

SCROLL DOWN

2. APPLICABLE REGULATIONS AND REFERENCES. Applicable laws, regulations, and published guidance should be used in the development of the ISWMP and referenced within the document. A comprehensive list of state, Federal, and Army references on the subjects of solid waste management, recycling, and Affirmative Procurement is provided below. The list is not exhaustive, so it may be appropriate to include other references. Also, be sure to include new regulations or guidance documents that have been published since the publication of this guide. Though Federal legislation has established national solid waste policy, states have the lead for policy implementation, the right to issue more restrictive regulations, and the power of enforcement. State and local requirements are often the most stringent and dominating factors driving an installation's solid waste management program. The generic state regulations are therefore prioritized below, and local rules should be added when applicable.

a. State Solid Waste Management Act. (Title, Chapter, date of enactment, summary of requirements.)

b. State Solid Waste Management Regulations. (Governing Agency, regulation title, latest date of amendment, summary of requirements.)

c. Resource Conservation and Recovery Act (RCRA), Public Law 94-580, 21 October 1976. This law established standards and guidelines for the management of hazardous and nonhazardous solid wastes. The act introduced and encouraged the practices of waste minimization through source reduction, Affirmative Procurement (use of recovered materials), recycling, and conversion of waste to energy. The RCRA Section 6002 specifically requires the

Federal government to promote standards and practices for the procurement of recycled and recovered materials. The act was codified in Title 40, Code of Federal Regulations (CFR) Parts 240-272. Pertinent sections are listed below:

(1) Part 240: Guidelines for the Thermal Processing of Solid Wastes - contains guidance for the operation of solid waste incinerators and thermal processing units.

(2) Part 241: Guidelines for the Land Disposal of Solid Wastes - contains guidance applicable to solid waste land disposal facilities.

(3) Part 243: Guidelines for the Storage and Collection of Residential, Commercial, and Institutional Solid Waste - establishes requirements and recommended practices for the storage, collection and management of solid waste, and for the operation of vehicles used in the collection, transport, and handling of waste.

(4) Part 246: Source Separation for Materials Recovery Guidelines - contains recycling requirements for the recovery of paper, corrugated containers, and other consumer goods.

(5) Part 247: Guidelines for Procurement of Products that Contain Recycled Material - contains guidance regarding "buy recycled" practices that will stimulate the recovered materials market.

(6) Part 257: Criteria for Classification of Solid Waste Disposal Facilities and Practices - contains guidance for determining whether disposal facilities meet minimum standards to protect human health and the environment.

(7) Part 258: Criteria for Municipal Solid Waste Landfills - establishes criteria and requirements for operating a municipal solid waste landfill, and includes location restrictions, operating criteria, design criteria, ground-water and explosive gases monitoring, and closure and post-closure requirements.

(8) Part 261: Identification and Listing of Hazardous Waste - contains the RCRA definition of a solid waste and lists the criteria for characterization as a hazardous waste.

d. Pollution Prevention Act of 1990, Public Law 101-508, 5 November 1990. The Pollution Prevention Act established a national policy to prevent or reduce waste generation through source reduction, reuse, recycling, and treatment. It introduced the pollution prevention hierarchy of waste management options that is the cornerstone of integrated solid waste management.

e. Federal Facilities Compliance Act, 6 October 1992. This Act required Federal facilities to comply with substantive and procedural requirements of Federal, state, and local solid and hazardous waste regulations. It waived the immunity previously held by Federal facilities.

f. Federal Property and Administrative Services Act of 1949, (Public Law 152). This Act regulates the distribution of proceeds from the sale of recyclable materials on Federal facilities.

g. 10 U.S. Code 2577, "Disposal of Recyclable Materials." This regulation contains requirements for the distribution of proceeds generated from installation recycling programs.

h. Military Construction Codification Act of 1982 (Public Law 97-214). This Act was the basis for the regulation 10 U.S. Code 2577, and contains a provision allowing net proceeds generated from the sale of Qualifying Recycling Program (QRP) recyclables to be used by installations for certain purposes.

i. Executive Orders (EOs).

(1) EO 13101, Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition, 14 September 1998. This order requires Federal agencies to incorporate waste prevention and recycling into daily operations and to increase the use of recovered materials by environmentally preferable purchasing and by following published Affirmative Procurement guidelines.

(2) EO 12856, Federal Compliance With Right-To-Know Laws and Pollution Prevention Requirements, 3 August 1993. This order mandates Federal facility compliance with the Pollution Prevention Act.

(3) EO 12780, Federal Agency Recycling and Council on Federal Recycling and Procurement Policy, October 1991. This order encouraged Federal agencies to exercise waste reduction, recycling, and Affirmative Procurement.

j. Affirmative Procurement Notices and Guidelines.

(1) Federal Register Volume 60, Number 21386, "Recovered Materials Advisory Notice" (RMAN) and "Comprehensive Guideline for the Procurement of Products Containing Recovered Materials," (CPG) 1 May 1995. The CPG identifies 19 items (in addition to the original five designated items) that should contain recycled material and recommends recycled content percentages for each item. The RMAN provides guidance on purchasing the designated products.

(2) Federal Register Volume 62, Number 219, "Recovered Materials Advisory Notice II" and "Comprehensive Guideline for the Procurement of Products Containing Recovered Materials," 13 November 1997. The CPG identified 12 more items (in addition to the 24 previously designated items) that should contain recycled material and recommended recycled content percentages for each item. The RMAN II provides guidance on purchasing the newly designated products.

