Hazardous Waste Import-Export Final Rule Requirements and Implementation

December 12, 2016

Agenda

- Webinar Instructions (5 minutes)
- Overview of Requirements (70 minutes)
 - Exports
 - Imports
- Health Break (10 minutes)
- Demo of EPA's Waste Import Export Tracking System (WIETS) and Central Data Exchange (CDX) (85 minutes)
- Converting to Electronic Border Process for Export Shipments (5 minutes)
- Next Steps (5 minutes)

Export Requirements for Shipments under New Regulation (i.e., w/o Current Consent)

- Exports of hazardous waste under RCRA Parts 262, 266 and 273 under new regulation w/o consent
 - OECD requirements
 - EPA ID numbers
 - Consent numbers on manifest
 - Phase in of electronic process at the border
 - Electronic submittal of export notices using CDX and WIETS
- Exports of CRTs under Part 261
 - Phase in of electronic process at the border
 - Electronic submittal of export notices using CDX and WIETS
- Export of hazardous waste samples over 25 kg

Where to Find Export Requirements

40 CFR 262.83:

- a) general export requirements
- b) notification requirements
- c) RCRA manifest instructions for export shipments
- d) international movement document requirements for export shipments
- e) the exporter's duty to return or re-export (to a third country) export shipments of waste that cannot be managed in accordance with the terms of the contract or consent and cannot be managed at an alternate facility in the country of import
- f) contract requirements
- g) annual reporting requirements
- h) exception reporting requirements
- i) recordkeeping requirements

Export Process for Exports under New Regulation (i.e., for Shipments w/o Current Consent)

• https://www.epa.gov/sites/production/files/2016-11/documents/ final 20161104 flowchart for subpart h exports.pdf

Questions?

Requirements for Export Shipments with Consent Issued Prior to 12/31/16

- Export shipments comply with requirements listed in Acknowledgement of Consent (AOC) letter plus two new requirements
 - Converting to electronic process at the border
 - Listing waste stream consent numbers on RCRA manifests

https://www.epa.gov/hwgenerators/resource-conservation-and-recovery-act-rcra-requirements-previously-consented-exports

What is Happening to Export Notices Now

- Paper export notices submitted already are being processed; most are still being reviewed by country of import
 - EPA has reached out to the countries asking them to process consent by 12/30/16 if at all possible
- EPA is no longer accepting paper export notices, as it is impossible to receive consent prior to 12/31/16
- Any paper notice that does not receive consent by 12/31/16 will have to be resubmitted electronically using WIETS with all information required in 40 CFR 262.83(b)

Questions?

Import Requirements for Shipments under New Regulation (i.e., w/o Current Consent)

- Imports of hazardous waste under Parts 262, 266 and 273 w/o consent
 - OECD requirements
 - EPA ID numbers
 - Consent numbers on manifest
- Import of hazardous waste samples over 25 kg

Where to Find Import Requirements

40 CFR 262.84:

- a) general import requirements
- b) notification requirements when country of export does not control as hazardous waste export
- c) RCRA manifest instructions for import shipments
- d) international movement document requirements for import shipments
- e) the importer's duty to return or export (to a third country) import shipments of waste that cannot be managed in accordance with the terms of the contract or consent and cannot be managed at an alternate facility in the US
- f) contract requirements
- g) Confirmation of recovery or disposal
- h) recordkeeping requirements

Import Process for Imports under New Regulation (i.e., for Shipments w/o Current Consent)

• https://www.epa.gov/sites/production/files/2016-11/documents/ final 20161104 flowchart for subpart h imports.pdf

Questions?

Requirements for Import Shipments with Consent Issued Prior to 12/31/16

- Import shipments comply with requirements in force when consent documentation sent to receiving facility plus one new requirement
 - Listing waste stream consent numbers on RCRA manifests

https://www.epa.gov/hwgenerators/resource-conservation-and-recovery-act-rcra-requirements-previously-consented-imports

What is Happening to Import Notices Now

- Import notices submitted by other countries are being processed
- Consent will be required for all import shipments of hazardous waste or hazardous waste samples over 25 kg that occur on or after 12/31/16
- Companies currently importing hazardous waste without consent (e.g., from maquiladora facilities in Mexico) should submit paper import notice to EPA listing all information required in 40 CFR 262.84(b) as soon as possible
- EPA will soon be testing electronic import notices in WIETS

Questions?

Health Break (10 minutes)

Demo of EPA's Waste Import Export Tracking System (WIETS) and Central Data Exchange (CDX)

Intro

Today we will go over:

- What are WIETS and CDX
- Different User Types for WIETS
- CDX Registration
- Using WIETS

About WIETS and CDX

WIETS is the United States Environmental Protection Agency (EPA) Waste Import/Export Tracking System responsible for managing hazardous waste notice and reporting data. EPA has extended use of WIETS by hazardous waste importers and exporters to include electronic submission and signature of hazardous waste notices and annual reports. Exporters shipping hazardous waste internationally must use WIETS to electronically submit notices, and may use WIETS to electronically submit annual reports to EPA. Importers submitting notices when the country of origin does not control the shipments as hazardous waste exports will be required to use WIETS to electronically submit notices to EPA at a future date. WIETS is not used for tracking of internal domestic shipments.

