

Applicability of the Toxicity Characteristic Leaching Procedure to Mineral Processing Waste

I. EXECUTIVE SUMMARY

As ordered by the Court in *Edison Electric Institute v. U.S. EPA*, the Agency has developed this report demonstrating that mineral processing wastes may plausibly be mismanaged in a manner similar to that described in the Agency's mismanagement scenario. The Agency's expanded rationale considers the following factors:

- (1) The basis for the Agency's conservative approach;
- (2) Past incidents of co-disposal of mineral processing wastes with MSW; and
- (3) The location of mineral processing facilities relative to population centers and sensitive environments.

Each of these is discussed in the report. In addition, the report addresses AMC's more recent suggestion that the SPLP be used as an alternative to the TCLP to determine the toxicity of mineral processing wastes.