

FAX TRANSMITTAL

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TO:

Name

Steve Lullen

Organization

New Mexico Env. Dept

FAX Number

505 - ~~428~~ 827-1545

phone 428-2544

FROM:

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Name

John Carrillo

Division/Region

Industrial & Hazardous Waste Div/Permits

Telephone Number

512-239-6851

FAX Number

512-239-6410

NOTES:

See attached joint EPA Region 6 / TNRCC letter dated 3 Sep 98 on revised process for importing Hazardous Waste. Please feel free to contact me for any further assistance on our International Foreign Waste Program. Other items on Int Foreign Waste as also found on our web site: www.tnrcc.state.tx.us

John C



TNRCC

Protecting Texas
by Reducing and
Preventing Pollution



**Environmental
Protection
Agency
Region VI**



**Texas
Natural
Resource
Conservation
Commission**

6 pages

September 3, 1998

RE: Revised Process for Importing Hazardous Waste

Dear Foreign Waste Importer:

The Texas Natural Resource Conservation Commission (TNRCC) and the U.S. Environmental Protection Agency (EPA) would like to thank you for your interest in the management of imported industrial waste.

As you know, both agencies are committed to ensuring that imported wastes are appropriately managed. The purpose of this letter is to communicate changes in the TNRCC's procedures for waste importers and to clarify certain requirements under federal and state laws which are applicable to waste importers. Enclosures are provided to document revised procedures for foreign waste generators, importers, and other parties involved in importing industrial waste in Texas.

The primary objective of these documents is to clearly communicate TNRCC's requirements for importers. Note that Attachment 1, "TNRCC International Waste Program," is a summary of requirements for importers. Attachment 2, "Life Without the Maquiladora Program," is a chart which compares the processes for the shipment and reporting of imported industrial waste for the former TNRCC *Maquiladora Program* and the new TNRCC *International Waste Program*.

The enclosed guidance replaces any previous communication from TNRCC regarding the use of FCMEXICO in place of an EPA identification number on manifests for imported waste. **FCMEXICO is not an acceptable importer's EPA identification number.**

Foreign Waste Importer
Page 2
September 3, 1998

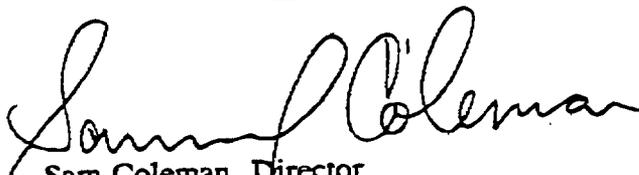
RE: Revised Process for Importing Hazardous Waste

Please contact Ms. Marilyn Querejazu at TNRCC (512) 239-6884 or Mr. Joseph Schultes at the EPA (214) 665-2244 with questions or comments about this information. For additional information, visit our websites at www.tnrcc.state.tx.us and www.epa.gov/earth1r6/6en.

Sincerely,



Leigh Ing, Deputy Director
Office of Waste Management



Sam Coleman, Director
EPA Compliance Assurance and Enforcement Division

LI/SC/MQ/kjm

Enclosures

cc:
Mr. Michael Alushin, U.S. Co-Chair, Cooperative Enforcement and Compliance Workgroup, Border 21
Mr. Jeff Scott, U.S. Co-Chair, Hazardous and Solid Waste Workgroup, Border 21
Ms Maria Reba, Director, South Texas Customs Management Center
Mr. Frank Garcia, Chief Inspector, U.S. Customs
Mr. Jose Gonzales, Chief Inspector, U.S. Customs
Mr. Richard Walker, Hazardous Materials Supervisor, U.S. Customs
Mr. Ernie Quiroz, Senior Inspector, Hazardous Materials, U.S. Customs
Mr. Mike Rodriguez, Hazardous Materials Inspector, U.S. Customs

Attachment 1

TNRCC International Waste Program

According to the rules governing the management of industrial and hazardous waste in Texas, (Title 30 Texas Administrative Code Chapter 335, (30 TAC 335)), importers of hazardous and Class 1 waste are considered generators of that waste. Importers that do not actually generate industrial waste at a Texas location are not registered with TNRCC as industrial waste generators, but must comply with applicable rules.

