

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

September 12, 1994

Mr. Randall F. Andrews, President
Industrial and Agricultural Chemicals Inc.
Route 2, Box 521
Red Springs, North Carolina 28377

Dear Mr. Andrews:

In your letter to me of August 23, 1994, you ask for a "no objection" letter from EPA regarding the import to Industrial and Agricultural Chemicals, Inc. (IAC) of iron catalyst used in ammonia production and spent desulfurizer catalyst used as a desulfurizer in ammonia plants. Your letter indicates that these materials do not exhibit a toxicity characteristic when tested by the toxicity characteristic leaching procedure.

Under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations, it is the responsibility of the generator to make the determination of whether or not a secondary material is a hazardous waste 40 CFR §262.11. Assuming that these catalysts are not hazardous wastes (i.e., these materials are not listed as hazardous wastes and do not exhibit a characteristic for ignitability, reactivity, toxicity or corrosivity), there would be no regulatory restrictions on their import into the U.S., provided the exporting country also does not consider them to be hazardous. As mentioned in prior correspondence, the Basel Convention on the Control of Transboundary Movements or Hazardous Wastes and Their Disposal prohibits exports and imports of hazardous wastes between parties to and non-parties, unless the countries in question are parties to separate bilateral or multilateral agreements that are consistent with the Convention.

Please be aware that under Section 3006 of RCRA (42 U.S.C. Section 6926) individual States can be authorized to administer and enforce their own hazardous waste programs in lieu of the Federal program. When States are not authorized to administer their own program, the appropriate EPA Regional office administers the program and is the appropriate contact for any case specific determinations. Please also note that under Section 3009 of RCRA (42 U.S.C. Section 6929) States retain authority to promulgate regulatory requirements that are more stringent than Federal regulatory requirements. If you have any further questions, please contact Paul Borst of my staff at (202) 260-6713.

Sincerely,

Michael J. Petruska, Chief
Regulatory Development Branch

Mr. Michael Petruska, Chief
Regulatory Development Branch
United States Environmental Protection Agency
Office of Solid Waste and Emergency Response
Washington, DC 20460

Dear Mr. Petruska:

I am sorry that I was not more specific in my previous letter. The Iron Catalyst is normally used in an Ammonia production process. After several years, it becomes unusable because the activity is lower. The catalyst is still very pure Iron Oxide and it would be used here in our micronutrient process. It is not a listed hazardous waste and is not hazardous according to the TCLP.

The spent Desulfurizer Catalyst contains small amounts of Cobalt Oxide, Molybdic Oxide and large amounts of Aluminum Oxide. The normal use is in Ammonia plants as a desulfurizer. Once the catalyst picks up small amounts of Sulfur, it loses its activity. At this point, it is changed. We use this catalyst here as a part of our trace element program for the Cobalt and Molybdenum content. We also occasionally sell this material to a manufacturer of specialty stainless steel. In any case, this is not a listed waste. It is also not a hazardous waste when subjected to the TCLP.

We would like to import these two products for our own use and for, resale. I would like to receive a "no objection" letter from you. I am placing a copy of a previous "no objection" letter in with this letter. Thank you for your help.

Best regards,

INDUSTRIAL AND AGRICULTURAL CHEMICALS, INC.

Randall F. Andrews,
President

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

March 31, 1994

Mr. Randall F. Andrews, President
Industrial and Agricultural Chemicals, Inc.
Route 2, Box 521-C
Red Springs, NC 28377

Dear Mr. Andrews:

Thank you for your letters of February 25 to Mike Shapiro, March 18 to Denise Wright, and March 29 to Paul Borst, in which you requested confirmation of the acceptability of importing zinc and copper oxide catalysts and into the U.S. for use in your manufacturing process for fertilizer micronutrients. I apologize for the lateness of this response.

Under 40 CFR 262.11, it is the responsibility of the generator (and/or the importer) to determine whether his/her waste is hazardous. Assuming your catalysts are not hazardous there would be no regulatory restrictions on their import into the U.S., provided the exporting country also does not consider them to be hazardous. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal prohibits exports and imports of hazardous wastes between parties to it and non-parties, unless the countries in question are parties to separate bilateral or multilateral agreements that are consistent with the Convention.

The U.S. is not currently a party to the Basel Convention, but is party to bilateral agreements with Canada and Mexico for hazardous waste exports and imports. In addition, the U.S. and the other member countries of the organization for Economic Cooperation and Development (OECD) are parties to a 1992 multilateral agreement governing exports and imports of hazardous wastes destined for recovery operations among the OECD countries. For your information, I have enclosed: 1) a list of the Parties to the Basel Convention as of February 22, 1994; 2) a copy of the May 1992 Federal Register Notice containing the text of the Basel Convention; and 3) a list of the member countries of the OECD.

You should also check with the appropriate regulatory agency(s) in the state(s) in which you operate to determine whether there are additional requirements with which you must comply.

Thank you for your letter and for your interest in the safe and effective management of wastes.

Sincerely,

David Bussard, Director
Characterization and
Assessment Division
Office of Solid Waste

FaxBack # 11869