

# Electronic Filing: Received, Clerk's Office 3/8/2018

**From:** [McCambridge, Michael](#)  
**To:** [Coughlan, Laura](#)  
**Cc:** [Powell, Mark](#); [Brown, Don](#); [Damico, William](#)  
**Subject:** RE: Questions: Hazardous Waste Import-Export Rule  
**Date:** Thursday, March 8, 2018 3:29:02 PM

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DON BROWN: Please place a copy of this e-mail in the record of R17-15 RCRA Subtitle C update. When I receive a response, I will replace this document with that later response.

Thank you for your response. I will use your answers to incorporate the import-export rule into the Illinois hazardous waste regulations.

I do, in fact, have more questions. They relate to the defined phrase, "electronic import-export reporting compliance date." More questions may arise as I digest your responses.

By a August 29, 2017 *Federal Register* notice, USEPA established December 31, 2017 as the AES filing compliance date for exports.

Am I correct that the export-related reports, aside from that required by 40 C.F.R. § 262.84(b)(6) and (e), are now completely digital after December 31, 2017?

Am I correct that USEPA has not yet established the electronic import-export reporting compliance date for imports? When does USEPA presently anticipate establishing the import-export reporting compliance date?

The *Federal Register* notice of November 28, 2016 (at page 85700) stated as follows with regard to electronic submittals:

Paper submittals will be required from the effective date of this action until the electronic submittals are required for each of the following: Export annual reports, export exception reports, import notices, and receiving facility notifications of the need to arrange alternate management or return of an individual import shipment. No submittals to EPA will be required for each of the following, until the electronic import-export reporting compliance date (on or after which electronic submittal of these documents to EPA using EPA's WIETS, or its successor system, will be required): Export confirmations of receipt, export confirmations of recovery or disposal, import confirmations of receipt, and import confirmations of recovery or disposal.

Are the only reporting still allowed as paper documents the following: (1) import notices; (2) receiving facility notifications of the need to arrange alternate management or return of an individual import shipment; (3) import confirmations of receipt, and (4) import confirmations of recovery or disposal?

Am I correct that an Illinois rule requiring that a request for extended records retention be made in writing will not run counter to USEPA's intent under 40 C.F.R. § 262.83(i)(3) and 262.84(h)(4)?

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**From:** Coughlan, Laura [mailto:Coughlan.Laura@epa.gov]  
**Sent:** Thursday, March 8, 2018 11:02 AM  
**To:** McCambridge, Michael <Michael.McCambridge@illinois.gov>  
**Cc:** Powell, Mark <Mark.Powell@Illinois.gov>; McGill, Richard <Richard.McGill@illinois.gov>; Cummings, Chloe <Chloe.Cummings@illinois.gov>; Damico, William <damico.william@epa.gov>  
**Subject:** [External] RE: Questions: Hazardous Waste Import-Export Rule

Hey Michael:

I missed this email when you first sent it. Will Damico sent me a reminder earlier this week and I just finished consulting with my colleagues. Our responses are below in red. Please let me know if you have any additional questions.

Laura L. Coughlan, P.E.  
Environmental Scientist

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International and Transportation Branch  
Office of Resource Conservation and Recovery  
U.S. EPA (5304P)  
Potomac Yard South(PYS)-6984  
phone: 703-308-0005  
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\*\*\*Have a question about your notice after looking in WIETS at <https://cfext.epa.gov/wiets/>? Still confused about requirements after checking <https://www.epa.gov/hwgenerators/basic-information-resource-conservation-and-recovery-act-rcra-export-and-import>? Email [RCRANotifications@epa.gov](mailto:RCRANotifications@epa.gov) \*\*\*

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**From:** McCambridge, Michael [<mailto:Michael.McCambridge@illinois.gov>]

