

DRAFT 9/1/2026

The statement of scope for this rule, SS 037-25, was approved by the Governor on June 12, 2025, published in Register No. 836A3 on August 18, 2025, and approved by the Natural Resources Board on September 24, 2025. This rule was approved by the Governor on [insert date].

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD REPEALING, RENUMBERING AND AMENDING, AMENDING, REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 662.024 (8), 662.084 (3) (d) and (e), 664.0071 (1) (b) 4., and 665.0071 (1) (b) 4. and 5. a. and (2) (d) (Note); to **consolidate, renumber and amend** NR 662.042 (2), 662.083 (3) (b), 664.0072 (3), 665.0071 (1) (b) 5. b., 665.0072 (3), and 670.030 (12) (g); to **amend** NR 660.02 (4) (a) and (b), 660.10 (28p) and (28s), 661.0004 (1) (y) 1. a. and h., 2., 5., 10., and 11., 661.0006 (1) (b) (intro.) and (c) 1. a. and b., 661.0039 (1) (e) 1. a. and f., 2., 5. b., 9., and 11., 661.0400 (intro.), 661.0420 (intro.), 662.020 (1) (a), 662.042 (1) (a) and (b) (intro.) and (3) (b), 662.081 (6) (m) to (q) and (19) (k), (L), (m), (n), (o), and (p), 662.083 (1) (f) (intro.), (2) (a) (intro.) and 1. to 4. and (c), (3) (intro.) and (c), (4) (b) 1. to 5., 8., 9., and 15., (6) (d), (e), and (f) (intro.) and 2., (7), and (9) (a) (intro.) and (b), 662.084 (2) (a) (intro.) and 1. to 4. and (b), (3) (a) 1. and (c), (4) (b) 1. to 5., 8., 9., and 15., (6) (e), (7) (a) and (b), and (8) (b) 3. and (c), 663.20 (1) (b) and (i), (3), and (7) (a) and (c), 664.0012 (1) (b) and (d) 1. and 2., 664.0071 (1) (c) 1. and 2., (2) (d), (4), and (12) (intro.), 664.0072 (7), 665.0012 (1) (b) and (d) 1. and 2., 665.0071 (1) (c) 1. and 2., (2) (d), (4), and (12), 665.0072 (7), 667.0071 (1) (f) 1. and 2. and (4); to **repeal and recreate** NR 662.020 (1) (b), 662.083 (3) (d), 663.20 (7) (d), 664.0071 (1) (b) 5. b., and 670.030 (12) (h); and to **create** NR 660.10 (28g) and (145g), 661.0006 (1) (b) 5., 661.0400 (3), 662.014 (1) (e) 6. c., 662.042 (1) (c), (2) (a) and (b), and (4), 662.083 (3) (b) 1. to 3., (4) (b) 16. and 17., (6) (c) 3., and (9) (a) 6., 662.084 (3) (dm) and (6) (d) 3., 664.0072 (3) (a) and (b), 664.0076 (2), 665.0072 (3) (a) and (b), 665.0076 (2), 666 Subchapter Q, 670.001 (3) (b) 12., and 670.030 (12) (g) 1. and 2.; relating to hazardous waste recordkeeping and reporting requirements, Canadian import-export operation codes, and standards for spent refrigerants being recycled for reuse, and affecting small business.

WA-01-25

Hazardous waste recordkeeping and reporting requirements, Canadian import-export operation codes, and standards for spent refrigerants being recycled for reuse

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted:

Sections 227.11 (2) (a), 227.14 (1m), 287.03, 289.05, 289.06, and 289.41, 291.001, 291.05, and 291.07, Stats.

2. Statutory Authority:

Sections 227.11 (2) (a), 227.14 (1m), 287.03, 289.05, 289.06, and 289.41, 291.05, and 291.07, Stats.

3. Explanation of Agency Authority:

The proposed rules and revisions would replace and update current state rules that comprehensively regulate the generation, transportation, recycling, treatment, storage, and disposal of hazardous and universal wastes. As authorized by s. 227.14 (1m), Stats., the department plans to format the proposed rules in a manner equivalent to the code of federal regulations published by the U.S. Environmental Protection Agency (EPA) under the federal Resource Conservation and Recovery Act (RCRA).

When the Wisconsin legislature passed the Hazardous Waste Management Act in 1977 it set out a declaration of policy in what is now s. 291.001, Stats., regarding hazardous waste management. It declared that hazardous wastes, when mismanaged, pose a substantial danger to the environment and public health and safety. To provide for proper management of hazardous waste within the state, the legislature called upon the department to develop and administer a regulatory program that met nine specific objectives, which has since been carried out through the administrative code.

Section 227.11 (2) (a), Stats., provides that a state agency “may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute,” subject to certain restrictions.

Section 287.03 (1) (a), Stats., directs the department to promulgate rules to implement the Solid Waste Reduction, Recovery and Recycling program pursuant to ch. 287, Stats.

Sections 289.05 and 289.06, Stats., direct the department to promulgate rules establishing solid waste management standards. Pursuant to ss. 291.05 and 291.07, Stats., the department is required to promulgate rules for the implementation of the RCRA and the methods of treatment or disposal of particular hazardous wastes.

The legislature adopted a number of statutes setting out general and specific hazardous waste rulemaking authority. Section 291.05, Stats., for instance, requires the department to adopt by rule EPA’s criteria for identifying the characteristics of hazardous waste, and to adopt EPA’s lists of hazardous wastes and hazardous constituents, with limited exceptions. Rules governing hazardous waste transportation are also mandated, as are rules governing specific aspects of hazardous waste generation, treatment, storage, and disposal, corrective action, licensing, closure, long-term care, and license and plan review and approval fees.

Since hazardous wastes are a subset of solid wastes, rulemaking authority in various sections of ch. 289, Stats., is also relied upon by the department, in particular authority relating to hazardous waste facility location, design, construction, operation, maintenance, closure, long-term care, negotiation and arbitration, licensing, recycling and financial responsibility requirements which are found in s. 289.41, Stats.

4. Related Statutes or Rules:

Chapters 287, 291, 292, and 299, Stats., and chs. NR 2, 157, 187, 488, 500 to 538, 660 to 679, and 700 to 754, Wis. Adm. Code. No other related rulemakings are in progress.

5. Plain Language Analysis:

The Wisconsin Department of Natural Resources (department) is authorized by EPA to manage a state program recognized as equivalent to the RCRA. In Wisconsin, this is the Hazardous Waste Management Program within the Waste and Materials Management Program. To maintain program authorization, Wisconsin must have analogous regulations to the federal hazardous waste regulations found in 40 CFR 260 to 279. Wisconsin has promulgated these equivalent regulations in chs. NR 660 to 679, Wis. Adm. Code.

The purpose of this rule is to amend relevant portions of chs. NR 660 to 679, Wis. Adm. Code, based on changes made to the analogous federal regulations. The federal regulations outlined in this rule are effective at the national level on the dates listed under each rule, and authorized states are required to adopt these rules and align with these federal requirements, which pertain to three elements outlined below.

Recordkeeping and Reporting Requirements

The first federal rule that the department is incorporating into state administrative code is the EPA “Third Manifest Rule Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports”, promulgated on July 26, 2024. All parts of this rule were effective at the national level on January 22, 2025, with the exception of the first bullet, which had an effective date of December 1, 2025. This rule pertains to manifest regulations for the shipment of hazardous wastes that are exported for treatment, storage, and disposal. Additionally, this rule addresses reporting requirements and technical correction requirements pertaining to manifests tracking the movement of hazardous wastes. The requirements in the rule would affect hazardous waste large and small quantity generators; treatment, storage, and disposal facilities; transporters; and the importation and exportation of hazardous wastes. All provisions in the rule are promulgated either under the e-Manifest Act (Act) or Hazardous and Solid Waste Amendments (HSWA) import-export authority, and therefore federal or international references or terms cannot be replaced with state references or terms. Import and export portions of this rule are administered by the federal government as a foreign policy matter and are not administered by the states. The rule elements that are proposed for update include, in part:

- Requiring manifest discrepancy reports, manifest exception reports, and unmanifested waste reports to be entered into the national e-Manifest system.
- Requiring responsible entities to correct manifest errors.
- Requiring certain hazardous waste generators to register in the national e-Manifest system.
- Eliminating certain requirements pertaining to mailing copies of reports and manifests and reducing the manifest paperwork from five pages to four.
- Changing timeframes for Exception Reporting and Discrepancy Reporting.
- Incorporating hazardous waste export manifests into the e-Manifest system and expanding the required international shipment data elements on the manifest form.
- Making technical corrections to remove obsolete requirements, correct typographical errors, establish definitions, and/or improve alignment with the e-Manifest program.

Canadian Import-Export Operation Codes

The second federal rule that the department is incorporating into administrative code is the EPA rule “Canada Import-Export Recovery and Disposal Code Changes”, promulgated on October 1, 2021, and effective at the national level October 31, 2021. This rule modified regulations related to twelve hazardous waste import-export recovery and disposal operations. These regulations

are used when U.S. exporters and importers submit hazardous waste export and import notices to EPA, and in movement documents that accompany export and import shipments. Additionally, the modified and analogous disposal codes will help alleviate confusion in the transportation of hazardous waste across the Canadian-U.S. border. All provisions in the rule are promulgated under HSWA import-export authority, and therefore federal or international references or terms cannot be replaced with state references or terms. Import and export portions of this rule are administered by the federal government as a foreign policy matter and are not administered by the states.

