



## Ohio Administrative Code

### Rule 3745-52-84 Imports 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 import requirements.

(1) With the exception of 40 CFR 262.84(a)(5), importers of shipments covered under a consent from U.S. EPA to the country of export issued before December 31, 2016, are subject to that approval and the requirements that existed at the time of that approval until such time the approval period expires. Otherwise, any other person who imports hazardous waste from a foreign country into the United States shall comply with the requirements of 40 CFR Part 262, and Chapter 3745-52 of the Administrative Code, and the special requirements of 40 CFR Part 262 subpart H.

(2) In cases where the country of export does not require the foreign exporter to submit a notification and obtain consent to the export prior to shipment, the importer shall submit a notification to U.S. EPA in accordance with 40 CFR 262.84(b).

(3) The importer shall comply with the contract requirements in 40 CFR 262.84(f).

(4) The importer shall ensure compliance with the movement documents requirements in paragraph 40 CFR 262.84(d); and

(5) The importer shall ensure compliance with the manifest instructions for import shipments in 40 CFR 262.84(c).

#### (B) Notifications. In cases where the competent authority of the country of export does not regulate



the waste as hazardous waste and, thus, does not require the foreign exporter to submit to the competent authority of the country of export a notification proposing export and obtain consent from U.S. EPA and the competent authorities for the countries of transit, but U.S. EPA does regulate the waste as hazardous waste:

(1) The importer is required to provide notification in English to U.S. EPA of the proposed transboundary movement of hazardous waste at least sixty days before the first shipment is expected to depart the country of export. Notifications submitted prior to the electronic import-export reporting compliance date shall be mailed or hand delivered to U.S. EPA at the addresses specified in 40 CFR 262.82(e). Notifications submitted on or after the electronic import-export reporting compliance date 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 from the same foreign exporter, and shall include all of the following information:

(a) Foreign exporter name, site address, telephone number, fax number, and email address;

(b) Receiving facility name, U.S. EPA identification number, site address, telephone number, fax number, email address, technologies employed, and the applicable "recovery operations" or "disposal operations" as those terms are defined in 40 CFR 262.81;

(c) Importer name (if not the owner or operator of the receiving facility), U.S. EPA identification number, site address, telephone number, fax number, and email address;

(d) Intended transporters and the intended transporters' agents, site address, telephone number, fax number, and email address;

(e) "U.S." as the country of import, "USA01" as the relevant competent authority code, and the intended U.S. ports of entry;

(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"



("BaselConvention") competent authority code, and the ports of entry and exit foreach country of transit;

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

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

(i) Start dates and end dates requested for transboundarymovements;

(j) Means of transport planned to be used;

(k) Descriptions of each hazardous waste, including whethereach hazardous waste is regulated universal waste under 40 CFR Part 273 orChapter 3745-273 of the Administrative Code, spent lead-acid batteries beingexported 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 reclamatiounder 40 CFR 261.6(a)(3)(i) or paragraph (A)(3)(a) of rule 3745-51-06 of theAdministrative Code, estimated total quantity of each hazardous waste, theapplicable EPA hazardous waste numbers for each hazardous waste, the applicable"OECD code" from the lists incorporated by reference in 40 CFR260.11, and the "UN number" or the "U.S. DOT number" foreach hazardous waste;

(l) Specification of the recovery operations or disposaloperations as defined in 40 CFR 262.81; and

(m) Certification or declaration signed by the importerthat states:

"I certify that the above information iscomplete and correct to the best of my knowledge. I also certify that legallyenforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in forcecovering the transboundary movement.

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

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



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

[Comment: Currently, the United States doesnot require financial assurance for these waste shipments.]

(2) Notifications listing interim recycling operations or interim disposal operations. If the receiving facility listed in 40 CFR 262.84(b)(1)(ii) will engage in any of the interim recovery operations R12, R13 or RC3 or interim disposal operations D13 to D15, the notification submitted according to 40 CFR 262.84(b)(1) shall also include the final recovery facility or final 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, RC1, and D1 to D12, will be employed at the final recovery facility or final disposal facility.

(3) Renotifications. When the foreign exporter wishes to change any of the conditions 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 importer shall submit a renotification of the changes to U.S. EPA using the allowable methods in 40 CFR 262.84(b)(1). Any shipment using the requested changes cannot take place until U.S. EPA and the countries of transit consent to the changes and the importer receives from U.S. EPA an "Acknowledgement of Consent" letter that documents the consents to the changes.

(4) A notification is complete when U.S. EPA determines the notification satisfies the requirements of 40 CFR 262.84(b)(1)(i) to 40 CFR 262.84(b)(1)(xiii).

