

7045.0302 INTERNATIONAL SHIPMENTS; SPECIAL CONDITIONS.

Subpart 1. **General requirement.** Any person who exports hazardous waste to a foreign country from Minnesota or imports hazardous waste from a foreign country into Minnesota must comply with the special requirements of subparts 2 to 7.

Exports of hazardous waste are prohibited except in compliance with the applicable requirements of this part and parts 7045.0351 to 7045.0397. Exports of hazardous waste are prohibited unless:

- A. notification in accordance with subpart 2 has been provided;
- B. the receiving country has consented to accept the hazardous waste;
- C. a copy of the EPA Acknowledgment of Consent to the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest, or for bulk shipment exports by water to the shipping paper; and
- D. the hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the EPA Acknowledgment of Consent.

Subp. 1a. **International agreements.** Any person who exports or imports hazardous waste subject to the federal manifest requirements of Code of Federal Regulations, title 40, part 262, or subject to parts 7045.0261 and 7045.0265 or part 7045.1400, to or from designated member countries of the OECD as defined in Code of Federal Regulations, title 40, section 262.58(a)(1) for purposes of recovery, is subject to part 7045.0322 and the requirements of this part do not apply.

Subp. 2. **Notification.** When shipping hazardous waste outside the state of Minnesota to a foreign country the primary exporter must notify the commissioner and the EPA of an intended export before the waste is scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a 12-month or lesser period.

The notification must be sent to the commissioner at 520 Lafayette Road, Saint Paul, Minnesota 55155-4194, and to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue N.W., Washington, DC 20460. Hand-delivered notifications must be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, Ariel Rios Building, 12th Street and Pennsylvania Avenue N.W., Washington, DC 20460. In both cases, the following must be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export."

The primary exporter must provide the commissioner and the EPA with written renotification of any changes to the notification, except for changes to the telephone number, decreases in the quantity indicated in item B, subitem (3), and changes in the means of transport in item B, subitem (5). The waste shall not be shipped until the primary exporter receives an EPA Acknowledgment of Consent reflecting the receiving country's consent to the changes.

The notification must be in writing, signed by the primary exporter, and include the following information:

A. name, mailing address, telephone number, and identification number of the primary exporter; and

B. by consignee, for each hazardous waste type:

(1) a description of the hazardous waste and the EPA hazardous waste number (from Code of Federal Regulations, title 40, part 261, subpart C or D, as amended), United States Department of Transportation proper shipping name, hazard class, identification number (UN/NA), and packing group for each hazardous waste as identified in Code of Federal Regulations, title 49, parts 171 to 177, as amended;

(2) the estimated frequency or rate at which the waste is to be exported and the period over which the waste is to be exported;

(3) the estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22);

(4) all points of entry to and departure from each foreign country through which the hazardous waste will pass;

(5) a description of the means by which each shipment of the hazardous waste will be transported, such as by air, highway, rail, water, etc., and the types of container to be used, such as drums, boxes, or tanks;

(6) a description of how the hazardous waste will be treated, stored, or disposed of in the receiving country, such as land or ocean incineration, other land disposal, ocean dumping, or recycling;

(7) the name and site address of the consignee and any alternate consignee;

(8) the name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in those countries and the nature of its handling while there; and

(9) upon request by the EPA, a primary exporter shall furnish to the EPA and the commissioner any additional information which a receiving country requests in order to respond to a notification.

Subp. 3. **Exception report.** A primary exporter must file an exception report with the EPA and the commissioner at the addresses listed in subpart 2, item B if:

- A. the primary exporter has not received a copy of the manifest signed by the transporter stating the date and place of departure from Minnesota within 45 days from the date it was accepted by the initial transporter;
- B. within 90 days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the consignee that the hazardous waste was received; or
- C. the waste is returned to the United States.