Spent Refrigerants Being Recycled for Reuse

The third federal rule that the department is incorporating into administrative code is the EPA rule “Management of Certain Hydrofluorocarbons and Substitutes”, promulgated on October 11, 2024, and effective at the national level December 10, 2024. This rule pertains to certain ignitable spent refrigerants being recycled for reuse and was established to promote emissions reduction and reclamation for the management of hydrofluorocarbons (HFCs) and certain substitutes. Elements of this rule would address requirements for training, recordkeeping, reporting, and labeling. Parts of this rule cross-reference current federal air requirements. This rule may impact entities affected by hazardous and solid waste program requirements, specifically removers and recyclers of refrigerants. All provisions in the rule are promulgated under the federal authority of HSWA. The rule is effective in all states and will be implemented and enforced by EPA until the state receives EPA authorization.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

The EPA directs states to comply with federal RCRA hazardous waste regulations, and Wisconsin state statutes direct the department to adopt and administer rules that are at least as stringent as the EPA’s RCRA regulations. The rule would capture promulgated federal hazardous waste regulations within state administrative rules and would enable the department to retain EPA authorization to administer the federal hazardous waste program in Wisconsin.

Recordkeeping and Reporting Requirements

Along with the description of the governing federal regulations provided in the Plain Language Analysis, according to EPA 89 FR 60692, import and export portions of this rule are administered by the federal government as a foreign policy matter and are not administered by the states. Section 2(g)(3) of the Act provides that the EPA shall carry out regulations promulgated under the Act in each state unless the state program is fully authorized to carry out such regulations in lieu of the EPA. After each rule is adopted, states must follow procedures for EPA authorization of any federal rules. Also, section 2(g)(2) of the Act provides that any regulation promulgated by the EPA under the e-Manifest Act shall take effect in each State, under federal authority, on the same effective date that the EPA specifies in its promulgating regulation. Thus, the result is that regulations promulgated by the EPA under the e-Manifest Act, like HSWA-based regulations, are implemented and enforced by the EPA until the states are authorized to carry them out. Because the RCRA manifest requires strict consistency in its implementation, the EPA changes to federal manifest form requirements must be implemented consistently in all states and on the same effective date.

The rule revisions to incorporate both new and revised federal regulations as adopted according to EPA language will allow the department to maintain federal authorization of the hazardous

waste program for these rules and to maintain program primacy. The proposed rule revisions are intended to meet the requirements of RCRA.

Canadian Import-Export Operation Codes

The EPA's "Canada Import-Export Recovery and Disposal Code Changes" was federally promulgated on October 1, 2021, and effective on October 31, 2021. The provisions of this rule have been in effect in all states as of October 31, 2021, since these import and export requirements are administered by the federal government as a foreign policy matter and are not administered by individual states. State programs are required to adopt the provisions in this rule to maintain their equivalency with the federal program under 40 CFR 271.10(e). Since Wisconsin already adopted 40 CFR part 262 subpart H, 40 CFR part 264, and 40 CFR part 265, the State must adopt the revisions to those provisions which are found in this rule. When states adopt the import-export provisions in this rule, federal or international references or terms must not be replaced with state references or terms. All provisions in the rule are promulgated under HSWA import-export authority.

Spent Refrigerants Being Recycled for Reuse

The EPA's "Management of Certain Hydrofluorocarbons and Substitutes under the American Innovation and Manufacturing Act" was promulgated on October 11, 2024, and effective December 10, 2024. All provisions in the rule are promulgated under the authority of HSWA and therefore are in effect in all states as of December 10, 2024. The standards will be implemented and enforced by EPA until Wisconsin receives authorization for the rule.

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

The department held a virtual preliminary public hearing on the Statement of Scope on August 21, 2025, at 10 a.m. and 14 members of the public attended the hearing. One person registered in support and no one registered in opposition to the Scope Statement. No attendees provided public testimony.

8. Comparison with Similar Rules in Adjacent States:

A summary of the rule's three components are found below. The three parts are promulgated under the authority of the HSWA to RCRA.

EPA Regulations: Canada Import-Export Recovery and Disposal Code Changes
Promulgated December 1, 2021. Checklist 244:

- Illinois, Michigan, and Illinois have not yet adopted this rule. All states must adopt this rule.
- Iowa does not have a state program. EPA Region 7 administers and enforces RCRA hazardous waste regulations for Iowa.
- The provisions of this rule will take effect in all states on the effective date of the rule, since these import and export requirements will be administered by the federal government as a foreign policy matter, and will not be administered by the state.
- State programs are required to adopt the provisions in this rule to maintain their equivalency with the federal program under 40 CFR 271.10(e).

EPA Regulations: Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports

Promulgated July 26, 2024. Checklist 247:

- Illinois, Michigan, and Illinois have not yet adopted this rule. All states must adopt this rule. This rule is enforced at the federal level.
- Iowa does not have a state program. EPA Region 7 administers and enforces RCRA hazardous waste regulations for Iowa.
- All provisions in the rule are promulgated either under the e-Manifest Act or HSWA import-export authority.
- The provisions of this rule will take effect in all states on the effective date of the rule; the import and export requirements will be administered by the federal government and will not be administered by states.
- When a state adopts the e-Manifest or import-export provisions in this rule, the federal or international references or terms must not be replaced with state references or terms.

USEPA Regulations: Management of Certain Hydrofluorocarbons and Substitutes

Promulgated October 11, 2024. Checklist 248:

- Illinois, Michigan, and Illinois have not yet adopted this rule. All states must adopt this rule.
- Iowa does not have a state program. EPA Region 7 administers and enforces RCRA hazardous waste regulations for Iowa.
- All provisions in the rule are promulgated under the authority of the HSWA to RCRA. The standards are applicable on the rule's effective date of December 10, 2024, in all states and will be implemented and enforced by EPA until the states receive authorization.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

The proposed rules will maintain consistency with federal rules and help ensure continued authorization of the state RCRA program by the EPA. Currently two states have adopted the e-Manifest and Hydrofluorocarbon and Substitutes Rule. Fourteen states have adopted the Canada Import-Export Recovery and Disposal Code rule.

All three rules are required by the EPA and are currently in effect in all states. The proposed rules are also required by state statute to maintain consistency with federal rules and ensure program authorization through RCRA.

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

The determination that these rules will have little or no impact on small businesses was reached through analysis of the reports created by the EPA during the rule promulgation process at the federal level, and the federal evaluation of impacted state entities and business sectors. Each federal revision contains an economic impact assessment, fiscal estimate, and language considering which sectors, businesses, and entities will be affected by the change.

Canada Import-Export Recovery and Disposal Code Changes

This information was published in the Federal Register (86 FR 54381). Because of the federal government's 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; therefore, the rule is in place currently and enforced by the EPA. States are still required to adopt the rule to retain authorization to manage the hazardous waste program and must not replace federal or international references or terms with state references or terms. Because this rule is to change twelve recycling and disposal codes to align with codes used in Canada, there is little to no economic impact on importers and exporters of waste between Wisconsin and Canada.

Recordkeeping and Reporting Requirements

The information for this rule was published in two Federal Registers (89 FR 60692 and 89 FR 86758). In EPA's Regulatory Impact Analysis (RIA) for this rule it states that there will not be a "significant economic impact" on small entities. Cost savings include:

- Eliminating information required on manifests.
- Removing the requirement to mail manifests back to the generator.
- Submitting manifests and associated reports in the electronic database instead of mailing and managing paper copies.

While some small businesses in Wisconsin will be subject to the manifest requirements, this rule falls under the Hazardous Waste Electronic Manifest Establishment Act, which is intended to modernize and streamline the manifest process, reduce the reporting burden on industry and states, and increase information availability. As such, the rule will have little to no adverse economic impacts on such businesses.

EPA does not anticipate that the final rule would result in disproportionately high or adverse impacts for minority or low-income populations. Overall, the EPA anticipates that the rule will support the safe shipment and management of hazardous waste, which benefits all communities. As the rule encourages environmentally sound recordkeeping of hazardous wastes, it will likely reduce the risks associated with treatment, disposal, and recovery.

Spent Refrigerants Being Recycled for Reuse

Information about this rule was published in the Federal Register (89 FR 82682). The American Innovation and Manufacturing Act authorizes EPA to address the management and phasedown of HFCs. EPA looked at different parts of the rule to estimate the cost impact in the accompanying RIA. These included servicing and repairing refrigerant-containing equipment, servicing and disposal of HFC-containing fire suppression systems, training, and recovery of HFC from equipment. The RIA determined that there would be minimal to no compliance costs for the requirements. The Federal Register mentioned that grant programs will be established to assist small businesses with the purchase of new specialized equipment for the recycling, recovery, or reclamation of substitutes for HFC, including the purchase of approved refrigerant recycling equipment for recycling, recovery, or reclamation done in the service or repair of motor vehicle air conditioner (MVAC) systems. This will be accomplished according to the AIM Act and is outside of this rule.

EPA estimates nationwide compliance costs ranging from \$0.9 billion to \$1.5 billion and value net benefit between \$6.9 billion and \$7.5 billion. State estimated implementation and

compliance costs are \$0 because there is no cost to the state rule that is beyond what will be required by the federal rule.

While providing additional overall climate benefits, this rule may also result in reductions to emissions of air pollutants or other chemicals which are potential byproducts of HFC reclamation processes at affected facilities.

11. Effect on Small Business (initial regulatory flexibility analysis):

The proposed rule will have little to no impact and will most likely create a cost savings for small businesses.

The reduction of the number of manifest pages and the removal of the requirement to mail final copies of the manifest to generators will provide a savings by reducing printing and postal fees. Exception reporting, discrepancy reporting, and unmanifested waste reporting will all transition to an automated, electronic component of the e-Manifest system, eliminating the regulation to mail paper copies of the reports. This rule is currently in place at the federal level and mandatory for all states to adopt. This is a federally enforced rule. This portion of the rule is not anticipated to have a significant regulatory cost for small businesses.

There is no anticipated economic impact from the adoption of the twelve disposal codes currently used by Canada for import and export shipments. These codes will align disposal codes and help alleviate confusion in the transportation of hazardous waste across the Canadian-U.S. border. This rule is currently in place at the federal level and mandatory for all states to adopt. This is a federally enforced rule. This portion of the rule is not anticipated to have any regulatory cost for small businesses.

