

PPC 9443.1980(02)

FOOD PROCESSORS, IMPACT OF HAZARDOUS WASTE REGULATIONS ON

Mr. Jack L. Cooper, Director  
Environmental Affairs  
National Food Processors Association  
1133 20th St. N.W.  
Washington, D.C. 20036

Dear Mr. Cooper:

I am writing in response to your letter to me of July 30, 1980 and your visit to the Agency on July 25, 1980. You raised several issues in these communications which relate to the impact of the hazardous waste regulations (as promulgated in the Federal Register on May 19, 1980) on food processors.

Specifically, the food processors frequently use a dry-caustic peeling process which produces a waste which may, on occasion, exhibit the hazardous waste characteristic of corrosivity since its pH would equal or exceed 12.5. You further indicated that this waste is always neutralized to well below a pH of 12.5 and thus would not be a hazardous waste when it leaves the plant for final disposition. You also indicated that you feel such wastes, and the facilities generating and treating such wastes, should not be included in the RCRA Subtitle C program.

In re-evaluating the regulations and our intent to only control those hazardous wastes which if improperly managed may present a potential hazard to human health and the environment, it appears that some modification to the regulations may be warranted. The Agency disagrees, however, that the appropriate approach is to declare caustic food processing waste non-hazardous. To do so would be inconsistent with EPA's May 19, 1980 regulations which identify highly corrosive wastes (pH above 12.5 or below 2.5) as hazardous wastes. Such wastes can cause serious burns or seriously pollute surface waters. In the case of your industry, overflows and leaks resulting from improper operation could result in injuries to persons who might have access to the area. Improper management could also result in the release of toxic lists and fumes.

In sum, we don't think it appropriate to exempt a waste as

non-hazardous because it is usually adequately managed. Such of the Act. The structure of RCRA involves a determination first appropriate regulation, the Agency is directed to assure the public that management is safe. Unless regulations requiring, proper handling are imposed, the Agency and the public have no assurance that proper management is being achieved.

To make this same point another way, an interpretation such as the one you are requesting would allow a great majority of waste procedures to seek exclusion from the program on the grounds that they manage their wastes properly.

On the other hand, the Agency agrees that imposition of some of the provisions of the May 18, 1980, regulations may be unnecessary for relatively simple neutralization facilities. A more appropriate approach might be to establish a special set of standards applicable to neutralizations to implement such an approach. We hope to make a decision on this regulations before November 19, 1980, the effective date of the May 19, 1980, regulations.

I would like to thank you for bringing this particular problem to our attention. Our goal is to promulgate a set of regulations which will protect human health and the environment from the improper management of hazardous waste, but yet not place an unnecessary burden on American Industry. Please feel free to call Mr. Alfred Lindsey if you have any further questions. Mr. Lindsey can be reached at (202) 755-9185.

Sincerely yours,

Eckardt C. Beck  
Assistant Administrator