

## § 246.101

## 40 CFR Ch. I (7-1-09 Edition)

separation for materials recovery economically impracticable.

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

(i) A description of alternative actions considered with emphasis on those alternatives which involve source separation for materials recovery.

(ii) A description of ongoing actions which will be continued and new actions taken or proposed. This statement should identify all agency facilities which will be affected by these actions including a brief description of how such facilities will be affected.

(iii) An analysis in support of the action chosen by the agency including technical data, market studies, and policy considerations used in arriving at such a determination.

In covering the points above, agencies should make every effort to present information succinctly in a form easily understood, but in sufficient detail so that the factors influencing the decision not to source separate for materials recovery are clear.

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

(3) Implementation of actions that would preclude source separation for materials recovery shall be deferred, for sixty days where feasible, in order to give the Administrator an opportunity to receive, analyze and seek clarification of the above required report.

(4) It is recommended that where the report required by § 246.100(f) concerns an action for which an Environmental Impact Statement (EIS) is required by the National Environmental Policy Act, that the report be circulated together with the EIS.

(g) The report required under § 246.100(e) and (f) shall be made on forms to be prescribed by the Adminis-

trator by notice in the FEDERAL REGISTER.

[41 FR 16952, Apr. 23, 1976, as amended at 47 FR 36603, Aug. 20, 1982]

### § 246.101 Definitions.

As used in these guidelines:

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

(b) *Baler* means a machine used to compress solid wastes, primary materials, or recoverable materials, with or without binding, to a density or from which will support handling and transportation as a material unit rather than requiring a disposable or reusable container. This specifically excludes briquetters and stationary compaction equipment which is used to compact materials into disposable or reusable containers.

(c) *Bulk container* means a large container that can either be pulled or lifted mechanically onto a service vehicle or emptied mechanically into a service vehicle.

(d) *Classified Waste* means waste material that has been given security classification in accordance with 50 U.S.C. 401 and Executive Order 11652.

(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) *Commercial establishment* means stores, offices, restaurants, warehouses and other non-manufacturing activities.

(g) *Commercial solid waste* means all types of solid wastes generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, and non-processing wastes such as office and packing wastes generated at industrial facilities.

(h) *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.

(i) *Compartmentalized vehicle* means a collection vehicle which has two or more compartments for placement of solid wastes or recyclable materials. The compartments may be within the

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main truck body or on the outside of that body as in the form of metal racks.

(j) *Corrugated container waste* means discarded corrugated boxes.

(k) *Corrugated box* means a container for goods which is composed of an inner fluting of material (corrugating medium) and one or two outer liners of material (linerboard).

(l) *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 Federal facilities for the purpose of these guidelines.

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

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

(o) *High-grade paper* means letterhead, dry copy papers, miscellaneous business forms, stationery, typing paper, tablet sheets, and computer printout paper and cards, commonly sold as "white ledger," "computer printout" and "tab card" grade by the wastepaper industry.

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

(q) *Infectious waste* means: (1) Equipment, instruments, utensils, and fomites (any substance that may harbor or transmit pathogenic organisms) 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 attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites at-

tendant thereto and similar disposable materials from outpatient areas and emergency rooms.

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

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

(t) *Post-consumer waste* (PCW) means a material or product that has served its intended use and has been discarded for disposal or recovery after passing through the hands of a final consumer.

(u) *Recoverable resources* means materials that still have useful physical, chemical, or biological properties after serving their original purpose and can, therefore, be reused or recycled for the same or other purposes.

(v) *Recovery* means the process of obtaining materials or energy resources from solid waste.

(w) *Recycled material* means a material that is used in place of a primary, raw or virgin material in manufacturing a product.

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

(y) *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.

(z) *Separate collection* means collecting recyclable materials which have been separated at the point of generation and keeping those materials separate from other collected solid waste in separate compartments of a single collection vehicle or through the use of separate collection vehicles.

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

(bb) *Solid waste* means garbage, refuse, sludge, and other discarded solid materials, including solid waste materials resulting from industrial,

commercial, and agricultural operations, and from community activities, but does not include solids 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.

(cc) *Source separation* means the setting aside of recyclable materials at their point of generation by the generator.

(dd) *Specification* means a clear and accurate description of the technical requirements for materials, products or services, identifying the minimum requirements for quality and construction of materials and equipment necessary for an acceptable product. In general, specifications are in the form of written descriptions, drawings, prints, commercial designations, industry standards, and other descriptive references.

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

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

(gg) *Virgin material* means a raw material used in manufacturing that has been mined or harvested and has not as yet become a product.

**Subpart B—Requirements and Recommended Procedures**

**§ 246.200 High-grade paper recovery.**

**§ 246.200-1 Requirements.**

High-grade paper generated by office facilities of over 100 office workers shall be separated at the source of generation, separately collected, and sold for the purpose of recycling.

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

The recovery of high-grade paper generated by office facilities of less than 100 office workers should be investigated in conformance with the following recommended procedures and implemented where feasible.

**§ 246.200-3 Recommended procedures: Market study.**

An investigation of markets should be made by the organization responsible for the sale of recyclable materials in each Federal agency and should include at a minimum:

(a) Identifying potential purchasers of the recovered paper through standard market research techniques;

(b) Directly contacting buyers, and determining the buyers' quality specifications, the exact types of paper to be recycled, potential transportation agreements and any minimum quantity criteria; and

(c) Determining the price that the buyer will pay for the recovered paper and the willingness of the buyer to sign a contract for purchase of the paper at a guaranteed minimum price.

**§ 246.200-4 Recommended procedures: Levels of separation.**

A two-level separation is recommended for most facilities. This separation should consist of (a) high-grade wastepaper and (b) all other waste. Facilities that produce large enough quantities of waste computer paper and cards to make their separation into a separate category cost effective may choose to implement three levels of separation: (1) Computer papers, (2) other high-grade papers, (3) all other wastes.

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

(a) Systems designed to recover high grades of office paper at the source of generation, i.e., the desk, are the desk-top system, the two-wastebasket system, and the office centralized container system.

(b) With the desk-top system, recyclable paper is placed by the generator in a container on his desk, while other