



DIRECTIVE NUMBER: 9443.02(80)

TITLE: The Impact of Hazardous Waste Regulations on Food Processors

APPROVAL DATE: 9-16-80

EFFECTIVE DATE: 9-16-80

ORIGINATING OFFICE: Office of Solid Waste

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STATUS:

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1.

A- Pending OMB approval

B- Pending AA-OSWER approval

C- For review &/or comment

D- In development or circulating
headquarters

REFERENCE (other documents):

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Key Words. Food Processing Waste, Corrosive Wastes

Regulations. 40 CFR 261.22

Subject. The Impact of Hazardous Waste Regulations on
Food Processors

Addressee: Jack L. Cooper, Director, Environmental Affairs, National Food
Processors Association, 1133 20th St. N.W. Washington, D.C.

Originator: Eckardt C. Beck, Assistant Administrator, Office of Solid Waste

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Summary

Prior to neutralization, the waste produced from food processors may occasionally exhibit the hazardous waste characteristic of corrosivity. Upon neutralization, the waste leaves the plant as non-hazardous waste. EPA will not declare caustic food processing waste non-hazardous, because to do so would be inconsistent with the May 19, 1980 regulations which identify corrosive waste as hazardous waste. That a waste is adequately managed is not a criteria for exempting it from the hazardous waste definition.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER
AND WASTE MANAGEMENT

Mr. Richard Hill
White Consolidated Industries, Inc.
11770 Berea Road
Cleveland, Ohio 44111

Dear Mr. Hill:

This is in response to your letter of September 22, 1980, addressed to Filomena Chau of EPA, in which you requested a clarification of the hazardous waste regulations as to whether paint residues on conveyor hooks resulting from conveyORIZED spray painting operations are considered hazardous and covered by the F017 generic hazardous waste listing. The wording of F017 listing ("paint residues or sludges from industrial painting ...") and the description in the background document for this listing convey our determination that such paint residues are potentially hazardous to human health and the environment if not properly managed and disposed. The paint residues which you describe would fall under this category.

We have received many comments on the paint residues listings promulgated in interim final form on July 16. Several commenters have raised questions analogous to yours, and we are currently evaluating them. We expect to meet with industry representatives (e.g., NPCA) and would be pleased to receive your more extended comments on this matter. In this respect it would be useful for us to know, for instance, what is the quantity of residues which you describe as adhering to conveyor hooks, what is the quantity of sludges which are created by the caustic bath treatment, what is the fate of these sludges (how are they disposed), and what is the nature, amount and disposal of the residuals resulting from the incineration of the paint residue.

In the event that review and analysis of the comments show that a change is necessary, the regulations will be revised. We expect to publish our findings in the Federal Register in advance of the date (January 16, 1981) on which these particular regulations will take effect.

It should be noted, however, that in an amendment to the hazardous waste regulations published on October 30, 1980 in the Federal Register (45 FR 72024), a copy of which is attached, the Agency excluded from regulation under 40 CFR Parts 262 through 265 or Parts 122 through 124 or the requirements on

Section 3010 of RCRA hazardous wastes that are generated in a product or raw material storage tank; transport vehicles or vessels or in a manufacturing process unit. Thus, in your particular instance, if the hangers containing paint residue are included within the hazardous waste system, the conveyor hooks would not be subject to regulation until they were either discarded or treated (i.e., burned to remove paint residue from the hangers).

Please feel free to call Dr. Judith Bellin of my staff if we can be of any further assistance. Her telephone number is (202)755-9187.

Sincerely yours,



Gary N. Dietrich
Associate Deputy Assistant Administrator
for Solid Waste (WH-562)

Enclosure

cc: Filomena Chau
Dr. Judith Bellin
Kathy Kohl
Matthew Straus