

3745-54-12**Required notices.**

(A) The owner or operator of a facility that is arranging or has arranged to receive hazardous waste subject to 40 C.F.R. Part 262 subpart H from a foreign source shall comply with 40 C.F.R. 264.12(a).

[Comment: The exercise of foreign relations and international commerce powers is reserved to the federal government under the Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the United States is solely regulated by the federal government.]

(B) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) shall inform the generator in writing that the owner or operator of the receiving facility has the appropriate permits for, and shall accept, the waste the generator is shipping. The owner or operator shall keep a copy of this written notice as part of the operating record.

(C) Before transferring ownership or operation of a facility during the facility's operating life, or of a disposal facility during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.

[Comment: An owner's or operator's failure to notify the new owner or operator of the requirements of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code does not relieve the new owner or operator of the obligation to comply with all applicable requirements.]

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

Replaces: 3745-54-12 rescinded
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CERTIFIED ELECTRONICALLY

Certification

09/21/2020

Date

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Rule Amplifies: 3734.12
Prior Effective Dates: 04/15/1981, 01/07/1983, 12/07/2000, 12/07/2004,
09/05/2010, 03/17/2012, 02/12/2018

TO BE RESCINDED

3745-54-12 **Required notices.**

(A) Prior notice.

- (1) The owner or operator of a facility who has arranged to receive hazardous waste from a foreign source shall notify the regional administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.
- (2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 40 CFR Part 262 subpart H shall provide a copy of the movement document bearing all required signatures to the foreign exporter, to the "Office of Federal Activities, International Compliance Assurance Division (2254A), United States Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC" 20460, and to the competent authorities of all other countries concerned. This shall occur within three working days after receipt of the shipment. The original signed copy of the movement document shall be maintained at the facility for at least three years after the date of signature. In addition, such owner or operator, as soon as possible but no later than thirty days after the completion of recovery and no later than one calendar year after the receipt of the hazardous waste, shall submit a certificate of recovery to the foreign exporter, to the competent authority of the country of export, and to U.S. EPA's "Office of Enforcement and Compliance Assurance" at the above address. This submittal may be by mail, e-mail without a digital signature followed by mail, or fax followed by mail.

[Comment: The exercise of foreign relations and international commerce powers is reserved to the federal government under the Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the United States is solely regulated by the federal government.]

- (B) The owner or operator of a facility that receives hazardous waste from an off-site source, except where the owner or operator is also the generator, shall inform the generator in writing that the owner or operator of the receiving facility has the appropriate permits for, and will accept, the waste the generator is shipping. The owner or operator shall keep a copy of this written notice as part of the operating record.

(C) Before transferring ownership or operation of a facility during the facility's operating life, or of a disposal facility during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of rules 3745-50-40 to 3745-50-235 and Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.

[Comment 1: An owner's or operator's failure to notify the new owner or operator of the requirements of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code does not relieve the new owner or operator of the obligation to comply with all applicable requirements.]

[Comment 2: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

Effective: 10/5/2020

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