

# Appendixes

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# Selected Federal Laws Related to Resource Recovery, Recycling, and Reuse

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## **The Federal Solid Waste Disposal Act of 1965, as Amended by the Resource Recovery Act of 1970**

The Solid Waste Disposal Act of 1965 was passed as part of the Clean Air Act amendments of 1965 (Public Law 89-272, 79 Stat. 992 (1965)). \* This legislation emphasized the Federal Government's awareness of the growing problem of solid waste disposal and the interrelationship of solid waste disposal with air pollution, generation rates, etc. It should also be noted that along with congressional awareness of the relationship between waste disposal and air pollution was a concern with the problems of inadequate space for landfills, and the increasing costs of waste disposal. As a result of such problems, the Solid Waste Disposal Act of 1965 was amended by the Resource Recovery Act of 1970, which not only stressed new methods of solid waste disposal, but emphasized the importance of recycling and reuse of waste materials (Public Law 91-512, 84 Stat. 1227 (1970)).

The purposes of the 1965 Act, as expanded by the 1970 Amendments, were to design and test solid waste management and resource recovery systems that would preserve and enhance the quality of water, air, and land resources. Also, the 1965 Act provided technical and financial assistance to State governments and interstate agencies in planning

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\*The relationship between clean air and solid waste disposal is obvious: waste incineration, poorly managed landfills, and open dumping and burning can contribute to air pollution. While the Clean Air Act is very complex and covers many sources of pollution, the discussion in this report will be limited to those aspects of the Act that pertain to the disposal of solid wastes.

and developing solid waste disposal and resource recovery programs. The Act also emphasized the need to improve management techniques and organizational arrangements for collecting, separating, recovering, and recycling solid wastes and for disposing of unrecoverable residues.

The 1965 Act was administered originally by the Department of Health, Education, and Welfare. In 1970, the Environmental Protection Agency (EPA) was given jurisdiction over the Act due to a reorganization in the executive branch. The major responsibilities mandated for the EPA Administrator in administering the 1965 Act are as follows.

- To conduct studies and give financial aid to government and private agencies and institutions, as well as to individuals, to undertake research, training, demonstration, and studies regarding the effects of solid waste on the environment.
- Make studies of the operation and financing of solid waste disposal programs and of ways of reducing the amount of such waste and unsalvageable waste materials.
- Studies should also concern themselves with the development of new or improved methods of collection and disposal and with new methods of processing and recovery of materials and energy from solid wastes.
- Results of all studies supported financially by the Government should be made available to the public.
- Any patents, information, or processes developed during any federally supported programs or R&D must be made

available on fair and equitable terms to industries whose activities relate to solid waste disposal.

- Grants or contracts may be provided to public or private agencies and institutions and to individuals for research, training projects, surveys and demonstrations, including the construction of facilities, which are involved in work related to solid waste disposal.
- Examine the following study areas:
  1. Changes in product characteristics, packaging and production practices which would reduce the amount of solid waste generation;
  2. Methods of collection, separation, and containerization, which might encourage efficient utilization of facilities and contribute to more effective progress on reduction, reuse, or disposal of wastes;
  3. Economic incentives, including Federal grants, loans, or other assistance which might increase the reclamation and recycling of materials from solid wastes;
  4. Existing public policies, including subsidies and economic incentives as well as disincentives, that have an effect on the recycling or reuse of materials; and
  5. Examination of the disposal charge or other charges if placed on packaging, containers, vehicles, and other manufactured goods.
- Report to Congress and to the President at least once a year on the results of the studies and investigations in this area carried out by the agencies.
- Demonstration projects may also be carried out by the Administrator in order to test methods and techniques. Results are to be made available to industry.
- Grants may be made by the Administrator to aid in State, interstate, and local planning. The law encourages regional, intermunicipal, and interstate planning efforts. The extent to which this type of

planning was incorporated into a specific plan determined the amount of Federal funds.

- Recommend guidelines for solid waste recovery, collection, separation, and disposal systems. These guidelines are to be consistent with public health and welfare, air and water quality standards, and compatible with land use plans. These guidelines can be updated if necessary.

Title II of the Resource Recovery Act of 1970 (Public Law 91-512, 84 Stat. 1227), the Materials Policy Act of 1970, added an amendment to the 1965 Act that called for the Administrator of EPA to submit to Congress, no later than 2 years after enactment of the Resource Recovery Act of 1970, a report and plan creating a system of "national disposal sites for the storage and disposal of hazardous wastes, including radioactive, toxic, chemical, biologic, and otherwise" which may endanger public health or welfare. The plan was to include other data such as costs of operating and maintaining such sites.

