

US EPA ARCHIVE DOCUMENT

## REMANDED SMELTING WASTES

### I. EXECUTIVE SUMMARY

In 1990, the American Mining Congress (AMC) brought suit against EPA challenging the listing of six smelting wastes associated with the primary aluminum, copper, lead, zinc, and ferroalloy industries (see *American Mining Congress v. EPA*, 907 F.2d 1179, D.C. Cir., 1990)). The Court upheld the listing of one of the wastes, but vacated and remanded to EPA the listing of the remaining five wastes, finding that the record and factual basis for the listings were inadequate. Having completed further study in 1995, EPA is considering that it will not re-list the five remanded wastes as listed wastes. Because of changes in the nature of the wastes generated and the manner in which they are managed, the Agency is considering that it will, instead, regulate any of these wastes that continue to be generated according to their hazardous characteristics, if any. This report discusses the history of Agency actions with regard to these smelting wastes, industrial smelting processes and waste management procedures, and provides a factual basis for considering a no-list decision.