CDX is the point of entry on the Environmental Information Exchange Network (Exchange Network) for environmental data submissions to the Agency. Its use is supported by the Cross-Media Electronic Reporting Rule (CROMERR) which provides the legal framework for electronic reporting under all of EPA's environmental regulations.

Different Types of Users

- Notice Preparers Preparers are hazardous waste industry
 representatives that can enter notice and report data into WIETS but do
 not have the legal authority to sign or submit notices and reports to EPA.
 Preparers must be sponsored by a US hazardous waste industry
 representative with legal authority to sign the notices and reports and
 must assign a certifier to each notice/report for signature and submission
 to EPA.
- Notice Certifiers Certifiers are US hazardous waste industry representatives that legally sign off on the hazardous waste notice submissions. Along with being able to enter notice data, certifiers can provide electronic signatures for notices and reports and submit them to EPA.

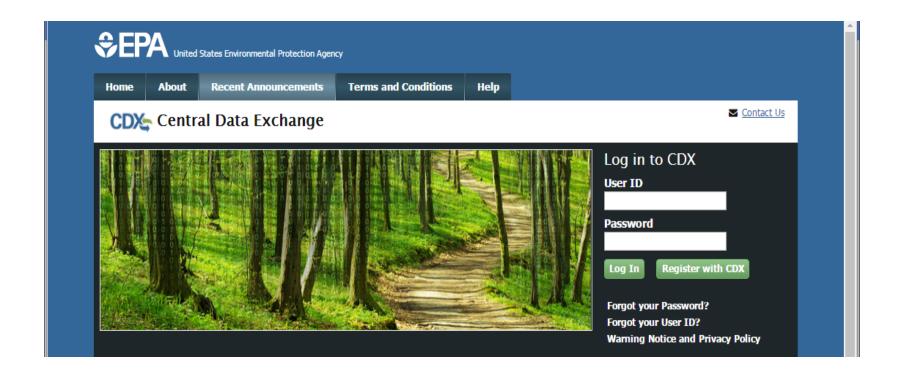
Signing Up and CDX

Steps Include:

- Creating an account in CDX
- If you are a certifier and will be signing notices and reports, getting the account identity proofed for signing
- Setting up sponsorships between other preparers/certifiers

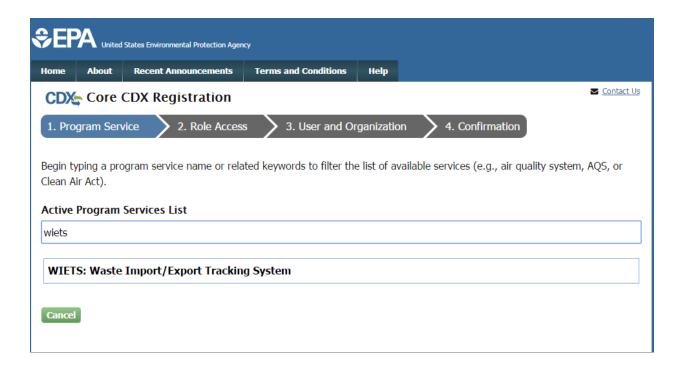
CDX Home Page

In production at https://cdx.epa.gov



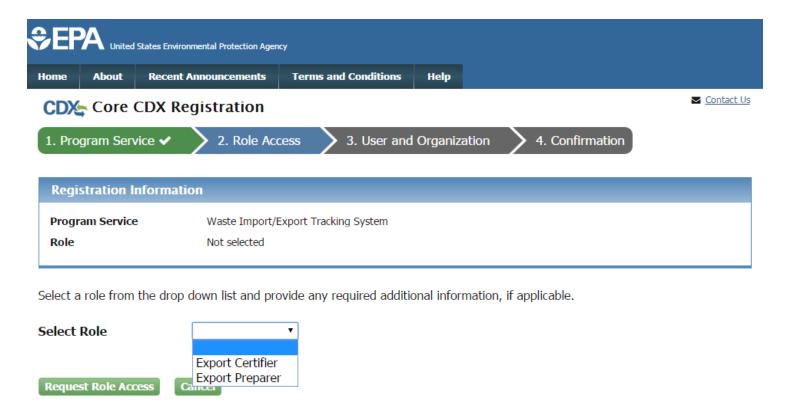
CDX Program Selection

When registering, choose "WIETS" as your program service



CDX Role Selection

If you will be signing and submitting notices to EPA, select Certifier as your role from the dropdown list. If you will be preparing notices on behalf of another signing entity, select Preparer. If you are not sure if you are a preparer or certifier, please refer to the WIETS User Roles section above.



CDX Certifiers – Identity Proofing



The program you are registering for requires additional proof of identity. Your options are to use LexisNexis®, an independent 3rd-Party electronic identity proofing service or to print and submit a signed form through U.S. Postal Mail to the U.S. Environmental Protection Agency.

