



## Ohio Administrative Code Rule 3745-65-12 Required notices.

Effective: January 16, 2026

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(A) The owner or operator of a facility that is arranging or has arranged to receive hazardous waste subject to rules 3745-52-80 to 3745-52-84 of the Administrative Code from a foreign source shall submit the following required notices:

[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.]

(1) In accordance with paragraph (B) of rule 3745-52-84 of the Administrative Code, for imports where the competent authority of the country of export does not require the foreign exporter to submit a notification proposing export and obtain consent from U.S. EPA and the competent authorities for the countries of transit, such owner or operator of the facility, if acting as the importer, shall provide notification of the proposed transboundary movement in English to U.S. EPA using the allowable methods listed in paragraph (B)(1) of rule 3745-52-84 of the Administrative Code at least sixty days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics, the same united nations classification, the same EPA hazardous waste numbers and "Organization for Economic Cooperation and Development" (OECD) waste codes, and being sent from the same foreign exporter.

(2) In accordance with paragraph (D)(2)(o) of rule 3745-52-84 of the Administrative Code, a copy of the movement document bearing all required signatures within three working days after receipt of the shipment 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 shipment 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 working



days after shipment delivery using U.S. EPA's "Waste Import Export Tracking System" (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 movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original of the signed movement document shall be maintained at the facility for at least three years. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on U.S. EPA's WIETS, or the successor system, provided that copies are readily available to view and produce if requested by any U.S. EPA or Ohio EPA inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this rule if the owner or operator of a 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 owner or operator of a facility bears no responsibility.

(3) In accordance with paragraph (F)(4) of rule 3745-52-84 of the Administrative Code, if the facility has physical control of the waste and the waste is required to be sent to an alternate facility or returned to the country of export, such owner or operator of the facility shall inform U.S. EPA, using the allowable methods listed in paragraph (B)(1) of rule 3745-52-84 of the Administrative Code of the need to return or arrange alternate management of the shipment.

(4) In accordance with paragraph (G) of rule 3745-52-84 of the Administrative Code, such owner or operator shall:

(a) 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 on or after the electronic import-export reporting compliance date, to the 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 or disposal data back through the electronic exchange to the foreign exporter and the country of export.



(b) If the facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 to D15, promptly send copies of the confirmation of recovery or disposal that the facility receives from the final recovery or disposal facility within one year after shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 to R11, or RC1, 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 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. The recovery and disposal operations in this paragraph are defined in rule 3745-52-81 of the Administrative Code. 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 or disposal data back through the electronic exchange to the country of export.

(B) Before transferring ownership or operation of a facility during the facility's operating life, or of a disposal facility during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of Chapters 3745-50 and 3745-65 to 3745-69 and 3745-256 of the Administrative Code. (See also rule 3745-50-51 of the Administrative Code.)

[Comment: An owner's or operator's failure to notify the new owner or operator of the requirements of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code does not relieve the new owner or operator of the obligation to comply with all applicable requirements.]

[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."]