

placed at the curb or alley for collection.

(6) For commercial wastes which do not contain food wastes, storage capacity should be increased in lieu of more frequent collection.

APPENDIX TO PART 243—RECOMMENDED BIBLIOGRAPHY

1. American National Standard Z245.1. Safety standard for refuse collection equipment. New York. The American National Standards Institute.
2. Decision-Makers guide in solid waste management. Environmental Protection Publication SW-127. Washington, U.S. Government Printing Office, 1974.
3. Grupenhoff, B. L., and K. A. Shuster. Paper and plastic solid waste sacks; a summary of available information; a Division of Technical Operations open-file report (TO 18.1.03.1). [Cincinnati], U.S. Environmental Protection Agency, 1971. 17 p. [Restricted distribution].
4. Hegdahl, T. A., Solid waste transfer stations; a state-of-the-art report on systems incorporating highway transportation, U.S. Environmental Protection Agency, 1972, 160 p. (Distributed by National Technical Information Service, Springfield, Virginia, as PB 213 511).
5. National Sanitation Foundation standard no. 31 for polyethylene refuse bags. Ann Arbor, The National Sanitation Foundation, May 22, 1970. 6 p.
6. National Sanitation Foundation standard no. 32 for paper refuse sacks. Ann Arbor, The National Sanitation Foundation, Nov. 13, 1970. 6 p.
7. National Sanitation Foundation standard no. 13 for refuse compactors and compactor systems. Ann Arbor, The National Sanitation Foundation, March 1973. 12 p.
8. Operation responsible (a safety training manual for S.W. Collection); Safe refuse collection: instructor's manual with slides, training manual with slides, and 16 mm film. Available from the National Audiovisual Center, General Services Administration, Washington, DC 20409.
9. Ralph Stone and Company, Inc. The use of bags for solid waste storage and collection. Environmental Protection Publication SW-42d. U.S. Environmental Protection Agency, 1972. 264 p. (Distributed by National Technical Information Service, Springfield, Virginia, as PB 212 590).
10. Shuster, K. A., and D. A. Schur. Heuristic routing for solid waste collection vehicles. Environmental Protection Publication SW-113. Washington, U.S. Government Printing Office, 1974. 45 p.
11. Shuster, K. (Office of Solid Waste Management Programs.) Analysis of fuel con-

sumption for solid waste management. Unpublished data, January 1974.

12. U.S. Environmental Protection Agency. Pesticides and pesticides containers; regulations for acceptance and recommended procedures for disposal and storage. *Federal Register*, 39 (85): 15235–15241, May 1, 1974.

13. U.S. Environmental Protection Agency. Pesticides and pesticides containers; proposed regulations for prohibition of certain acts regarding disposal and storage. *Federal Register*, 39 (200): 36847–36950, October 15, 1974.

PART 244—SOLID WASTE MANAGEMENT GUIDELINES FOR BEVERAGE CONTAINERS

Subpart A—General Provisions

Sec.

244.100 Scope.

244.101 Definitions.

Subpart B—Requirements

244.200 Requirements.

244.201 Use of returnable beverage containers.

244.202 Information.

244.203 Implementation decisions and reporting.

APPENDIX TO PART 244—RECOMMENDED BIBLIOGRAPHY

AUTHORITY: Secs. 1008 and 6004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6907, 6964).

SOURCE: 62 FR 24051, May 2, 1997, unless otherwise noted.

Subpart A—General Provisions

§244.100 Scope.

(a) The “Requirement” sections contained herein delineate minimum actions for Federal agencies for reducing beverage container waste.

(b) Section 211 of the Act and Executive Order 11752 make the “Requirements” section of the guidelines mandatory upon Federal agencies. They are recommended for adoption by State and local governments and private agencies.

(c) *Intent and objectives.* (1) These Guidelines for Beverage Containers are intended to achieve a reduction in beverage container solid waste and litter, resulting in savings in waste collection and disposal costs to the Federal Government. They are also intended to

achieve the conservation and more efficient use of energy and material resources through the development of effective beverage distribution and container collection systems.