Note: By clicking [Proceed to Verification] you understand the service is voluntary and that you are validating personally identifying information including the last 4 digits of SSN against a 3rd-Party service LexisNexis®, which will return evidence of validation of your personally identifying information back to the U.S. Environmental Protection Agency. The U.S. EPA will not collect or retain sensitive, personally identifying information such as your Social Security Number (SSN); however, EPA will receive evidence of identity validation which may be used to identify you for legal purposes.

You may sign the paper form if you do not want to use the automatic verification process.

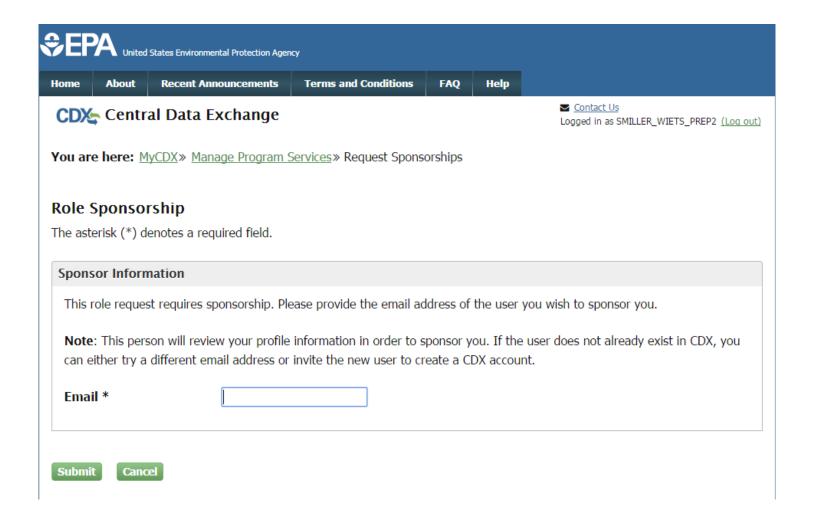
Note: You will receive a limited number of attempts to complete identity verification. Please review all personal information carefully prior to submitting. If you need to modify the personal information listed below, please contact the CDX Help Desk.

First Name: Steve Last Name: Miller

■ I have reviewed the name presented above and I would like to proceed with LexisNexis. <u>Additional LexisNexis Identity Proofing</u> Guidance

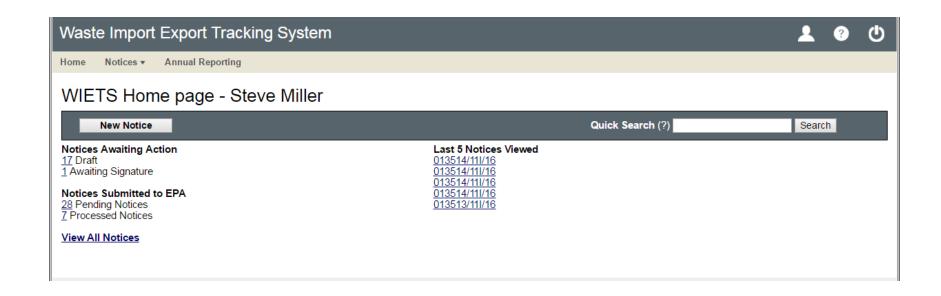
Proceed to Verification Cancel

CDX Preparers – Email a Certifier



Questions?