The modifications to the management requirements for recycled refrigerants would be expected to have a minimum economic impact on affected entities. These requirements are already in effect at the federal level under Clean Air Act regulations, so businesses engaged in refrigerant recycling activities would already be required to follow the regulations. Recordkeeping requirements would be similar to Clean Air Act requirements. This rule is currently in place at the federal level and mandatory for all states to adopt. This portion of the rule is not anticipated to have a significant economic impact on small businesses.

12. Agency Contact Person:

Cathy Baerwald, Catherine.Baerwald@wisconsin.gov, (414) 333-6805

13. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, or email to:

Cathy Baerwald
Department of Natural Resources
1027 W. St. Paul Ave., Milwaukee, WI 53233-2641

Catherine.Baerwald@wisconsin.gov; (414) 333-6805

Comments may be submitted to the department contact person listed above or to DNRAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming

notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's Hearings and Meetings Calendar.

- [Access the Wisconsin Administrative Register](https://docs.legis.wisconsin.gov/code/register)
(<https://docs.legis.wisconsin.gov/code/register>).
 - [Access the department's Hearings and Meetings Calendar](https://dnr.wisconsin.gov/calendar)
(<https://dnr.wisconsin.gov/calendar>).
 - [Submit comments through the Wisconsin Administrative Rules Website](https://docs.legis.wisconsin.gov/code/chr/active)
(<https://docs.legis.wisconsin.gov/code/chr/active>).
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[Notes for LRB: Pursuant to s. 227.14 (1m), Stats., the department deviates from Wisconsin drafting style on several accounts to align with federal regulations, including the following:

- Using “must” to mean “shall”.
- Using “should” to mean “may”.
- Using “such”, “any of”, “per” and “through” to align with federal language.
- Using “and/or” to align with federal code and mirror existing language in chapter.
- Using “through” instead of “to” to align with federal language in disposal and operation codes requirements.
- Using “in” and “to” for reference to citations to align with federal language and mirror existing language in chapter.
- Using “where” to align with federal language pertaining to imports and exports of hazardous waste.
- Using parentheses to provide clarity, as in “send to the EPA e-manifest system an image file of the top copy (page 1) and in the manifest language which matches federal language and is enforced at the federal level.
- Using capitals, as in “Discrepancy Reports” to align with federal language on regulations enforced at the federal level.
- Using plurals to align with mandatory federal rule enforced at the federal level.

The federal regulations are mandatory for states to adopt. When a state adopts the e-manifest or import-export provisions, the federal or international references or terms must not be replaced with state references or terms.]

RULE TEXT

SECTION 1. NR 660.02 (4) (a) and (b) are amended to read:

NR 660.02 (4) (a) After June 26, 2018, no claim of business confidentiality may be asserted by any person with respect to information contained in cathode ray tube export documents prepared, used, and submitted under ss. NR 661.0039 (1) (e) and 661.0041 (1) and with respect to information contained in hazardous waste export, import, and transit documents prepared, used, and submitted under ss. NR 662.082, 662.083, 662.084, 663.20, 664.0012, 664.0071, 665.0012, 665.0071, and 667.0071, whether submitted electronically into EPA’s waste-import-export ~~import-export~~ tracking system (WIETS) or its successor or in paper format. After January 22, 2025, no claim of business confidentiality may be asserted by any person with respect to information contained in hazardous secondary material export documents prepared, used, and submitted under s. NR 661.0004 (1) (y), whether submitted electronically into WIETS or in paper format.

(b) EPA will make any cathode ray tube export documents prepared, used, and submitted under ss. NR 661.0039 (1) (e) and ~~661.0041(1)~~ 661.0041 (1), and any hazardous waste export, import, and transit documents prepared, used, and submitted under ss. NR 662.082, 662.083, 662.084, 663.20, 664.0012, 664.0071, 665.0012, 665.0071, and 667.0071 available to the public under this section when these electronic or paper documents are considered by EPA to be final documents. These submitted electronic and paper documents related to hazardous waste exports, imports, and transits, and cathode ray tube exports are considered by EPA to be final documents on March 1 of the calendar year after the related cathode ray tube exports or hazardous waste exports, imports, or transits occur. After January 22, 2025, the EPA will make available to the public any hazardous secondary material export documents prepared, used, and submitted under s. NR 661.0004 (1) (y) on March 1 of the calendar year after the related hazardous secondary material exports occur, when these documents are considered by the EPA to be final documents.

SECTION 2. NR 660.10 (28g) is created to read:

NR 660.10 (28g) “EEI” means electronic export information.

SECTION 3. NR 660.10 (28p) and (28s) are amended to read:

NR 660.10 (28p) “Electronic manifest”, “e-Manifest”, or “e-manifest” means the electronic format of the hazardous waste manifest that is obtained from EPA’s national e-manifest system and transmitted electronically to the system, and that is the legal equivalent of EPA Forms 8700-22, Manifest, and 8700-22A, Continuation Sheet.

(28s) “Electronic manifest system”, “e-Manifest system”, or “e-manifest system” means EPA’s national information technology system through which the electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

SECTION 4. NR 660.10 (145g) is created to read:

NR 660.10 (145g) “WIETS” means the EPA's waste import-export tracking system.

SECTION 5. NR 661.0004 (1) (y) 1. a. and h., 2., 5., 10., and 11. are amended to read:

NR 661.0004 (1) (y) 1. a. The name, ~~mailing site~~ address, telephone number, and EPA ID number, if applicable, of the hazardous secondary material generator.

h. The name and site address of the reclaimer, ~~and any intermediate facility and any~~ alternate reclaimer, and alternate intermediate ~~facilities~~ facility.

2. Notifications shall be submitted electronically using ~~EPA's Waste Import Export Tracking System~~ WIETS or its successor system.

5. The EPA will provide a complete notification to the country of import and any countries of transit. A notification is complete when EPA receives a notification that EPA determines satisfies the requirements specified in subd. 1. ~~When a claim of confidentiality is asserted with respect to any notification information required by subd. 1., EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.~~

10. A hazardous secondary material generator shall keep a copy of each notification of intent to export and each EPA acknowledgment of consent for a period of 3 years following receipt of the EPA acknowledgment of consent. A hazardous secondary material generator may satisfy this recordkeeping requirement by retaining electronically submitted notifications or electronically generated acknowledgements in their account on ~~EPA's Waste Import Export Tracking System~~, WIETS or its successor system, provided that such copies are readily available for viewing and production if requested by EPA or the department. No hazardous secondary material generator may be held liable for the inability to produce a notification or acknowledgement for inspection under this section if they can demonstrate that the inability to produce such copies ~~are~~ is due exclusively to technical difficulty with ~~EPA's Waste Import Export Tracking System~~, WIETS, or its successor system, for which the hazardous secondary material generator bears no responsibility.

11. A hazardous secondary material generator shall file with the EPA administrator no later than March 1 of each year a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous secondary material exported during the previous calendar year. Annual reports shall be submitted electronically using ~~EPA's Waste Import Export Tracking System~~, WIETS, or its successor system. Such reports shall include all of the following information:

SECTION 6. NR 661.0006 (1) (b) (intro.) is amended to read:

NR 661.0006 (1) (b) The following recyclable materials are not subject to the requirements of this section but are regulated under subchs. C to ~~N~~Q of ch. NR 666 and all applicable provisions in chs. NR 668 and 670:

SECTION 7. NR 661.0006 (1) (b) 5. is created to read:

NR 661.0006 (1) (b) 5. Ignitable spent refrigerants recycled for reuse, as specified under subch. Q of ch. NR. 666.

SECTION 8. NR 661.0006 (1) (c) 1. a. and b. are amended to read:

NR 661.0006 (1) (c) 1. a. ~~A~~ The person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary an exporter in s. NR 662.083 (7) and (9), with the exception of s. NR 662.083 (3) shall export such materials only upon consent of the receiving country and in conformance with the EPA acknowledgment of consent, as defined in subch. H of ch. NR 662, and shall provide a copy of the EPA acknowledgment of consent to the shipment to the transporter transporting the shipment for export.

b. A transporter transporting a shipment for export or import ~~may not accept a shipment if the transporter knows the shipment does not conform to the EPA acknowledgment of consent. The transporter shall ensure that a copy of the EPA acknowledgment of consent accompanies the shipment and shall ensure that it is delivered to the facility designated by the person initiating the shipment~~ shall comply with the movement document requirements listed under s. NR 663.20 (1) (b) and (3).

SECTION 9. NR 661.0039 (1) (e) 1. a. and f., 2., 5. b., 9., and 11. are amended to read:

NR 661.0039 (1) (e) 1. a. Name, ~~mailing site~~ address, telephone number, and EPA identification number, if applicable, of the exporter of the CRTs.

f. The name and site address of the recycler or recyclers and the estimated quantity of used CRTs to be sent to each facility, as well as the names of any alternate recyclers.

2. Notifications shall be submitted electronically using ~~EPA's waste import export tracking system~~ WIETS, or its successor system.

5. b. ~~On or after the automated export system, or AES, filing compliance date of~~

~~December 31, 2017, the~~ The exporter or a U.S. authorized agent shall do all of the following:

9. An exporter shall keep copies of notifications and acknowledgments of consent to export CRTs for a period of 3 years following receipt of the acknowledgments of consent. An exporter may satisfy this recordkeeping requirement by retaining electronically submitted notifications or electronically generated acknowledgements in the CRT exporter's account on ~~EPA's waste import export tracking system~~ WIETS, or its successor system, provided that the copies are readily available for viewing and production if requested by any EPA or an authorized state inspector. No CRT exporter may be held liable for the inability to produce a notification or acknowledgments of consent for inspection under this section if the CRT exporter can demonstrate that the inability to produce such copies are due exclusively to technical difficulty with ~~EPA's waste import export tracking system~~ WIETS, or its successor system, for which the CRT exporter bears no responsibility.

