ENVIRONMENTAL PROTECTION AGENCY

INFORMAL MEMO

TO: Amy Layne 6H-ES

DATE: November 4, 1985

FROM: Paul Sadowski (6H-HO)

SUBJECT: Fansteel Metals OKD03549

Review of the file on Fansteel Metals indicates that this facility processes ores and residues containing tantalum. As such the pits containing hydrogen fluoride and other acidic sludges which are generated during the processing and "refining" of these ores are currently exempt due to the statutory exclusion for mining wastes (RCRA section 3001 (b)(3).

On October 2, 1985, the EPA published a notice of proposed rulemaking which will redefine the mining waste exclusion interpretation. Public comment period regarding this rulemaking will end December 2, 1985. According to HQ expert on the reinterpretation, wastes generated by Fansteel would become subject to RCRA if the proposed interpretation passes unscathed. (Attached)

At the present time (and probably not for 6 months or so) RCRA has no jurisdiction over the acidic waste impoundments at Fansteel. Our only recourse would be CERCLA.

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FIT inspection scheduled for ~~11/85~~. 3/86.