WIETS Home Page



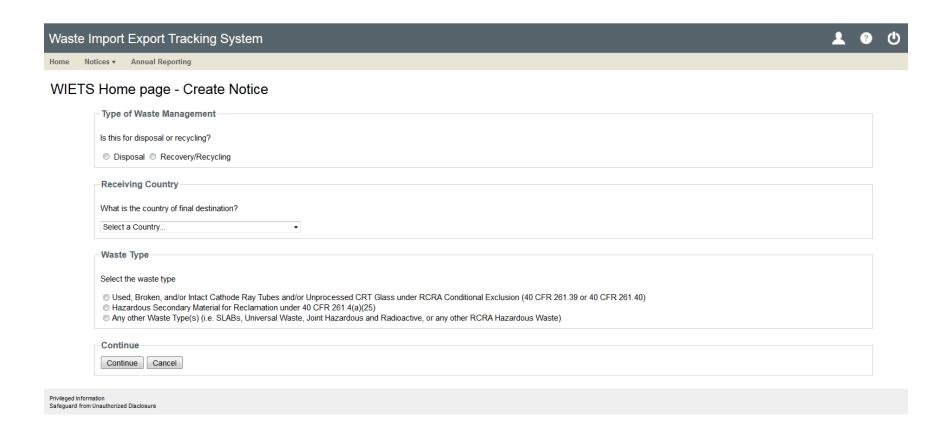
WIETS Notice Listings

02/23/2016								
02/20/2010	013445/1E/16-/	A2 Export	Canada			Dra	ft <u>View</u> <u>Review fo</u> <u>Dele</u>	
02/23/2016	013443/1E/16-	A5 Export	Canada			Dra	ft <u>View</u> <u>Review fo</u> <u>Dele</u>	
02/23/2016	013445/1E/16-	A3 Export	Canada			Dra	ft <u>View</u> <u>Review fo</u> <u>Dele</u>	or Signature te
04/15/2016	013443/1E/16-	A6 Export	Canada			Dra	ft <u>View</u> <u>Review for Dele</u>	
Showing 1 to 10	of 17 entries vaiting Signati	ıre					Previous 1	2 Next
thow 10 ▼ e							Search:	
Create Date	▼ Notice Number	♦ Notio		ry Waste Generator ((Shipping Site) $\protect\$	Waste Material Type 🍦	Status	Action
11/23/2016	013509/111/	<u>16</u> Impo	rt Mexico			Cathode Ray Tubes		Duplicate Sigr
				C.V.		(CRTs)	Signature	
howing 1 to 1	of 1 entries			C.v.		(CRTs)	Signature Previous	1 Next
J				C.V.		(CRTs)		1 Next
ending No	otices			C.V.		(CRTs)		1 Next
ending No	otices	Notice Type	Country			terial 🛦	Previous	1 Next
Pending Notation	otices entries Notice		Country	Waste Generator	▲ Waste Ma	terial Potice Sent to	Previous Search:	
Date © 02/23/2016	ntries Notice Number 013443/1E/16-	Type [▼]		Waste Generator	▲ Waste Ma	Notice Sent to Foreign Notice Sent to	Previous Search: Status Foreign Govt: Pending	

WIETS Notice Lifecycle

- Draft: While notice data is being entered into WIETS, the notice is in Draft status. Both
 preparers and certifiers can edit these notices. When all notice data is completed,
 preparers can assign a certifier to the notice for signature, and certifiers can continue to
 sign and submit the notice to EPA.
- Awaiting Signature: These notices have been assigned a certifier and are awaiting review and signature for submission to EPA. Notices in this status are still editable. Once the notice is signed and submitted to EPA, the notice becomes read-only.
- Pending: These notices have been signed and submitted to EPA, but no determination (consent or objection) has been made on the notices. These notices are read-only in WIETS.
- Processed: These notices have been signed and submitted to EPA and a determination (consent or objection) has been made on the notice. These notices are read-only in WIETS.

