

Dated: February 15, 1995.

**Loretta M. Ucelli,**

*Associate Administrator, Office of Communications, Education, and Public Affairs.*

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[FRL-5163-1]

### **Ores and Minerals; Additional Data Available on Wastes From Extraction and Beneficiation**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability of technical documents issued by the Agency concerning wastes from non-coal extraction and beneficiation. Focused on selected mineral sectors, these documents update and supplement the information contained in the Agency's December 1985, Report to Congress on Wastes from the Extraction and Beneficiation of Metallic Ores, Phosphate Rock, Asbestos, Overburden from Uranium Mining, and Oil Shale. The documents were developed over the past four years, and take into account public comments received during that time. Therefore, the Agency is not soliciting comments on the information described in this notice, and is not reopening the comment period on the Report to Congress.

**ADDRESSES:** This information is available on paper at the RCRA docket, EPA Headquarters, Washington, DC and all EPA Regional Libraries. Copies of the documents may also be purchased from the National Technical Information Service at (703) 487-4650 or (800) 553-NTIS.

The RCRA public docket room is located at EPA Headquarters, 401 M Street SW., Washington, D.C., Room M2616, 2nd floor, Waterside Mall and is available for viewing 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding federal holidays. Public review of the docket materials is by appointment only. Call (202) 260-9327. The documents are located under docket number F-95-MTDA-FFFFF.

As part of an interagency "streamlining" initiative, EPA is making this notice and most of the supporting documents available electronically. They can be accessed in electronic format on the Internet System through:

**EPA Public Access Gopher Server:** Go to: [gopher.epa.gov](http://gopher.epa.gov); From the main menu, choose "EPA Offices and Regions"; Next choose "Office of Solid Waste and Emergency Response

(OSWER)"; Finally choose "Office of Solid Waste/Other Wastes/Bevill Amendment-Mining Waste."

**Through FTP:** Go to: [ftp.epa.gov](ftp://ftp.epa.gov); Login: anonymous; Password: Your Internet Address; Files are located in /pub/gopher. All OSW files are in directories beginning with OSW.

**Through MOSAIC:** Go to: <http://www.epa.gov>; Choose the EPA Public Access Gopher; From the main (Gopher) menu choose "EPA Office and Regions"; Next choose "Office of Solid Waste and Emergency Response (OSWER)"; Finally, choose "Office of Solid Waste/Other Wastes/Bevill Amendment-Mining Waste."

**Through Dial-up Access:** Dial 919-558-0334; Choose EPA Public Access Gopher; From the main (Gopher) menu choose "EPA Offices and Regions"; Next choose "Office of Solid Waste and Emergency Response (OSWER)"; Then choose "Office of Solid Waste/Other Wastes/Bevill Amendment-Mining Waste."

EPA is interested in learning whether people have obtained these documents electronically and what their experiences were in doing so. You are encouraged to provide feedback on the electronic availability of these documents by sending E-mail to [OSW-Pilot@epamail.epa.gov](mailto:OSW-Pilot@epamail.epa.gov).

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA/Superfund Hotline at (800) 424-9346; for technical information contact Bonnie Robinson (5302W), U.S. Environmental Protection Agency SW., Washington, D.C. 20460, (703) 308-8429 or by sending an E-mail to: [Robinson.Bonnie@epamail.epa.gov](mailto:Robinson.Bonnie@epamail.epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

###### *A. Regulatory Activities*

RCRA Section 3001(b)(3)(A)(i-iii) ("the Bevill Exemption") exempted among other things solid wastes from the "extraction, beneficiation, and processing of ores and minerals" from regulation under RCRA Subtitle C, pending completion of a Report to Congress and a subsequent regulatory determination of whether such regulation is warranted. In particular, Section 8002 (f) and (p) of RCRA required EPA to conduct a detailed and comprehensive study and submit a Report to Congress on the adverse effects on human health and the environment, if any, of the disposal of these wastes.