The overall intent of both Acts, as explicitly expressed in the legislative findings of the 1970 Act (Resource Recovery Act of 1970, title II, 202, 84 Stat. 1234), was to enhance the quality of the environment and conserve materials through the development of a national materials policy. Such a policy would utilize the present resources and technology more efficiently and would help to anticipate future materials requirements plus make recommendations on materials use, recovery, and, of course, disposal.

## **The Resource Conservation and Recovery Act of 1976**

One of the major bills passed during the 94th Congress was the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 90 Stat. 2795), which establishes broad new programs to help combat the Nation's growing solid waste problems. In summary, the law sets up comprehensive hazard-

ous waste regulations, provides incentives for better waste planning, and accelerates solid waste research, development, and demonstration.

It is divided into four major sections. The first section simply states the title in full, the “Resource Conservation and Recovery Act of 1976.” Section 2 states that the Act amends the Solid Waste Disposal Act of 1965. This section, which will be discussed below, contains eight subtitles that define the provisions of the amendments. Section 3 states that a study should be conducted to determine the best procedures for removing solid waste on Federal lands in Alaska. And, section 4 specifies that in order to demonstrate effective means of dealing with contamination of public water supplies by leachate from abandoned or other landfills, EPA is authorized to provide technical and financial assistance for a research program at the Llangollen Landfill in New Castle County, Del.

As stated above the substance of the Act is contained in section 2, which has eight subtitles as follows:

Subtitle A, General Provisions. This subtitle includes sections on findings, objectives, and definitions. It also contains provisions for congressional approval of interstate compacts, integration with other laws, and financial disclosure by EPA employees.

Section 1008 of the subtitle gives EPA 1 year to publish guidelines describing the level of performance that can be attained by various available solid waste management practices which protect the public health and environment. Further guidelines would be required within 2 years, along with minimum criteria for use by States to define open dumping.

Subtitle B, Authorities of the Administrator. Section 2001 establishes within EPA an Office of Solid Waste to be headed by a Deputy Assistant Administrator of EPA. This Office would carry out the Administrator’s responsibilities as mandated by the Act. Section 2002 lists the authorities of the Administrator under the Act, and states that such

regulations promulgated under the Act shall be reviewed at least every 3 years.

Section 2003 states that EPA shall provide teams of personnel, including Federal, State, and local employees or contractors (referred to as “Resource Conservation and Recovery Panels”) to provide State and local governments upon request with technical assistance on solid waste management, resource recovery, and resource conservation.

Section 2004 provides \$750,000 in each of FY 1978-79 for 5-percent grants toward purchase of auto tire shredders, with private firms given the first opportunity to obtain grants.

Section 2005 states that EPA shall provide to Congress an annual report which will provide legislative recommendations regarding solid waste management, resource recovery, and resource conservation.

Section 2006 authorizes \$35 million in FY 1977, \$38 million in FY 1978, and \$42 million in FY 1979 to administer the Act. Of the total, 20 percent must be used to fund the Resource Conservation and Recovery Panels, and 30 percent must be used to administer hazardous waste management provisions.

Subtitle C, Hazardous Waste Management. Section 3001 gives EPA 18 months to promulgate criteria for identifying hazardous wastes and list those wastes which should be regulated. States may petition EPA to add a specific waste to the list. Also 18 months after enactment, EPA must promulgate standards governing generators (sec. 3002), transporters, and owners/operators of treatment, storage, and disposal facilities (sec. 3004).

Under section 3005, EPA is given 18 months to promulgate regulations requiring treatment, storage, or disposal facilities to hold a permit issued by EPA or an authorized State program. Guidelines to help develop State programs must be promulgated within 18 months as specified by section 3006.

Section 3007 authorizes Federal and State inspection of facilities and records, and makes certain information publicly available.

Federal enforcement through compliance orders or civil action, after 30-day notices of violation are issued, are specified under section 3008. Section 3009 provides that no State or local government may impose less stringent hazardous waste management regulations.

Section 3010 requires existing generators, transporters, and facility operators to inform EPA or authorized States of their operations within 90 days of promulgation of section 3001 requirements. Section 3011 authorizes \$25 million in each of FY 1978 and FY 1979 for grants to help States develop and implement hazardous waste programs, to be awarded when needed.

Subtitle D, State or Regional Solid Waste Plans. Section 4002 gives EPA 6 months to publish guidelines for identifying areas with common solid waste problems and 18 months to publish guidelines to aid in developing State plans. Section 4003 requires that the State plans ban new open dumps and close or upgrade existing ones. EPA would have 1 year after enactment of the Act to publish criteria for defining open dumps and sanitary landfills, with the ban on open dumps to take effect 6 months later or upon approval of State plans.

Section 4005 gives EPA 1 year after promulgating its criteria to inventory all disposal facilities classified as open dumps. Governors are given 6 months after promulgation of section 4002 guidelines to identify regional planning areas (sec. 4006). Section 4007 provides for approval of State plans by EPA, entitling States to receive Federal funds. And, section 4009 specifies that \$25 million in both FY 1978 and FY 1979 should be spent to assist rural communities.