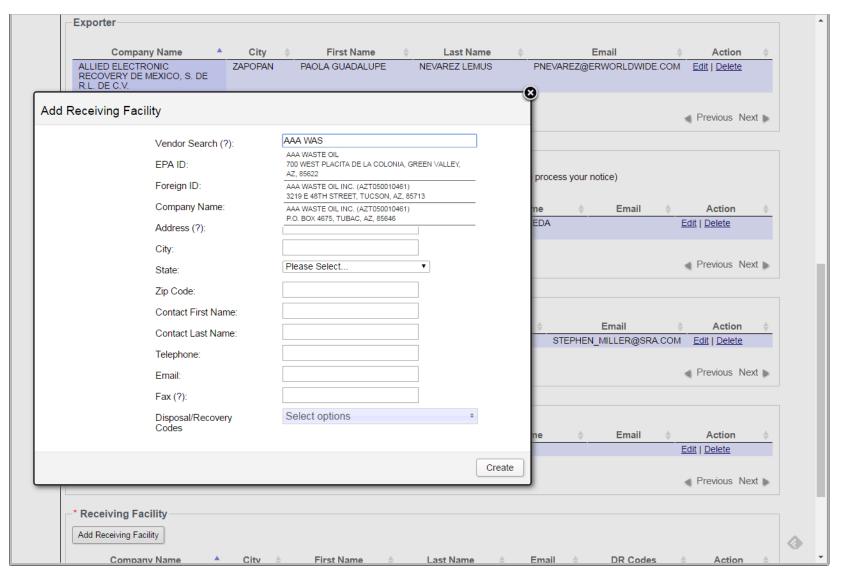
WIETS Notice Creation



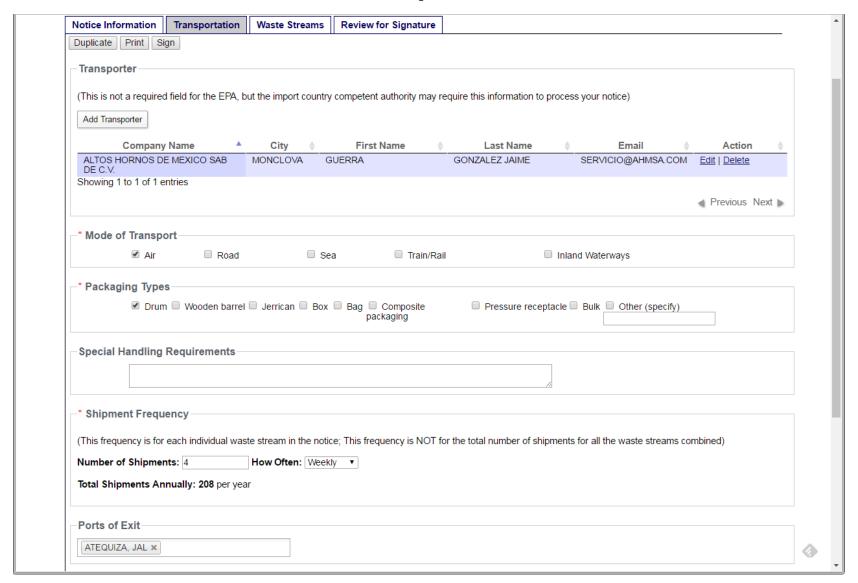
WIETS Notice Info Tab

Notice Information Transp	ortation Waste Streams	Review for Signature			
Duplicate Print Sign					
Notice Received					
Notice Received: 11/23/20	16				
EPA Notice Number: 013509 Initial Foreign Notice Applic					
(This is not a required field for		ry competent authority may req	uire this information to process	your notice)	
─* Requested Period of Tin	ne for Shipments (reques	sted by Exporter)			
First Departure: 09/01/201		Act by Exportory			
Last Departure: 11/22/2016	September, 2016	X			
	wk Sun Mon Tue Wed Thu	u Fri Sat			
Type of Waste Manageme	ent 35 4 5 6 7 8	8 9 10 5 16 17			
Recovery/Recycling	37 18 19 20 21 23 38 25 26 27 28 29				
	Select date				
Technology Employed					
Reason for Export					
Exporting Country					
Mexico					
Exporter					
Company Name	▲ City	First Name	Last Name	Email ϕ	Action
ALLIED ELECTRONIC	ZAPOPAN PAO	LA GUADALUPE NEVA	REZ LEMUS PNEVAR	REZ@ERWORLDWIDE.COM	Edit I Delete

