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APPROPRIATENESS OF THE EP/TCLP SIMULATION OF CO-DISPOSAL SITUATION FOR MINING WASTES

Mr. Donald A. Robbins
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ASARCO Incorporated
3422 South 700 West
Salt Lake City, Utah 84119-4191

Dear Mr. Robbins:

Thank you for your recent letter and suggestions on approaches to the difficult problem of regulating the management of those mining wastes which pose a hazard if improperly managed. We share your concerns both with respect to the suitability of using the Toxicity Characteristic Leaching Procedure (TCLP) to identify which mining wastes warrant RCRA regulatory control and the need for tailored management standards for hazardous mining wastes.

The TCLP was developed primarily to simulate the leachability of an industrial waste co-disposed with sanitary refuse or other putrescible materials. Mining wastes, because of the relatively large volumes of material involved, are not likely to encounter such disposal conditions even if not regulated. However, although mining wastes are generally not acidic, many mining wastes contain pyritic minerals which generate an acidic leachate upon exposure to air. Thus, the acidic environment modeled by the EP/TCLP may be appropriate for mining wastes even if the model environment used to develop the TCLP is not. In fact, the leachate generated by mining wastes can often be more acidic than the refuse derived leachate. Thus, a different leach procedure (which, for some mining wastes, could be more aggressive than the TCLP) might be appropriate.

No decision has yet been made as to what type of test procedure to use in identifying which mining wastes require regulation under Subtitle C of RCRA. A decision tree process is one approach that is being considered. Any such decision tree will require a method for determining the waste's acid generation potential. While we do not presently have any work ongoing to

develop test methods for determining a waste's acid generating potential, we welcome your thoughts on this problem. We would also be willing to work with you and other interested parties in a cooperative effort to develop such a test.

As to your request for tailored management standards, we agree with the need to develop tailored management standards for mining wastes before subjecting them to Subtitle C control and will indicate same in the 1986 Report to Congress.

I appreciate ASARCO's offer of assistance in developing protocols to asses the leaching potential of mining wastes. I would suggest that you contact Alan Corson or David Friedman (202/382-4770) to follow up on developing a cooperative program in this area.

Sincerely yours,

Original Document signed

Marcia E. Williams
Director
Office of Solid Waste

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