~~11. Prior to December 31, 2018, one year after the AES filing compliance date, annual reports shall be sent to the following mailing address: Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch (Mail Code 2255A) Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Hand-delivered annual reports on used CRTs exported during 2016 shall be sent to: Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch (Mail Code 2255A), Environmental Protection Agency, William Jefferson Clinton South Building, Room 6144, 1200 Pennsylvania Ave. NW, Washington, DC 20004. Subsequently, annual reports shall be submitted to the office listed~~ Annual reports must be submitted to the EPA using the allowable methods specified in subd. 2. An exporter shall keep copies of each annual report for a period of at least 3 years from the due date of the report. An exporter may satisfy this recordkeeping requirement by retaining electronically submitted annual reports in the CRT exporter's account on ~~EPA's waste import export tracking system~~ WIETS, or its successor system, provided that a copy is readily available for viewing and production if requested by any EPA or authorized state inspector. No CRT exporter may be held liable for the inability to produce an annual report for inspection under this section if the CRT exporter can demonstrate that the inability to produce the annual report is due exclusively to technical difficulty with ~~EPA's waste import export tracking system~~ WIETS, or its successor system, for which the CRT exporter bears no responsibility.

SECTION 10. NR 661.0400 (intro.) is amended to read:

NR 661.0400 Applicability. The requirements of this subchapter apply to those areas of an entity managing hazardous secondary material excluded under s. NR 661.0004 (1) (w) or (x) where such hazardous secondary material is generated or accumulated on site, and to facilities regulated under the standards of subch. Q of ch. NR 666 that receive ignitable spent refrigerant from off-site and that are not transfer facilities that store the refrigerants for less than 10 days. Facilities listed in this section shall meet all of the following requirements, as applicable:

SECTION 11. NR 661.0400 (3) is created to read:

NR 661.0400 (3) A facility receiving refrigerant from off-site under subch. Q of ch. NR 666 that is not a transfer facility that stores the refrigerants for less than 10 days shall comply with ss. NR 661.0410 and 661.0420.

SECTION 12. NR 661.0420 (intro.) is amended to read:

NR 661.0420 Contingency planning and emergency procedures for facilities generating or accumulating more than 6,000 kg of hazardous secondary material or receiving ignitable spent refrigerants. A generator or an intermediate or reclamation facility that generates or accumulates more than 6,000 kg of hazardous secondary material or a facility receiving refrigerant from off-site under subch. Q of ch. NR 666 that is not a transfer facility that stores the refrigerants for less than 10 days shall comply with all of the following requirements:

SECTION 13. NR 662.014 (1) (e) 6. c. is created to read:

NR 662.014 (1) (e) 6. c. For ignitable spent refrigerants regulated under subch. Q of NR 666, meets the requirements under subch. Q of NR 666.

SECTION 14. NR 662.020 (1) (a) is amended to read:

NR 662.020 (1) (a) A generator that transports, or offers for transport a hazardous waste for off-site treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, shall prepare a Manifest, OMB Control number 2050-0039, on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A₁, and follow the Form 8700-22 instructions related to completing the manifest. Large and small quantity generators must register with the EPA's e-manifest system to obtain signed and dated copies of completed

manifests from the EPA e-manifest system and comply with sub. (1) (b).

SECTION 15. NR 662.020 (1) (b) is repealed and recreated to read:

NR 662.020 (1) (b) After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-manifest system, any post-receipt data corrections may be submitted at any time by any interested person, such as a waste handler, named on the manifest. If corrections are requested by the department or the EPA for portions of the manifest that a generator is required to complete, the generator must address the data correction within 30 days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process as described under s. NR 665.0071 (12), which applies to corrections made to either paper or electronic manifests.

SECTION 16. NR 662.024 (8) is repealed.

SECTION 17. NR 662.042 (1) (a) and (b) (intro.) are amended to read:

NR 662.042 (1) (a) A large quantity generator that does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within ~~35~~ 45 days of the date the waste was accepted by the initial transporter shall contact the transporter or the owner or operator of the designated facility to determine the status of the hazardous waste.

(b) A large quantity generator shall submit an exception report to the department if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within ~~45~~ 60 days of the date the waste was accepted by the initial transporter. The exception report shall include all of the following:

SECTION 18. NR 662.042 (1) (c) is created to read:

NR 662.042 (1) (c) Beginning on December 1, 2025, the EPA will no longer accept mailed paper exception reports from large quantity generators. Beginning on December 1, 2025, a large quantity generator must submit an exception report to the EPA e-manifest system if the generator has not received a copy of the manifest with the signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. The exception report must include all of the following:

1. A legible copy of the manifest for which the generator does not have confirmation of delivery.

2. An explanation of the efforts taken to locate the hazardous waste and the results of those efforts.

SECTION 19. NR 662.042 (2) is renumbered NR 662.042 (2) (intro.) and amended to read:

NR 662.042 (2) A small quantity generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter shall ~~submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the department.~~ do all of the following:

SECTION 20. NR 662.042 (2) (a) and (b) are created to read:

NR 662.042 (2) (a) Submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the department.

(b) Beginning on December 1, 2025, the EPA will no longer accept mailed paper exception reports from small quantity generators. Beginning on December 1, 2025, a small quantity generator must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA e-manifest system. Generators that are normally VSQGs but are subject to the SQG provisions of this paragraph because of an episodic generation event pursuant to s. NR 662.232 (1) (e) must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA.

SECTION 21. NR 662.042 (3) (b) is amended to read:

NR 662.042 (3) (b) The ~~35,~~ 45, and 60-day timeframes begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

SECTION 22. NR 662.042 (4) is created to read:

NR 662.042 (4) (a) Beginning on December 1, 2025, any requirement under s. NR 662.040 for a generator to keep or retain a copy of an exception report is satisfied by retention

of a signed electronic exception report in the generator's account on the EPA e-manifest system, provided that the exception report is readily available if requested by the EPA.

(b) Beginning on December 1, 2025, no generator may be held liable for the inability to produce an electronic exception report for inspection if the generator can demonstrate that the inability to produce the electronic exception report is due exclusively to a technical difficulty with the e-manifest system for which the generator bears no responsibility.

SECTION 23. NR 662.081 (6) (m) to (q) are amended to read:

NR 662.081 (6) (m) ~~D13-Blending~~ Interim blending or mixing, prior to any of before an operation that bears any of the disposal operations D1 to D12.

(n) ~~D14-Repackaging, prior to any of~~ Interim repackaging, before an operation that bears any of the disposal operations D1 to ~~D13~~ D12.

(o) ~~D15 Interim Storage, prior to any of storage, before an operation that bears any of the disposal~~ operations D1 to D12, ~~or DC17 for transboundary movements with Canada only,~~ Interim Storage, prior to any of operations D1 to D12.

(p) ~~DC15~~ DC1 Release, including the venting of compressed or liquefied gases, or treatment, other than by any of ~~operations~~ disposal operation codes D1 to D12, for transboundary movements with Canada only.

(q) ~~DC16~~ DC2 Testing of a new technology to dispose of a hazardous waste for transboundary movements with Canada only.

SECTION 24. NR 662.081 (19) (k), (L), (m), (n), (o), and (p) are amended to read:

NR 662.081 (19) (k) ~~R11-Uses~~ Use of residual materials obtained from any of the ~~operations~~ recovery operation codes numbered R1 through R10 or ~~RC14, for transboundary shipments with Canada only~~ RC1.

(L) ~~R12-Exchange~~ Interim exchange of wastes ~~for submission to any of the operations numbered R1 through R11 or RC14, for transboundary shipments with Canada only before recycling using any of the recovery operation codes numbered R1 through R11 or RC1.~~

(m) ~~R13-Accumulation~~ Interim accumulation of material intended for any operation

~~numbered R1 through R12 or RC14, for transboundary shipments with Canada only wastes before recycling using any of the recovery operation codes numbered R1 through R11 or RC1.~~

(n) ~~RC14~~ RC1 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 to R10, for transboundary shipments with Canada only.

(o) ~~RC15~~ RC2 Testing of a new technology to recycle a hazardous recyclable material, for transboundary shipments with Canada only.

(p) ~~RC16~~ RC3 Interim storage prior to any of operations R1 to R11 or ~~RC14~~ RC1, for transboundary shipments with Canada only.

SECTION 25. NR 662.083 (1) (f) (intro.) is amended to read:

NR 662.083 (1) (f) The exporter or a U.S. authorized agent ~~does the following as applicable~~ submits Electronic Export Information, EEI, for each shipment to the Automated Export System, AES, or its successor system, under the International Trade Data System platform, ITDS, in accordance with 15 CFR 30.4 (b), and includes, along with the other information required under 15 CFR 30.6, all of the following items in the EEI:

SECTION 26. NR 662.083 (2) (a) (intro.) and 1. to 4. are amended to read:

NR 662.083 (2) (a) General notifications. At least 60 days before the first shipment of hazardous waste is expected to leave the United States, the exporter shall provide notification in English to EPA of the proposed transboundary movement. Notifications shall be submitted electronically using ~~EPA's waste import-export tracking system-WIETS~~, or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery or disposal facility, and shall include all of the following information:

1. Exporter name and EPA identification number, site address, telephone number, fax number, and email address.

2. Foreign receiving facility name, site address, telephone number, fax number, email address, technologies employed, and the applicable recovery or disposal operations as defined in s. NR 662.081.

3. If not the owner or operator of the foreign receiving facility, then the foreign importer

name, site address, telephone number, fax number, and email address.