Subp. 4. **Importers manifest requirements.** When importing hazardous waste, a person may obtain the manifest form from any source that is registered with the United States Environmental Protection Agency as a supplier of manifests and must meet all requirements of parts 7045.0261 and 7045.0265 for the manifest except that:

- A. in place of the generator's name, address, and identification number, the name and address of the foreign generator and the importer's name, address, and identification number must be used;
- B. in place of the generator's signature on the certification statement, the United States importer or the importer's agent must sign and date the certification and obtain the signature of the initial transporter;
- C. in the international shipments block, the importer must check the import box and enter the point of entry (city and state) into the United States; and
- D. the importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to the United States Environmental Protection Agency according to part 7045.0474, subpart 2, item B, or 7045.0580, subpart 2, item B.

Subp. 5. **Exporters manifest requirements.** When exporting hazardous waste, a primary exporter must comply with parts 7045.0351 to 7045.0397, except that:

- A. In lieu of the name, site address, and the identification number of the designated permitted facility, the primary exporter must enter the name and site address of the consignee.
- B. In lieu of the name, site address, and the identification number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate consignee.
- C. In the international shipments block, the primary exporter must check the export box and enter the point of exit (city and state) from the United States.

D. The following statement must be added to the end of the first sentence of the certification, Uniform Hazardous Waste Manifest Form, item 16: "and conforms to the terms of the attached EPA Acknowledgment of Consent."

E. The primary exporter must require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies, as described in part 7045.0476, between the manifest and the shipment. A copy of the manifest signed by the facility may be used to confirm delivery of the hazardous waste.

F. In lieu of the requirements of part 7045.0261, subpart 4, where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter must:

(1) renotify the EPA and the commissioner of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with subpart 2 and obtain an EPA Acknowledgment of Consent before delivery; or

(2) instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and

(3) instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.

G. The primary exporter must attach a copy of the EPA Acknowledgment of Consent for the shipment to the manifest which must accompany the hazardous waste shipment. For exports by rail or bulk shipments by water, the primary exporter must provide the transporter with an EPA Acknowledgment of Consent which must accompany the hazardous waste but which need not be attached to the manifest except that for bulk shipment exports by water, the primary exporter must attach the copy of the EPA Acknowledgment of Consent to the shipping paper.

H. The primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the United States Customs official at the point the hazardous waste leaves the United States under part 7045.0381, subpart 4, item D.

Subp. 6. **Annual reports.** Primary exporters of hazardous waste identified or listed under this chapter shall file with the commissioner and the EPA no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. The reports shall include the following:

- A. the identification number, name, and mailing and site address of the exporter;
- B. the calendar year covered by the report;
- C. the name and site address of each consignee;

D. by consignee, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from Code of Federal Regulations, title 40, part 261, subpart C or D, as amended), the Department of Transportation hazard class, the name and identification number, where applicable, for each transporter used, the total amount of waste shipped, and number of shipments pursuant to each notification;

E. a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated and a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent the information is available for years before 1984; and

F. a certification signed by the primary exporter which states:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

Reports shall be sent to the commissioner at 520 Lafayette Road, Saint Paul, Minnesota 55155, and to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue N.W., Washington, DC 20460. Hand-delivered reports to the Environmental Protection Agency should be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, Ariel Rios Building, 12th Street and Pennsylvania Avenue N.W., Washington, DC 20460.

Subp. 7. **Record keeping.** For all exports, a primary exporter must:

A. keep a copy of each notification of intent to export for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

B. keep a copy of each EPA Acknowledgment of Consent for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

C. keep a copy of each confirmation of delivery of the hazardous waste from the consignee for at least three years from the date the hazardous waste was accepted by the initial transporter; and

D. keep a copy of each annual report for a period of at least three years from the due date of the report.

The periods of retention referred to in this part are extended automatically during any unresolved enforcement action regarding the regulated activity or at the request of the commissioner.

Statutory Authority: *MS s 116.07*

History: *9 SR 115; 9 SR 2118; 11 SR 1832; L 1987 c 186 s 15; 12 SR 1660; 17 SR 1279; 20 SR 715; 22 SR 5; 31 SR 1277; 33 SR 2042*

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