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

(6) Export of hazardous waste originally imported into the United States. Export of hazardous waste that was originally imported into the United States for recycling or disposal operations is prohibited



unless an exporter in the United States complies with the export requirements in 40 CFR 262.83(b)(7).

(C) Resource Conservation and Recovery Act (RCRA) manifest instructions for import shipments.

(1) When importing hazardous waste, the importer shall meet all the requirements of 40 CFR 262.20 for the manifest, except that:

(a) In place of the generator's name, mailing address, site address, and U.S. EPA identification number, the name and site address of the foreign generator, and the importer's name, mailing address, and U.S. EPA identification number shall be used.

(b) In place of the generator's signature on the certification statement, the importer or the importer's agent shall sign and date the certification and obtain the signature of the initial transporter.

(2) The importer may obtain the manifest form from any source that is registered with U.S. EPA as a supplier of manifests (e.g., states, waste handlers, or commercial forms printers).

(3) In the international shipments block on the continuation sheet (U.S. EPA form 8700-22A), the importer shall check the import box and enter the port of entry (city and state) into the United States.

(4) In lieu of the requirements of 40 CFR 262.20(d), where a shipment cannot be delivered for any reason to the receiving facility, the importer shall instruct the transporter in writing via fax, email, or mail to:

(a) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and

(b) Revise the manifest in accordance with the importer's instructions.

(D) Movement document requirements for import shipments.

(1) The importer shall ensure that a movement document meeting the conditions of 40 CFR



262.84(d)(2) accompanies each transboundary movement of hazardous waste from the initiation of the shipment in the country of export until the hazardous waste reaches the receiving facility, including cases in which the hazardous waste is stored or sorted by the importer prior to shipment to the receiving facility, except as provided in 40 CFR 262.84(d)(1)(i) and 40 CFR 262.84(d)(1)(ii).

(a) For shipments of hazardous waste within the United States by water (bulk shipments only), the importer shall forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if imported by water.

(b) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the importer shall forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if imported by rail.

(2) The movement document shall include following information:

(a) The corresponding U.S. EPA "Acknowledgement of Consent" numbers and EPA hazardous waste numbers for the listed waste, and, if required to be accompanied by a RCRA uniform hazardous waste manifest within the United States, the manifest tracking number from block 4;

(b) The shipment number and the total number of shipments under the U.S. EPA "Acknowledgement of Consent" number or the movement tracking number;

(c) Foreign exporter name, site address, telephone number, fax number, and email address;

(d) Receiving facility name, U.S. EPA identification number, site address, telephone number, fax number, email address, technologies employed, and the applicable recovery operations or disposal operations;

(e) Importer name (if not the owner or operator of the receiving facility), U.S. EPA identification number, site address, telephone number, fax number, and email address;

(f) Descriptions of each hazardous waste, quantity of each hazardous waste in the shipment,



applicable EPA hazardous waste numbers for each hazardous waste, the applicable "OECD code" for each hazardous waste from the lists incorporated by reference in 40 CFR 260.11, and the "UN number" or "U.S. DOT number" for each hazardous waste;

(g) Date movement commenced;

(h) Name (if not the foreign exporter), site address, telephone number, fax number, and email of the foreign company originating the shipment;

(i) Company name, U.S. EPA identification number (for transporters carrying RCRA manifested hazardous waste within the U.S. only), address, telephone number, fax number, and email address of all transporters;

(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 foreign 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 receiving facility);

(n) Each person who has physical custody of the hazardous waste from the time the movement commences until the hazardous waste arrives at the receiving facility shall sign the movement document (e.g., transporter, importer, and owner or operator of the receiving facility); and

(o) The receiving facility shall send a copy of the signed movement document to confirm receipt within three working days after shipment delivery to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility shall close out the movement document to confirm



receipt within three workingdays after shipment delivery using U.S. EPA's WIETS, or the successor system. For shipments sent from a country with which U.S. EPA has establishedan electronic exchange of movement document tracking data, the receivingfacility may use U.S. EPA's WIETS, or the successor system, to sendmovement document confirmation data back through the electronic exchange to theforeign exporter and the country of export.

(E) Duty to return or export hazardous waste. When a transboundary movement of hazardous waste cannot be completed in accordance with the terms of the contract or the consents, the provisions of 40 CFR 262.84(f)(4) apply. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste shall be returned to the country of export or exported to a third country. The provisions of 40 CFR 262.84(b)(6) apply to any hazardous waste shipments to be exported to a third country. If the return shipment will cross any transit country, the return shipment may occur only after U.S. 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 importer.

