

ENVIRONMENTAL PROTECTION AGENCY

[EPA/OSW-FR-91-018; FRL-3956-1]

40 CFR Part 261

RIN 2050-AC41

Final Regulatory Determination for Special Wastes From Mineral Processing (Mining Waste Exclusion)

AGENCY: Environmental Protection Agency.

ACTION: Final regulatory determination and final rule.

SUMMARY: Today's action presents the Agency's final regulatory determination required by section 3001(b)(3)(C) of the Resource Conservation and Recovery Act (RCRA) for 20 special wastes from the processing of ores and minerals. EPA has concluded that regulation under Subtitle C of RCRA is inappropriate for all 20 of the special wastes that were studied. EPA plans to address 18 of the wastes under subtitle D, possibly in the program being developed for mining wastes. For the remaining two wastes (phosphogypsum and process waste water from phosphoric acid production), EPA plans to proceed with the development and promulgation of a program under the Toxic Substances Control Act (TSCA) that will address their management, including possible regulations concerning waste minimization/pollution prevention for these wastes. In addition, EPA plans to use existing authorities under either RCRA Section 7003 or CERCLA section 106 to address any site-specific ground-water contamination problems that are believed to pose substantial and imminent endangerment to human health or the environment. EPA has also decided to postpone consideration of a possible ban on the utilization of one of the special wastes, slag from elemental phosphorus production in construction and/or land reclamation.

The rationale and salient facts used by the Agency to arrive at these decisions are provided below.

EFFECTIVE DATE: July 15, 1991.

FOR FURTHER INFORMATION CONTACT: For further information on the regulatory determination, contact the RCRA/Superfund hotline at (800) 424-9346 (toll free) or (703) 928-9810, or Bob Hall at (703) 308-8412.

>>>> Preamble has not been included in this file. <<<<<

PART 261-IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. Section 261.4 is amended by revising the last sentence of the introductory text of paragraph (b)(7) to read as follows:

§ 261.4 Exclusions.

(b) * * *

(7) * * * For the purpose of § 261.4(b)(7), solid waste from the processing of ores and minerals includes only the following wastes:

* * * * *