



**American Planning Association**

*Making Great Communities Happen*

# Policy Guide on Solid and Hazardous Waste Management

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## Introduction

There will always be waste. The issue is how we manage that waste. Those that cause pollution as a result of improper waste disposal should pay to clean it, but responsible parties often cannot be identified or cannot afford clean-up costs. However, the current waste disposal policy is that the property owner pays. The unintended consequences of this policy are that in some instances it is more expensive to clean up a property than the property is worth, and so it is abandoned. These properties, known as brownfields, with actual or perceived contamination, exist throughout the country. The abandoned or underutilized land is a burden to communities from loss of tax revenue, unused infrastructure and the creation of blight.

Integrated waste management has laid out a hierarchy of techniques with the first one being the most desirable. This hierarchy provides many different strategies for handling waste, including seeing it as a resource. However, in certain cases one or the other may be better. It's important to quantify the options to determine which is best:

- Pollution Prevention
- Reduce/Waste minimization
- Reuse/Use it again
- Recycle/Resource recovery
- Waste to Energy/Incinerate to reduce bulk/sterilize
- Landfill
- Pollution Prevention

Some highly contaminated sites that threaten public health are put on the National Priorities List for clean up by the owner or Environmental Protection Agency, using money from the Superfund for clean up purposes as authorized by the Comprehensive Environmental Response Compensation and Liability Act, when the owner or polluter cannot be found.

Siting landfills and other waste handling facilities has become increasingly difficult due to public opposition stemming from real and perceived health risks from waste management facilities such as incinerators, landfills, waste transfer stations, composting yards, or recycling facilities. The "not in my backyard" syndrome arises when efforts are made to designate certain areas for undesirable land use. In addition, some research has shown that to a certain degree, environmental racism exists with hazardous sites being built in close proximity to areas where lower socio-economic classes tend to congregate. The issue of environmental justice becomes an evaluation of who bears the costs of waste disposal and who gets the benefits.

The location of waste management facilities should be part of a comprehensive planning process that includes the opportunity for meaningful public participation and public consensus. The planning process and regulatory process should also address issues of Environmental Justice.

Transporting waste from state to state is protected from state regulation without Congressional authorization under the interstate commerce clause of the constitution. Some states are becoming the dumping grounds for other states because private companies have built large landfills and are actively seeking waste to bring to the sites. Counties that negotiated high royalty fees are making money hosting the sites, which allows them to build new schools and roads, and cut taxes. Local plans and state regulations should govern the siting of waste management facilities. New facilities should be consistent with local land use plans and meet the most rigorous standards to protect the environment. Proposals for large regional facilities should involve all affected communities, evaluate regional impacts, and include regional revenue sharing.

## Findings

1. In recent years, financial and environmental costs to dispose of municipal solid waste are beginning to overwhelm North America's local and state governments. Public attitudes about garbage are also changing in response to new information about costs and practices of solid waste disposal. As our disposal sites are filled, new sites become harder to locate and standards for landfill design require modifications in facilities, resulting in disposal becoming more complex, controversial, and expensive.
2. Environmental concerns deal not only in locating new waste management facilities, but also in posing the question of who is at risk of being exposed to the waste.
3. Although federal and state laws distinguish between "non-hazardous" and hazardous waste, the lines between the two categories are sometimes blurred. Household waste may contain hazardous constituents that pose environmental and health impacts if not properly discarded.
4. Medical and nuclear wastes need to be dealt with in a responsible fashion that does not jeopardize human or ecosystem health.

## General Policy

The American Planning Association and its Chapters support managing solid wastes (including hazardous and medical wastes) in accordance with the aforementioned hierarchy: reduce, reuse, recycle, waste to energy, incinerate, and landfill.

*Reasons to Support Policy:* Studies have shown that it is possible to significantly reduce the volumes of both solid and hazardous waste generated by the United States. Likewise, recycling shows promise as a means of reducing the amount of waste that might otherwise have to be disposed of in a landfill. Waste to energy, incineration, and gasification have proven to be effective as part of a larger waste disposal strategy. Land disposal is the least desirable means of managing solid and hazardous waste because the amount of space they require and the dangers associated with them create adverse effects to human and ecosystem health.

## Specific Policies

**POLICY 1.** The American Planning Association and its Chapters support laws requiring: source reduction, the use of biodegradable products and packaging where composting is an established solid waste management method, incentives for the use of reusable products and refillable packaging, and the banning of non-recyclable products and packaging.

*Reasons to Support Policy:* One way to attack the problem of solid waste is to reduce the amount being thrown away. By requiring the use of refillable or recyclable containers, the amount of waste

being thrown away would be substantially reduced. Product redesign is another approach to fostering waste management/reduction.