**Sent:** Thursday, February 22, 2018 7:02 PM

**To:** Coughlan, Laura <[Coughlan.Laura@epa.gov](mailto:Coughlan.Laura@epa.gov)>

**Cc:** Powell, Mark <[Mark.Powell@Illinois.gov](mailto:Mark.Powell@Illinois.gov)>; McGill, Richard <[Richard.McGill@illinois.gov](mailto:Richard.McGill@illinois.gov)>; Cummings, Chloe <[Chloe.Cummings@illinois.gov](mailto:Chloe.Cummings@illinois.gov)>

**Subject:** Questions: Hazardous Waste Import-Export Rule

I am working to incorporate the hazardous waste import-export rule amendments of November 28, 2016 into the Illinois regulations. I am having difficulty finding a documented source of competent authority codes, as are required by 40 C.F.R. §§ 262.83(b)(1) and 262.84(b)(1). Do you know a source I can incorporate by reference or cite? Does the WIETS itself provide the competent authority code to the user? **Because countries update their competent authorities on an individual basis, we cannot point to a documented source with a set edition as you ask. Exporters and importers that are submitting notices type in the competent authority code into WIETS, and we recommend that they first look up what competent authority code is listed in either the Basel Convention import-export tool at [http://ers.basel.int/BC\\_ControlSystem/BC-ControlTool.htm](http://ers.basel.int/BC_ControlSystem/BC-ControlTool.htm) for non-OECD countries or the OECD database of competent authorities and pre-consented facilities at [http://www.oecd.org/env/waste/OECD\\_Database\\_of\\_Transboundary\\_Movements\\_of\\_Wastes\\_29.01.2018.xlsx](http://www.oecd.org/env/waste/OECD_Database_of_Transboundary_Movements_of_Wastes_29.01.2018.xlsx), and then second check with their foreign receiving facility (for exports) or foreign exporter (for imports) to confirm that this is the most up-to-date information. Users can access the Basel and OECD sites via external links in WIETS. It is imperfect, but countries do not always update their information with the OECD and Basel Secretariats in a timely manner. There are not listed Competent Authority codes on the BASEL Convention website (unfortunately). Exporters also are allowed to provide the competent authority address in lieu of the competent authority code.**

Do I correctly assume that the “country name 2-digit code” required by 40 C.F.R. §§ 262.83(b)(1) and 262.84(b)(1) is what the ISO 3166-1 on-line database (<https://www.iso.org/obp/ui/#search>) calls “Alpha-2 code” for each country? **Yes the Alpha-2 code is what is being referenced in the regulations. Does the WIETS system provide the country code to the user? Yes, the exporter or importer chooses from a pick list of countries in WIETS.**

Illinois law allows us to adopt rules that rely on an extant documents, but it does not allow use of future editions or versions. USEPA cites to no particular version of edition of ISO-3166. The latest version is the third edition released in 2013. ISO should release a new version soon, since they use a five-year update cycle. USEPA cites no source for competent authority codes. I found a website that identifies competent authorities for hazardous waste import, export, and transit (<http://www.basel.int/Procedures/CompetentAuthorities/tabid/1324/Default.aspx>), but this is a non-documented source that exists in a defined edition or version capable of citation or reference.

If USEPA replaces WIETS with a successor system, as provided in 40 C.F.R. §§ 262.83(b)(1) and 262.84(b)(1), will USEPA formally announce the changeover in advance? If so, what form will the announcement take?

Simple announcement on the WIETS? *Federal Register* notice? Rulemaking? **Yes, EPA will formally announce any such changeover well in advance. The phrase “or its successor system” in the regulatory text was added to reflect the possibility that years from now the IT system could be overhauled and given a new name. EPA has no plans to move from WIETS at this time.**

We must direct attention to an existing reporting system in our rule. Directing attention to a successor system would require amending the rule in the event of a future change in the system. WIETS will likely be

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changing and evolving on an ongoing basis. A successor system readily identified by seeking the WIETS will not create a future problem. I'm not sure what your question is here.

I am sure that I will have more questions as my work proceeds. Resolution of these questions will aid my efforts.

Michael J. McCambridge, Attorney  
Illinois Pollution Control Board  
312-814-6924 (9:00 a.m. to 7:00 p.m. Mon. through Thurs.)  
219-614-5082 (personal cell at all other times)

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