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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

SEP 3 1987

MEMORANDUM

SUBJECT: Regulatory Requirements for Agricultural Use  
of Spent Acids

FROM: Matthew A. Straus, Chief  
Waste Characterization Branch (WH-562B)

TO: Bill Taylor, Chief  
Enforcement Section (6H-CE)  
Region VI

I am writing in response to your memo of August 14, 1987. The term "commercial fertilizer," as used in §266.20, has the same meaning as normally used in agriculture, i.e., a material added to soil to supply certain elements essential to the growth of plants.

Materials added to soil to alter soil properties, i.e., pH adjustment, are called soil amendments, not fertilizers. Further, the exemption in §266.20(b) is meant to include fertilizer products that contain hazardous waste, not hazardous waste placed directly on the ground. On both counts, the spent acids you describe fail to meet the conditions of §266.20(b), and therefore are subject to §§266.21-266.23.