

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:

## Environmental Protection Agency

## § 243.101

(a) *Alley collection* means the collection of solid waste from containers placed adjacent to or in an alley.

(b) *Agricultural solid waste* means the solid waste that is generated by the rearing of animals, and the producing and harvesting of crops or trees.

(c) *Bulky waste* means large items of solid waste such as household appliances, furniture, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal solid wastes collection, processing, or disposal methods.

(d) *Carryout collection* means collection of solid waste from a storage area proximate to the dwelling unit(s) or establishment.

(e) *Collection* means the act of removing solid waste (or materials which have been separated for the purpose of recycling) from a central storage point.

(f) *Collection frequency* means the number of times collection is provided in a given period of time.

(g) *Commercial solid waste* means all types of solid wastes generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

(h) *Compactor collection vehicle* means a vehicle with an enclosed body containing mechanical devices that convey solid waste into the main compartment of the body and compress it into a smaller volume of greater density.

(i) *Construction and demolition waste* means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures.

(j) *Curb collection* means collection of solid waste placed adjacent to a street.

(k) *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 are not considered "Federal facilities" for the purpose of these guidelines. United States Government installations located on foreign soil or on land outside the jurisdiction of the United States Government are not considered "Fed-

eral facilities" for the purpose of these guidelines.

(l) *Food waste* means the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods, commonly called garbage.

(m) *Generation* means the act or process of producing solid waste.

(n) *Hazardous waste* means a waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form which may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, its potential for accumulation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other organisms.

(o) *Industrial solid waste* means the solid waste generated by industrial processes and manufacturing.

(p) *Infectious waste* means: (1) Equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (2) laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms.

(q) *Institutional solid waste* means solid wastes generated by educational, health care, correctional, and other institutional facilities.

(r) *Mining wastes* means residues which result from the extraction of raw materials from the earth.

(s) *Residential solid waste* means the wastes generated by the normal activities of households, including, but not limited to, food wastes, rubbish, ashes, and bulky wastes.

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(t) *Responsible agency* means the organizational element that has the legal duty to ensure compliance with these guidelines.

(u) *Rubbish* means a general term for solid waste, excluding food wastes and ashes, taken from residences, commercial establishments, and institutions.

(v) *Satellite vehicle* means a small collection vehicle that transfers its load into a larger vehicle operating in conjunction with it.

(w) *Scavenging* means the uncontrolled and unauthorized removal of materials at any point in the solid waste management system.

(x) *Sludge* means the accumulated semiliquid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved materials in irrigation return flows or other common water pollutants.

(y) *Solid waste* means garbage, refuse, sludges, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. Unless specifically noted otherwise, the term "solid waste" as used in these guidelines shall not include mining, agricultural, and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; and infectious wastes.

(z) *Stationary compactor* means a powered machine which is designed to compact solid waste or recyclable materials, and which remains stationary when in operation.

(aa) *Storage* means the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.

(bb) *Solid waste storage container* means a receptacle used for the temporary storage of solid waste while awaiting collection.

(cc) *Street wastes* means materials picked up by manual or mechanical sweepings of alleys, streets, and sidewalks; wastes from public waste receptacles; and material removed from catch basins.

(dd) *Transfer station* means a site at which solid wastes are concentrated for transport to a processing facility or land disposal site. A transfer station may be fixed or mobile.

(ee) *Vector* means a carrier that is capable of transmitting a pathogen from one organism to another.

**Subpart B—Requirements and Recommended Procedures**

**§ 243.200 Storage.**

**§ 243.200-1 Requirement.**

(a) All solid wastes (or materials which have been separated for the purpose of recycling) shall be stored in such a manner that they do not constitute a fire, health, or safety hazard or provide food or harborage for vectors, and shall be contained or bundled so as not to result in spillage. All solid waste containing food wastes shall be securely stored in covered or closed containers which are nonabsorbent, leakproof, durable, easily cleanable (if reusable), and designed for safe handling. Containers shall be of an adequate size and in sufficient numbers to contain all food wastes, rubbish, and ashes that a residence or other establishment generates in the period of time between collections. Containers shall be maintained in a clean condition so that they do not constitute a nuisance, and to retard the harborage, feeding, and breeding of vectors. When serviced, storage containers should be emptied completely of all solid waste.

(b) Storage of bulky wastes shall include, but is not limited to, removing all doors from large household appliances and covering the item(s) to reduce the problems of an attractive nuisance, and the accumulation of solid waste and water in and around the bulky items.

(c) Reusable waste containers which are emptied manually shall not exceed 75 pounds (34.05 kg) when filled, and