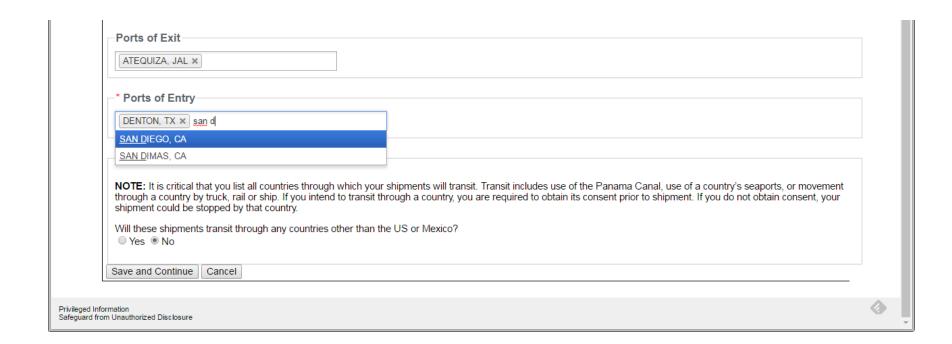
WIETS Contacts



WIETS Transportation Tab



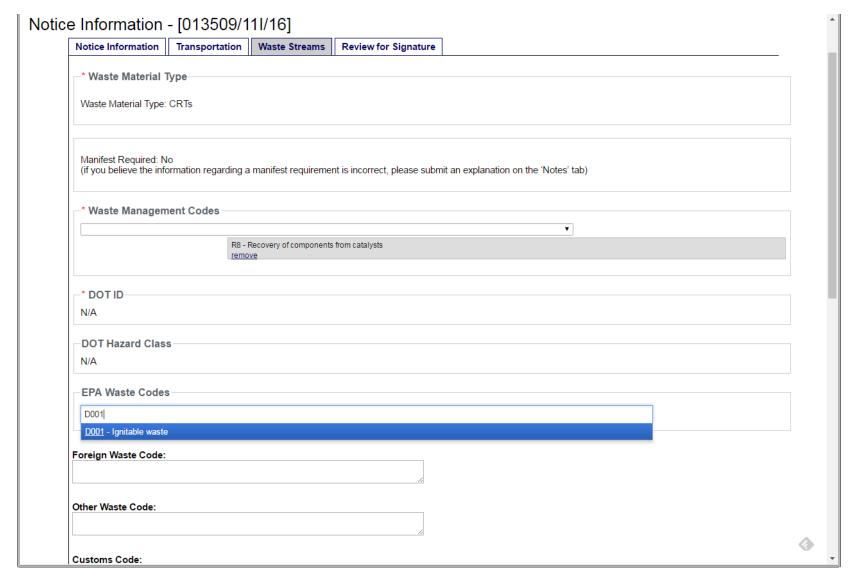
WIETS Ports



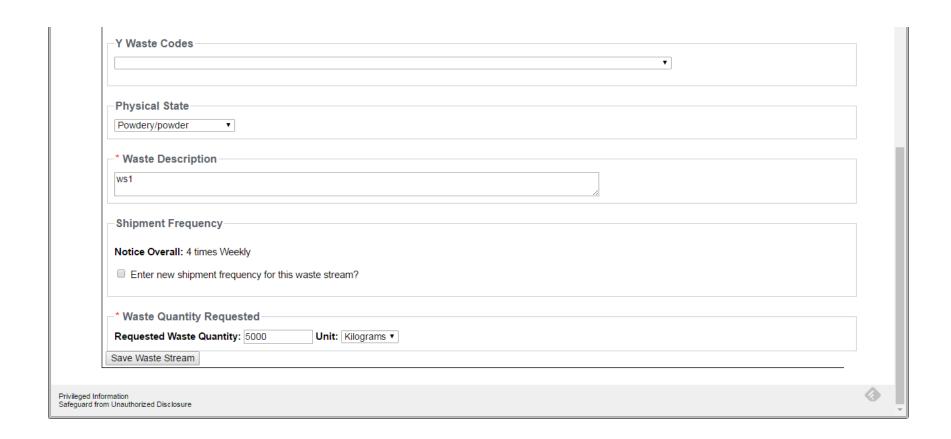
WIETS Waste Streams



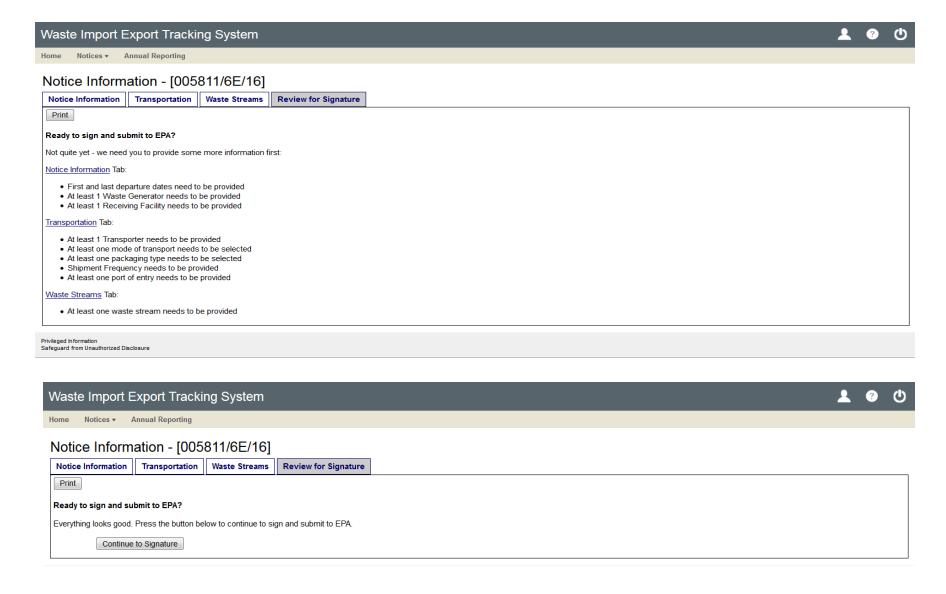
WIETS Waste Streams



WIETS Waste Streams

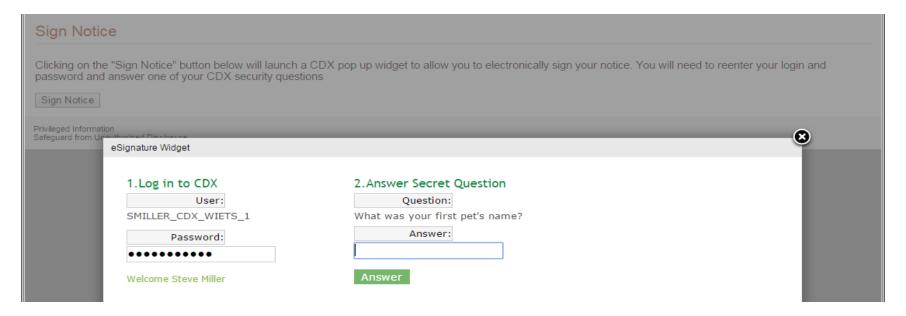


WIETS Review



WIETS Signature





WIETS Amendments

Processed Notices

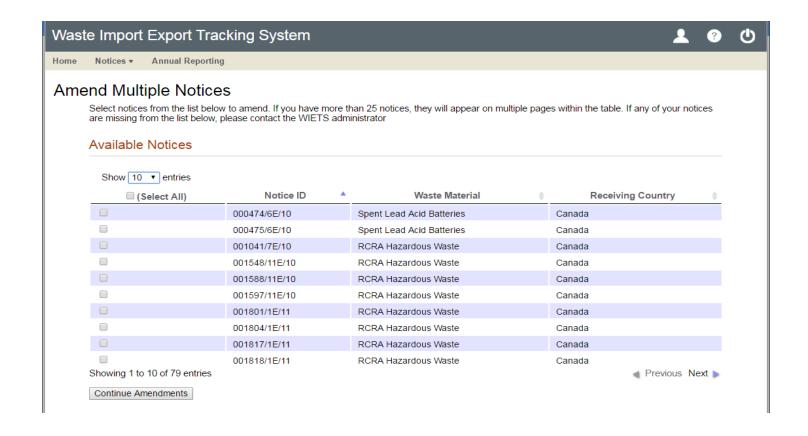
ow 10 ▼ entries Search:						
Create Date	Notice Number	Country \$	Waste Generator (Shipping Site)	Waste Material Type	Status	Action
02/17/2016	013473/2E/16	Canada	LEE COMPANY	Universal Waste	Foreign Determination Received: Pending EPA HQ Final Review	<u>Duplicate</u> <u>Amend</u>
02/12/2016	013468/2E/16	Canada	LEE COMPANY	Spent Lead Acid Batteries	Foreign Determination Received: Pending EPA HQ Final Review	<u>Duplicate</u> Amend
01/18/2016	013452/1E/16	Mexico	BATTERY RESEARCH AND TESTING INC.	Universal Waste	Foreign Determination Received: Pending EPA HQ Final Review	Duplicate Amend

