

| Major regulatory provisions in final rule | Compliance date for new or renewing shipments requiring consent on or after December 31, 2016 | Compliance date for existing shipments with Canada, Mexico, Chile, or any non-OECD country occurring under consent issued by EPA prior to December 31, 2016 | Compliance date for existing shipments with OECD country other than Canada, Mexico or Chile occurring under consent issued by EPA prior to December 31, 2016 |
|---|---|---|--|
|---|---|---|--|

For Exports of Hazardous Waste Managed under Part 262, Part 266 or Part 273:

| | | | |
|--|--|---|---|
| Recognized traders must obtain EPA ID number prior to arranging for export (262.12(d)). | 12/31/2016 | Recognized trader may continue managing shipments occurring under consent issued prior to 12/31/16 until consent period ends without EPA ID number, but may not arrange renewal or new exports without EPA ID number. | Recognized trader may continue managing shipments occurring under consent issued prior to 12/31/16 until consent period ends without EPA ID number, but may not arrange renewal or new exports without EPA ID number. |
| Exporters must establish/amend contracts or equivalent arrangements to include items listed in 262.83(f). | 12/31/2016 | When consent period ends; if requesting renewal of existing shipments, should establish/amend contract during existing period of consent so in place prior to submitting export notice for renewal. | When consent period ends; if requesting renewal of existing shipments, should establish/amend contract during existing period of consent so in place prior to submitting export notice for renewal. |
| Exporters must submit export notice or renotification with all required OECD items electronically into EPA's WIETS (262.83(b)). | 12/31/2016 | N/A; submittal of notice only required for new or renewing export shipments. | N/A; submittal of notice only required for new or renewing export shipments. |
| Until future AES filing compliance date EPA will establish in a separate FR notice, exporters must either file in AES for every shipment to validate consent and provide manifest tracking number as appropriate, or must ensure paper proof of consent accompanies shipment (<i>i.e.</i> , AOC or international movement document) and paper manifest is given by transporter to U.S. customs official at point of departure; after that date, exporters must file in AES for every shipment (262.83(a)(6)). | 12/31/2016; either AES filing or paper process at port required for each shipment until future AES filing compliance date; AES filing required thereafter. | Same | Same. |
| Exporters must prepare and provide RCRA manifest for every shipment, listing waste stream consent numbers matched to each listed waste (262.83(c)). | 12/31/2016 | 12/31/2016 | 12/31/2016. |
| Exporters must prepare and provide international movement document for every shipment (262.83(d)). | 12/31/2016 | when consent period ends | required per previous Part 262 Subpart H. |
| Last U.S. transporter must sign and date manifest at port for every shipment, keep copy for records and send back copy to generator; prior to future AES filing compliance date must give copy of paper manifest to U.S. customs official at point of departure if instructed to do so by exporter per 262.83(a)(6)(i)(B)(2) (263.20(g)(4)(ii)). | 12/31/2016 | required per previous Part 262 Subpart E. | required per previous Part 262 Subpart H. |