(2) The guidelines are intended to achieve these goals by making all beverage containers returnable and encouraging reuse of recycling of the returned containers. To accomplish the return of beverage containers, a deposit of at least five cents on each returnable beverage container is to be paid upon purchase by the consumer and refunded to the consumer when the empty container is returned to the dealer. This refund value provides a positive incentive for consumers to return the empty containers. Once containers are returned, nonrefillable containers can be recycled and refillable bottles can be reused.

(3) The minimum deposit of five cents has been chosen because it is deemed a large enough incentive to induce the return of most containers, and it is the most widely used deposit amount in present deposit systems. Because this action is intended to be compatible with present deposit systems, it is recommended that Federal facilities apply higher deposit levels in localities where higher levels are ordinarily used and lower deposit levels if the local area has an established return system with a minimum deposit level, for some or all beverage containers, of less than five cents.

(4) Final determination of how the requirements of the guidelines will be met rests with the head of each Federal agency.

(5) Federal facilities implementing the guidelines must charge refundable deposits on both refillable beverage containers and nonrefillable ones. Use of a refillable beverage container system will achieve the objectives of this guideline and will also most likely result in lower beverage prices for consumers. However, placing refundable deposits on nonrefillable containers, which are subsequently returned and recycled, also achieves the objectives of the guidelines.

(d) *Nonimplementation for Federal Facilities.* (1) The objectives of these guidelines are to reduce solid waste and litter and to conserve energy and

materials through the use of a return system for beverage containers. In order to have a substantial impact on solid waste and litter created by beverage containers and to effect the concomitant energy and materials savings in a cost-effective manner, three conditions will be necessary: First, that consumers continue to purchase beverages from dealers at Federal facilities; second, that empty containers be returned and then reused or recycled; third, that the costs of implementation are not prohibitive. The head of each agency should consider these factors in order to make a determination regarding implementation of these guidelines.

(2) The Administrator recognizes that the requirements of these guidelines may not be practical at some Federal facilities due to geographic or logistic problems of a local nature. Further, he recognizes that the use of a returnable beverage container system will accomplish nothing if all reasonable efforts to implement such a system have failed to induce consumers to buy beverages in returnable containers or to return them when empty. When these situations persist, agencies may determine not to continue implementation of these guidelines.

(3) Federal agencies that make the determination not to use returnable containers shall provide to the Administrator the analysis and rationale used in making that determination as required by § 244.100(f)(3). The Administrator will publish notice of availability of this report in the FEDERAL REGISTER.

The following conditions are considered to be valid reasons for not using returnable beverage containers.

(i) Situations in which, after a trial implementation, there is no alternative available that results in meeting the objectives of the guidelines in a cost effective manner. Examples of indications of this situation include, but are not limited to:

(A) Data indicating a substantial and persistent reduction in beverage sales that is not directly attributable to any other cause; and

(B) Failure to establish a beverage container return rate that effectively achieves the objectives of these guidelines.

(ii) Situations in which no viable alternative can be found which avoids excessive, irrecoverable costs to the facility or the Agency. These conditions may prevail at either part or all of a facility. It is expected that facilities will use returnable beverage containers in those portions of their beverage distribution systems where it is effective to do so. However, it is recognized that in some situations, such as for unattended vending machines where it is impractical to establish refund locations, or in small remote outlets where the majority of consumers are transient, it may not be possible to use returnable containers effectively. The provisions for nonimplementation can be applied to those portions of a facility.

(e) The Environmental Protection Agency will render technical assistance and other guidance to Federal agencies when requested to do so pursuant to section 3(d)(1) of Executive Order 11752.

(f) *Reports*—(1) *Implementation Schedule Report*. This report is to advise the EPA of plans for the implementation of these guidelines. It is to be submitted to the Administrator within 60 days following an agency's determination to implement, and should include a list of planned implementation actions and a schedule indicating when those actions will be taken.

(2) [Reserved]

(3) *Nonimplementation Report*. Nonimplementation reports are to be submitted to the Administrator as soon as possible after a final agency determination has been made not to use returnable beverage containers but not later than sixty days after this determination. The Administrator will indicate to the reporting agency his concurrence or nonconcurrence with the agency's decision, including his reasons therefor. This concurrence or nonconcurrence is advisory. Nonimplementation reports should include:

(i) A description of alternative actions considered or implemented, including those actions which, if taken or continued, would have involved a deposit or return system.

