



## Ohio Administrative Code

### Rule 3745-52-83 Exports of hazardous waste - transboundary movements of hazardous waste for recovery or disposal.

Effective: January 16, 2026

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[Comment: The exercise of foreign relations and international commerce powers is reserved to the federal government under the U.S. Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the United States is solely regulated by the federal government. Rules 3745-52-80 to 3745-52-84 of the Administrative Code reflect the federal requirements in 40 CFR Part 262 subpart H.]

(A) General export requirements. Except as provided in 40 CFR 262.83(a)(5) and 40 CFR 262.83(a)(6), exporters that have received an "Acknowledgement of Consent" from U.S. EPA before December 31, 2016, are subject to that approval and the requirements listed in the "Acknowledgement of Consent" that existed at the time of that approval until such time the approval period expires. All other exports of hazardous waste are prohibited unless:

- (1) The exporter complies with the contract requirements in 40 CFR 262.83(f);
- (2) The exporter complies with the notification requirements in 40 CFR 262.83(b);
- (3) The exporter receives an "Acknowledgement of Consent" from U.S. EPA that documents consent from the countries of import and transit (and original country of export if exporting previously imported hazardous waste);
- (4) The exporter ensures compliance with the movement documents requirements in 40 CFR 262.83(d);
- (5) The exporter ensures compliance with the manifest instructions for export shipments in 40 CFR 262.83(c); and
- (6) The exporter or a U.S. authorized agent submits "Electronic Export Information (EEI)" for each shipment to the "Automated Export System (AES)" or the successor system, under the "International



Trade Data System (ITDS)" platform, in accordance with 15 CFR 30.4(b), and includes the following items in the EEI, along with the other information required under 15 CFR 30.6:

- (a) For shipments initiated prior to the AES filing compliance date, the exporter does one of the following:
  - (i) Submits EEI for each shipment to the AES or the successor system, under the ITDS platform, in accordance with 15 CFR 30.4(b), and includes the following items in the EEI, along with the other information required under 15 CFR 30.6:
    - (a) U.S. EPA export license code;
    - (b) Commodity classification code for each hazardous waste in accordance with 15 CFR 30.6(a)(12);
    - (c) U.S. EPA consent number for each hazardous waste;
    - (d) Country of ultimate destination code in accordance with 15 CFR 30.6(a)(5);
    - (e) Date of export in accordance with 15 CFR 30.6(a)(2);
    - (f) Resource Conservation and Recovery Act (RCRA) hazardous waste manifest tracking number, if required;
    - (g) Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume in accordance with 15 CFR 30.6(a)(15); or
    - (h) U.S. EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.
  - (ii) Complies with a paper-based process by:



- (a) Attaching paper documentation of consent (i.e., a copy of the U.S. EPA "Acknowledgement of Consent" international movement document) to the manifest, or shipping papers if a manifest is not required, which shall accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter shall provide the transporter with the paper documentation of consent which shall accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter shall attach the paper documentation of consent to the shipping paper.
- (b) Providing the transporter with an additional copy of the manifest, and instructing the transporter via mail, email or fax to deliver that copy to the U.S. customs official at the point the hazardous waste leaves the United States in accordance with 40 CFR 263.20(g)(4)(ii).
- (b) For shipments initiated on or after the AES filing compliance date, submits EEI for each shipment to the AES or the successor system, under the ITDS platform, in accordance with 15 CFR 30.4(b), and includes the following items in the EEI, along with the other information required under 15 CFR 30.6:
  - (i) U.S. EPA export license code;
  - (ii) Commodity classification code for each hazardous waste in accordance with 15 CFR 30.6(a)(12);
  - (iii) U.S. EPA consent number for each hazardous waste;
  - (iv) Country of ultimate destination code in accordance with 15 CFR 30.6(a)(5);
  - (v) Date of export in accordance with 15 CFR 30.6(a)(2);
  - (vi) RCRA hazardous waste manifest tracking number, if required;
  - (vii) Quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume in accordance with 15 CFR 30.6(a)(15); or



(viii) U.S. EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

(B) Notifications.

