

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

FEB 9 1998

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

W.J.K. Brugman
Directorate of Waste Policy
Ministerie van Volkshuisvesting
Ruimtelijke Ordening en Milieubeheer
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Dear Mr. Brugman:

Thank you for your letter of October 7, 1997 letter to Mr. Robert Tonetti of my staff. In that letter, you inquired whether there is sufficient capacity in the United States to dispose of various hazardous waste streams, some of which include dioxin.

Of the waste streams listed in your letter, the pentachlorophenol formulations and the soils contaminated with pentachlorophenols are both listed as EPA hazardous waste codes F021 and F027. Each of these waste streams is dioxin-bearing and can only be burned in an incinerator that achieves a destruction and removal efficiency (DRE) of 99.9999%. The other waste streams listed in your letter are non-dioxin-bearing and may be burned in incinerators achieving a DRE of 99.99%.

As you may be aware, the Laidlaw facility (formerly known as "Aptus") in Coffeyville, Kansas is currently the only permitted commercial facility in the U.S. able to accept and treat dioxin-bearing wastes. For the last few years, most of the dioxin-bearing wastes treated by Laidlaw have originated from contaminated sites undergoing clean-up, most of which have been incinerated. As result, the demand for treatment of dioxin-bearing wastes has greatly diminished and has caused Laidlaw to reevaluate the need for operations at the Coffeyville, Kansas facility. Laidlaw has announced that they may close the facility in the near future. The current plan is to put the facility in "idling mode" for one year with the possibility of starting up again if the demand increases. If demand does not increase within one year, Laidlaw will close the facility down permanently. If this facility is closed, there will be no capacity in the U.S. to treat dioxin-bearing wastes. EPA is not aware of other facilities seeking a permit to treat these wastes.

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With respect to the non-dioxin-bearing wastes listed in your letter, ample treatment capacity in the U.S. exists and will most likely continue to exist. However, regarding the "pesticide products" and "soils contaminated with pesticides" categories, EPA would need to know which specific pesticide wastes are of interest in order to provide you with treatment and disposal capacity information.

Thank you for your letter. If you need further information regarding waste disposal capacity in the U.S., please contact Karen Randolph of my staff at (703) 308-5651.

Sincerely,

Elizabeth Cotsworth, Acting Director
Office of Solid Waste

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07 OKT. 1997

US capacity for high temperature incineration

Dear Mr. Tonetti,

The Netherlands waste disposal company, AVR Chemie in Rotterdam, has informed me that it wants to contract hazardous wastes in the US for the purpose of high temperature incineration in the Netherlands. This would entail a transboundary shipment of hazardous waste from the US to the Netherlands. However, because the Netherlands is a Party to the Basel Convention of 22 March 1989 on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the US is not a Party to the Basel Convention, the import of hazardous wastes or other wastes in the Netherlands from the US is not permitted pursuant to Article 4(5) of the Basel Convention.

Under Article 11 of the Basel Convention Parties may enter into bilateral agreements regarding transboundary movement of hazardous wastes and other wastes, notwithstanding the provisions of Article 4(5). The OECD Council-Decision C(92)39/final of 30 March 1992 concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations is a bilateral agreement under Article 11 of the Basel Convention between inter alia the Netherlands and the US. However Decision C(92)39/final is not applicable to shipments of wastes destined for final disposal. This means that shipment of hazardous waste destined for final disposal from the US to the Netherlands is not permitted unless a bilateral agreement is signed under Article 11 of the Basel Convention.

The Netherlands' policy for signing bilateral agreement for transboundary movement of waste is based on the Waste Shipments Regulation (no 259/93) of the European Community. The Netherlands is authorized to conclude bilateral agreements with non-Parties of the Basel Convention in exceptional cases for the disposal of specific

waste, where such waste will not be managed in an environmentally sound manner in the country of dispatch.

In its letter AVR-Chemie indicates that its request relates to a total yearly quantity of about 7,500 tons of hazardous waste and the following waste streams:

- Pesticides products;
- Soils contaminated with pesticides;
- Pentachlorophenol formulations;
- Soils contaminated with pentachlorophenols;
- Distillation bottoms and side cuts from the production of acetaldehyde from ethylene;
- Bottom stream from wastewater stripper in the production of acrylonitrile;
- Still bottoms from the distillation of benzyl chloride;
- Heavy ends or distillation residues from the production of carbon tetrachloride;
- Heavy ends from the purification column in the production of epichlorohydrin;
- Heavy ends from the fractionation column in ethyl chloride production;
- Heavy ends from the distillation of ethyl dichloride in ethylene dichloride production;

According to AVR-Chemie there is in the US no capacity to dispose of the mentioned waste streams, since the Aptus incinerator in Coffeyville, Kansas, is not able to accept these waste streams anymore.

In order to make a full assessment of the situation, it is important for me to know whether or not there is sufficient capacity in the US to dispose of the mentioned waste streams. Therefore I ask you to send me information concerning the existing or commissioned capacity in the US for the disposal of the waste streams to which the request of AVR-Chemie relates.

In case you need any information concerning this request, please contact Mr. Melchior Bus of the directorate of Waste Policy (phone: -31.70.3394188 and fax: -31.70.3391285).

the director of Waste Policy

Mr. W.J.K. Brugman