(ii) A description of ongoing actions that will be continued and actions taken or proposed that would preclude

future implementation of a returnable beverage container system. This statement should identify all agency facilities or categories of facilities that will be affected.

(iii) An analysis in support of the determination not to implement a deposit system, including technical data, market studies, and policy considerations used in making that determination. If the determination not to implement is based on inability to achieve a cost-effective system, this analysis should include such things as sales volume, impact on total overhead costs, administrative costs, other costs of implementation, percentage of containers sold that are returned, solid waste and litter reduction, energy and materials saved, and retail prices (before and after implementation).

§ 244.101 Definitions.

(a) *Beverage* means carbonated natural or mineral waters; soda water and similar carbonated soft drinks; and beer or other carbonated malt drinks in liquid form and intended for human consumption.

(b) *Beverage container* means an air-tight container containing a beverage under pressure of carbonation. Cups and other open receptacles are specifically excluded from this definition.

(c) *Consumer* means any person who purchases a beverage in a beverage container for final use or consumption.

(d) *Dealer* means any person who engages in the sale of beverages in beverage containers to a consumer.

(e) *Deposit* means the sum paid to the dealer by the consumer when beverages are purchased in returnable beverage containers, and which is refunded when the beverage container is returned.

(f) *Distributor* means any person who engages in the sale of beverages, in beverage containers, to a dealer, including any manufacturer who engages in such sale.

(g) *Federal Agency* means any department, agency, establishment, or instrumentality of the executive branch of the United States Government.

(h) *Federal facility* means any building, installation, structure, land, or public work owned by or leased to the

Federal Government. Ships at sea, aircraft in the air, land forces on maneuvers, and other mobile facilities; and United States Government installations located on foreign soil or on land outside the jurisdiction of the United States Government are not considered "Federal facilities" for the purpose of these guidelines.

(i) *On-Premise Sales* means sales transactions in which beverages are purchased by a consumer for immediate consumption within the area under control of the dealer.

(j) *Recycling* means the process by which recovered materials are transformed into new products.

(k) *Refillable Beverage Container* means a beverage container that when returned to a distributor or bottler is refilled with a beverage and reused.

(l) *Refund* means the sum, equal to the deposit, that is given to the consumer or the dealer or both in exchange for empty returnable beverage containers.

(m) *Returnable Beverage Container* means a beverage container for which a deposit is paid upon purchase and for which a refund of equal value is payable upon return.

Subpart B—Requirements

§ 244.200 Requirements.

§ 244.201 Use of returnable beverage containers.

(a) All beverages in beverage containers sold or offered for sale shall be sold in returnable beverage containers. On-premise sales are specifically excluded from this requirement provided that empty beverage containers are returned to the distributor for refilling, or are recycled, either by the dealer or by the distributor when markets for recyclable materials are available.

(b) The deposit shall be at least five (5) cents unless the local area has an established return system in operation with a lower minimum deposit level. In these specific areas, Federal facilities may adopt a minimum deposit equal to the local deposit level.

(c) A dealer shall accept from a consumer any empty beverage containers of the kind, size and brand sold by the dealer, and pay the consumer the re-

fund value of the beverage container, provided the container is refillable or is labelled in accordance with § 244.202(a).

(d) The refund shall be provided at the place of sale whenever possible or as close to that place as practicable, and in any event, on the premises of the particular federal facility involved. Refund locations shall be conspicuously labelled as refund centers. If they are not in the immediate vicinity of the place of sale, notice of their location shall be prominently posted at that place of sale.

(e) A dealer shall not procure beverages in beverage containers from distributors who refuse to: Accept from the dealer any returnable beverage containers of the kind, size and brand sold by the distributor; pay to the dealer the refund value of the beverage containers; and reuse the returned containers or recycle them where markets for recyclable materials are available.

(f) Returned refillable beverage containers shall be returned to the distributor for refilling. Nonrefillable beverage containers shall be returned to the appropriate distributor or recycled, where markets for recyclable materials are available.

§ 244.202 Information.

