**Section 722.182 General Conditions**

a) Scope. The level of control for exports and imports of waste is indicated by designation of the waste as either Green waste or Amber waste, as defined in Section 722.181, and whether the waste is or is not hazardous waste.

1) Green Wastes

A) Green waste that is not hazardous waste is subject to existing controls normally applied to commercial transactions and is not subject to the requirements of Subpart H.

B) Green waste that is hazardous waste is subject to the requirements of Subpart H.

2) Amber Wastes

A) Amber waste that is hazardous waste is subject to the Amber control procedures in Subpart H, even if it is imported to or exported from a country that does not consider the waste to be hazardous or control the transboundary shipment as a hazardous waste import or export.

i) For exports, exporter must comply with Section 722.183.

ii) For imports, the recovery or disposal facility and the importer must comply with Section 722.184.

B) Amber waste that is not hazardous waste, but which is considered hazardous by the other country, is subject to the Amber control procedures in the country that considers the waste hazardous, and are not subject to the requirements of Subpart H. All responsibilities of the U.S. importer or exporter shift to the foreign importer or foreign exporter in the other country that considers the waste hazardous unless the parties make other arrangements through contracts.

BOARD NOTE: Some Amber wastes are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the requirements of Subpart H. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act (42 USC 2601 et seq.)) restrict certain waste imports or exports. These other federal restrictions continue to apply without regard to the applicability or inapplicability of Subpart H.

3) Mixtures

A) A Green waste that is mixed with one or more other Green wastes such that the resulting mixture is not hazardous waste is not subject to the requirements of Subpart H.

BOARD NOTE: USEPA has noted that the law of some countries may require that mixtures of different Green wastes be subject to the Amber control procedures.

B) A Green waste that is mixed with one or more Amber wastes, in any amount, de minimis or otherwise, or a mixture of two or more Amber wastes that is hazardous waste is subject to the requirements of Subpart H.

BOARD NOTE: USEPA has noted that the law of some countries may require that a mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.

4) Waste that is not yet OECD-listed waste is eligible for transboundary movements, as follows:

A) If the waste is hazardous waste, the waste is subject to the requirements of Subpart H.

B) If the waste is not hazardous waste, the waste is not subject to the requirements of Subpart H.

b) General Conditions Applicable to Transboundary Movements of Hazardous Waste

1) The hazardous waste must be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import;

2) The transboundary movement must comply with applicable international transport agreements; and

BOARD NOTE: These international agreements include, the Chicago Convention (1944), ADR (1957), ADNR (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

3) Any transit of hazardous waste through one or more countries must comply with all applicable international and national laws and regulations.

c) Duty to return wastes subject to the Amber control procedures during transit through the United States. When a transboundary movement of hazardous waste subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover or dispose of these wastes in an environmentally sound manner, the waste must be returned to the country of export. The U.S. transporter must inform EPA at the specified mailing address in subsection (e) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing the reasons for returning the waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned countries.

d) Laboratory Analysis Exemption. Export or import of a hazardous waste sample is exempt from the requirements of Subpart H if the sample is destined for laboratory analysis to assess its physical or chemical characteristics or to determine its suitability for recovery or disposal operations, the sample does not exceed 25 kg (55 pounds) in quantity, the sample is appropriately packaged and labeled, and the sample complies with the conditions of 35 Ill. Adm. Code 721.104(d) or (e).

e) USEPA Address for Submittals by Postal Mail or Hand Delivery. Submittals required in Subpart H to be made by postal mail or hand delivery should be sent to the following addresses:

1) For Postal Mail Delivery:

Office of Enforcement and Compliance Assurance

Office of Federal Activities

International Compliance Assurance Division (2254A)

Environmental Protection Agency

1200 Pennsylvania Avenue NW.

Washington, DC 20460.

2) For Hand-Delivery:

Office of Land and Emergency Management

Office of Resource Conservation and Recovery

Materials Recovery and Waste Management Division

International Branch (Mail Code 2255T)

Environmental Protection Agency

William Jefferson Clinton South Bldg., Room 6144

12th St. and Pennsylvania Ave NW.

Washington, DC 20004.

(Source: Amended at 48 Ill. Reg. 16994, effective November 7, 2024)