(F) Import contract requirements.

(1) Imports of hazardous waste shall 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 foreign exporter, importer, and the owner or operator of the receiving facility, and shall specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of 40 CFR 262.84 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 262.84(f)(2)(i) to 40 CFR 262.84(f)(2)(iv):

(a) The foreign company from where each import shipment ofhazardous waste is initiated;

(b) Each person who will have physical custody of thehazardous waste;





(c) Each person who will have legal control of the hazardous waste; and

(d) The receiving facility.

(3) Contracts or equivalent arrangements shall specify the use of a movement document in accordance with 40 CFR 262.84(d).

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

(a) The transporter or receiving facility having actual possession or physical control over the hazardous waste will immediately inform the foreign exporter and importer, and the competent authority where the shipment is located of the need to arrange alternate management or return.

(b) The person specified in the contract will assume responsibility for the adequate management of the hazardous waste in compliance with applicable laws and regulations including, if necessary, arranging the return of the hazardous waste and, as the case may be, shall provide the notification for re-export in accordance with 40 CFR 262.83(b)(7).

(c) Transmittals made by the transporter or receiving facility under 40 CFR 262.84(i) being sent to a competent authority or foreign exporter in a country with which U.S. EPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange.

(5) Contracts shall specify that the importer or the receiving facility that performed interim recycling operations R12, R13, or RC3, or interim disposal operations D13 to D15, as appropriate, will provide the notification required in 40 CFR 262.83(b)(7) prior to the re-export of hazardous waste.

(6) Contracts or equivalent arrangements shall include provisions for financial guarantees, if required by the competent authorities of any countries concerned, 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 hazardous waste 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" (as defined in 40 CFR 262.81) or other foreign countries do. It is the responsibility of the importer to ascertain and comply with such requirements. In some cases, persons or facilities located in those countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.]

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

(8) Upon request by U.S. EPA, importers or disposal facilities 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) Confirmation of recovery or disposal. The receiving facility shall do the following:

(1) Send copies 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 foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's WIETS, or the successor system. For shipments sent from a country with which U.S. EPA has established an electronic exchange of movement document tracking data, the receiving facility may use U.S. EPA's WIETS, or the successor system, to send confirmation of recovery data or disposal data back through the electronic exchange to the foreign exporter and the country of export.

(2) If the receiving facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 to D15, the receiving facility shall promptly send copies of the confirmation of recovery or disposal that the 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 to RC2, or one of disposal operations D1 to D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for confirmations received on or after the electronic import-export reporting compliance date, to U.S. EPA electronically using U.S. EPA's WIETS, or the successor system. For shipments sent from a country with which U.S. EPA has established an electronic exchange of movement document tracking data, the receiving facility may use U.S. EPA's WIETS, or the successor system, to send confirmation of recovery data or disposal data back through the electronic exchange to the country of export.

(H) Recordkeeping.

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

(a) A copy of each notification that the importer sends to U.S. EPA under 40 CFR 262.84(b)(1) and each U.S. EPA "Acknowledgement of Consent" that the importer receives from U.S. EPA in response for a period of at least three years after the date the hazardous waste was accepted by the initial foreign transporter; and

(b) A copy of each contract or equivalent arrangement established in accordance with 40 CFR 262.84(f) for at least three years after the expiration date of the contract or equivalent arrangement.

(2) The receiving facility shall keep the following records:

(a) A copy of each confirmation of receipt (i.e., movement document) that the receiving facility sends to the foreign exporter for at least three years after the date the receiving facility received the hazardous waste;

(b) A copy of each confirmation of recovery or disposal that the receiving facility sends to the foreign exporter for at least three years after the date that the receiving facility completed processing the waste shipment;



(c) For the receiving facility that performed any of recovery operations R12, R13, or RC3, or disposal operations D13 to D15, a copy of each confirmation of recovery or disposal that the final recovery facility or final disposal facility sent to the receiving facility for at least three years after the date that the final recovery facility or final disposal facility completed processing the waste shipment; and

(d) A copy of each contract or equivalent arrangement established in accordance with 40 CFR 262.84(f) for at least three years after the expiration date of the contract or equivalent arrangement.

(3) Importers and receiving facilities may satisfy these recordkeeping requirements by retaining electronically submitted documents in the importer's or receiving facility'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 or Ohio EPA inspector. No importer or receiving facility may be held liable for the inability to produce such documents for inspection under 40 CFR 262.84 if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with U.S. EPA's WIETS, or the successor system, for which the importer or receiving facility bears no responsibility.

(4) The periods of retention referred to in 40 CFR 262.84 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."]