(1) General notifications. At least sixty days before the first shipment of hazardous waste is expected to leave the United States, the exporter shall provide notification in English to U.S. EPA of the proposed transboundary movement. Notifications shall be submitted electronically using U.S. EPA's "Waste Import Export Tracking System" (WIETS), or the successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery facility or disposal facility, and shall include all of the following information:

- (a) Exporter name and U.S. EPA identification number, site address, telephone number, fax number, and email address;
- (b) Foreign receiving facility name, site address, telephone number, fax number, email address, technologies employed, and the applicable "recovery operations" or "disposal operations" as defined in 40 CFR 262.81;
- (c) Foreign importer name (if not the owner or operator of the foreign receiving facility), site address, telephone number, fax number, and email address;
- (d) Intended transporters and the transporters' agents, site address, telephone number, fax number, and email address;
- (e) "U.S." as the country of export name, "USA01" as the relevant competent authority code, and the intended U.S. ports of exit;
- (f) The "International Organization for Standardization (ISO)" standard 3166 country name two-digit code, the "Organization for Economic Cooperation and Development code ("OECD code")" or "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal



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("BaselConvention")" code, and the ports of entry and exit for each country of transit;

(g) The ISO standard 3166 country name two-digit code, "OECD code" or "Basel Convention" code, and port of entry for the country of import;

(h) Statement of whether the notification covers a single shipment or multiple shipments;

(i) Start and end dates requested for transboundary movements;

(j) Means of transport planned to be used;

(k) Descriptions of each hazardous waste, including whether each hazardous waste is regulated universal waste under 40 CFR Part 273 or Chapter 3745-273 of the Administrative Code, spent lead-acid batteries being exported for recovery of lead under 40 CFR 266.80 or rule 3745-266-80 of the Administrative Code, or industrial ethyl alcohol being exported for reclamation under 40 CFR 261.6(a)(3)(i) or paragraph (A)(3)(a) of rule 3745-51-06 of the Administrative Code, estimated total quantity of each waste in either metric tons or cubic meters, the applicable EPA hazardous waste numbers for each hazardous waste, the applicable "OECD code" from the lists incorporated by reference in 40 CFR 260.11, and the United Nations number ("UN number") or the U.S. department of transportation ("U.S. DOT number") for each hazardous waste;

(l) Specification of the recovery operations or disposal operations as defined in 40 CFR 262.81.

(m) Certification or declaration signed by the exporter 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 guarantee is or shall be in force covering the transboundary movement.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_



Date: \_\_\_\_\_ "

(2) Exports to pre-consented recovery facilities in "OECD Member countries." If the recovery facility is located in an "OECD Member country" and has been pre-consented by the competent authority of the "OECD Member country" to recover the waste sent by exporters located in other "OECD Member countries," the notification may cover up to three years of shipments. Notifications proposing export to a pre-consented facility in an "OECD Member country" shall include all information listed in 40 CFR 262.83(b)(1)(i) to 40 CFR 262.83(b)(1)(xiii) and additionally state that the facility is pre-consented. Exporters shall submit the notification to U.S. EPA using the allowable methods listed in 40 CFR 262.83(b)(1) at least ten days before the first shipment is expected to leave the United States.

(3) Notifications listing interim recycling operations or interim disposal operations. If the foreign receiving facility listed in 40 CFR 262.83(b)(1)(ii) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 to D15, or in the case of transboundary movements with Canada, any of the interim recovery operations R12, R13, or RC3, or interim disposal operations D13 to D14, or D15, the notification submitted according to 40 CFR 262.83(b)(1) also shall include the final foreign recovery facility or disposal facility name, site address, telephone number, fax number, email address, technologies employed, and which of the applicable recovery operations or disposal operations R1 to R11 and D1 to D12, or in the case of transboundary movements with Canada, which of the applicable recovery operations or disposal operations R1 to R11, RC1 to RC2, D1 to D12, and DC1 to DC2 will be employed at the final foreign recovery facility or disposal facility.

(4) Renotifications. When the exporter wishes to change any of the information specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the exporter shall submit a renotification of the changes to U.S. EPA using the allowable methods in 40 CFR 262.83(b)(1). Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives a U.S. EPA "Acknowledgement of Consent" letter that documents the countries' consents to the changes.



(5) For cases where the proposed country of import and recovery operations or disposal operations are not covered under an international agreement to which both the United States and the country of import are parties, U.S. EPA will coordinate with the department of state to provide the complete notification to country of import and any countries of transit. In all other cases, U.S. EPA will provide the notification directly to the country of import and any countries of transit. A notification is complete when U.S. EPA receives a notification which U.S. EPA determines satisfies the requirements of 40 CFR 262.83(b)(1)(i) to 40 CFR 262.83(b)(1)(xiii).

