**Section 724.112 Required Notices**

a) The owner or operator of a facility that is arranging to receive hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source must submit the following required notices:

1) As required by 35 Ill. Adm. Code 722.184(b), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and obtain consent from USEPA and the competent authorities for the countries of transit, the owner or operator of the facility, if acting as the importer, must provide notification of the proposed transboundary movement in English to USEPA using the methods listed in 35 Ill. Adm. Code 722.182(e) at least 60 days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics; the same United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111; the same USEPA hazardous waste numbers (from Subpart C or D of 35 Ill. Adm. Code 721); the waste codes from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and being sent from the same foreign exporter.

2) As required by 35 Ill. Adm. Code 722.184(d)(2)(O), a copy of the movement document with all the required signatures within three working days after receiving the shipment to the foreign exporter; to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste, respectively; and, on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's Waste Import Export Tracking System (WIETS). The original of the signed movement document must be maintained at the facility for at least three years. The owner or operator of a facility may meet this recordkeeping requirement by retaining electronically submitted documents in the facility’s account on USEPA's WIETS, if copies are readily available for viewing and production upon request by any USEPA or Agency inspector. An owner or operator of a facility may not be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS and the owner or operator of a facility has no responsibility.

3) As required by 35 Ill. Adm. Code 722.184(f)(4), if the facility has physical control of the waste and it must be sent to an alternate facility or returned to the country of export, the owner or operator of the facility must inform USEPA, using the methods listed in 35 Ill. Adm. Code 722.184(b)(1) of the need to return or arrange alternate management of the shipment.

4) As required by 35 Ill. Adm. Code 722.184(g), the facility owner or operator must do the following:

A) The owner or operator must send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, within 30 days after completing recovery or disposal on the waste in the shipment and within one calendar year after receiving the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste. For shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS.

B) If the facility performed any of recovery operations R12, R13, or RC3 or disposal operations D13 through D15, the owner or operator must promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11 or RC1 to RC2, or one of disposal operations D1 through D12 or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste. On or after the electronic import-export reporting compliance date, the owner or operator must make this submission to USEPA electronically using USEPA's WIETS, or its successor system. The recovery and disposal operations in this subsection (a)(4)(B) are defined in 35 Ill. Adm. Code 722.181.

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) must inform the generator in writing that the owner or operator has the appropriate permits for, and will accept, the waste that the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.

c) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this Part and 35 Ill. Adm. Code 702 and 703.

BOARD NOTE: An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

(Source: Amended at 48 Ill. Reg. 17057, effective November 7, 2024)