Dear Dr. Connors:

This is in response to your telephone conversation of May 30 with Susan Absher of the EPA Office of Solid Waste. You asked about EPA's interpretation of the agricultural waste exclusion of 40 CFR Part 257.

The agricultural waste exclusion in Part 257.1 (c)(1) reads:

"The criteria do not apply to agricultural wastes, including manures and crop residues, returned to the soil as fertilizers or soil conditioners."

This exclusion stems from the House Report (H.R. Rep. No. 94-1491, 94th Cong., 2nd session (1976) which states that "agricultural wastes which are returned to the soil as fertilizers or soil conditioners..." (are not meant to be covered by the program). The relevant page of the report is attached.

You specifically asked whether EPA intended food processing wastes which are land spread to come under the agricultural waste exclusion. EPA intended the exclusion to apply mainly to manures and crop residues used to enhance the quality of the land. In general, EPA considers food processing waste to be commercial or industrial waste and not to come under the agricultural waste exclusion. Where large quantities of food processing wastes are land spread, this procedure can have adverse environmental effects.

(WH-563)Susan/kw/x59145/2624/8-14-80