(a) With the exception of refillable beverage containers, every returnable beverage container sold or offered for sale by a dealer shall clearly and conspicuously indicate, by embossing or by stamp, or by a label securely affixed to the beverage container, the refund value of the container and that the container is returnable.

(b) Dealers shall inform consumers that beverages are sold in returnable beverage containers by placing a sign, or a shelf label, or both, in close proximity to any sales display of beverages in returnable containers. That sign or label shall indicate that all containers are returnable, separately list the beverage price and deposit to be paid by the consumer, and shall indicate where the empty beverage containers may be returned for refund of the deposit.

§ 244.203 Implementation decisions and reporting.

Federal agencies are to determine whether or not to implement these guidelines by October 20, 1977. Reporting of that determination shall be in accordance with the following requirements:

(a) Federal agencies that plan to implement these guidelines shall report that decision to the Administrator in accordance with the procedures described in § 244.100(f)(1).

(b) Agencies that determine not to implement these guidelines shall provide to the Administrator a nonimplementation report in accordance with § 244.100(f)(3). This report shall include the reasons for nonimplementation, based on concepts presented in § 244.100(d).

APPENDIX TO PART 244—RECOMMENDED
BIBLIOGRAPHY

1. Office of Solid Waste Management Programs. Second report to Congress; resource recovery and source reduction. Environmental Protection Publication SW-122. Washington, U.S. Government Printing Office, 1974.
2. Applied Decision Systems, Inc. Study of the effectiveness and impact of the Oregon minimum deposit law. Salem, Oregon Legislative Fiscal Office, 1974.
3. Midwest Research Institute. Resource and environmental profile analysis of nine beverage container alternatives. Environmental Protection Publications SW-91c. Washington, U.S. Government Printing Office, 1974.
4. Alpha Beta Acme Markets, Inc. Bottle survey '71: A California supermarket report on the cost of handling returnable soft drink bottles. 1971.
5. Research Triangle Institute. The beverage container problem, analysis and recommendations. Environmental Protection Agency Publication R 2-72-059, 1972.
6. Research Triangle Institute. An evaluation of the effectiveness and costs of regulatory and fiscal policy instruments on product packaging. RTI Project No. 41U-824, 1974.
7. Lowe, R. A. Energy conservation through improved solid waste management. Environmental Protection Agency Publication SW-125. Washington, U.S. Government Printing Office, 1974.
8. Gudger, C., and J. Bailes. The economic impact of Oregon's bottle bill. Oregon State University Press, 1974.
9. Claussen, E. Oregon's bottle bill: The first six months. Environmental Protection

Agency Publication SW-109. Washington, U.S. Government Printing Office, 1973.

10. Scheinman, T. Mandatory deposit legislation for beer and soft drink containers in Maryland, an economic analysis. State of Maryland Council of Economic Advisers, 1974.

11. U.S. Congress, Senate. Hearings before the Subcommittee on the Environment, Committee on Commerce, 93rd Congress, May 6 to 7, 1974.

12. Quinn, Robert. No deposit no return * * * a report on beverage containers. New York State Senate Task Force on Critical Problems, 1975.

13. Weinberg, R. S. The effect of convenience packaging on the malt beverage industry 1947-1969. St. Louis, Missouri, December, 1971.

14. Impacts of beverage container regulations in Minnesota; a report to the Governor and the Minnesota Legislature. Minneapolis, Minnesota State Planning Agency, January, 1974.

15. Loube, M. Beverage containers; the Vermont experience. Washington, U.S. Environmental Protection Agency, 1975.

16. Nadworny, Milton J. Some economic consequences of the Vermont beverage container deposit law. Burlington, University of Vermont, February 1975.

17. O'Brien, M. Returnable containers for Maine; an environmental and economic assessment. Portland, Maine, Maine Citizens for Returnable Containers, March 17, 1975.

18. Questions and answers on returnable beverage containers for beer and soft drinks. U.S. Environmental Protection Agency, Office of Solid Waste Management programs, Resource Recovery Division. Washington, June 1975.

19. Ross, M. H. Employment effects of a ban on nonreturnable beverage containers in Michigan. Kalamazoo, Michigan, Kalamazoo Nature Center for Environmental Education, April, 1975.

