

Ms. Amy J. Blankenbiller
American Foundry Society
900 2nd Street, N.E.
Suite 109
Washington, D.C. 20002-3557

Dear Ms. Blankenbiller:

Thank you for your letter of May 19, 2000 to Ms. Connie Musgrove and Mr. Matt Hale regarding Resource Conservation and Recovery Act (RCRA) requirements for foundry sand used in the manufacture of castings. I would also like to express my appreciation to you, Mr. Dan Oman, and Mr. Mark Remlinger for conducting site visits for Environmental Protection Agency (EPA) staff to three foundries.

In EPA's letter to your organization dated March 8, 1995, we addressed the process of making sand molds and reusing return sand in the primary production process to produce new molds (the sand loop). At that time, we stated our initial conclusion that the process of separating bits and pieces of metal, fines, core sand butts, and other clumps of mold sand at the shakeout table and screen to create return sand for reuse in the sand loop is reclamation of a spent material. Today, EPA is clarifying our interpretation of the sand loop based on the processes at the foundries we visited, the information that you provided to us, and the opinion of the U.S. Circuit Court for the District of Columbia in *Association of Battery Recyclers, Inc. v. U.S. Environmental Protection Agency*, 208 F.3d 1047 (D.C. Cir. 2000) (referencing *American Mining Congress v. EPA*, 824 F.2 1177 (D.C. Cir. 1987)). Note that this letter only addresses your question regarding use of sand in the sand loop. It does not address the status of any thermal processing of sand.

We believe that reusing sand on-site within the sand loop for mold-making, including the separation step described in the paragraph above, is part of a continuous industrial production process by the generating industry. Consequently, the sands

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being reused onsite in the primary production process on a continuous basis in the sand loop are not solid wastes. We also believe that sand stored indoors that is reused in the sand loop is part of the ongoing production process, as long as it is handled as a valuable material for the manufacture of castings. On the other hand, if sand is handled in a way that would indicate the material is not valuable (*e.g.*, a sand pile exposed to the elements), it would raise questions of whether the sand is being legitimately reused as part of the continuous production process. Please note that when foundry sand is removed from the process described above for disposal (or for subsequent treatment or storage prior to disposal), that sand is a solid waste potentially within the jurisdiction of RCRA Subtitle C.

We hope this letter answers your question. If you have any further questions, please contact Lesley Schaaff in the Office of Solid Waste at 703-308-0091 or Carolyn Dick in the Office of Enforcement and Compliance Assurance, RCRA Enforcement Division, at 202-564-4007.

Sincerely,

Elizabeth Cotsworth, Director
Office of Solid Waste

Eric Schaeffer, Director
Office of Regulatory Enforcement
Office of Enforcement & Compliance
Assurance