
U.S. EPA Issues Final Rule on Hazardous Waste Import & Export - Effective December 31, 2016

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On October 28, 2016, the United States Environmental Protection Agency (U.S. EPA) released a pre-federal register copy of changes to Resource Conservation and Recovery Act (RCRA) regulations which will require exporters of hazardous waste and domestic facilities receiving hazardous waste from importers, to track shipments on U.S. EPA's Waste Import Export Tracking System (WIETS), a publicly accessible website. The proposed changes to the RCRA regulations would also effect confidentiality of certain industry submissions in that the import/export process would no longer protect certain documents from public disclosure. Interestingly, while the rule has yet to be published in the federal register, the effective date for the new regulations is December 31, 2016, and there are specific compliance deadlines.

This rule will impact those who export or import (or arrange for the export or import) hazardous waste for recycling or disposal (including some hazardous wastes subject to the alternate management standards); all recycling and disposal facilities receiving imports of hazardous wastes for recycling or disposal; those who export or arrange for the export of conditionally excluded cathode ray tubes being shipped for recycling; and, those who transport any export and import shipments described above. Hazardous wastes generally fall into one or more of the following categories: waste types named in a law or regulation; wastes identified by type of process or industry from which it is generated; and characteristic wastes, i.e. materials that exhibit any one or more of the following characteristics: ignitability, corrosivity, reactivity or toxicity. In addition to electronic reporting, there are other substantive changes in the pre-federal register copy of the rule. For example, those who are domiciled in the United States and who export or import (or arrange for export or import) of hazardous wastes for recovery or disposal will be required to obtain a U.S. EPA ID number.

For more information concerning U.S. EPA's Proposed Rule On Hazardous Waste Import & Export, please contact [Kevin Williams](mailto:KWilliams@clarkhill.com) at 312.985.5907 | KWilliams@clarkhill.com or [Jennifer Sackett Pohlenz](mailto:JPohlenz@clarkhill.com) at 312.985.5912 | JPohlenz@clarkhill.com.