20. Stern, C., et al. Impacts of beverage container legislation on Connecticut and a review of the experience in Oregon, Vermont and Washington State. Storrs, University of Connecticut, Department of Agricultural Economics, March 20, 1975.

21. Train, R. E. Win the war on waste. Presented at 3d National Congress on Waste Management Technology and Resource Recovery, San Francisco, November 14, 1975.

22. Waggoner, D. Oregon's bottle bill two years later. Portland, Oregon, Columbia Group Press, May, 1974.

23. Council on Environmental Economics. A report on the environmental economics regarding mandatory deposit legislation for beer and soft drink containers in Maryland. Annapolis, Maryland, January, 1975.

24. O'Brien, M. Returnable containers for Maine; an environmental and economic assessment. Maine Citizens for Returnable

Environmental Protection Agency

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Containers. Portland, Maine, March 17, 1975, 13p.

PART 246—SOURCE SEPARATION FOR MATERIALS RECOVERY GUIDELINES

Subpart A—General Provisions

Sec.

246.100 Scope.

246.101 Definitions.

Subpart B—Requirements and Recommended Procedures

246.200 High-grade paper recovery.

246.200-1 Requirements.

246.200-2 Recommended procedures: High-grade paper recovery from smaller offices.

246.200-3 Recommended procedures: Market study.

246.200-4 Recommended procedures: Levels of separation.

246.200-5 Recommended procedures: Methods of separation and collection.

246.200-6 Recommended procedures: Storage.

246.200-7 Recommended procedures: Transportation.

246.200-8 Recommended procedures: Cost analysis.

246.200-9 Recommended procedures: Contracts.

246.200-10 Recommended procedures: Public information and education.

246.201 Residential materials recovery.

246.201-1 Requirement.

246.201-2 Recommended procedures: Newsprint recovery from smaller residential facilities.

246.201-3 Recommended procedures: Glass, can, and mixed paper separation.

246.201-4 Recommended procedures: Market study.

246.201-5 Recommended procedures: Methods of separation and collection.

246.201-6 Recommended procedures: Transportation to market.

246.201-7 Recommended procedures: Cost analysis.

246.201-8 Recommended procedures: Contracts.

246.201-9 Recommended procedures: Public information and education.

246.202 Corrugated container recovery.

246.202-1 Requirement.

246.202-2 Recommended procedures: Corrugated container recovery from smaller commercial facilities.

246.202-3 Recommended procedures: Market study.

246.202-4 Recommended procedures: Methods of separation and storage.

246.202-5 Recommended procedures: Transportation.

246.202-6 Recommended procedures: Cost analysis.

246.202-7 Recommended procedures: Establishment of purchase contract.

246.203 Reevaluation.

APPENDIX TO PART 246—RECOMMENDED BIBLIOGRAPHY

AUTHORITY: Secs. 1008 and 6004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6907, 6964).

SOURCE: 41 FR 16952, Apr. 23, 1976, unless otherwise noted.

Subpart A—General Provisions

§ 246.100 Scope.

(a) These guidelines are applicable to the source separation of residential, commercial, and institutional solid wastes. Explicitly excluded are mining, agricultural, and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; infectious wastes; classified waste.

(b) The “Requirement” sections contained herein delineate minimum actions for Federal agencies for the recovery of resources from solid waste through source separation. Pursuant to section 211 of the Solid Waste Disposal Act, as amended, and Executive Order 11752 section 4(a), the “Requirement” sections of these guidelines are mandatory for all Federal agencies that generate solid waste. In addition, they are recommended to State, interstate, regional, and local governments for use in their activities.

(c) The “Recommended Procedures” sections are presented to suggest actions or preferred methods by which the objectives of the requirements can be realized. The “Recommended Procedures” are not mandatory for Federal agencies.

(d) The Environmental Protection Agency will render technical assistance in the form of sample cost analysis formats, sample bid specifications, implementation guidance documents and other guidance to Federal agencies when requested to do so, pursuant to section 3(d)1 of Executive Order 11752.

(e) Within one year after the effective date of these guidelines, agencies shall make a final determination as to