4. Intended transporter and/or their agent; site address, telephone number, fax number, and email address.

SECTION 27. NR 662.083 (2) (c) is amended to read:

NR 662.083 (2) (c) *Notifications listing interim recycling operations or interim disposal operations.* If the foreign receiving facility listed in par. (a) 2. will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, or in the case of transboundary movements with Canada, any of the interim recovery operations R12, R13, or ~~RC16~~ RC3, or interim disposal operations D13 to D14, or ~~DC17~~ D15, the notification submitted under par. (a) shall also include the final foreign recovery or disposal facility name, site address, telephone number, fax number, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, or in the case of transboundary movements with Canada, which of the applicable recovery or disposal operations R1 through R11, ~~RC14 to RC15~~ RC1 to RC2, D1 through D12, and ~~DC15 to DC16~~ DC1 to DC2 will be employed at the final foreign recovery or disposal facility. The recovery and disposal operations in this paragraph are defined in s. NR 662.081.

SECTION 28. NR 662.083 (3) (intro.) is amended to read:

NR 662.083 (3) RCRA MANIFEST INSTRUCTIONS FOR EXPORT SHIPMENTS. The exporter shall comply with the manifest requirements specified in ss. NR 662.020 to ~~662.023~~ 662.025 except that:

SECTION 29. NR 662.083 (3) (b) is renumbered NR 662.083 (3) (b) (intro.) and amended to read:

NR 662.083 (3) (b) In the International Shipments block on the EPA Form 8700-22A continuation sheet, the exporter shall ~~check the export box and enter the U.S. port of exit, city and state, from the United States~~ do all of the following:

SECTION 30. NR 662.083 (3) (b) 1. to 3. are created to read:

NR 662.083 (3) (b) 1. Check the export box and enter the U.S. port of exit (city and state) from the United States.

2. Enter the exporter's EPA ID number, if the exporter is not identified in Item 5 of the manifest, EPA Form 8700-22, for the export shipment.

3. List the waste stream consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter shall use a continuation sheet, EPA Form 8700-22A.

SECTION 31. NR 662.083 (3) (c) is amended to read:

NR 662.083 (3) (c) ~~The exporter shall list the consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use a continuation sheet of EPA Form 8700-22A.~~ may obtain the manifest from any source so long as the source of the printed form has received approval from the EPA to print the manifest in accordance with s. NR 662.021 (7) (a).

SECTION 32. NR 662.083 (3) (d) is repealed and recreated to read:

NR 662.083 (3) (d) Beginning on December 1, 2025, within 30 days of receiving an export manifest from the final domestic transporter to carry the export shipment to or across the U.S. port of exit, the exporter must submit the top copy, Page 1, of the signed and dated manifest, whether electronic or paper, and all continuation sheets, whether electronic or paper, to the EPA e-manifest system. The exporter must submit the paper manifest and all paper continuation sheets to the EPA e-manifest system for purposes of data entry and processing by transmitting to the EPA e-manifest system an image file of Page 1 of the manifest and all continuation sheets, or by transmitting to the EPA e-manifest system both a data file and the image file corresponding to Page 1 of the manifest and all continuation sheets. The exporter shall do all the following, as applicable:

1. As prescribed under 40 CFR 265.1311, and determined under 40 CFR 265.1312, an exporter who is a user of the electronic manifest system shall be assessed a user fee by the EPA for the submission and processing of each electronic and paper manifest. The EPA shall update the schedule of user fees and publish them to the user community, as provided under 40 CFR 265.1313.

2. An exporter subject to user fees shall make user fee payments in accordance with the requirements under 40 CFR 265.1314, subject to the informal fee dispute resolution process under 40 CFR 265.1316, and subject to the sanctions for delinquent payments under 40 CFR 265.1315.

3. Electronic manifest signatures shall meet the criteria described under s. NR 662.025.

4. Within 30 days of receiving a paper replacement manifest from the last transporter carrying the shipment to or across the U.S. border for a manifest that was originated electronically, the exporter shall send a signed and dated copy of the paper replacement manifest to the EPA e-Manifest system.

5. After foreign facilities have certified to the receipt of hazardous wastes by sending a copy of the movement document to the exporter under sub. (4) (b), any post-receipt data corrections may be submitted at any time by any interested person, such as a domestic waste handler, shown on the manifest. If requested by the EPA, an exporter shall address manifest data corrections within 30 days from the date of the request. Data correction submissions shall be made electronically via the post-receipt data corrections process as described under s. NR 665.0071, which applies to corrections made to either paper or electronic manifests.

SECTION 33. NR 662.083 (4) (b) 1. to 5., 8., 9., and 15. are amended to read:

NR 662.083 (4) (b) 1. The corresponding consent numbers and hazardous waste numbers for the listed hazardous waste from the relevant EPA AOC and, if required to be accompanied by a RCRA Uniform Hazardous Waste Manifest within the United States, the manifest tracking number from block 4.

2. The shipment number and the total number of shipments from the EPA AOC or the movement tracking number.

3. The exporter name and EPA identification number, site address, telephone number, fax number, and email address.

4. The foreign receiving facility name, site address, telephone number, fax number, email address, technologies employed, and the applicable recovery or disposal operations as defined in s. NR 662.081.

5. If not the owner or operator of the foreign receiving facility, then the foreign importer name, site address, telephone number, fax number, and email address.

8. If not the exporter, then the name, site address, telephone number, fax number, and email of the company originating the shipment.

9. The company name, EPA ID number, site address, telephone number, fax number, and email address of all transporters.

15. As part of the contract requirements under sub. (6), the exporter shall require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within 3 working days of shipment delivery to the exporter, and to the competent authorities of the countries of import and transit, and for that control the shipment as an import and transit of hazardous waste respectively. For shipments occurring on or after the electronic import-export reporting compliance date, the exporter shall ~~additionally require that the foreign receiving facility send a copy to EPA at the same time initiate the movement document using the allowable methods listed in sub. (2) (a) and close out the movement document within 3 working days of receiving a copy of the signed movement document sent from the foreign receiving facility to confirm receipt using the allowable methods listed under sub. (2) (a).~~

SECTION 34. NR 662.083 (4) (b) 16. and 17., and (6) (c) 3. are created to read:

NR 662.083 (4) (b) 16. As part of the contract requirements under sub. (6), the exporter shall require that the foreign receiving facility send a copy of the confirmation of recovery or disposal, as soon as possible, but no later than 30 days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import. If the movement includes shipment to a foreign interim receiving facility, the exporter shall additionally require that the interim receiving facility 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, or one of disposal operations D1 through D12, DC1, or DC2 as defined under s. NR 662.081 to the competent authority of the country of import and to the exporter. For shipments occurring on or after the electronic import-export reporting compliance date, the exporter shall submit each confirmation of recovery or disposal to the EPA within 3 working days of receiving

the confirmation of recovery or disposal from the foreign receiving facility using the allowable methods listed under sub. (2) (a).

17. For shipments sent to a country with which the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt and the confirmation of recovery or disposal may be sent via the electronic exchange.

(6) (c) 3. Transmittals made by the transporter or foreign receiving facility under sub. (9) being sent to the exporter or the EPA from a country with which the EPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange.

SECTION 35. NR 662.083 (6) (d), (e), and (f) (intro.) and 2. are amended to read:

NR 662.083 (6) (d) Contracts shall specify that the foreign receiving facility send a copy of the signed movement document to confirm receipt within 3 working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit.~~For contracts that will be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify that the foreign receiving facility send a copy to EPA at the same time using the allowable methods listed in sub. (2) (a) on or after that date, that control~~the shipment as an import and transit of hazardous waste respectively. For shipments sent to a country with which the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt may be sent via the electronic exchange.

(e) Contracts shall specify that the foreign receiving facility shall send a copy of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than 30 days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import.~~For contracts that will be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify that the foreign receiving facility send a copy to EPA at the same time using the allowable methods listed in sub. (2) (a) on or after that date, that controls the shipment as an import of hazardous waste. For shipments sent to a country with which the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation~~

of recovery or disposal may be sent via the electronic exchange.

(f) Contracts shall specify that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or ~~RC16~~ RC3, or interim disposal operations D13 through D15 or ~~DC17~~, recovery and disposal operations defined in s. NR 662.081, as appropriate, shall do all of the following:

2. Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or ~~RC16~~ RC1, or one of disposal operations D1 through D12, ~~DC15 or DC16~~ DC1, or DC2 to the competent authority of the country of import. ~~For contracts that will be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify that the foreign facility send copies to EPA at the same time using the allowable method listed in sub. (2) (a) on or after that date.~~ that controls the shipment as an import of hazardous waste and to the exporter. For shipments sent to a country with which the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of recovery or disposal may be sent via the electronic exchange.

SECTION 36. NR 662.083 (7) and (9) (a) (intro.) are amended to read:

NR 662.083 (7) ANNUAL REPORTS. The exporter shall file an annual report with the EPA no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. ~~Prior to one year after the AES filing compliance date, the exporter shall mail or hand-deliver. The exporter must submit~~ annual reports to EPA using one of the addresses specified in s. NR 662.082 (5), or submit to the EPA using the allowable methods specified in sub. (2) (a) ~~if the exporter has electronically filed EPA information in AES, or its successor system, under sub. (1) (f) 1. a. for all shipments made the previous calendar year. Subsequently, the exporter shall submit annual reports to EPA using the allowable methods specified in sub. (2) (a).~~ The annual report shall include all of the following:

(9) (a) The exporter shall keep the following records and provide them to the EPA or the department upon request:

SECTION 38 NR 662.083 (9) (a) 6. is created to read:

NR 662.083 (9) (a) 6. A copy of each manifest sent by the last transporter in the United States per s. NR 663.20 (7).