(3) Federal Register Volume 63, Number 165, "Recovered Materials Advisory Notice III" and "Comprehensive Guideline for the Procurement of Products Containing Recovered Materials; Proposed Rule," 26 August 1998. The CPG proposes the addition of 19 additional items and the RMAN III provides purchasing guidance.

k. Army Regulations and Policies.

(1) AR 420-49, Utility Services, 28 April 1997. This regulation calls for the implementation of integrated solid waste management, development of the ISWMP, source reduction to reduce the waste stream, and implementation of a QRP.

(2) AR 200-1, Environmental Protection and Enhancement, 21 February 1997. This AR establishes Army policies, procedures, and responsibilities for environmental program areas. It requires installations to develop ISWMP's, establishes solid waste measures of merit (now superseded by Army policy), and authorizes direct sales of recyclables.

(3) Assistant Chief of Staff for Installation Management (DAIM-FDF-E) Memorandum, 22 Jun 98, subject: Fielding of Solid Waste Annual Report (SWAR) Software.

(4) Assistant Chief of Staff for Installation Management (DAIM-FD) Memorandum, 11 Jan 99, subject: Implementation of Solid Waste Annual Report (SWAR) - Update.

(5) Assistant Chief of Staff for Installation Management (DAIM-FDF-E) Memorandum, undated (draft), subject: Interim Policy for Management of Construction and Demolition Waste.

l. Department of Defense (DOD) Requirements.

(1) DOD Instruction (DODI) 4715.4, Pollution Prevention, 18 June 1996. This DODI establishes a requirement for installation QRPs, calls for Affirmative Procurement, and authorizes direct sales of recyclables.

(2) Memorandum, Office of the Under Secretary of Defense, 13 May 1998, subject: New DOD Pollution Prevention Measure of Merit. DOD issued this policy that sets forth a new MoM as follows: *"By the end of FY 2005, ensure the diversion rate for non-hazardous solid*

waste is greater than 40% , while ensuring integrated non-hazardous solid waste management programs provide an economic benefit when compared with disposal using landfilling and incineration alone."

(3) Memorandum, Office of the Under Secretary of Defense, 15 May 1998, subject: Recycling of Firing-Range Scrap Consisting of Expended Brass and Mixed Metals Gleaned from Firing-Range Clearance Through Qualified Recycling Programs. This defines policy for ammunition, explosives, and dangerous articles (AEDA) collected from firing ranges when installations directly sell the metals. Metals must be certified safe before being processed by QRPs, and QRP personnel must be trained to recognize and segregate AEDA.

m. Additional Sources of Information.

(1) Decision-Maker's Guide to Solid Waste Management, Second Edition, EPA 530-R-95-023, August 1995.

(2) Characterization of Municipal Solid Waste in the United States: 1997 Update, EPA 530-R-98-007, May 1998.

(3) Measuring Recycling - A Guide for State and Local Governments, EPA 530-R-97-011, September 1997.

(4) The Consumer's Handbook for Reducing Solid Waste, EPA 530-K-96-003, September 1996.

(5) Installation Recycling Guide, U.S. Army Engineering and Housing Support Center, TN 420-47-02, 1 September 1991.

(6) Analysis of U.S. Army Solid Waste Management Policy, Army Environmental Policy Institute, July 1992.

(7) Integrated Solid Waste Management, U.S. Army Engineering and Housing Support Center, PWB 420-47-03, 3 May 1993.

n. Supply Catalogues.

(1) Supply Catalogue, U.S. General Services Administration, Federal Supply Service, Spring 1997.

(2) Environmental Products Guide, U.S. General Services Administration, Federal Supply Service, Spring 1998.

(3) Environmental Products, Defense Logistics Agency (DLA), December 1996.

o. Web Sites.

(1) U.S. EPA Office of Solid Waste – provides guidance and information on a variety of solid waste topics. <<http://www.epa.gov/osw/>>

(2) U.S. EPA Environmentally Preferable Purchasing – the Office of Pollution Prevention and Toxics guidance on green purchasing. <<http://www.epa.gov/opptintr/epp/>>

(3) U.S. EPA Comprehensive Procurement Guidelines - contains CPGs and RMANs as well as product information and supplier lists. <<http://www.epa.gov/epaoswer/non-hw/procure/index.htm>>

(4) U.S. EPA publications list for landfills – assortment of EPA documents on the subject of municipal solid waste landfills. <<http://www.epa.gov/epaoswer/non-hw/muncpl/landfill.htm>>

(5) Enviro\$en\$e - part of the U.S. EPA's web site, it provides a single repository for pollution prevention, compliance assurance, and enforcement information and data bases. The search engine searches multiple web sites, both inside and outside the EPA. <<http://es.epa.gov/>>

(6) Defense Environmental Network Information Exchange – the DOD's comprehensive environmental network provides access to legislative, compliance, restoration, cleanup, and DOD guidance and information. <<http://www.denix.osd.mil/>>

(7) Office of the Federal Environmental Executive – provides direction and policies for the national challenges of source reduction and recycling. <<http://www.ofee.gov/>>

(8) Code of Federal Regulations – online access and search of the CFR to provide the public with enhanced access to codified regulations. <<http://www.access.gpo.gov/nara/cfr/index.html>>

(9) Solid Waste Association of North America – an educational association and advocacy group for solid waste professionals in the public and private sector. <<http://www.swana.org/>>

(10) Waste Prevention World – part of the California Integrated Waste Management Board, this focuses on source reduction. <<http://www.ciwmb.ca.gov/WPW/>>

(11) National Recycling Coalition – dedicated to increasing awareness of recycling and relaying the positive impact of recycling. <<http://www.nrc-recycle.org/>>

(12) Global Recycling Network – a business-oriented free-access site dedicated to recycling information. <<http://grn.com/grn/home.htm>>