

Orica HCB waste

Side 1 af 2

Dear Lone

Please find attached our comments on this question. We hope they are helpful to you. Please let me know if you would like any further information. I will be in Germany next week (2-6 February) and Paris the following week (7-11 February) and will be available on my normal e-mail address and on my mobile phone (+61 411 132 608). Perhaps we could talk then about the other matters without a ten hour time difference?

Damien will be back at work in Canberra next week also and will be available for contact.

Best regards

Barry

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**From:** Schou, Lone [mailto:LOS@MST.DK]  
**Sent:** Saturday, 23 January 2010 12:42 AM  
**To:** Reville, Barry; Hall, Damien  
**Cc:** Madsen, Søren R. N.; Jakobsen, Dorte Skjøtt  
**Subject:** Orica HCB waste

Dear Barry and Damien,

A new question has come up over Christmas - and that is " why do Orica which to export the HCB waste to Denmark - why not Germany?

Is it possible for you to answer this question.

Best regards

Lone

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## **Why did Orica apply to export its HCB waste to Denmark for disposal rather than Germany?**

### ***Choice of facility***

Under the Australian national hazardous waste legislation, the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (the Act), it is the applicant wishing to export hazardous waste which identifies the country and facility to which the waste is proposed to be exported. Amongst the requirements of the Act that must be met to satisfy the environment minister that it is appropriate to approve an export permit, there is the critical need to ensure that the facility is able to deal with the waste in an environmentally sound manner so that human health and the environment are protected.

In practice, in addition to the requirements of the Act, the applicant usually considers financial and other commercial aspects in the choice of facility.

In the case of the applications by Orica Australia Pty Ltd (Orica) to export its hexachlorobenzene (HCB) wastes for final disposal, Orica presumably considered financial and other commercial aspects in its initial choice of facilities in North Rhine Westphalia and Schleswig-Holstein in Germany for disposal of the HCB waste and in its subsequent choice of the Kommunekemi a/s (Kommunekemi) facility in Nyborg, Denmark.

### ***Advantages of the Kommunekemi facility***

The Australian Government Department of the Environment, Water, Heritage and the Arts ('the department') is not aware of the full range of financial and other commercial aspects that influenced Orica in its choice of facility but the department does consider that the choice of the Kommunekemi facility in Nyborg is an excellent one from the perspective of ensuring safe disposal of the HCB wastes and providing secure protection for human health and the environment.

Firstly, the department notes that the Basel Convention's General Technical Guidelines list high temperature incineration (HTI) as an appropriate technology for the destruction and irreversible transformation of persistent organic pollutants including HCB waste.

Secondly, the Kommunekemi facility is recognised internationally as one of the leading HTI facilities in the world. It meets the highest standards of performance and safety and is subject to strict and effective regulation. This excellent performance has been confirmed in written advice to the department from the regulatory authorities. The department also is aware that the facility has abundant experience in dealing with high chlorine content substances and its design and handling facilities are particularly well suited to dealing with the complex heterogeneous nature of the Orica HCB waste and its associated contaminated materials.

Of particular benefit in comparison with some facilities is the presence of three HTIs within the Kommunekemi facility which provides greater flexibility in blending and greater throughput in dealing with high chlorine substances such as the HCB waste than could be done by a facility with only a single HTI. Another significant advantage of the Kommunekemi facility for accepting wastes transported by ship, such as the Orica HCB waste, is that the Kommunekemi facility is adjacent to the port of Nyborg and is within 500m of the dock along a private road; therefore, unlike many other HTI facilities, almost no land-based transport is required.

### *Disposal by other facilities*

While noting these advantages, the department is aware that the Kommunekemi facility has not been asked to deal with the entire Orica HCB waste stockpile. Orica's applications identify only 6,100 tonnes of HCB waste and contaminated materials for disposal by the Kommunekemi facility. Its applications say:

“Orica has chosen the Kommunekemi facility because it is licensed for the range of wastes involved, has a proven record of operation, and has treatment systems that will ensure that the emissions of dioxins and furans are minimised. Orica proposes to treat 6,100 tonnes of HCB waste at this facility.”

Orica has not yet submitted applications for disposal of the remaining 9,900 tonnes of the HCB waste stockpile.

In 2006, Orica applied to the Australian Government for an export permit under the Act to send the waste for disposal at HTI facilities in North Rhine Westphalia and Schleswig-Holstein in Germany. Despite support for the export applications from the Basel Competent Authority of the German Federal Government, the regional governments refused to grant consent for the 2006 applications. The reasons provided for the rejection, in our view, indicated significant misunderstandings and incorrect assumptions about the volume of hazardous waste generated in Australia and the domestic capacity to deal with legacy waste of the kind comprising the Orica HCB waste stockpile.

We would hope that the additional studies done since the 2006 applications have removed these misunderstandings and incorrect assumptions, particularly the independent review done by Sustainable Infrastructure Australia Pty Ltd (SIA) which assessed all potential and existing technologies which might be capable of treating Orica's significant stockpile of high concentration HCB waste. The SIA review said:

“This independent assessment has concluded that there are no technologies available in Australia at the present time or the foreseeable future capable of destruction or acceptable treatment of the Orica HCB Botany Stockpile in an environmentally sound manner.”

With these matters now clarified, Orica may consider that there is virtue in applying to several facilities to deal with portions of the remaining stockpile simultaneously so that the HCB wastes can be destroyed as quickly as possible so that they no longer pose a threat to human health or the environment anywhere in the world.

### *Summary*

In summary, it would be a misconception to consider that Denmark has been singled out as the country to deal with the Orica HCB wastes. More accurately, the Kommunekemi facility in Nyborg has been identified as an excellent facility, very possibly the world's most capable facility, to deal safely with the 6,100 tonnes of HCB waste and contaminated materials covered by Orica's export applications. The current applications do not imply that it will be the only facility which will offer to deal with the remainder of the HCB waste stockpile, nor that these facilities will be located in only one country.

From the global perspective, safe disposal of the entire HCB waste stockpile as quickly as possible is the preferred outcome so that it can do no harm to human health or the environment anywhere, now or in the future.