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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

MAY 30 1990

Mr. T. S. Ary
Director
Bureau of Mines
2401 E. St., N.W.
Washington, D.C. 20241

Dear Mr. Ary:

Thank you for your letter dated April 6, 1990, concerning iron and steel slags, and their status in the upcoming Report to Congress (RTC) on Mineral Processing Wastes. EPA appreciates the contributions that the Bureau of Mines has made to the RTC to date, and we would be pleased to meet with you to discuss issues related to these slags.

Although the RTC has not been completed yet, based on the information the Agency has collected to date on iron and steel slags it is likely that the Agency will recommend that these wastes remain within the Bevill exclusion -- that is, we believe these wastes will become permanently exempt from regulation as hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA).

Iron and steel slags which are used in a manner constituting disposal are currently considered "discarded materials" and thus meet the definition of solid wastes under Section 1004(27) of RCRA. See 40 CFR 261.2 or 53 Fed. Reg. 31,198 (Aug. 17, 1988) for details. EPA is further considering, however, whether such slags are similar enough to virgin aggregate that they should not be classified as solid waste. EPA will address this issue in greater detail in the upcoming Report to Congress, as already promised in the final "Bevill Rule" (54 Fed. Reg. 36,615 (Sept. 1, 1989)). In any event, if these slag materials were to continue to be exempt from Subtitle C regulation, I would expect the use of slag materials would continue. Please let us know, however, if the Bureau of Mines has reason to believe that continued classification of these slags as solid wastes would cause market disruptions and harm to the slag recycling industry.

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EPA is committed to furthering beneficial reuse and recycling of materials such as iron and steel slags, to the extent that these activities are conducted using environmentally sound practices. Our search for documented cases in which mineral processing wastes may have endangered human health and the environment has revealed at least one instance where blast furnace and basic oxygen furnace slag is believed to have caused ground water and surface water contamination from the use of the slag as fill and a landfill liner (see enclosure). Information such as this must be analyzed before the Agency can make an informed decision concerning wastes.

Regulation of these slags as hazardous might have an effect on their rate of utilization. The current process, (RTC, followed by public comment, regulatory determination and, if necessary, the development of a regulatory program) is the appropriate mechanism for addressing the environmental concerns and the concerns about encouraging beneficial use in a safe manner. Toward that end, Bob Hall of my staff will be in touch with Larry Miller to arrange a mutually agreeable time for a meeting, preferably in early June. Bob can be reached at (202) 475-8814.

Sincerely,

Original Document signed
"Devereaux Barnes for"

Sylvia K. Lowrance
Director
Office of Solid Waste

Enclosure

cc: Bob Hall

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