Users can amend the following notice data:

- Transporters
- Ports of Exit and Entry
- Shipment Frequency
- Waste Stream EPA Codes
- Waste Stream DOT IDs and Hazard Classes
- Waste Stream Requested Quantity
- Waste Stream Shipment Frequency

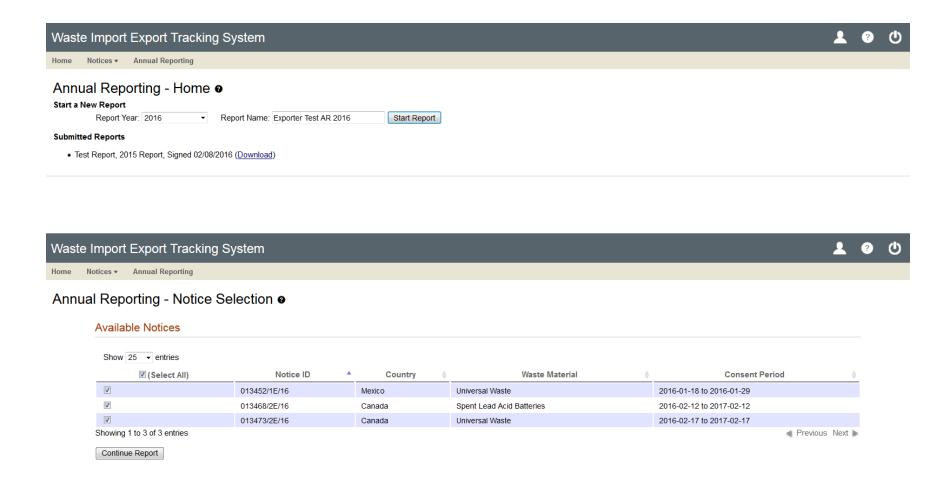
WIETS Amendments

Only Ports of Entry/Exit and Transporters can be amended through the Amend Multiple Notices interface.

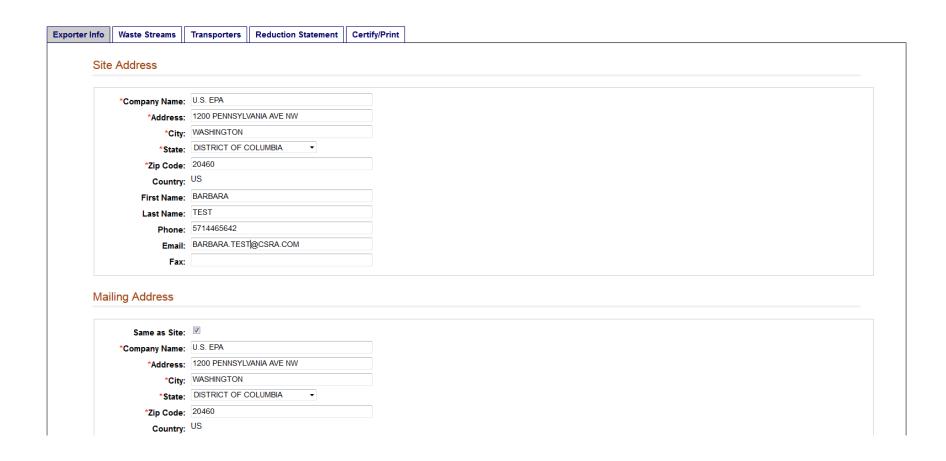


Questions?