EPA published the Report to Congress on Wastes from the Extraction and Beneficiation of Metallic Ores, Phosphate Rock, Asbestos, Overburden

from Uranium Mining, and Oil Shale in December, 1985. This report addresses wastes from the extraction and beneficiation of metallic ores (with special emphasis on copper, gold, iron, lead, silver, and zinc), uranium overburden, and the nonmetals asbestos and phosphate rock. EPA selected these mining industry segments because they generate large quantities of wastes that are potentially hazardous.

On July 3, 1986 (51 FR 24496) EPA published a regulatory determination based on the findings of the Report to Congress. These findings concluded that non-coal extraction and beneficiation mining wastes should be regulated as solid wastes under RCRA Subtitle D, rather than as hazardous wastes under RCRA Subtitle C.

The Agency has also promulgated rules that identify mineral processing wastes that meet the exemption criteria of being high-volume and low-hazard<sup>1</sup>. With the exception of 20 wastes, the majority of the mineral processing wastes do not meet this criteria and are subject to Subtitle C hazardous waste regulations<sup>2</sup>. Today's notice focuses on the release of information concerning non-coal extraction and beneficiation wastes and references no new mineral processing information. For more information on Mineral Processing Wastes, consult the RCRA docket (#F-90-RMPA-FFFFF).

##### *B. Non-Regulatory Activities*

Since 1985, the Agency has collected information on selected mineral sectors to update and supplement the 1985 Report to Congress. EPA has been working closely with States, public interest groups, and industry to solicit input on waste management approaches and to gather information. Since the Report to Congress on Wastes from the Extraction and Beneficiation of Metallic Ores, Phosphate Rock, Asbestos, Overburden from Uranium Mining, and Oil Shale was published in 1985, the Agency has conducted site visits and prepared case study reports on waste generation and management practices of operating mines. Additionally, the Agency has compiled reports on the selected mineral sectors and has provided research grants to support continued study of the environmental impacts of non-coal mining, as well as current waste management and engineering practices. This new information is described in today's notice.

<sup>1</sup> See 54 FR 36592 September 1, 1989 and 55 FR 2322 January 23, 1990.

<sup>2</sup> Final Regulatory Determination on Special Wastes from Mineral Processing (56 FR 27300 June 13, 1991).

## II. Description of Information

A complete list of the information described below is available from the RCRA Docket at the address and telephone number listed above. The new data include:

### Technical Resource Documents— Mineral Sectors

The Agency has prepared technical resource documents on extraction and beneficiation practices of various mineral sectors. Each of the following documents contains a summary of current literature on waste management practices in the sector and site visit reports of operating mines. These documents have been peer reviewed by state representatives, federal land management agencies, mining companies, and public interest groups. Where appropriate, the reviewers' comments have been incorporated into each document. These documents will be available in Spanish in May 1995: (1) TRD Vol.1: Lead-Zinc (NTIS PB94-170248); (2) TRD Vol.2: Gold (NTIS PB94-170305); (3) TRD Vol.3: Iron (NTIS PB94-195203); (4) TRD Vol.4: Copper (NTIS PB94-200979); (5) TRD Vol.5: Uranium (NTIS PB94-200987); (6) TRD Vol.6: Gold Placer (NTIS PB94-201811); and (7) TRD Vol.7: Phosphate & Molybdenum (NTIS PB94-201001).

### Technical Reports—Mining Waste Management and Engineering Practices

These documents discuss current mining waste management and engineering practices. These documents have been peer reviewed by state representatives, federal land management agencies and mining companies. Where appropriate, the reviewers' comments have been incorporated into each document. Additionally, the WASTE database will be available in the RCRA docket and electronically, however, it will be unavailable at NTIS. These documents will be available in Spanish in May 1995: (1) Innovative Methods of Managing Environmental Releases at Mine Sites (NTIS PB94-170255); (2) Design and Evaluation of Tailings Dams (NTIS PB94-201845); (3) Treatment of Cyanide Heap Leaches & Tailings (NTIS PB94-201837); (4) Acid Mine Drainage Prediction (NTIS PB94-201829); and (5) WASTE: An Information Retrieval System for Mill Tailings References (NOT AT NTIS).

