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## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

JANUARY 89

### 1. Ore and Mineral Extraction, Beneficiation and Processing Exclusion Applicability

The owner/operator of a taconite ore mining and processing facility uses several different processes to increase the taconite ore's concentration. These processes include a grinding and magnetic separation process that constitutes beneficiation. This beneficiation process incorporates the use of Whitmore grease for mechanical lubrication. The Whitmore grease is removed once every ten years and is sent for disposal. Is this grease, which exhibits the characteristic of EP toxicity, exempt from being a hazardous waste pursuant to 40 CFR Section 261.4 (b)(7)?

In the November 19, 1980 Federal Register (45 FR 76620), the EPA promulgated regulations excluding solid waste from the extraction, beneficiation, and processing of ores and minerals from the definition of hazardous waste. The preamble to this Federal Register stated this exclusion applied to wastes produced in, and unique to the exploration, mining, milling, smelting and refining of ores and minerals. The exclusion did not apply to solid wastes, such as spent solvents, pesticide wastes, and discarded commercial chemical products, that were not unique to the mining and processing operations (45 FR 76619).

Since 1960, common mining and processing operations have included the long-term application of Whitmore grease to heavily used machinery, gears and other difficult to access equipment. However, Whitmore grease is not limited to the mining industry, but can be used on any industrial equipment where short term grease applications are limited by difficult access and heavy use. Therefore, because the Whitmore grease is not unique to mining operations, it is not excluded pursuant to 40 CFR Section 261.4 (b)(7). The grease that can no longer be used for its intended purpose and that is going for disposal would be a solid waste pursuant to 40 CFR Section 261.1 (c)(1) and 40 CFR Section 261.2, respectively [see January 4, 1985 Federal Register (50 FR 663)]. This solid waste will be a hazardous waste if it meets a listing under 40 CFR Part 261 Subpart D or exhibits any characteristic under 40 CFR Part 261 Subpart C.

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