(6) Where the countries of import and transit consent to the proposed transboundary movements of the hazardous wastes, U.S. EPA will forward an "Acknowledgement of Consent" letter to the exporter that documents the countries' consents. Where any of the countries of import and transit objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, U.S. EPA will notify the exporter.

(7) Export of hazardous wastes for recycling or disposal operations that were originally imported into the United States for recycling or disposal operations in a third country is prohibited unless an exporter in the United States complies with the export requirements in 40 CFR 262.83, including providing notification to U.S. EPA in accordance with 40 CFR 262.83(b)(1). In addition to listing all required information in 40 CFR 262.83(b)(1)(i) to 40 CFR 262.83(b)(1)(xiii), the exporter shall provide the original consent number issued for the initial import of the wastes in the notification, and receive an "Acknowledgement of Consent" from U.S. EPA that documents the consent of the competent authorities in new country of import, the original country of export, and any transit countries prior to re-export.

(8) Upon request by U.S. EPA, the exporter shall furnish to U.S. EPA any additional information which the country of import requests in order to respond to a notification.

(C) RCRA manifest instructions for export shipments. The exporter shall comply with the manifest requirements of 40 CFR 262.20 to 40 CFR 262.25 except that:

(1) In lieu of the name, site address and U.S. EPA identification number of the designated permitted facility, the exporter shall enter the name and site address of the foreign receiving facility;



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(2) In the international shipments block on the continuation sheet (U.S. EPA form 8700-22A), the exporter shall:

- (a) Check the export box and enter the U.S. port of exit(city and state) from the United States;
- (b) Enter the exporter's U.S. EPA identificationnumber, if the exporter is not identified in Item 5 of the manifest (U.S. EPAform 8700-22) for the export shipment; and
- (c) List the waste stream consent number from the U.S. EPA"Acknowledgement of Consent" for each hazardous waste listed on themanifest, matched to the relevant list number for the hazardous waste fromblock 9b. If additional space is needed, the exporter should use an additionalcontinuation sheets (U.S. EPA form 8700-22A).

(3) The exporter may obtain the manifest from any source so long as the source of the printed form has received approval from U.S. EPA to print the manifest in accordance with 40 CFR 262.21(g)(1).

(4) Beginning on December 1, 2025, within thirty days after receipt of an export manifest from the final domestic transporter to carry the export shipment to or across the U.S. port of exit, the exporter shall submit the top copy (page one) of the signed and dated manifest (whether electronic or paper) and all continuation sheets (whether electronic or paper) to the U.S. EPA e-manifest system. The exporter shall submit the paper manifest and all paper continuation sheets to U.S. EPA e-manifest system for purposes of data entry and processing by transmitting to the U.S. EPA e-manifest system an image file of page one of the manifest and all continuation sheets, or by transmitting to the U.S. EPA e-manifest system both a data file and the image file corresponding to page one of the manifest and all continuation sheets.

- (a) As prescribed in 40 CFR 265.1311, and determined in 40CFR 265.1312, an exporter who is a user of the electronic manifest system shallbe assessed a user fee by U.S. EPA for the submittal and processing of eachelectronic and paper manifest. U.S. EPA shall update the schedule of user feesand publish the updates to the user community, as provided in 40 CFR265.1313.
- (b) An exporter subject to user fees under 40 CFR 262.83shall make user fee payments in accordance with the requirements of 40 CFR265.1314, subject to the informal fee dispute resolution process of



40 CFR265.1316, and subject to the sanctions for delinquent payments under 40 CFR265.1315.

- (c) Electronic manifest signatures shall meet the criteriadescribed in 40 CFR 262.25.
- (d) Within thirty days after receipt of a paper replacementmanifest from the last transporter carrying the shipment to or across the U.S.border for a manifest that was originated electronically, the exporter shallsend a signed and dated copy of the paper replacement manifest to the U.S. EPAe-manifest system.
- (e) After foreign facilities have certified to the receiptof hazardous wastes by sending a copy of the movement document to the exporterin accordance with 40 CFR 262.83(d)(2)(xvii), any post-receipt data correctionsmay be submitted at any time by any interested person (e.g., domestic wastehandler) shown on the manifest. If requested by the director, an exporter shalladdress manifest data corrections within thirty days after the date of therequest. Data correction submittals shall be made electronically via thepost-receipt data corrections process as described in 40 CFR 265.71(l), which applies to corrections made to either paper or electronicmanifests.

