NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

CITY OF CHICAGO ET AL. *v.* ENVIRONMENTAL DEFENSE FUND ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 92–1639. Argued January 19, 1994—Decided May 2, 1994

Respondent Environmental Defense Fund (EDF) sued petitioners, the city of Chicago and its Mayor, alleging that they were violating the Resource Conservation and Recovery Act of 1976 (RCRA) and implementing regulations of the Environmental Protection Agency (EPA) by using landfills not licensed to accept hazardous wastes as disposal sites for the toxic municipal waste combustion (MWC) ash that is left as a residue when the city's resource recovery incinerator burns household waste and nonhazardous industrial waste to produce energy. Although it was uncontested that, with respect to the ash, petitioners had not adhered to any of the RCRA Subtitle C requirements addressing hazardous wastes, the District Court granted them summary judgment on the ground that §3001(i) of the Solid Waste Disposal Act, a provision within RCRA, excluded the ash from those requirements. The Court of Appeals disagreed and reversed, but, while certiorari was pending in this Court, the EPA issued a memorandum directing its personnel, in accordance with the agency's view of §3001(i), to treat MWC ash as exempt from Subtitle C regulation. On remand following this Court's vacation of the judgment, the Court of Appeals reinstated its previous opinion, holding that, because the statute's plain language is dispositive, the EPA memorandum did not affect its analysis.

Held: Section 3001(i) does not exempt the MWC ash generated by petitioners' facility from Subtitle C regulation as hazardous waste. Although a pre-§3001(i) EPA regulation provided a ``waste stream'' exemption covering household waste from generation through treatment to final disposal of residues,

petitioners' facility would not have come within that exemption because it burned something in addition to household waste; the facility would have been considered a Subtitle C hazardous waste generator, but not a (more stringently regulated) Subtitle C hazardous waste treatment, storage, and disposal facility, since all the waste it took in was nonhazardous. Section 3001(i) cannot be interpreted as extending the pre-existing waste-stream exemption to the product of a combined household/nonhazardous-industrial treatment facility such as petitioners'. Although the section is entitled ``Clarification of household waste exclusion,'' its plain language—``A resource recovery facility . . . shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of [Subtitle C] regulation . . . if . . . such facility . . . receives and burns only . . . household waste . . . and [nonhazardous industrial] waste . . .''—establishes that its exemption is limited to the facility itself, not the ash that the facility generates. The statutory text's prominent omission of any reference to generation, not the single reference thereto in the legislative history, is the authoritative expression of the law. The enacted text requires rejection of the Government's plea for deference to the EPA's interpretation, which goes beyond the scope of whatever ambiguity §3001(1) contains. Pp. 3–10.

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985 F. 2d 303, affirmed.

SCALIA, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and BLACKMUN, KENNEDY, SOUTER, THOMAS, and GINSBURG, JJ., joined. STEVENS, J., filed a dissenting opinion, in which O'CONNOR, J., joined.