

PPC 9456.1996(01)

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

February 15, 1996

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 letter of January 18 to Michael Shapiro in which you requested EPA's non-objection to imports of cobalt oxide-molybdcic oxide spent catalysts into the U.S. for recovery at your facility.

These spent catalysts are usually non-hazardous, but can be characteristically hazardous (e.g. they have been shown to exhibit the toxicity characteristic for benzene and arsenic). In your letter, you state that the particular spent catalysts you intend to import are not RCRA hazardous waste. EPA does not have the authority to consent or object to imports of non-hazardous wastes, and generally does not object to imports of hazardous wastes except under certain circumstances. As you know, cobalt oxide-molybdcic oxide spent catalysts have been proposed for listing as hazardous waste, the final rule for which is expected this fall.

As we have stated in previous letters, you should be aware that a number of countries have ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (an updated list of Parties is attached). Our understanding is that you plan to import these wastes from Venezuela and Trinidad. While Venezuela is not currently a Party to Basel, Trinidad is, and should not allow the export if they consider the wastes to be subject to Basel. In order for Basel Parties to export Basel-covered wastes to non-Parties (the U.S. is still not a Party to Basel), there must be a bilateral agreement in place which is consistent with the requirements of the Convention. We do not currently have a bilateral agreement with

RO 14034

Trinidad.

You should also check with the appropriate regulatory agencies in the state or states in which you operate to determine whether there are additional requirements with which you must comply.

In the future, please direct similar correspondence to Mr. Robert Heiss, Director of the RCRA Import/Export Program, Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A), at the EPA address above. Mr. Heiss can be reached at (202) 564-4108. If you have further questions about this letter, please call Julia Gourley of my staff at (202) 260-7944.

Sincerely yours,

David Bussard, Director  
Hazardous Waste Identification  
Division  
Office of Solid Waste

Enclosure

cc Robert Heiss

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Attachment  
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STATUS OF RATIFICATIONS OF THE BASEL CONVENTION AS PER  
GEOGRAPHIC  
GROUPS OF THE UNITED NATIONS

I. STATES (As of 10 January 1996)

Africa:

Comores, Cote d'Ivoire, Egypt, Guinea, Malawi, Mauritius, Morocco,  
Namibia, Nigeria, Senegal, Seychelles, South Africa, Tanzania,  
Tunisia, Zaire, Zambia (16)

Asia and Pacific:

Bahrain, Bangladesh, China, Fed. States of Micronesia, India,

Indonesia, Iran, Japan, Jordan, Kuwait, Lebanon, Malaysia, Maldives, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Republic of Korea, Saudi Arabia, Singapore, Sri-Lanka, Syria, United Arab Emirates, Vietnam (25)

W. Europe and Others:

Australia, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom (26)

Central and Eastern Europe:

Croatia, Czech Republic, Estonia, Hungary, Latvia, Poland, Romania, Russian Federation, Slovak Republic, Slovenia (10)

Latin America and Caribbean:

Antigua and Barbuda, Argentina, Bahamas, Barbados, Brazil, Chile, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Trinidad and Tobago, Uruguay (20)

TOTAL: 97

## II. POLITICAL AND/OR ECONOMIC INTEGRATION ORGANIZATIONS

W. Europe and Others:

European Economic Community (1)

TOTAL: 1

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Attachment  
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Industrial and Agricultural Chemicals, Inc.  
ROUTE 2  
BOX 521-C  
RED SPRINGS, NC 28377  
(910) 843-2121 FAX (910) 843-5789

January 18, 1996

Mr. Michael Shapiro,(5301)  
Director  
Office of Solid Waste  
U.S. EPA  
401 M Street, SW  
Washington, DC 20460

Dear Mr. Shapiro:

Our company wishes to import Cobalt Oxide-Molybdc Oxide spent catalyst into the United States. We believe that this material is nonhazardous under RCRA and it will be processed and used here at our facility. We would like to receive a letter of "no objection" from you to import this type of product. I am enclosing a copy of a previous "no objection" letter we received. We need a letter very similar to this one for the Cobalt Oxide-Molybdc Oxide spent catalyst. We would appreciate receiving this as soon as possible.

Please let me know if you have any questions regarding this matter.

Best regards,

INDUSTRIAL AND AGRICULTURAL CHEMICALS, INC.  
Randall F. Andrews,  
President

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Enclosure

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

May 16, 1994

Randall F. Andrews, President  
Industrial and Agricultural Chemicals, Inc.

RO 14034

Route 2, Box 521-C  
Red Springs, NC 28377

Dear Mr. Andrews:

Thank you for your letter of April 15 to Julie Lyddon of my staff in which you requested confirmation of the acceptability of importing into the U.S. spent nickel-containing catalysts for nickel recovery and stainless steel scrap for use in the manufacture of stainless steel.

Assuming they do not exhibit a characteristic of hazardous waste at 40 CFR Part 261 Subpart C, the nickel-containing catalysts and stainless scrap would not be considered hazardous and could therefore be imported. I would note that under 40 CFR 262.11, it is the generator's (and/or the importer's) responsibility to make this determination.

As we stated in our previous letter, you should be aware that a number of countries have ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (we attached a list to our previous letter). In order for Basel Parties to export to non-Parties (the U.S. is not a Party to Basel), there must be a bilateral agreement in place which is consistent with the requirements of the Convention. The U.S. is currently Party to three such agreements: a bilateral with Canada for recycling and disposal, a multilateral with the member countries of the Organization for Economic Cooperation and Development (OECD), and a bilateral with Mexico, both of which govern transfrontier movements for recycling only. If you plan to import from a Basel Party with which we do not have an agreement, and that country considers the catalysts or the scrap to be subject to Basel, then the country should not allow the wastes to be exported to the U.S.

Finally, you should check with the appropriate regulatory agencies in the state or states 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. If you have further questions, please call Julie Lyddon at (202) 260-7944.

RO 14034

Sincerely,

Michael Petruska, Chief  
Regulatory Development Branch  
Office of Solid Waste