### Other Mining Documents

The following documents provide historical context for EPA's mine waste activities. The Report to Congress and Strawman II documents are currently not available in electronic format but

will be made available at a later date: Report to Congress on Wastes from the Extraction and Beneficiation of Metallic Ores, Phosphate Rock, Asbestos, Overburden from Uranium Mining, and Oil Shale (NTIS PB88-162631); Strawman II (NTIS PB91-178418); U.S. EPA Mine Waste Policy Dialogue Committee Meeting Summaries and Supporting Material (NTIS PB95-122529).

The Agency is also developing additional technical reports on waste rock piles, subaqueous disposal of mine tailings, model mines, and phosphogypsum waste piles.

Dated: February 23, 1995.

**Elizabeth A. Cotsworth,**

*Acting Director, Office of Solid Waste.*

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[OPP-30000/48F; FRL-4939-7]

### Granular Carbofuran; Final Decision To Deny Reinstatement of the Corn and Sorghum Uses and To Grant Conditional Extension of Phase-Out Period for Use on Rice; Summary of Public Comment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This Notice announces EPA's decision to deny reinstatement of the use of the granular insecticide carbofuran on corn and sorghum, and to grant a limited extension of use on rice. This Notice also summarizes the public comments received in response to the Agency's proposal of these actions (59 FR 17530, April 13, 1994).

**FOR FURTHER INFORMATION CONTACT:** By mail: Margaret Rice, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Special Review Branch, Rm. WF32N4, Crystal Station #1, 2800 Crystal Drive, Arlington, Virginia, (703) 308-8039.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

In the **Federal Register** of April 13, 1994 (59 FR 17530), EPA proposed to deny reinstatement of the use of granular carbofuran on corn and sorghum, to extend the use on rice with restrictions, for a limited time period, and offered incentives for the registration of reduced risk alternatives to control rice water weevil. The Agency's proposal was in response to FMC Corporation and grower groups'

requests that the phase-out scheduled for these three uses be extended beyond the limits established in the negotiated settlement agreement that concluded the Special Review of granular carbofuran in 1991.

The Agency's April 1994 notice outlined the arguments put forth by FMC Corp in support of their request, as well as the rationale for EPA's proposed decision, and allowed 90 days for public comment. Readers are referred to the proposed decision (59 FR 17530, April 13, 1994) for a detailed summary of the regulatory history and legal background of the granular carbofuran Special Review and negotiated settlement agreement.

#### II. EPA's Findings

The following summarizes the Agency's findings regarding the risks and benefits resulting from the use of granular carbofuran. With regard to risks, the Agency finds:

1. Carbofuran is highly acutely toxic to birds.

2. One granule can kill a small bird.

3. Proper agricultural use of carbofuran results in granules available to birds.

4. Birds are directly exposed to carbofuran by picking up and ingesting granules. Predatory and scavenging birds are secondarily exposed when they eat the organisms that were directly exposed.

5. Many birds have been killed by proper use of granular carbofuran. This has been documented in 8 field studies and over 90 separate poisoning incidents, which demonstrate widespread and repeated mortality to many species, including migratory, threatened and endangered species. Incidents of both primary and secondary poisonings have been observed and documented in many different geographic areas, associated with many different use sites, times of year, and under varying environmental conditions.

6. The Agency continues to receive reports of bird kills from granular carbofuran. Twenty three additional wildlife kill incidents have been reported to EPA since the conclusion of the Special Review in 1991. Three were attributed to granular formulations; the other 20 incident reports did not specify which formulation was involved. Species killed include a bald eagle, Canada geese, red-tailed hawks, and numerous other species.

7. Based on available data, carbofuran presents a greater risk to birds than alternative chemical control methods.

8. It has not been demonstrated that there are any conditions under which