~~shall provide EPA the information identified in Paragraph C.54 of this Section, in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification ~~should~~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 ~~must~~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. ~~Shipments may commence after the notification required in Clause C.2.a.i of this Section has been received by the competent authorities of all concerned countries, unless the notifier has received information indicating that the competent authorities of one or more concerned countries objects to the shipment~~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. ~~Red List Wastes. The export from the United States of hazardous wastes as described in Paragraph A.1 of this Section that appear on the red list is prohibited unless notice is given in accordance with Clause C.2.a.i of this Section and the notifier receives written consent from the importing country and any transit countries prior to commencement of the transfrontier movement.~~

4. ~~Unlisted Wastes. Wastes not assigned to the green, amber, or red list that are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section are subject to the notification and consent requirements established for red list wastes in accordance with Paragraph C.3 of this Section. Unlisted wastes that are not considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section are not subject to amber or red controls when exported or imported.~~

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.

~~5.4.~~ Notification Information. Notifications submitted under this Section ~~must~~shall include:

- a. serial number or other accepted identifier of the notification ~~form~~document;
- b. ~~notifier~~exporter name and EPA identification number (if applicable), address, ~~and~~telephone number, and ~~and telefax numbers~~fax number, and email address;
- c. importing recovery facility name, address, telephone number,~~and telefax numbers~~, email address, and technologies employed;
- d. ~~consignee~~importer name (if not the owner or operator of the recovery facility), address, ~~and~~telephone number, and ~~telefax numbers~~, and email address; whether the ~~consignee~~importer will engage in waste exchange recovery operation R12 or waste accumulation recovery operation R13~~or storage~~ 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 ~~transfrontier~~transboundary movement;

k. designation of waste type(s) from the appropriate OECD list (amber or red and waste list code)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; ~~and~~

~~l. ——— certification/declaration signed by the notifier that states:~~

~~"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 and that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement."~~

Name: _____

Signature: _____

Date: _____

~~[NOTE: The United States does not currently require financial assurance; 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.]~~

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 ~~must~~shall ensure that a ~~tracking~~movement document meeting the conditions of Paragraph D.2 of this Section accompanies each ~~transfrontier~~transboundary ~~shipment~~movement of wastes subject to ~~amber list or red list controls~~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 ~~exchanged~~sorted by the ~~consignee~~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 ~~must~~shall forward the ~~tracking~~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 ~~must~~shall forward the ~~tracking~~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 ~~tracking~~movement document ~~must~~shall include all information required under Subsection C of this Section for notification and the following:

- a. date ~~shipment~~movement commenced;
- b. name (if not ~~notifier~~exporter), address, ~~and~~ telephone number, ~~and~~ telefax numbers, ~~and~~ email of primary exporter;
- c. ...

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

e. ...

f. certification/declaration signed by ~~notifier~~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 ~~transfrontier~~transboundary movement, and that:

~~[List the following sentence that is applicable]~~

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

3. ~~Notifiers~~Exporters also ~~must~~shall comply with the special manifest requirements of LAC 33:V.1113.E.1, 2, 3, 5, and 9; and ~~consignees~~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 ~~must~~shall sign the ~~tracking~~movement document (e.g., transporter, ~~consignee~~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 ~~must~~shall send signed copies of the ~~tracking~~movement document to the ~~notifier~~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. ~~Transfrontier~~Transboundary movements of hazardous wastes subject to ~~the amber or red~~ 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 ~~notifier~~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. – 3. ...

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

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

6. ...

7. Upon request by EPA, United States ~~notifier~~exporters, ~~consignees~~importers, or recovery facilities ~~must~~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 ~~Council~~ Decision C(92)39/FINAL allows ~~members~~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. – F.1. ...

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

G. Reporting and Recordkeeping

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

b. – c. ...

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. – e.ii. ...

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.1111.C (if applicable), with the Office of ~~Environmental Services~~ 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 ~~tracking documentation~~ RCRA hazardous waste manifest (if applicable) signed by the transporter ~~stating~~ 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 ~~notifier~~ exporter has not received written confirmation from the recovery facility that the hazardous waste was received; or

2.c. – 3. ...