SECTION 37. NR 662.083 (9) (b) is amended to read:

NR 662.083 (9) (b) An exporter may satisfy these recordkeeping requirements by retaining electronically submitted documents in the exporter's account on ~~EPA's waste import export tracking system~~ WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by the EPA or any authorized state inspector. No exporter may be held liable for the inability to produce such documents for inspection under this section if the exporter can demonstrate that the inability to produce the document is due exclusively to technical difficulty with ~~EPA's waste import export tracking system~~ WIETS, or its successor system for which the exporter bears no responsibility.

SECTION 38. NR 662.084 (2) (a) (intro.) and 1. to 4., (2) (b), (3) (a) 1. and (c) are amended to read:

NR 662.084 (2) (a) The importer is required to provide notification in English to EPA of the proposed transboundary movement of hazardous waste at least 60 days before the first shipment is expected to depart the country of export. Notifications submitted prior to the electronic import-export reporting compliance date shall be mailed or hand delivered to EPA at the addresses specified in s. NR 662.082 (5). Notifications submitted on or after the electronic import-export reporting compliance date shall be submitted electronically using ~~EPA's waste import export tracking system~~ WIETS, or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and shall include all of the following information:

1. Foreign exporter name, site address, telephone number, fax number, and email address.
2. Receiving facility name, EPA ID number, site address, telephone number, fax number, email address, technologies employed, and the applicable recovery or disposal operations as defined in s. NR 662.081.
3. If not the owner or operator of the receiving facility, then the importer name, EPA ID

number, site address, telephone number, fax number, and email address.

4. Intended transporters and/or their agents, with site address, telephone number, fax number, and email address.

(2) (b) Notifications listing interim recycling operations or interim disposal operations. If the receiving facility listed in par. (a) will engage in any of the interim recovery operations R12 or R13 or RC3 or interim disposal operations D13 through D15, the notification submitted according to par. (a) shall also include the final recovery or disposal facility name, site address, telephone number, fax number, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, RC1 and D1 through D12, will be employed at the final recovery or disposal facility. The recovery and disposal operations in this paragraph are defined in s. NR 662.081.

(3) (a) 1. In place of the generator's name, ~~address, mailing and site addresses,~~ and EPA identification number, the name and site address of the foreign generator and the importer's name, mailing address, and EPA identification number shall be used.

(c) In the International Shipments block on the continuation sheet, EPA Form 8700-22A, the importer shall check the import box and enter the ~~point~~ port of entry, city and state, into the United States.

SECTION 39. NR 662.084 (3) (d) is repealed.

SECTION 40. NR 662.084 (3) (dm) is created to read:

NR 662.084 (3) (dm) In lieu of the requirements under s. NR 662.020 (4), where a shipment cannot be delivered for any reason to the receiving facility, the importer shall instruct the transporter in writing via fax, email, or mail to do all of the following:

1. Return the hazardous waste to the foreign exporter or designate another facility within the United States.

2. Revise the manifest in accordance with the importer's instructions.

SECTION 41. NR 662.084 (3) (e) is repealed.

SECTION 42. NR 662.084 (4) (b) 1. to 5., 8., 9., and 15. are amended to read:

NR 662.084 (4) (b) 1. The corresponding AOC number and waste number for the listed waste and, if required to be accompanied by a RCRA uniform hazardous waste manifest within the United States, the manifest tracking number from block 4.

2. The shipment number and the total number of shipments under the AOC number or the movement tracking number.

3. Foreign exporter name, site address, telephone number, fax number, and email address.

4. Receiving facility name, EPA ID number, site address, telephone number, fax number, email address, technologies employed, and the applicable recovery or disposal operations as defined in s. NR 662.081.

5. If not the owner or operator of the receiving facility, then the importer name, EPA ID number, site address, telephone number, fax number, and email address.

8. If not the foreign exporter, then the name, site address, telephone number, fax number, and email of the foreign company originating the shipment.

9. Company name, EPA ID number (for transporters carrying RCRA manifested hazardous waste within the U.S. only), site address, telephone number, fax number, and email address of all transporters.

15. The receiving facility shall send a copy of the signed movement document to confirm receipt within 3 working days of shipment delivery to the foreign exporter, and to the competent authorities of the countries of export and transit, and for that control the shipment as an export and transit of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, to EPA electronically using the receiving facility shall close out the movement document to confirm receipt within 3 working days of shipment delivery using EPA's waste import-export tracking system WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export.

SECTION 43. NR 662.084 (6) (d) 3. is created to read:

NR 662.084 (6) (d) 3. Transmittals made by the transporter or receiving facility under subd. 1. being sent to a competent authority or foreign exporter in a country with which the EPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange.

SECTION 44. NR 662.084 (6) (e), (7) (a) and (b), and (8) (b) 3. and (c) are amended to read:

NR 662.084 (6) (e) Contracts shall specify that the importer or the receiving facility that performed interim recycling operations R12, R13, or ~~RC16~~ RC3, or interim disposal operations D13 through D15 or ~~DC15 to DC17~~, as appropriate, will provide the notification required in s. NR 662.083 (2) (g) prior to the re-export of hazardous wastes. The recovery and disposal operations in this paragraph are defined in s. NR 662.081.

(7) (a) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than 30 days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of 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, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to the EPA electronically using EPA's waste import export tracking system WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

(b) If the receiving facility performed any of recovery operations R12, R13, or ~~RC16~~ RC3, or disposal operations D13 through D15, or ~~DC17~~, the receiving facility shall 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 ~~RC14 to RC15~~ RC1 or RC2, or one of disposal operations D1 through D12, or ~~DC15 to DC16~~ DC1 or DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for confirmations received on or after the electronic import-export reporting compliance date, to the EPA electronically using EPA's waste import export tracking system WIETS, or its successor system. The recovery and disposal operations in this paragraph are defined in s. NR 662.081.

For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

(8) (b) 3. For the receiving facility that performed any of recovery operations R12, R13, or ~~RC16~~ RC3, or disposal operations D13 through D15, ~~or DC17~~, a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to it for at least 3 years from the date that the final recovery or disposal facility completed processing the waste shipment. The recovery and disposal operations in this paragraph are defined in s. NR 662.081.

(c) Importers and receiving facilities may satisfy these recordkeeping requirements by retaining electronically submitted documents in the importer's or receiving facility's account on ~~EPA's waste import-export tracking system,~~ WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by EPA or any authorized state inspector. No importer or receiving facility may be held liable for the inability to produce such documents for inspection under this section if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with ~~EPA's waste import-export tracking system,~~ WIETS, or its successor system for which the importer or receiving facility bears no responsibility.

SECTION 45. NR 663.20 (1) (b) and (i) are amended to read:

NR 663.20 (1) (b) Exports. For exports of hazardous waste subject to the requirements under subch. H of ch. NR 662, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this section, as appropriate, and ~~for exports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a~~ movement document that includes all information required under ~~s. NR 662.083 (4)~~ s. NR 662.083.

(i) Post-receipt manifest data corrections. ~~After a facility has certified to the receipt of hazardous wastes by signing item 20 of the manifest that the manifest is complete by signing it at the time of submission to the EPA e-manifest system, any post-receipt data corrections may be submitted at any time by any interested person, for example the waste handler, named on the manifest. A transporter may participate electronically in~~ If corrections are requested by the EPA for portions of the manifest that a transporter is required to complete, the transporter must

address the data correction within 30 days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process by following the process as described in s. NR 664.0071 (12) under s. NR 665.0071 (12), which applies to corrections made to either paper or electronic manifest records manifests.

SECTION 46. NR 663.20 (3) and (7) (a) and (c) are amended to read:

NR 663.20 (3) The transporter shall ensure that the manifest accompanies the hazardous waste. ~~In the case of exports occurring under the terms of a consent issued by EPA to the exporter on or after December 31, 2016,~~ For exports, the transporter shall ensure that a movement document that includes all information required under s. NR 662.083 (4) also accompanies the hazardous waste. ~~In the case of imports occurring under the terms of a consent issued by EPA to the country of export or the importer on or after December 31, 2016,~~ For imports, the transporter shall ensure that a movement document that includes all information required under s. NR 662.084 (4) also accompanies the hazardous waste.

(7) (a) Sign and date the manifest in the international shipments block on the continuation sheet, EPA Form 8700-22A, to indicate the date that the shipment left the United States or has been delivered to a seaport of exit for loading onto an international carrier.

~~(c) Return a signed copy. Beginning on January 22, 2025, return signed, top copies of the manifest and continuation sheet to the generator. On December 1, 2025, this paragraph no longer applies, and par. (d) applies instead.~~

SECTION 47. NR 663.20 (7) (d) is repealed and recreated to read:

NR 663.20 (7) (d) Compliance date for manifest returns beginning December 1, 2025. Beginning on December 1, 2025, return signed, top copies of the manifest and continuation sheet to the exporter.

Section 48. NR 664.0012 (1) (b) and (d) 1. and 2. are amended to read:

NR 664.0012 (1) (b) In accordance with s. NR 662.084 (4) (b) 15., a copy of the movement document bearing all required signatures within 3 working days of receipt of the shipment to the foreign exporter; and 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. For shipments received on or after the electronic import-export reporting

compliance date, ~~to EPA electronically using the receiving facility must close out the movement document to confirm receipt within 3 working days of shipment delivery using EPA's Waste Import Export Tracking System, (WIETS), or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export.~~ The original of the signed movement document shall be maintained at the facility for at least 3 years. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on ~~EPA's waste import export tracking system, WIETS~~ or its successor system, provided that copies are readily available for viewing and production if requested by EPA or by the department. No owner or operator of a facility shall be held liable for the inability to produce the documents for inspection under this paragraph if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with ~~EPA's waste import export tracking system, WIETS~~ or its successor system for which the owner or operator of a facility bears no responsibility.