Subtitle E, Duties of the Secretary of Commerce. This subtitle encourages the Secretary to encourage greater commercialization of proven resource recovery technology by publishing guidelines for the development of specifications for recovered materials within 2 years (sec. 5002). The Secretary of Commerce is authorized within 2 years to identify

the geographical location of existing or potential markets for recovered materials; identify economic and technical barriers to the use of recovered materials; and encourage the development of new uses for recovered materials. Also under section 5004, the Secretary is authorized to evaluate the commercial feasibility of resource recovery facilities and to publish the results of such evaluation.

Subtitle F, Federal Responsibilities. This subtitle states that all Federal installations must comply with all State and local laws. Also under section 6002 the Act ensures that the Federal procurement of recovered materials be maximized. The remainder of the subtitle requires that the Federal agencies cooperate with EPA and adhere to EPA guidelines (secs. 6003 and 6004).

Subtitle G, Miscellaneous Provisions. This subtitle covers employee protection, citizen suits, petition for public participation and regulations, labor standards, etc.

Subtitle H, Research, Development, Demonstration and Information. Section 8001 describes EPA's responsibilities and authorities for research, development, and demonstration and establishes a management program to insure cooperation of all RD&D activities. Section 8002 specifies areas that EPA should study: composition of waste stream, small-scale and low technology, front-end source separation, mining wastes, resource recovery facilities, sludge, and tires.

Section 8004 states that EPA may enter into contracts with public agencies or authorities or private persons for the construction and operation of a full-scale demonstration facility. EPA is authorized to award grants to any State, municipal, or interstate or intermunicipal agency for the demonstration of resource recovery systems or for the construction of new or improved solid waste disposal facilities.

Section 8007 authorizes EPA \$35 million for FY 1978 to fund all the above sections except section 8002 which included its own funding of \$8 million to finance specific studies.

## The Federal Ocean Dumping Act

Along with the enactment of the Federal Water Pollution Control Act Amendments of 1972, came the passage by Congress of the Marine Protection, Research, and Sanctuaries Act of 1972, commonly known as the “Federal Ocean Dumping Act” (Public Law 92-532, 86 Stat. 1051, as amended Public Law 93-254, 88 Stat. 50 (1974)).

While the general intent of the law is the international protection of the oceans, the specific discussion of municipal solid waste disposal is not irrelevant.

The law prohibits the dumping of any radiological, chemical, or biological warfare agents, or any high-level radioactive wastes. The dumping of other types of wastes is prohibited also, but it may be authorized if a permit is administered under the law. Permits to dump materials including solid waste, may be issued by the EPA Administrator after notice and an opportunity for public hearings. Also before such permits may be issued, the Administrator must develop criteria by which such permits, or exceptions, may be granted. The criteria must include the need for such dumping, effects of dumping on health, recreational activities, fishing resources, etc. Also in devising criteria other options for disposing of material must be considered. The permits must designate the type and amount of material to be dumped, the specific period when dumping is allowed, and monitoring or surveillance specifications for dumping, and any regulations that might apply to the transportation of material to be dumped.

The major effect of the law has been to almost eliminate disposal of domestic solid wastes in the ocean.

## The Energy Tax Act

The Energy Tax Act (Public Law 95-618, 92 Stat. 3174) contains two provisions

that should influence recycling. One provides an additional 10-percent investment tax credit (for a total of 20 percent) for the purchase of equipment used to recycle ferrous (with certain exceptions) and nonferrous metals, textiles, paper, rubber, and other materials for energy conservation. The additional credit is available for a wide range of equipment placed in service after October 1, 1978. The other provision sets recycling targets for major energy-consuming industries. These include the metals, paper, textile, and rubber industries. Specific targets will be set for the increased use of recycled commodities over the next 10 years.

## The Emergency Interim Consumer Product Safety Standard Act of 1978

The Emergency Interim Consumer Product Safety Standard Act of 1978 (Public Law 95-319, 92 Stat. 386) establishes an interim consumer product safety rule relating to the standards for flame resistance and corrosiveness of cellulosic home insulation. Cellulose insulation is made from recycled newspaper treated with fire retardant. The intent of the Act was to guard against fire hazards from insulation treated with inadequate amounts of fire retardants.

The legislation authorizes the Consumer Product Safety Commission to enforce the General Services Administration’s (GSA) cellulose insulation safety standards (O-25 flame spread rating for cellulose insulation to be used in homes) until the Commission develops permanent standards. GSA standards previously applied only to Federal buildings. In addition, the Act includes language to expedite both changes in standards in the future and judicial review of standards.