



**DIRECTIVE NUMBER:** 9441.02(80)

**TITLE:** Agricultural Waste Exclusion

**APPROVAL DATE:** 8-19-80

**EFFECTIVE DATE:** 8-19-80

**ORIGINATING OFFICE:** OSW

**FINAL**

**DRAFT**

**LEVEL OF DRAFT**

- A — Signed by AA or DAA
- B — Signed by Office Director
- C — Review & Comment

**REFERENCE (other documents):**

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Key Words: Agricultural Waste

Regulations: 40 CFR 257.1(c)(1), 261.4(b)(2)

Subject: Agricultural Waste Exclusion

Addressee: Dr. William Connors, Public Information Office

Originator: John Skinner, Director, State Programs & Resource Recovery Division

Source Doc: #9441.02(80)

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Summary:

Pursuant to §257.1(c)(1) agricultural wastes including manures and crop residues returned to the soil as fertilizers or soil conditioners are excluded from the list of regulated waste. Food processing waste is deemed by EPA to be either commercial or industrial waste and hence is not included in the agricultural waste exclusion. The exemption is more precisely stated at §261.4(b)(2).

AUG 19 1980

Dr. William Connors  
Public Intervenor's 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

I believe EPA's interpretation is consistent with most state solid waste regulations. For example, the State of Maryland considers food processing wastes to be industrial waste and regulates them accordingly. In Maine, food processing wastes fall under the commercial waste category.

Please let me know if I may be of further assistance.

Sincerely

John Skinner  
Director, State Programs  
Resource Recovery Division

Attachment