

PPC 9441.1980(02)

FOOD PROCESSING WASTE NOT UNDER AGRICULTURAL WASTE
EXCLUSION

AUG 19 1980

Dr. William Connors
Public Intervenors Office
114 E. State Capitol
Madison, Wisconsin 53702

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