(D) Movement document requirements for export shipments.

- (1) All exporters shall ensure that a movement document meeting the conditions of 40 CFR 262.83(d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment until the hazardous waste reaches the foreign receiving facility, including cases in which the hazardous waste is stored or sorted by the foreign importer prior to shipment to the foreign receiving facility, except as provided in 40 CFR 262.83(d)(1)(i) and 40 CFR 262.83(d)(1)(ii).
  - (a) For shipments of hazardous waste within the UnitedStates solely by water (bulk shipments only), the exporter shall forward themovement document to the last water (bulk shipment) transporter to handle thehazardous waste in the United States if exported by water.
  - (b) For rail shipments of hazardous waste within the UnitedStates which start from the company originating the export shipment, theexporter shall forward the movement document to the next non-rail transporter,if any, or the last rail transporter to handle the hazardous waste in theUnited States if exported by rail.



(2) The movement document shall include information shown in 40 CFR 262.83(d)(2)(i) to 40 CFR 262.83(d)(2)(xv):

- (a) The corresponding consent numbers and EPA hazardouswaste numbers for the listed hazardous waste from the relevant U.S. EPA "Acknowledgements of Consent" and if required to be accompanied by aRCRA uniform hazardous waste manifest within the United States, the manifest tracking number from block 4;
- (b) The shipment number and the total number of shipmentsfrom the U.S. EPA "Acknowledgement of Consent" or the movementtracking number;
- (c) Exporter name, U.S. EPA identification number, siteaddress, telephone number, fax number, and email address;
- (d) Foreign receiving facility name, site address,telephone number, fax number, email address, technologies employed, and theapplicable recovery operations or disposal operations;
- (e) Foreign importer name (if not the owner or operator ofthe foreign receiving facility), site address, telephone number, fax number, and email address;
- (f) Descriptions of each hazardous waste, quantity of eachhazardous waste in the shipment, applicable EPA hazardous waste numbers foreach hazardous waste, applicable "OECD code" for each hazardous wastefrom the lists incorporated by reference in 40 CFR 260.11, and the "UN number" or the "U.S. DOT number" for each hazardouswaste;
- (g) Date movement commenced;
- (h) Name (if not exporter), site address, telephone number,fax number, and email of company originating the shipment;
- (i) Company name, U.S. EPA identification number, siteaddress, telephone number, fax number, and email address of alltransporters;



- (j) Identification (license, registered name or registration number) of means of transport, including types of packaging;
- (k) Any special precautions to be taken by transporters;
- (l) Certification or declaration signed and dated by the exporter that the information in the movement document is complete and correct;
- (m) Appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the foreign receiving facility);
- (n) Each U.S. person that has physical custody of the hazardous waste from the time the movement commences until the hazardous waste arrives at the foreign receiving facility shall sign the movement document (e.g., transporter, foreign importer, and owner or operator of the foreign receiving facility); and
- (o) As part of the contract requirements in accordance with 40 CFR 262.83(f), the exporter shall require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days after shipment delivery to the exporter, and to the competent authorities of the countries of import and transit that control the shipment as an import and transit of hazardous waste respectively. For shipments occurring on or after the electronic import-export reporting compliance date, the exporter shall:
  - (i) Initiate the movement document using the allowable methods listed in 40 CFR 262.83(b)(1); and
  - (ii) Close out the movement document within three working days after receipt of a copy of the signed movement document sent from the foreign receiving facility to confirm receipt using the allowable methods listed in 40 CFR 262.83(b)(1);
- (p) As part of the contract requirements in accordance with 40 CFR 262.83(f), the exporter shall require that the foreign receiving facility send a copy of the confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the



shipment and no later than one calendar year after receipt of the waste, to the exporter and to the competent authority of the country of import. If the movement includes shipment to a foreign interim receiving facility, the exporter additionally shall require that the interim receiving facility promptly send copies of the confirmation of recovery or disposal that the interim receiving facility receives from the final recovery facility or final disposal facility within one year after shipment delivery to the final recovery facility or final disposal facility that performed one of recovery operations R1 to R11, or RC1, or one of disposal operations D1 to D12, DC1, or DC2 to the competent authority of the country of import and to the exporter. For shipments occurring on or after the electronic import-export reporting compliance date, the exporter shall submit each confirmation of recovery or disposal to U.S. EPA within three working days after receipt of the confirmation of recovery or disposal from the foreign receiving facility using the allowable methods listed in 40 CFR 262.83(b)(1); and

(q) For shipments sent to a country with which U.S. EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt and the confirmation of recovery or disposal may be sent via the electronic exchange.