WIETS Annual Reporting



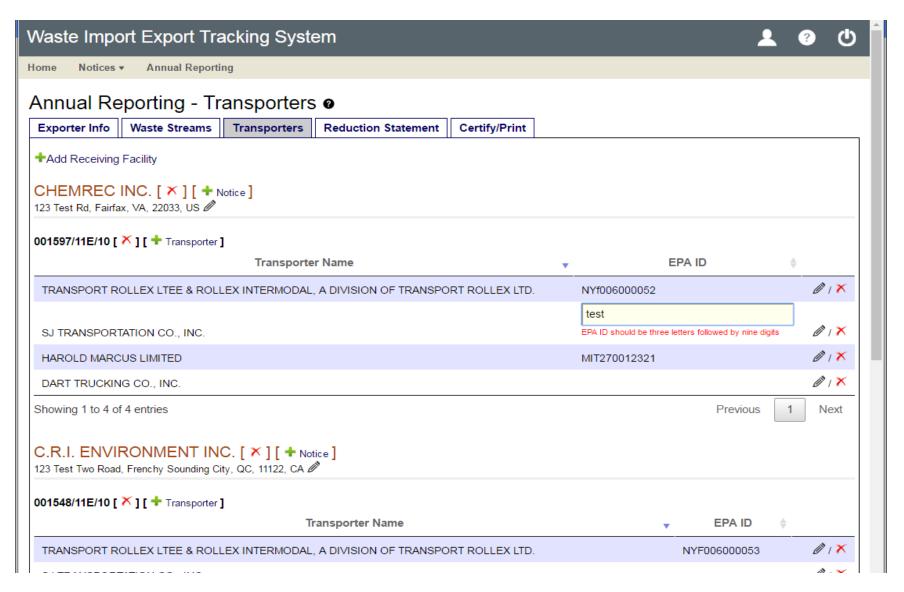
WIETS Report Contacts



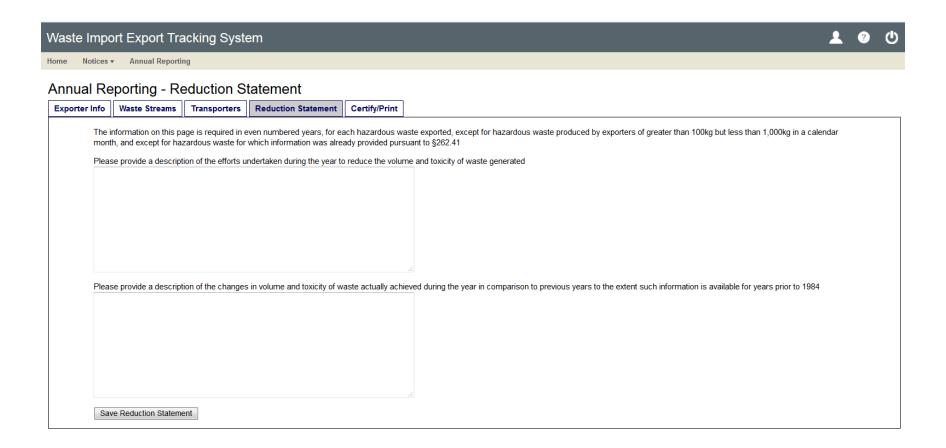
WIETS Report Waste Streams



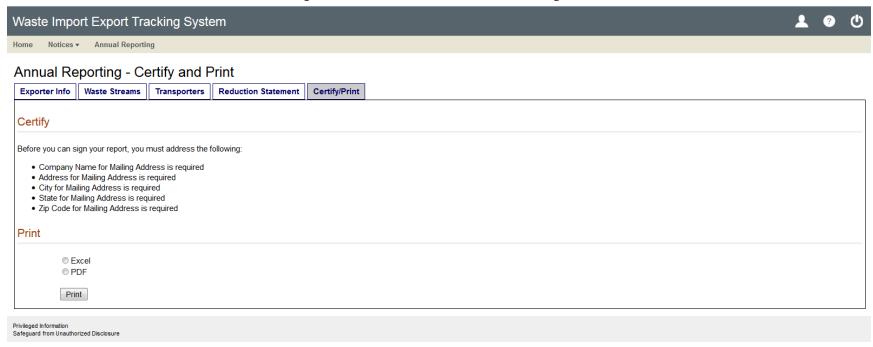
WIETS Report Transporters



WIETS Report Waste Reduction



WIETS Report Certify and Print





Questions?

Converting to Electronic Border Process for Export Shipments

- Automated Export System (AES) run by U.S. Customs and Border Protection
- Successful validations of consent along U.S.-Mexico border in 2015 and 2016
- More information at https://www.cbp.gov/trade/aes
- January 18, 2017 webinar on AES filing of consent data for exporters and their authorized Electronic Export Information filers

Next Steps

Need for Additional 2017 Webinars?

• For Exporters?	For Importers?
• For Transporters?	For Receiving Facilities?
For SLAB imports and exports?	For universal waste imports and exports?

- Where to find more information and register for future webinars
- Feedback on this webinar

More Questions?

- Check the Frequent Questions list at <u>https://www.epa.gov/hwgenerators/frequent-questions-about-hazardous-waste-imports-and-exports</u> to see if your question has been addressed
- Email questions regarding the new regulations to Laura Coughlan at coughlan.laura@epa.gov
- Email questions or comments about WIETS or CDX roles to the following administrators:
 - Jana Tatum <u>Tatum.Jana@epa.gov</u> (Notice Officer)
 - Stephen Miller <u>Stephen.miller@csra.com</u> (Technical Administrator)

Additional Rule Resources

- Federal Register publication of final rule on November 28, 2016 at https://www.federalregister.gov/documents/2016/11/28/2016-27428/hazardous-waste-export-import-revisions
- Information concerning the final rule at https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-export-import-revisions
- Overview of the new import and export requirements at https://www.epa.gov/hwgenerators/basic-information-resource-conservation-and-recovery-act-rcra-export-and-import
- Two Frequently Asked Questions (FAQs) sections:
 - https://www.epa.gov/hwgenerators/frequent-questions-about-hazardous-waste-export-importrevisions-final-rule
 - https://www.epa.gov/hwgenerators/frequent-questions-about-hazardous-waste-imports-andexports