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2. Accumulation Time for Hazardous Waste Importers

A U.S. hazardous waste broker wishes to import hazardous waste by truck from Mexico into the United States. Assuming the shipment passes U.S. Customs, the broker wishes to accumulate the hazardous waste at a warehouse near the border for 45 days in order to consolidate several shipments before transporting the hazardous waste to a designated TSDF. According to 40 CFR §262.60, an importer of hazardous waste must comply with the generator requirements of 40 CFR Part 262. Section 262.20 also requires the importer to comply with certain manifesting requirements specific to imports (§262.60(b)). Once the waste is imported into the United States, can the importer accumulate hazardous waste (per §262.34) at or near the point of entry to the United States (e.g., in a warehouse) for 90 days or less without a permit or interim status prior to shipping it to the designated TSDF?

Although it is correct that importers must comply with Part 262, Standards Applicable to Generators, including the special requirements of Part 262, Subpart F, importers cannot accumulate hazardous waste under §262.34. Ninety-day accumulation under §262.34 applies only to generator accumulation on-site, and is not applicable to this situation. Sections 262.20 and 262.60 require the importer to prepare a hazardous waste manifest for the waste shipment, using the importer's name and the name of the foreign generator in the generator box. At the time the manifest is initiated (at the point of entry into the United States) the waste shipment is already in transportation, and the manifested hazardous waste must proceed to the facility designated on the manifest to accept the hazardous waste. Under §263.12, the hazardous waste may be stored during the normal course of transportation to the designated facility at a transfer facility for 10 days or less, provided that the hazardous waste is packaged in accordance with DOT packaging regulations.