(E) Duty to return or re-export hazardous wastes. When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consents and alternative arrangements cannot be made to recover or dispose of the waste in an environmentally sound manner in the country of import, the exporter shall ensure that the hazardous waste is returned to the United States or re-exported to a third country. If the waste shall be returned, the exporter shall provide for the return of the hazardous waste shipment within ninety days after the time the country of import informs U.S. EPA of the need to return the waste or such other period of time as the concerned countries agree. In all cases, the exporter shall submit an exception report to U.S. EPA in accordance with 40 CFR 262.83(h).

(F) Export contract requirements.

(1) Exports of hazardous waste are prohibited unless the exports 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 shall be executed by the exporter, foreign importer (if different from the foreign receiving facility),



and the owner or operator of the foreign receiving facility, and shall specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of 40 CFR 262.83 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 arrangements.

(2) Contracts or equivalent arrangements shall specify the name and U.S. EPA identification number, where available, of 40 CFR 262.83(f)(2)(i) to 40 CFR 262.83(f)(2)(iv):

- (a) The company from where each export shipment of hazardous waste is initiated;
- (b) Each person who will have physical custody of the hazardous wastes;
- (c) Each person who will have legal control of the hazardous wastes; and
- (d) The foreign receiving facility.

(3) Contracts or equivalent arrangements shall specify which party to the contract will assume responsibility for alternate management of the hazardous wastes if the disposition of the hazardous wastes cannot be carried out as described in the notification of intent to export. In such cases, contracts shall specify that:

- (a) The transporter or foreign receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the exporter, U.S. EPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements;
- (b) The person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of hazardous wastes and, as the case may be, shall provide the notification for re-export to the competent authority in the country of import and include the equivalent of the information required in 40 CFR 262.83(b)(1), the original consent number issued for the initial export of the hazardous wastes in the notification, and obtain consent from U.S. EPA and the competent authorities in the new country of import and any transit countries prior to re-export; and



(c) Transmittals made by the transporter or foreign receiving facility under 40 CFR 262.83(i) being sent to the exporter or U.S. EPA from a country with which U.S. EPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange.

(4) Contracts shall specify that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days after shipment delivery to the exporter and to the competent authorities of the countries of import and transit that control the shipment as an import and transit of hazardous waste respectively. For shipments sent to a country with which U.S. EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt may be sent via the electronic exchange.

(5) Contracts shall specify that the foreign receiving facility shall send a copy of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year after receipt of the waste, to the exporter and to the competent authority of the country of import that controls the shipment as an import of hazardous waste. For shipments sent to a country with which U.S. EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of recovery or disposal may be sent via the electronic exchange.

(6) Contracts shall specify that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or RC3, or interim disposal operations D13 to D15, as appropriate, will:

(a) Provide the notification required in 40 CFR 262.83(f)(3)(ii) prior to any re-export of the hazardous wastes to a final foreign recovery facility or disposal facility in a third country; and

(b) Promptly send copies of the confirmation of recovery or disposal that were received from the final foreign recovery facility or disposal facility within one year after shipment delivery to the final foreign recovery facility or disposal facility that performed one of recovery operations R1 to R11, or RC1, or one of disposal operations D1 to D12, DC1, or DC2 to the competent authority of the



country of import that controls the shipment as an import of hazardous waste and to the exporter. For shipments sent to a country with which U.S. EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of recovery or disposal may be sent via the electronic exchange.

(7) Contracts or equivalent arrangements shall include provisions for financial guarantees, if required by the competent authorities of the country of import and any countries of transit, in accordance with applicable national or international law requirements.

[Comment: 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" and other foreign countries do. It is the responsibility of the exporter to ascertain and comply with such requirements. In some cases, persons or facilities located in those "OECD Member countries" or other foreign countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.]

(8) Contracts or equivalent arrangements shall contain provisions that require each contracting party to comply with all applicable requirements of 40 CFR Part 262 subpart H.

(9) Upon request by U.S. EPA, U.S. exporters, importers, or recovery facilities shall submit to U.S. EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).

