

Environmental Protection Agency

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(6) A copy of all significant correspondence, reports, inspection reports, and any other communications from enforcement agencies.

(e) Methodology for evaluating the facility's performance should be developed. Evaluation procedures recommended by the U.S. Environmental Protection Agency should be used whenever possible (see bibliography).

APPENDIX TO PART 240—RECOMMENDED BIBLIOGRAPHY

1. The Solid Waste Disposal Act as amended; Title II of Pub. L. 89-272, 89th Cong., S. 306, Oct. 20, 1965; Pub. L. 91-512, 91st Cong., H.R. 11833, Oct. 26, 1970. Washington, U.S. Government Printing Office, 1971. 14 p. Reprinted 1972.

2. Seven incinerators; evaluation, discussions, and authors' closure. [Washington, U.S. Environmental Protection Agency, 1971. 40 p.] (Includes discussions and authors' closure for "An evaluation of seven incinerators" by W. C. Achinger and L. E. Daniels.)

3. DeMarco, J., D. J. Keller, J. Leckman, and J. L. Newton. Municipal-scale incinerator design and operation. Public Health Service Publication No. 2012. Washington, U.S. Government Printing Office, 1973. 98 p.

4. Occupational Safety and Health Act of 1970; Pub. L. 91-596, 91st Cong., S. 2193, Dec. 29, 1970. Washington, U.S. Government Printing Office, 1972.

5. Control techniques for particulate air pollutants. Publication AP-51. U.S. Department of Health, Education, and Welfare, National Air Pollution Control Administration, 1969.

6. Zausner, E. R. An accounting system for incinerator operations. Public Health Service Publication No. 2032. Washington, U.S. Government Printing Office, 1970. 17 p.

7. Achinger, W. C., and J. J. Giar, Testing manual for solid waste incinerators. [Cincinnati], U.S. Environmental Protection Agency, 1973. [372 p., loose-leaf.] [Open-file report, restricted distribution.]

8. Nader, J. S., W. Carter, and F. Jaye. Performance Specifications for Stationary Source Monitoring Systems. NTIS PB. 230 934/AS (1974).

PART 243—GUIDELINES FOR THE STORAGE AND COLLECTION OF RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL SOLID WASTE

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APPENDIX TO PART 243—RECOMMENDED BIBLIOGRAPHY

AUTHORITY: 42 U.S.C. 6907(a)(3), 6912(a)(1), and 6944(a).

SOURCE: 41 FR 6769, Feb. 13, 1976, unless otherwise noted.

Subpart A—General Provisions

§ 243.100 Scope.

(a) These guidelines are promulgated in partial fulfillment of section 209(a) of the Solid Waste Disposal Act, as amended (Pub. L. 89-272).

(b) The guidelines apply to the collection of residential, commercial, and institutional solid wastes and street wastes. Explicitly excluded are mining, agricultural, and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; and infectious wastes.

(c) The "Requirement" sections contained herein delineate minimum levels of performance required of solid waste collection operations. Under section 211 of the Solid Waste Disposal Act, as amended, and Executive Order 12088, the "Requirement" sections of these guidelines are mandatory for Federal agencies. In addition, they are recommended to State, interstate, regional, and local governments for use in their activities.

(d) The "Recommended procedures" sections are presented to suggest additional actions or preferred methods by

which the objectives of the requirements can be realized. The "Recommended procedures" are not mandatory for Federal agencies.

(e) The guidelines apply equally to Federal agencies generating solid waste whether the solid waste is actually collected by a Federally operated or non-Federally operated collection system, except in the case of isolated Federal facilities such as post offices, military recruiting stations, and other offices where local community solid waste collection systems are utilized, which are not within the managerial control of the Federal agency.

(f) The guidelines shall be implemented in those situations where the Federal agency is able to exercise direct managerial control over the collection system through operation of the system or by contracting for collection service. Where non-Federal collection systems are utilized, service contracts should require conformance with the guidelines requirements unless service meeting such requirements is not reasonably available. It is left to the head of the responsible agency to decide how the requirements of the guidelines will be met.

(g) The Environmental Protection Agency will give technical assistance and other guidance to Federal agencies when requested to do so under section 3(D)1 of Executive Order 12088.

(h) Within 1 year after the final promulgation of these guidelines, Federal agencies shall decide what actions shall be taken to adopt the requirements of these guidelines and shall, within 60 days of this decision, submit to the Administrator a schedule of such actions.

(i) Federal agencies that decide not to adopt the requirements contained herein, for whatever reason, shall make available to the Administrator a report of the analysis and rationale used in making that decision. The Administrator shall publish notice of availability of this report in the FEDERAL REGISTER. EPA considers the following reasons to be valid for purposes of non-compliance: costs so high as to render compliance economically impracticable, and the technical inhibitions to compliance specifically described in the guidelines.

(1) The following points are to be covered in the report.

(i) A description of the proposed or on-going practices which will not be in compliance with these guidelines. This statement should identify all agency facilities which will be affected by non-compliance including a brief description of how such facilities will be affected.

(ii) A description of the alternative actions considered with emphasis on those alternatives which, if taken, would be in compliance with these guidelines.

(iii) The rationale for the action chosen by the agency including technical data and policy considerations used in arriving at this decision.

In covering these points, agencies should make every effort to present the information succinctly in a form easily understood, but in sufficient detail so that the Administrator and the public may understand the factors influencing the decision not to adopt the requirements of these guidelines.

(2) The report shall be submitted to the Administrator as soon as possible after a final agency decision has been made not to adopt the requirements of these guidelines, but in no case later than 60 days after the final decision. The Administrator will indicate to the agency his concurrence/nonconcurrence with the agency's decision, including his reasons.

(3) Implementation of actions not in compliance with these guidelines shall be deferred, where feasible, in order to give the Administrator time to receive, analyze, and seek clarification of the required report.

(4) It is recommended that where the report on non-compliance concerns an action for which an Environmental Impact Statement (EIS) is required by the National Environmental Policy Act, that the report be circulated simultaneously with the EIS, since much of the information to satisfy the requirements of the report will be useful in the preparation of the EIS.

[41 FR 6769, Feb. 13, 1976, as amended at 64 FR 70606, Dec. 17, 1999]

§ 243.101 Definitions.

As used in these guidelines: