



UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY  
WASHINGTON, D.C. 20460

March 1, 2016

Re: Reporting hazardous waste import shipments

Dear Sir or Madam:

EPA is sending you this letter because you: (a) have previously reported hazardous waste import shipments as either a RCRA permitted treatment, storage and disposal facility (TSDF) or large quantity generator (LQG) for the 2011 or 2013 biennial report (BR); or (b) were identified as the receiving facility or importer for hazardous waste import shipments approved to enter the United States in 2015. As described below, the Environmental Protection Agency's (EPA) Office of Inspector General (OIG) reported that a substantial number of TSDFs and LQGs were not reporting hazardous waste imports correctly in their BR submissions. Therefore, in an effort to improve compliance with BR requirements, EPA is taking this opportunity to explain the applicable reporting requirements to all TSDFs and LQGs regarding their hazardous waste import shipments.

#### Background

On July 6, 2015, the Environmental Protection Agency's Office of Inspector General (OIG) issued a report titled "EPA Does Not Effectively Control or Monitor Imports of Hazardous Waste," available online at [http://www.epa.gov/sites/production/files/2015-09/documents/oigreportonhwimports015\\_0.pdf](http://www.epa.gov/sites/production/files/2015-09/documents/oigreportonhwimports015_0.pdf). The report noted that, based on compiled BR data, U.S. TSDFs reported receiving 90,000 tons of hazardous waste import shipments in 2011, while LQGs reported importing 3,000 tons of foreign generated hazardous waste shipments in 2011. Additionally, the report stated that 23 TSDFs submitted manifests to EPA's International Compliance Assurance Division for hazardous waste import shipments received in 2011 that the OIG could not match to the facilities' biennial reporting on hazardous waste import shipments received in 2011. Conversely, the OIG noted that 35 TSDFs submitted biennial reports on hazardous waste import shipments received in 2011 that the OIG could not match to manifests

submitted to EPA's International Compliance Assurance Division for hazardous waste import shipments received in 2011.

## RCRA Regulatory Requirements

Under the federal requirements in 40 CFR §§ 264.71(a)(3) and 265.71(a)(3) (or equivalent authorized state requirements), owners and operators of hazardous waste TSDFs receiving hazardous waste from a foreign source must submit a copy of documentation confirming EPA's consent to the import of the hazardous waste at the same time they submit a copy of the RCRA hazardous waste manifest, i.e., within thirty (30) days of each import shipment's delivery. Similarly, under the federal requirements in 40 CFR §§ 264.75 and 265.75 for TSDFs and/or the 40 CFR § 262.41 for importers complying with generator requirements (or equivalent authorized state requirements), TSDFs and importers that are large quantity generators must report on imported hazardous waste as part of their BR submittals to their respective State Agencies or regional EPA offices (if the State Agency is not authorized to implement the BR program). As a reminder, BR submittals are due by March 1 of each even numbered year.

When calculating the total quantity of hazardous waste generated in a month, importers should add the quantity of hazardous waste imported during the calendar month to any hazardous waste generated at the importer's physical site during that calendar month. Under the RCRA regulations the date an import of hazardous waste enters the county is considered the date the waste is "generated". All hazardous waste import shipments listing the importer's EPA ID number in Item 1 on the RCRA hazardous waste manifest should be included as part of the total monthly quantity, regardless of the port of entry or border crossing used.

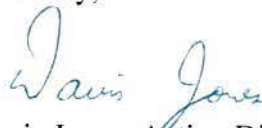
If you are the owner or operator of a TSDF receiving hazardous waste import shipments, you must report such hazardous waste import shipments using the "waste received from off-site (WR)" form, as appropriate. *If your facility was also acting as the importer of record, you assumed generator requirements for those import shipments and must also report the import shipments as generated hazardous wastes from a foreign source using the "waste generation and management (GM)" form if your facility's total monthly quantity met the large quantity generator threshold for any month during the reporting year.* An EPA-acceptable alternative for you to meet your generator biennial reporting requirement for those import shipments would be for you to add a statement to the comment field of your WR form for those import shipments noting that your TSDF was the importer of record for the listed import shipment(s). Please check with your authorized State Agency on how best to meet your generator biennial reporting requirements.

If your facility was not acting as the importer, EPA strongly encourages you to remind the importer to comply with the biennial reporting requirements in 40 CFR § 262.41 (or

equivalent authorized state requirements). All parties acting as the importer could be held jointly and severally liable for compliance with the generator requirements of Part 262<sup>1</sup>.

If you have any questions regarding import requirements, please contact Laura Coughlan by telephone at 703-308-0005, or by email at [coughlan.laura@epa.gov](mailto:coughlan.laura@epa.gov). If you have any questions about import consents issued by EPA, please contact Jean Shaw by telephone at 202-564-7111, or by email at [shaw.jean@epa.gov](mailto:shaw.jean@epa.gov).

Sincerely,



Davis Jones, Acting Director  
International Compliance Assurance Division  
Office of Federal Activities  
Office of Enforcement and Compliance Assurance



Betsy Devlin, Director  
Materials Recovery and Waste Management  
Division  
Office of Resource Conservation and Recovery  
Office of Land and Emergency Management

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<sup>1</sup> Memo from John Skinner, Director of EPA's Office of Solid Waste to Harry Seraydarian, Director, Toxics and Waste Management Division, EPA Region IX, June 25, 1985, available online at [http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/E27643CD81ABBDC8525670F006BD187/\\$file/11085.pdf](http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/E27643CD81ABBDC8525670F006BD187/$file/11085.pdf).