

Mr. Gene Hugoson  
Commissioner, Minnesota Department of Agriculture  
90 West Plato Boulevard  
Saint Paul, Minnesota 55107-2094

Dear Mr. Hugoson:

This is in response to your October 22, 1998 letter to Senator Paul Wellstone regarding the maximum achievable control technology (MACT) rulemaking for hazardous waste combustors. Senator Wellstone forwarded your letter to us and asked that we respond directly to you.

You expressed concern that the upcoming MACT rule may establish standards for incineration of dioxin-contaminated products so stringent that they are not economically feasible. Absent incineration capacity, you are concerned that environmental releases may result in soil and water contamination.

Hazardous waste combustors having permits to incinerate dioxin-listed waste (FO20, FO21, FO22, FO23, FO26, and FO27) would be able to continue to incinerate dioxin-contaminated products under the MACT rule provided the incineration is performed in a manner that is representative of MACT. We anticipate that the rule will contain two main elements to control incineration of dioxin-contaminated wastes. First, the rule will establish emission limits for dioxins and furans. Second, the rule will require hazardous waste combustors to demonstrate that dioxin in the waste feed is sufficiently destroyed. The emission limit for dioxins and furans is readily achievable by all hazardous waste combustors and assures that actual emissions of dioxins are below levels of concern for protection of human health. The requirements to demonstrate destruction of dioxins in the waste simply is a continuation of a requirement for hazardous waste combustors that has existed in our rules for over 10 years that has been repeatedly endorsed by the communities in which those facilities are located. The Agency believes that the MACT rule will establish requirements that are not overly burdensome for hazardous waste combustors, and that ensure dioxin-contaminated wastes are safely incinerated.

We understand that Minnesota's Waste Pesticide Collection Program, along with

RO 14352

the other state's programs, are currently having difficulty treating their dioxin-bearing pesticide waste. Your letter states that "there is only one incinerator in North America permitted to meet the proposed standards and it is closing." It is our understanding from the Kansas Department of Health and Environment and Safety-Kleen, that treatment may be available for dioxin waste at the Coffeyville incinerator as early as next July. We recognize that the availability of a single commercial treatment facility raises questions about capacity over the long term. The capacity problem is compounded because owners of treatment facilities appear reluctant to include dioxin wastes in their permit applications, presumably because of the stigma associated with incineration of dioxin waste.

My office will continue to examine ways in which we can encourage the development of new treatment capacity for dioxin wastes, including alternatives to combustion. We would welcome any suggestions you may have that would help reach a solution.

I hope that this response addresses the concerns raised in your letter. If you would like to discuss this matter further, please let me know or your staff may contact Ms. Tab Sommer (703-605-0636) with respect to disposal capacity, or Mr. David Hockey (703-308-8846) with respect to the MACT rulemaking.

Sincerely yours,

Elizabeth A. Cotsworth, Acting Director  
Office of Solid Waste

cc: Senator Paul Wellstone

RO 14352