| Major regulatory provisions in final rule | Compliance date for new or renewing shipments requiring consent on or after December 31, 2016 | Compliance date for existing shipments with Canada, Mexico, Chile, or any non-OECD country occurring under consent issued by EPA prior to December 31, 2016 | Compliance date for existing shipments with OECD country other than Canada, Mexico or Chile occurring under consent issued by EPA prior to December 31, 2016 |
|--|---|---|--|
| <p>Foreign facilities must (per contract terms) send confirmation of receipt using international movement document to U.S. exporter, country of import and any countries of transit that control the shipments as hazardous, and for shipments occurring on or after future electronic import-export reporting compliance date, to EPA electronically into EPA's WIETS using international movement document within 3 days of shipment delivery (262.83(d)(2)(xv) and 262.83(f)(4)).</p> | <p>12/31/2016; no paper submittal to EPA; electronic submittal to EPA required to be in contract for shipments occurring on or after future electronic import-export reporting compliance date.</p> | <p>when consent period ends; confirmation of receipt required per previous Part 262 Subpart E.</p> | <p>Confirmation of receipt using movement document required per previous Part 262 Subpart H.</p> |
| <p>When shipment must be managed at alternate facility in the country of import or another country, or returned to the U.S., the exporter must ensure such arrangements. If the waste must be returned, the exporter must provide for the return of the hazardous waste shipment within ninety 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 countries agree (262.83(e)).</p> | <p>12/31/2016</p> | <p>when consent period ends</p> | <p>required per previous Part 262 Subpart H.</p> |
| <p>Exporter must submit exception report to EPA within 30 days (or 1 day prior to return shipment start) if the exporter does not get copy of manifest noting actual departure within 45 days of shipment pickup, or if the exporter does not get confirmation of receipt within 90 days of initial shipment pickup, or if the foreign facility notifies the exporter of the need to return shipment to U.S. or arrange alternate management (262.83(h)).</p> | <p>12/31/16; paper submittal to EPA required until future electronic import-export reporting compliance date; electronic submittal to EPA required thereafter.</p> | <p>paper submittal required per previous Part 262 Subpart E.</p> | <p>paper submittal required per previous Part 262 Subpart H.</p> |
| <p>Foreign facilities must (per contract terms) send confirmation of recovery or disposal no later than 30 days of completing management of shipment and no later than one year after shipment delivery to exporter, country of import if it controls the shipment as hazardous waste, and for shipments occurring on or after future electronic import-export reporting compliance date, to EPA using EPA's WIETS (262.83(f)(5)).</p> | <p>12/31/2016; no paper submittal to EPA; electronic submittal to EPA using EPA's WIETS required to be in contract for shipments on or after future compliance date for electronic filing.</p> | <p>when consent period ends</p> | <p>paper submittal required per previous Part 262 Subpart H.</p> |

| Major regulatory provisions in final rule | Compliance date for new or renewing shipments requiring consent on or after December 31, 2016 | Compliance date for existing shipments with Canada, Mexico, Chile, or any non-OECD country occurring under consent issued by EPA prior to December 31, 2016 | Compliance date for existing shipments with OECD country other than Canada, Mexico or Chile occurring under consent issued by EPA prior to December 31, 2016 |
|--|---|---|--|
| Foreign facilities that performed interim recovery or disposal operations must (per contract terms) promptly send confirmation of final recovery or disposal that it receives from final recovery or disposal facility no later than after final facility receives shipment to exporter, country of import if it controls the shipment as hazardous waste, and for shipments occurring on or after future electronic import-export reporting compliance date, to EPA using EPA's WIETS (262.83(f)(6)). | 12/31/2016; no paper submittal to EPA; electronic submittal to EPA using EPA's WIETS required to be in contract for shipments on or after future electronic import-export reporting compliance date. | when consent period ends | paper submittal required per previous Part 262 Subpart H. |
| Exporters must submit export annual report with all OECD items to EPA by March 1 detailing actual shipments made the previous calendar year (262.83(g)). | 12/31/2016; until one year after AES filing compliance date, exporter must either submit paper report to EPA or submit electronically to EPA using EPA's WIETS if exporter has filed in AES for all shipments made the previous calendar year; electronic submittal to EPA using EPA's WIETS required thereafter. | paper submittal required per previous Part 262 Subpart E (with the exception of OECD-only items). | paper submittal required per previous Part 262 Subpart H. |
| Exporters must keep each record for 3 years, may keep electronically submitted documents in EPA's WIETS, providing documents are made available to EPA or authorized State inspector upon request (262.83(i)). | 12/31/2016 | 12/31/16; recordkeeping of paper records required under previous Part 262 Subpart E. | 12/31/16; recordkeeping of paper records required under previous Part 262 Subpart H. |

For Exports of Excluded Cathode Ray Tubes for recovery:

| | | | |
|---|---|--|--|
| Exporters must submit export notice or renotification electronically using EPA's WIETS (261.39(a)(5)(ii), 261.39(a)(5)(vi)). | 12/31/2016 | N/A; submittal of notice only required for new or renewing export shipments. | N/A; submittal of notice only required for new or renewing export shipments. |
| Exporters must file in AES for every shipment to validate consent on or after a future AES filing compliance date (261.39(a)(5)(v)). | Optional to file in AES from 12/31/2016 until future AES filing compliance date; required to file in AES thereafter. | same | same. |
| Exporters must submit export annual reports to EPA (261.39(a)(5)(xi)). | 12/31/2016; paper submittal to EPA prior to one year after future AES filing compliance date; electronic submittal to EPA using EPA's WIETS thereafter. | same | same. |
| Exporters must keep each record for 3 years, may keep electronically submitted documents in EPA's WIETS, providing documents are made available to EPA or authorized State inspector upon request (261.39(a)(5)(ix), 261.39(a)(5)(xi)). | 12/31/2016 | 12/31/16; recordkeeping of paper records required previously. | 12/31/16; recordkeeping of paper records required previously. |