(d) 1. Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than 30 days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of 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, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to the EPA electronically using EPA's Waste Import Export Tracking System, WIETS or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

2. If the facility performed any of recovery operations R12, R13, or ~~RC16~~ RC3, or disposal operations D13 through D15, ~~or DC17~~, 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 ~~RC16~~ RC1, or one of disposal operations D1 through D12, or ~~DC15 to DC16~~ DC1 or DC2. Copies of the confirmation shall ~~be~~ also be sent to the competent

authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to the EPA electronically using ~~EPA's waste import-export tracking system~~ WIETS, or its successor system. The recovery and disposal operations in this subdivision are defined in s. NR 662.081. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

SECTION 49. NR 664.0071 (1) (b) 4. is repealed.

SECTION 50. NR 664.0071 (1) (b) 5. b. is repealed and recreated to read:

NR 664.0071 (1) (b) 5. For paper manifests, beginning on June 30, 2021, send to the EPA e-manifest system an image file of page 1 of the manifest and any continuation sheet, or send to the EPA e-manifest system both a data file and the image file corresponding to page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery.

SECTION 51. NR 664.0071 (1) (c) 1. and 2., (2) (d), (4), and (12) (intro.) are amended to read:

NR 664.0071 (1) (c) 1. ~~Additionally, list~~ List the relevant waste stream consent number from consent documentation supplied by EPA to the facility for each waste listed on the manifest in the International Shipments block on the Continuation Sheet, EPA Form 8700-22A, matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use ~~a~~ an additional Continuation Sheet, EPA Form 8700-22A.

2. Send a copy of the manifest within 30 days of delivery to ~~EPA using the addresses listed in s. NR 662.082 (5).~~ In addition, the facility shall submit the copy to the EPA e-manifest system as specified in par. (b) 5.

(2) (d) Within 30 days ~~after the~~ of delivery, send one copy (Page 1) of the signed and dated manifest ~~or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery)~~ to the generator and, within 45 days, send one copy of the manifest to the department in an electronic format specified by the department to the EPA e-manifest system.

(4) In accordance with s. NR 662.084 (4) (b) 15., within 3 working days of the receipt of a shipment subject to subch. H of ch. NR 662, the owner or operator of a facility shall provide a copy of the movement document bearing all required signatures to the foreign exporter; and to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively; and. For shipments received on or after the electronic import-export reporting compliance date, to EPA electronically the receiving facility must close out the movement document to confirm receipt within 3 working days of shipment delivery using EPA's waste import export tracking system, WIETS, or its successor system. For shipments sent from a country with which EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the movement document shall be maintained at the facility for at least 3 years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on ~~EPA's waste import export tracking system~~ WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or department. No owner or operator of a facility shall 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 ~~EPA's waste import export tracking system~~ WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.

(12) ~~Post-receipt manifest data corrections.~~ After a facility has certified ~~to the receipt of hazardous wastes by signing Item 20 of the manifest that the manifest is complete by signing it at the time of submission to the EPA e-manifest system,~~ any post-receipt data corrections may be submitted at any time by any interested person, for example the waste handler, ~~shown~~ named on the manifest. If corrections are requested by the department or EPA for portions of the manifest that a designated facility is required to complete, the facility must make the data correction within 30 days from the date of the request. Corrections must meet all of the following requirements:

SECTION 52. NR 664.0072 (3) is renumbered NR 664.0072 (3) (intro.) and amended to read:

NR 664.0072 (3) Upon discovering a significant discrepancy, the owner or operator shall

attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within ~~15~~ 20 days after receiving the waste, the owner or operator shall ~~immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.~~ do all of the following:

SECTION 53. NR 664.0072 (3) (a) and (b) are created to read:

NR 664.0072 (3) (a) Prior to December 1, 2025, the owner or operator, upon identifying a significant discrepancy, should immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(b) Beginning on December 1, 2025, immediately submit a Discrepancy Report to the EPA e-manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the EPA will no longer accept mailed paper Discrepancy Reports from a facility.

SECTION 54. NR 664.0072 (7) is amended to read:

NR 664.0072 (7) If a facility owner or operator rejects a waste or identifies a container residue that exceeds the quantity limits for empty containers set forth in s. NR 661.0007 (2) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility owner or operator shall amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility owner or operator shall also copy the manifest tracking number from Item 4 of the new manifest to the discrepancy space of the amended manifest, and shall re-sign and date the manifest to certify to the information as amended. The facility owner or operator shall retain the amended manifest for at least 3 years from the date of amendment and shall, within 30 days, send a copy of the amended manifest to the transporter ~~and generator that received copies prior to their being amended.~~ ~~Within 45 days, the facility owner or operator shall also send one copy of the amended manifest to the department in an electronic format specified by the department.~~ Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-manifest system. Registered transporters may obtain the signed and dated copy of a completed manifest from the EPA e-manifest system in lieu of receiving the manifest through U.S. postal mail.

SECTION 55. NR 664.0076 (2) is created to read:

NR 664.0076 (2) Beginning on December 1, 2025, if a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described under s. NR 663.20 (5), and if the waste is not excluded from the manifest requirement, then the owner or operator shall prepare an electronic Unmanifested Waste Report in the EPA's e-manifest system for submission to the EPA within 15 days after receiving the waste. The Unmanifested Waste Report must contain all of the following:

- (a) The EPA identification number, site name and address of the facility.
- (b) The date the facility received the waste.
- (c) The EPA identification number, site name and address of the generator and the transporter, if available.
- (d) A description and the quantity of each unmanifested hazardous waste the facility received.
- (e) The method of treatment, storage, or disposal for each hazardous waste.
- (f) The certification signed by the owner or operator of the facility or an authorized representative.
- (g) A brief explanation of why the waste was unmanifested, if known.

SECTION 56. NR 665.0012 (1) (b) and (d) 1. and 2. are amended to read:

NR 665.0012 (1) (b) In accordance with s. NR 662.084 (4) (b) 15., a copy of the movement document bearing all required signatures within 3 working days of receipt of the shipment to the foreign exporter; and 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, For shipments received on or after the electronic import-export reporting compliance date, to EPA electronically using the receiving facility must close out the movement document to confirm receipt within 3 working days of shipment delivery using EPA's waste import-export tracking system, WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document

tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original of the signed movement document shall be maintained at the facility for at least 3 years. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on ~~EPA's waste import-export tracking system~~ WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by EPA or the department. No owner or operator of a facility shall 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 ~~EPA's waste import-export tracking system~~ WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.

(d) 1. Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than 30 days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of 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, and on or after the electronic import-export reporting compliance date, to the EPA electronically using ~~EPA's waste import-export tracking system~~ WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

2. If the facility performed any of recovery operations R12, R13, or ~~RC16~~ RC3, or disposal operations D13 through D15, or ~~DC17~~, 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 ~~RC16~~ RC1, or one of disposal operations D1 through D12, or ~~DC15 to DC16~~ DC1 or DC2. Copies of the confirmation shall also be sent to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to the EPA electronically using ~~EPA's waste import-export tracking system~~ WIETS, or its successor system. The recovery and disposal operations in this subdivision are defined in s. NR 662.081. For shipments sent from a country with which the EPA has established an electronic exchange of

movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

SECTION 57. NR 665.0071 (1) (b) 4. and 5. a. are repealed.

SECTION 58. NR 665.0071 (1) (b) 5. b is renumbered and amended to NR 665.0071 (1) (b) 5. to read:

NR 665.0071 (1) (b) 5. ~~Submit paper manifests according to all the following requirements: Beginning on June 30, 2021, the requirement to submit page 1 of the paper manifest and any paper continuation sheet to the e-manifest system for purposes of data entry and processing may be met by the owner or operator only by transmitting to the EPA system an image file of page 1~~ send to the EPA e-manifest system an image file of the top copy (page 1) of the paper manifest and any continuation sheet, ~~or by transmitting~~ send to the EPA e-manifest system both a data file and the image file corresponding to page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. ~~Submissions of copies to the e-manifest system shall be made to the electronic mail submission address specified at the e-manifest program website's directory of services.~~

SECTION 59. NR 665.0071 (1) (c) 1. and 2. are amended to read:

(c) 1. ~~Additionally, list~~ List the relevant waste stream consent number from consent documentation supplied by the EPA to the facility for each waste listed on the manifest in the International Shipments block on the Continuation Sheet, EPA Form 8700-22A, matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use ~~a continuation sheet~~ an additional Continuation Sheet, EPA Form 8700-22A.

2. Send a copy of the manifest within 30 days of delivery to ~~EPA using the addresses listed in s. NR 662.082 (5) until the facility can submit such a copy to the~~ EPA e-manifest system under par. (b) 5.

SECTION 60. NR 665.0071 (2) (d) is amended to read:

NR 665.0071 (2) (d) Within 30 days ~~after the~~ of delivery, send a copy (Page 1) of the signed and dated manifest ~~or a signed and dated copy of the shipping paper (if the manifest has~~

~~not been received within 30 days after delivery) to the generator and, within 45 days, send one copy of the manifest to the department in an electronic format specified by the department to the EPA e-manifest system.~~

SECTION 61. NR 665.0071 (2) (d) (Note) is repealed.

SECTION 62. NR 665.0071 (4) and (12) are amended to read:

NR 665.0071 (4) In accordance with s. NR 662.084 (4) (b) 15., within 3 working days of the receipt of a shipment subject to subch. H of ch. NR 662, the owner or operator of a facility shall provide a copy of the movement document bearing all required signatures to the foreign exporter; and to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively; and, For shipments received on or after the electronic import-export reporting compliance date, to EPA electronically using EPA's waste import export tracking system, the receiving facility must close out the movement document to confirm receipt within 3 working days of shipment delivery using WIETS or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the movement document shall be maintained at the facility for at least 3 years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on ~~EPA's waste import export tracking system~~ WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or department staff. No owner or operator of a facility shall 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 ~~EPA's waste import export tracking system~~, WIETS or its successor system, for which the owner or operator of a facility bears no responsibility.

