

# Interstate transfer of excluded hazardous secondary materials

- If originating state has adopted the rule, but receiving (or transfer) state has not adopted:
  - HSM is subject to the hazardous waste requirements of the receiving state that has not adopted the rule upon reaching the border of that state (e.g., manifesting requirements).
  - MUST go to a RCRA permitted facility, and, if stored, materials must be managed in permitted storage units.
  - Excluded materials cannot go to an unpermitted recycling facility in a state that has not adopted the rule because such a facility would not meet the conditions of the exclusion (i.e., financial assurance).

# Interstate transfer of regulated hazardous waste

- If originating state has not adopted the rule, but receiving state has adopted:
  - Hazardous wastes **MUST** be managed as regulated hazardous waste in the receiving state that has adopted the rule.
  - The hazardous waste would not be eligible for the exclusion because the generator in the originating state that has not adopted would not meet the conditions and requirements of the exclusion (i.e., notification, reasonable efforts).