| Major regulatory provisions in final rule | Compliance date for new or renewing shipments requiring consent on or after December 31, 2016 | Compliance date for existing shipments with Canada, Mexico, Chile, or any non-OECD country occurring under consent issued by EPA prior to December 31, 2016 | Compliance date for existing shipments with OECD country other than Canada, Mexico or Chile occurring under consent issued by EPA prior to December 31, 2016 |
|---|---|---|--|
|---|---|---|--|

For Exports or Imports of Excluded Samples for Characterization or Treatability Studies:

| | | | |
|---|--|--|--|
| Mass of excluded sample to be exported to a foreign lab or imported to a U.S. lab must be no more than 25 kg and comply with all other conditions of sample exclusions (262.82(d), 261.4(d), 261.4(e)). | 12/31/2016; samples exceeding 25 kg must follow export or import requirements in Part 262 Subpart H. | 12/31/2016; samples exceeding 25 kg must follow export or import requirements in Part 262 Subpart H. | 12/31/2016; samples exceeding 25 kg must follow export or import requirements in Part 262 Subpart H. |
|---|--|--|--|

For Imports of Hazardous Waste Managed under Part 262, Part 266 or Part 273:

| | | | |
|--|--|---|---|
| Recognized traders must obtain EPA ID number prior to arranging for import (262.12(d)). | 12/31/2016 | Recognized trader may continue managing shipments occurring under consent issued prior to 12/31/16 until consent period ends without EPA ID number, but may not arrange renewal or new imports without EPA ID number. | Recognized trader may continue managing shipments occurring under consent issued prior to 12/31/16 until consent period ends without EPA ID number, but may not arrange renewal or new imports without EPA ID number. |
| Importers must establish/amend contracts or equivalent arrangements to include items listed in 262.84(f). | 12/31/2016 | When consent period for consent issued to foreign exporter or importer ends; if requesting renewal of existing shipments, should establish/amend contract during existing period of consent so in place prior to foreign exporter submitting notice to country of export for renewal. | When consent period for consent issued to foreign exporter or importer ends; if requesting renewal of existing shipments, should establish/amend contract during existing period of consent so in place prior to foreign exporter submitting notice to country of export for renewal. |
| When country of export does not control as hazardous waste export, importers must submit import notice or renotification with all required OECD items to EPA (262.84(b), 264.12(a)(1), 265.12(a)(1)). | 12/31/16; paper submittal to EPA required prior to future electronic import-export reporting compliance date; electronic submittal to EPA using EPA's WIETS required thereafter. | N/A; submittal of notice only required for new or renewing import shipments. | N/A; submittal of notice only required for new or renewing import shipments. Paper submittal required when country of export does not control as hazardous waste export per previous Part 262 Subpart H. |
| Importers must prepare and provide RCRA manifest for every shipment (262.84(c)). | 12/31/2016 | 12/31/2016; required under previous Part 262 Subpart F. | 12/31/16; required under previous Part 262 Subpart H. |
| Receiving facilities must send confirmation of receipt using international movement document within 3 days of shipment delivery to foreign exporter, to countries of export and transit that control it as hazardous waste export or transit respectively, and for shipments occurring after the future electronic import-export reporting compliance date, to EPA electronically using EPA's WIETS (262.84(d)(2)(xv), 264.12(a)(2), 265.12(a)(2), 267.71(d)). | 12/31/2016; no paper submittal to EPA; electronic submittal to EPA using EPA's WIETS required for shipments on or after future electronic import-export reporting compliance date. | when consent period ends | when consent period ends; paper submittal required per previous Part 262 Subpart H. |
| Receiving facilities must add waste consent numbers matched to each waste listed in RCRA manifest and send copy of signed manifest to EPA's International Compliance Assurance Division within 30 days of shipment delivery until such time the facility can send the paper manifest to the e-Manifest system (264.71(a)(3), 265.71(a)(3), 267.71(a)(3)). | 12/31/2016 | 12/31/2016; replaces requirement to submit paper manifest with copy of import consent documentation in previous Part 264/265/267. | 12/31/2016; replaces requirement to submit paper manifest with copy of import consent documentation in previous Part 264/265/267. |

