

Office of
Env. Studies
Control

RR:0037

January 6, 1976

MEMORANDUM

TO: Richard E. Marland
FROM: Doak C. Cox
RE: Review of EPA Guidelines for Beverage Containers

The above cited proposed guidelines have been reviewed by members of the Environmental Center staff, Doak Cox and Jacquelin Miller.

Background

The interpretative resume provided in this section is most helpful, however an interpretation discussed in paragraph 7 seems to conflict with section 244.100(e) of the guidelines.

para. 7. "Implementation of the guideline requirements may be economically impracticable under isolated circumstances. However, the legislative history indicates that even where guidelines implementation costs more, budget restrictions do not constitute a sufficient excuse to prevent compliance with the guidelines and that Federal agencies have a responsibility to request sufficient appropriations from Congress necessary to manage solid waste properly as part of their normal operating expenses."

Part 244.100(e) "Federal agencies that make the determination not to comply with requirements contained herein, for whatever reason, shall make available to the Administrator the analysis and rationale used in making that determination. The Administrator will publish notice of availability of this report in the Federal Register. Conditions that would render compliance economically impracticable are considered to be valid reasons for not using returnable beverage containers."

Part 244.100 Scope

1(a) lines 4 and 5 are transposed.

Part 244.101 Definitions

(g) Provision is made for a less than 5 cent deposit in the event that the local area has an established return system in operation with a lower minimum deposit level. "In those specific areas [local area less than 5¢] Federal facilities may adopt a minimum deposit equal to the local deposit level." It would appear that a similar provision for local deposits greater than 5¢ should be addressed. In communities adjacent to large federal complexes such as military bases, the purchase of beverages in returnable beverage containers on the base and the refund in the community at a higher deposit than initially paid could produce a financial imbalance at the local level.

In addition to our comments on the proposed Federal guidelines we are attaching copies of testimony prepared by the Environmental Center on similar beverage container legislation introduced at the State level. Perhaps some of the points raised in these reviews will be of aid in your evaluation of the proposed federal guidelines.

We appreciate the opportunity to have reviewed these guidelines and hope our comments will be of value to your review.

Doak C. Cox, Director