

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

December 13, 1994

Mr. Charles Dickhut, Chairman
Chemical Waste Transportation Institute
4301 Connecticut Avenue, NW
Suite 300
Washington, DC 20008

Dear Mr. Dickhut:

Thank you for your letter of November 16, 1994 in which you express concerns about the Definition of Solid Waste Task Force's Final Report, "Reengineering RCRA for Recycling."

In your letter, you express concerns about a number of issues the Task Force either failed to address or addressed incorrectly regarding the transportation of hazardous waste. These include: rejected loads, more stringent state regulation, cost concerns, the stigma attached in transporting hazardous waste, and transportation safety. These concerns, I am sure, relate to the Task Force recommendation to implement a hazardous recyclable materials manifest for hazardous waste shipped off-site for recycling.

This recommendation derived from Task Force deliberations with Definition of Solid Waste Roundtable members where there was general agreement in eliminating the stigma attached to hazardous waste sent off-site for recycling. In particular, both the Task Force and Roundtable members believed part of this stigma could be eliminated by implementing a special manifest that would allow hazardous waste destined for recycling to be transported by Department of Transportation (DOT) Hazardous Materials carrier following prescribed DOT regulations and standards. In so doing, the Task Force believed safety would be preserved, possibly at reduced transportation costs, thereby allowing generators more flexibility in where they shipped hazardous recyclables to.

I want to emphasize that the Task Force recommendation to implement a hazardous recyclables materials manifest is a concept, and only a concept at this time. The Task Force was very much aware of the issues you raised in your recent letter, and considered them in their deliberations. However, they also believed elaboration of these issues was not necessary for the type of document they were producing. Therefore, all of the issues you identify will have to be addressed if the Agency moves forward in implementing this Task Force recommendation.

Presently, the Agency intends to move forward in resolving the current problems with the definition of solid waste with a mixed approach. This approach combines Task Force

recommendations with other suggestions designed to address concerns not fully dealt with by the original Task Force approach. Over the next few months, the Agency will work with the States to develop an implementation strategy for this mixed approach. During this time, a further evaluation will be made of the merits of the Task Force recommendation to implement a hazardous recyclables materials manifest. As part of this evaluation, I have assigned Mike Petruska of my staff the responsibility to follow-up and meet with your staff to further discuss issues of mutual concern.

Should you still have any concerns, please do not hesitate to call me at (202) 260-4627.

Sincerely yours,

Michael Shapiro, Director
Office of Solid Waste

FaxBack # 11890