| Major regulatory provisions in final rule | Compliance date for new or renewing shipments requiring consent on or after December 31, 2016 | Compliance date for existing shipments with Canada, Mexico, Chile, or any non-OECD country occurring under consent issued by EPA prior to December 31, 2016 | Compliance date for existing shipments with OECD country other than Canada, Mexico or Chile occurring under consent issued by EPA prior to December 31, 2016 |
|--|--|---|--|
| Receiving facilities must inform importer, foreign exporter, and EPA of need to arrange alternate management for shipment or to return shipment to country of export (262.84(f)(4)(i), 264.12(a)(3), 265.12(a)(3)). | 12/31/16; paper submittal to EPA required prior to future electronic import-export reporting compliance date; electronic submittal to EPA using EPA's WIETS required thereafter. | when consent period ends | when consent period ends; paper submittal required per previous Part 262 Subpart H. |
| Receiving facilities must send confirmation of recovery/disposal no later than 30 days of completing management of shipment and no later than one year after shipment delivery to foreign exporter, to country of export if the country of export controls it as hazardous waste export, and on or after future electronic import-export reporting compliance date, to EPA electronically using EPA's WIETS (262.84(g), 264.12(a)(4)(i), 265.12(a)(4)(i)). | 12/31/2016; no paper submittal to EPA prior to future electronic import-export reporting compliance date; electronic submittal to EPA using EPA's WIETS thereafter. | when consent period ends | when consent period ends; paper submittal required per previous Part 262 Subpart H. |
| Receiving facilities that performed interim recovery or disposal operations must promptly send confirmation of final recovery/disposal that it receives from final recovery/disposal facility no later than after final facility receives shipment to foreign exporter, to the country of export if the country controls it as a hazardous waste export, and on or after future electronic import-export reporting compliance date, to EPA using EPA's WIETS (262.84(f)(6), 264.12(a)(4)(ii), 265.12(a)(4)(ii)). | 12/31/2016; no paper submittal to EPA prior to future electronic import-export reporting compliance date; electronic submittal to EPA using EPA's WIETS thereafter. | when consent period ends | when consent period ends; paper submittal required per previous Part 262 Subpart H. |

III. Detailed Discussion of the Final Rule

A. Consolidation of Hazardous Waste Import and Export Requirements Consistent With Current OECD Procedures

As discussed in the previous section, existing export or import shipments occurring under the terms of a consent issued prior to the effective date of this action are not required to comply with the OECD-based requirements in the newly expanded and reorganized Part 262 subpart H, and instead must continue to comply with the terms of the consent and the requirements that applied at the time the consent was issued until the consent expires. Prior to the expiration of the consent period, any exporter wishing to submit an export notice requesting new consent or a renewal of a previous consent must register in EPA's CDX, obtain an EPA ID number if he or she is a recognized trader that does not already have one,

and establish or amend a contract or equivalent arrangement between all parties to require all the OECD-based requirements prior to submitting the export notice electronically. Any importer must similarly register in EPA's CDX, obtain an EPA ID number if he or she is a recognized trader that does not already have one, and establish or amend a contract or equivalent arrangement between all parties to require all the OECD-based requirements prior to the expiration of the consent issued to the foreign exporter. Lastly, receiving facilities that do not also act as an exporter or as an importer must register in EPA's CDX prior to the electronic import-export reporting compliance date in order to electronically submit to EPA import confirmations of receipt, import confirmations of recovery or disposal, and receiving facility notifications of the need to arrange alternate management or the return of an individual import shipment.

Assuming the exporter obtains consent to export on or after the effective date of this action, the exporter must prepare and provide an international movement document containing all the items listed in § 262.83(d) for each export shipment, require that the movement document accompanies each shipment all the way from the shipment starting point in the U.S. to the receiving facility in the country of import, and that all required signatures are obtained. If the shipment starting point is different from the exporter's address, the movement document must list both the exporter's and the shipment origination information (e.g., facility name, address, contact name and phone number, fax number and email address). The exporter must require the foreign receiving facility per contract terms to use the movement document to confirm acceptance of the waste shipment, or to document partial or total rejection of the waste shipment. Exporters may use the