(G) Annual reports. The exporter shall file an annual report with U.S. EPA no later than March first of each year that summarizes the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. The exporter shall submit annual reports to U.S. EPA using the allowable methods specified in 40 CFR 262.83(b)(1). The annual report shall include all of the following information:

(1) The U.S. EPA identification number, name, mailing address, and site address of the exporter filing the report;



- (2) The calendar year covered by the report;
- (3) The name and site address of each foreign receiving facility;
- (4) By foreign receiving facility, for each hazardous waste exported:
  - (a) A description of the hazardous waste;
  - (b) The applicable EPA hazardous waste numbers (from 40 CFRPart 261 subpart C or 40 CFR Part 261 subpart D) for each waste;
  - (c) The applicable "OECD Code" from theappropriate OECD waste list incorporated by reference in 40 CFR260.11;
  - (d) The applicable "U.S. DOTnumber";
  - (e) The name and U.S. EPA identification number (whereapplicable) for each transporter used over the calendar year covered by thereport; and
  - (f) The U.S. EPA consent numbers under which the hazardouswaste was shipped, and for each consent number, the total amount of thehazardous waste and the number of shipments exported during the calendar yearcovered by the report;
- (5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than one hundred kilograms but less than one thousand kilograms in a calendar month, and except for hazardous waste for which information was already provided pursuant to 40 CFR 262.41:
  - (a) A description of the efforts undertaken during theyear to reduce the volume and toxicity of the waste generated; and
  - (b) A description of the changes in volume and toxicity ofthe waste actually achieved during the year



in comparison to previous years to the extent such information is available for years prior to 1984.

(6) A certification signed by the exporter 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."

(H) Exception reports.

(1) The exporter shall file an exception report in lieu of the requirements of 40 CFR 262.42 (if applicable) with U.S. EPA if any of the following occurs:

(a) The exporter has not received a copy of the RCRAhazardous waste manifest (if applicable) signed by the transporter that identifies the point of departure of the hazardous waste from the United States, within forty-five days after the date the hazardous waste was accepted by the initial transporter, in which case the exporter shall file the exceptionreport within the next thirty days;

(b) The exporter has not received a written confirmation of receipt from the foreign receiving facility in accordance with 40 CFR 262.83(d)within ninety days after the date the waste was accepted by the initialtransporter in which case the exporter shall file the exception report withinthe next thirty days; or

(c) The foreign receiving facility notifies the exporter,or the country of import notifies U.S. EPA, of the need to return the shipmentto the United States or arrange alternate management, in which case theexporter shall file the exception report within thirty days after notification,or one day prior to the date the return shipment commences, whichever issooner.

(2) Prior to the electronic import-export reporting compliance date, exception reports shall be mailed or hand delivered to U.S. EPA using the addresses listed in 40 CFR 262.82(e). Subsequently, exception reports shall be submitted to U.S. EPA using the allowable methods listed in 40 CFR



262.83(b)(1).

(I) Recordkeeping.

(1) The exporter shall keep the following records and provide those records to U.S. EPA or Ohio EPA personnel upon request:

(a) A copy of each notification of intent to export and each U.S. EPA "Acknowledgement of Consent" for a period of at least three years after the date the hazardous waste was accepted by the initial transporter;

(b) A copy of each annual report for a period of at least three years after the due date of the report;

(c) A copy of any exception reports and a copy of each confirmation of receipt (i.e., movement document) sent by the foreign receiving facility to the exporter for at least three years after the date the hazardous waste was accepted by the initial transporter;

(d) A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three years after the date that the foreign receiving facility completed interim processing or final processing of the hazardous waste shipment;

(e) A copy of each contract or equivalent arrangement established in accordance with 40 CFR 262.83(f) for at least three years after the expiration date of the contract or equivalent arrangement; and

(f) A copy of each manifest sent by the last transporter in the United States in accordance with 40 CFR 263.20(g).

(2) Exporters may satisfy these recordkeeping requirements by retaining electronically submitted documents in the exporter's account on U.S. EPA's WIETS, or the successor system, provided that copies are readily available for viewing and production if requested by any U.S. EPA inspector or Ohio EPA inspector. No exporter may be held liable for the inability to produce such documents for inspection under 40 CFR 262.83 if the exporter can demonstrate that the inability to produce the



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document is due exclusively to technical difficulty with U.S. EPA's WIETS, or the successor system, for which the exporter bears no responsibility.

(3) The periods of retention referred to in 40 CFR 262.83 are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrator.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]