

Revision Checklist 222 Summary

Rule Title:	OECD Requirements; Export Shipments of Spent Lead-Acid Batteries
Checklist Title:	OECD Requirements; Export Shipments of Spent Lead-Acid Batteries
Reference:	75 <u>FR</u> 1236-1262
Promulgation Date:	January 8, 2010
Effective Date:	July 7, 2010
Cluster:	RCRA Cluster XX
Provision Type:	Non-HSWA
Linkage:	152
Optional:	No

Summary: The rule implements recent changes to the agreements concerning the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD), establish notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country, specify that all exception reports concerning hazardous waste exports be sent to the International Compliance and Assurance Division in the Office of Enforcement and Compliance Assurance's Office of Federal Activities in Washington, D.C., and require U.S. receiving facilities to match EPA-provided import consent documentation to incoming hazardous waste import shipments and to submit to EPA a copy of the matched import consent documentation and RCRA hazardous waste manifest for each import shipment.

State Authorization: This rule is placed in RCRA Cluster XX. The state modification deadline is July 1, 2011 (or July 1, 2012 if a state statutory change is necessary).

Because of the Federal government's special role in matters of foreign policy, EPA does not authorize States to administer Federal import/export functions in any section of the RCRA hazardous waste regulations. Although States do not receive authorization to administer the Federal government's export functions in 40 CFR part 262, subpart E, import functions in 40 CFR part 262, subpart F, import/export functions in 40 CFR part 262, subpart H, or the import/export related functions in any other section of the RCRA hazardous waste regulations, State programs are still required to adopt those provisions in today's rule that are more stringent than existing federal requirements to maintain their equivalency with the federal program (see for example, 40 CFR 271.10(e)).

Attorney General (AG) Certification Guidance: None

Program Description (PD) Guidance: A state seeking authorization for this checklist should determine whether the revisions impact the program described in the Program Description.

Incorporation by Reference Guidance: States should follow the general guidance regarding the replacement of terms in section regarding imports and exports of hazardous waste in the Incorporation By Reference Guidance.