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. – ii. ...

iii. a copy of any exception reports and a copy of each confirmation of delivery (i.e., ~~tracking~~movement documentation) sent by the recovery facility to the ~~notifier~~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. – I.1.a. ...

b. is subject to either the Federal RCRA manifesting requirements of this Chapter, ~~or to 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 ~~SubParagraph I.1.a of this Section, and it appears on the amber or red list, it is subject to amber list or red list requirements respectively~~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. ~~If a waste is hazardous under Subparagraph I.1.a of this Section and it does not appear on either the amber or red list, it is subject to red list requirements.~~The

appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Subsection B of this Section.

4. ~~The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Subsection B of this Section.~~ 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:**.

Chapter 13. Transporters

§1301. Applicability

A. – E. ...

F. A transporter of hazardous waste 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 LAC 33:V.Chapter 11.Subchapter B including, but not limited to, LAC 33:V.1127.D for ~~tracking~~movement documents.

G. – H. ...

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 Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), LR 24:1694 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 38:**.

Chapter 15. Treatment, Storage, and Disposal Facilities

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

A. – B.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 ~~must~~shall provide a copy of the ~~tracking~~movement document bearing all required signatures to the ~~notifier~~exporter, to the

Office of Enforcement and Compliance Assurance, Office of ~~Compliance~~ Federal Activities, ~~Enforcement Planning, Targeting and Data Division (2222A)~~ International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave, NW, Washington, DC 20460, and to competent authorities of all other concerned countries. ~~A~~The original copy of the ~~tracking~~movement document ~~must~~shall be maintained at the facility for at least three years from the date of signature.

5. 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 ~~(2221A)~~, Washington, D.C. 20460-0001. In addition, the facility must, within 30 days:

B.5.a. – D.7.Comment. ...

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:**, **.

§1531. Required Notices

A. ...

B. The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to LAC 33:V.Chapter 11.Subchapter B ~~must~~shall provide a copy of the ~~tracking~~movement document bearing all required signatures to the ~~foreign notifier~~exporter, to the Office of Enforcement and Compliance Assurance, Office of ~~Compliance~~ Federal Activities, ~~Enforcement Planning, Targeting and Data Division (2222A)~~ 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 ~~tracking~~ movement document ~~must~~ 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:**.

Chapter 41. Recyclable Materials

§4145. Spent Lead-Acid Batteries Being Reclaimed

A. ...

If Your Batteries:	And If You:	Then You:	And You:
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If Your Batteries:	And If You:	Then You:	And You:
1. – 5. ...			

If Your Batteries:	And If You:	Then You:	And You:
6. <u>will be reclaimed through regeneration or any other means.</u>	<u>export these batteries for reclamation in a foreign country.</u>	<u>are exempt from LAC 33:V.Chapters 3, 5, 7, 9, 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.Chapter 11, except for LAC 33:V.1103, and except for the applicable requirements in either:</u> <u>(a) LAC 33:V.1125; or</u> <u>(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”.</u>	<u>are subject to LAC 33:V.Chapters 1, 31, 39, 41, and 49 as applicable and LAC 33:V.1103, and 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:</u> <u>(a) Comply with the requirements applicable to a primary exporter in LAC 33:V.1113.D, G.1.a-d, G.2, and H.</u> <u>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</u> <u>(c) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.</u>

If Your Batteries:	And If You:	Then You:	And You:
<u>7. Will be reclaimed through regeneration or any other means.</u>	<u>Transport these batteries in the U. S. to export them for reclamation in a foreign country.</u>	<u>are exempt from LAC 33:V.Chapters 3, 5, 7, 9, 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.</u>	<u>must comply with applicable requirements in LAC 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:</u> <u>(a) you may not accept a shipment if you know the shipment does not conform to the EPA Acknowledgement of Consent;</u> <u>(b) you must ensure that a copy of the EPA Acknowledgement of Consent accompanies the shipment; and</u> <u>(c) you must ensure that the shipment is delivered to the facility designated by the person initiating the shipment.</u>

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:**.