The following instructions reflect simpler procedures than those used by TNRCC between 1992 - 1997. *Forms which required information on the foreign generator and parent company (TNRCC-0293, 0293A, 0293B and their respective Spanish versions) have been eliminated.* This means the focus of the program has changed from tracking foreign generators to tracking importers and handlers of international waste.

Therefore, effective immediately no additional "Q" registrations will be issued and current "Q" registrations will be inactivated. The elimination of these forms and associated staff resources save generators, importers and TNRCC staff time without losing the ability to ensure that wastes are transported to their final destination safely and expeditiously. The following process will treat maquiladora wastes the same as other international and out-of-state wastes.

International waste importers will use the following process for shipment of wastes into Texas:

- 1) Notify EPA through TNRCC using EPA Form 8700-12 (one time notification, prior to shipping, submitted to TNRCC). This form is used to apply for an EPA Identification Number (EPA ID #) which identifies the U.S. Importer of hazardous waste on a manifest; and to update the EPA's Resource Conservation Recovery Information System (RCRIS) database when information reported on the 8700-12 changes; and
- 2) Complete a manifest showing:
 - EPA ID number of the US Importer in Box 1;
 - Name and address of both foreign generator and US Importer in Box 3;
 - State registration number 99961 for importers of Mexican wastes in Box B;
 - Proper classification of wastes using OUTS as the waste sequence number in Box I; and
 - Other standard manifest requirements per 30 TAC 335 and 40 CFR 261.
- 3) Retain records demonstrating the appropriate classification and shipment of hazardous and industrial waste for a period of 3 years.

Attachment 2

Life Without the Maquiladora Program

| Process | New TNRCC International Waste Program | Former TNRCC Maquiladora "Q" Program |
|--|--|--|
| <p>U.S. Importer Identification (EPA Form 8700-12)</p> | <p>All hazardous waste imports require identification of U.S. Importer and its EPA ID number. Importers are legally responsible for all imported waste, i.e., will assume generator status for all imported waste. Consistent with Federal and State Law, any entity with an EPA ID number may assume importer status.</p> | <p>Maquiladora facilities required to identify a U.S. parent company (Importer of Record) to participate in TNRCC's maquiladora program. Parent company responsible for all imported waste.</p> |
| <p>TNRCC Registration (TNRCC Forms 0293, 0293A, 0293B)</p> | <p>Maquiladora generators will not report to TNRCC. TNRCC will not maintain site specific information about maquiladora facilities. (Importers who do not generate industrial waste on a site in Texas will not be registered with TNRCC as industrial solid waste generators.)</p> | <p>Completion of these TNRCC forms by maquiladora generators required for participation in program. Maquiladora required to provide contact names, physical and mailing address of the plant, waste stream identification, waste management unit identification, and other data.</p> |
| <p>State Generator ID Number</p> | <p>All foreign generators will use 999XX (99961 for Mexico). (Importers who do not generate industrial waste on a site in Texas will not be registered with TNRCC as industrial solid waste generators.) Current "Q" numbers will be inactivated.</p> | <p>Maquiladora generators identified by QXXXX or 99961.</p> |

Attachment 2

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|---|--|--|
| <p>Annual Waste Summary Report (AWSR)</p> | <p>AWSR will not be a requirement for Importers of Record. Information currently collected from AWSR will be collected from receiver reports. Out of state importers will report to respective state.</p> | <p>AWSR for each maquiladora facility using a Texas EPA ID number are mailed to U.S. mailing address identified as primary contact.</p> |
| <p>State of Texas Electronic Reporting System . . . (STEERS)</p> | <p>Maquiladora generators are not required to register or submit AWSR to TNRCC. Therefore, TNRCC will deactivate the STEERS Bulletin Board System account such that Maquiladora generators will be unable to submit unnecessary registration information or AWSR using STEERS. Maquiladora generators may continue to use the STEERS software without transmitting information to the TNRCC, if the Maquiladora Tracking Report is used as an internal organizational tool.</p> | <p>Maquiladora facilities provided option of reporting electronically.</p> |