(12) After facilities have certified ~~to the receipt of hazardous wastes by signing Item 20 of the manifest that the manifest is complete by signing it at the time of submission to the EPA e-manifest system~~, any post-receipt data corrections may be submitted at any time by any interested person, for example the waste handler, ~~shown~~ named on the manifest. If corrections

are requested by an agency for portions of the manifest that a designated facility is required to complete, the facility must address the data correction within 30 days from the date of the request. The person submitting the corrections shall do all of the following:

SECTION 63. NR 665.0072 (3) is renumbered NR 665.0072 (3) (intro.) and amended to read:

NR 665.0072 (3) Upon discovering a significant discrepancy, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within ~~15~~ 20 days after receiving the waste, the owner or operator shall ~~immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.~~ do all of the following:

SECTION 64. NR 665.0072 (3) (a) and (b) are created to read:

NR 665.0072 (3) (a) Immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(b) Beginning on December 1, 2025, immediately submit a Discrepancy Report to the EPA e-manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the EPA will no longer accept mailed paper Discrepancy Reports from facilities.

SECTION 65. NR 665.0072 (7) is amended to read:

NR 665.0072 (7) If a facility owner or operator rejects a waste or identifies a container residue that exceeds the quantity limits for empty containers set forth in s. NR 661.0007 (2) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility owner or operator shall amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility owner or operator shall also copy the manifest tracking number from Item 4 of the new manifest to the discrepancy space of the amended manifest, and shall re-sign and date the manifest to certify to the information as amended. The facility owner or operator shall retain the amended manifest for at least 3 years from the date of amendment and shall, within 30 days, send a copy of the amended manifest to the transporter ~~and generator~~ that received copies prior to their

being amended. ~~Within 45 days, the facility owner or operator shall also send one copy of the amended manifest to the department in an electronic format specified by the department.~~
Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-manifest system. Registered transporters may obtain the signed and dated copy of a completed manifest from the EPA e-manifest system in lieu of receiving the manifest through U.S. postal mail.

SECTION 66. NR 665.0076 (2) is created to read:

NR 665.0076 (2) Beginning on December 1, 2025, if a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described under s. NR 663.20 (5), and if the waste is not excluded from the manifest requirements, then the owner or operator shall prepare an electronic Unmanifested Waste Report in the EPA e-manifest system for submission to the EPA within 15 days after receiving the waste. The Unmanifested Waste Report must contain all of the following information:

- (a) The EPA identification number, site name and address of the facility.
- (b) The date the facility received the waste.
- (c) The EPA identification number, site name and address of the generator and the transporter, if available.
- (d) A description and the quantity of each unmanifested hazardous waste the facility received.
- (e) The method of treatment, storage, or disposal for each hazardous waste.
- (f) The certification signed by the owner or operator of the facility or the authorized representative.
- (g) A brief explanation of why the waste was unmanifested, if known.

SECTION 67. NR 666 Subchapter Q is created to read:

Subchapter Q—Ignitable Spent Refrigerants Recycled for Reuse

NR 666.600 Purpose and applicability.

(1) The purpose of this subchapter is to reduce emissions of ignitable spent refrigerants to the lowest achievable level by maximizing the recovery and safe recycling for reuse of such refrigerants during the service, repair, and disposal of appliances.

(2) The requirements of this subchapter operate in lieu of chs. NR 660 to 670 and apply to lower flammability spent refrigerants, as defined under s. NR 666.601, where the refrigerant exhibits the hazardous waste characteristic of ignitability under s. NR 661.0021 and is being recycled for reuse in the United States.

(3) These requirements do not apply to other ignitable spent refrigerants. Ignitable spent refrigerants not subject to this subchapter are, when recovered or when disposed, subject to all applicable requirements under chs. 660 to 670. Recovery includes actions such as the removal from an appliance and storage in an external container.

NR 666.601 Definitions. The following definitions apply to this subchapter:

(1) "Ignitable spent refrigerant" means a used refrigerant that cannot be reused without first being processed, and that exhibits the hazardous characteristic of ignitability under s. NR 661.0021. Used refrigerants that can be legitimately reused without processing are not spent refrigerant.

(2) "Lower flammability spent refrigerant" means a spent refrigerant that is not considered highly flammable. Highly flammable refrigerants include the following chemicals: butane, isobutane, methane, propane, and propylene.

(3) "Recycle for reuse," when referring to an ignitable spent refrigerant, means to process the refrigerant to remove contamination and prepare it to be used again. "Recycle for reuse" does not include recycling that involves burning for energy recovery or use in a manner constituting disposal as defined under s. NR 661.0002 (3), or sham recycling as defined under s. NR 661.0002 (7).

(4) "Refrigerant" has the meaning given under 40 CFR 82.152.

NR 666.602 Standards for ignitable spent refrigerant recycled for reuse.

(1) Persons who recover (i.e., remove from an appliance and store in an external container) and/or recycle ignitable spent refrigerants for reuse either for further use in equipment of the same owner, or in compliance with motor vehicle air conditioner standards in 40 CFR part 82, subpart B, or who send recovered refrigerant offsite to be recycled for reuse shall do all of the following:

a. Recover and/or recycle for reuse the ignitable spent refrigerant using equipment that is certified for that type of refrigerant and appliance under 40 CFR 82.36 and/or 40 CFR 82.158

b. Not speculatively accumulate the ignitable spent refrigerant under s. NR 661.00001 (3).

(2) Persons who receive ignitable spent refrigerants from off-site, and are not a transfer facility that stores the refrigerants for less than 10 days before sending the refrigerant to another site to be recycled for reuse, shall meet all of the following requirements:

a. If recovering the refrigerant, recover the ignitable spent refrigerant using equipment that is certified for that type of refrigerant and appliance under 40 CFR 82.36.

b. Meet the applicable emergency preparedness and response requirements under subch. M of ch. NR 661.

c. Not speculatively accumulate the ignitable spent refrigerant under s. NR 661.0001 (3).

(3) Persons receiving ignitable spent refrigerant from off-site to be recycled for reuse shall meet all of the following requirements:

a. Maintain certification by EPA under 40 CFR 82.164.

b. Meet the applicable emergency preparedness and response requirements under subch. M of ch. NR 661.

c. Starting with the calendar year beginning January 1, 2029, not speculatively accumulate the ignitable spent refrigerant under s. NR 661.0001 (3).

SECTION 68. NR 667.0071 (1) (f) 1. and 2., and (4) are amended to read:

NR 667.0071 (1) (f) 1. List the relevant waste stream consent number from consent

documentation supplied by the EPA to the facility for each waste listed on the manifest in the International Shipments block on the Continuation Sheet, EPA Form 8700-22A, matched to the relevant list number for the waste from block 9b. If additional space is needed, the receiving facility should use ~~a continuation sheet~~ an additional Continuation Sheet, EPA Form 8700-22A.

2. ~~Mail~~ Submit a copy of the manifest ~~to EPA using the addresses listed in s. NR 662.082 (5) within 30 days of delivery until the facility can submit a copy to the~~ EPA e-manifest system under s. NR 664.0071 (1) (b) 5. or 665.0071 (1) (b) 5.

(4) As per s. NR 662.084 (4) (b) 15., within 3 working days of the receipt of a shipment subject to subch. H of ch. NR 662, the owner or operator of the facility shall provide a copy of the movement document bearing all required signatures to the foreign exporter, and 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~~. For shipments received on or after the electronic import-export reporting compliance date, to EPA electronically using the receiving facility must close out the movement document to confirm receipt within 3 working days of shipment delivery using the EPA's waste import export tracking system WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS, or its successor system, to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the movement document shall be maintained at the facility for at least 3 years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on ~~EPA's waste import export tracking system WIETS~~, or its successor system, provided that copies are readily available for viewing and production if requested by ~~an~~ any EPA or department ~~inspector~~ staff. No owner or operator of a facility shall 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 ~~EPA's waste import export tracking system WIETS~~, or its successor system, for which the owner or operator of a facility bears no responsibility.

SECTION 69. NR 670.001 (3) (b) 12. is created to read:

NR 670.001 (3) (b) 12. A recycler of ignitable spent refrigerants subject to regulation under subch. Q of ch. NR 666.

SECTION 70. NR 670.030 (12) (g) is renumbered NR 670.030 (12) (g) (intro.) and amended to read:

NR 670.030 (12) (g) *Manifest discrepancy report.* If a significant discrepancy in a manifest is discovered, the licensee shall attempt to reconcile the discrepancy. If not resolved within 15 days, the licensee shall submit a letter report, including a copy of the manifest, to the department (see s. NR 664.0072). do all of the following:

SECTION 71. NR 670.030 (12) (g) 1. and 2. are created to read:

NR 670.030 (12) (g) 1. Prior to December 1, 2025, if the discrepancy is not resolved within 20 days, the licensee shall submit a letter report, including a copy of the manifest, to the department, as required under s. NR 664.0072.

2. Beginning on December 1, 2025, attempt to reconcile the discrepancy. If not resolved within 20 days, the licensee shall immediately submit a Discrepancy Report to the EPA e-manifest system describing the discrepancy and attempts to reconcile it, and include a copy of the manifest or shipping paper at issue, as required under s. NR 664.0072.

SECTION 72. NR 670.030 (12) (h) is repealed and recreated to read:

NR 670.030 (12) (h) *Unmanifested waste report.* A licensee that received unmanifested waste shall do all of the following:

1. Submit the Unmanifested Waste Report to the department within 15 days of receipt of unmanifested waste. (see s. NR 664.0076.)

2. Beginning on December 1, 2025, submit an electronic Unmanifested Waste Report in the EPA e-manifest system for submission to the EPA within 15 days of receipt of unmanifested waste. (see s. NR 664.0076.)

SECTION 84. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 85. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin _____

State of Wisconsin
Department of Natural Resources

BY _____
Steven Little, Deputy Secretary
For Karen Hyun, Ph.D., Secretary