**POLICY 2.** The American Planning Association and its Chapters support laws requiring recycling and reuse of materials in the waste stream through source-separated or co-mingled collection programs, manual or mechanical separation to provide recycling for metals, glass, paper, plastics, and the removal of common hazardous wastes, e.g., batteries, paints, and solvents. Procurement laws that encourage the use of recyclable materials should accompany these laws. In addition to these procurement incentives, there needs to be a re-examination of laws that provide incentives for the utilization of raw, natural materials that may provide a cost savings incentive to the manufacturer making tree cutting for paper fiber use actually cheaper than using collective recyclable paper fibers.

*Reasons to Support Policy:* We are asking manufacturers and producers to become more responsible for the management of their products at the end of their intended lives. We should expect no less from the consumer, who should be expected to sort waste into aluminum, glass, tin, paper, recyclable plastics, and yard clippings that can be either picked up separately, co-mingled at curbside, or taken to recycling centers in an efficient way to reduce the amount of solid waste going into landfills. Each of these materials can be reused or processed for reuse.

**POLICY 3.** The American Planning Association and its Chapters support resource recovery programs that produce soil additives, mulch, or compost from yard debris and organic waste.

*Reasons to Support Policy:* Garden clippings and leaves as well as the organic fraction of household and commercial waste can be composted and used or sold as mulch or soil conditioning humus. Larger branches can be chipped and used as mulch or backyard composting. Both of these actions reduce solid wastes going into landfills.

**POLICY 4.** The American Planning Association and its Chapters support recycling of contaminated demolition debris, volume reduction by removal of inert or demolition debris containing hazardous material, and use of technologies such as compaction or environmentally safe waste-to-energy.

*Reasons to Support Policy:* Some material that is put in landfills is bulky and consumes space rapidly, and some material left from construction and demolition sites is considered hazardous. To slow down the filling process, the volume can be reduced by removing the inert debris, compacting the trash first before landfilling or burning it in an incinerator, and the heat used to generate steam for generating electricity or warming buildings. If inert includes asphalt, brick and mortar, concrete and the like, these materials can be ground up and used as aggregate in other applications or as mulch, walkway materials or backfill.

**POLICY 5.** The American Planning Association and its Chapters support comprehensive education programs on waste minimization, reuse, recycling and resource recovery. Such education programs would involve the media, schools, industry, government, and academia.

*Reasons to Support Policy:* The saying "out of sight, out of mind" applies to garbage. People are often willing to change their habits if they are shown the consequences of thoughtless acts of improper refuse disposal. Education at all age levels will increase public involvement, so with schools, industry and government interaction as prominent as they are, educational messages can be more easily spread and solutions more clearly defined.

**POLICY 6.** The American Planning Association and its Chapters recommend that local and state ordinances should be reviewed to increase siting flexibility while ensuring environmental protection and environmental justice. To make siting feasible and predictable, standards by which siting decisions are made should be developed and applied, possibly through a conditional process. New facilities should be consistent with local land use plans based on community consensus and meet the most rigorous standards to protect the environment.

*Reasons to Support Policy:* As our knowledge increases, local governments will be faced with an increasing array of waste disposal and processing community impacts. Most local plans and

ordinances do not differentiate between types of solid waste management facilities. Because some communities are disproportionately burdened by environmental hazards such as excess air pollution, water pollution, hazardous waste and noise, communities should be empowered to direct their own environmental futures, and states should advocate programs to protect where people live, work, and recreate.

Solutions are increasingly complex and involve private sector time schedules and financing. Siting issues should not be the cause of delays in implementation. See also APA's Policy Guide on Locally Unwanted Land Uses.

**POLICY 7.** The American Planning Association and its Chapters support interstate and intrastate regional partnerships between governments at all levels to coordinate state, regional, and local planning efforts and to find the best practicable, environmentally safe, and equitable solutions to solid and hazardous waste management problems.

*Reasons to Support Policy:* Regional approaches can produce cost-effective and consistent plans for managing waste and complying with federal and state laws and regulations. In the absence of multi-jurisdictional alternatives, many communities will be forced to accept waste processing and disposal practices that are expensive and that degrade the environment.

Partnerships are preferred over adversarial relationships. Regional relationships are encouraged from metropolitan areas, as well as interstate areas.

A number of states are beginning to address siting and management issues in statewide solid waste plans that either require or encourage coordination and consistency at each level of government. This type of approach is needed to avoid developer-driven siting decisions without guidance from solid waste planning efforts.

**POLICY 8.** The American Planning Association and its Chapters support broad public involvement as well as participation by state, regional, and local authorities when siting solid waste management and recycling facilities, and planning for solid waste management. If consensus fails to produce a resolution, then negotiation and arbitration should be used to resolve conflicts.

*Reasons to Support Policy:* When siting waste management facilities, involving the public, state, and regional entities can help ensure a timely response. Negotiations will be required if a proper facility is inconsistent with community plans or regulations.

**POLICY 9.** The American Planning Association and its Chapters support procedures that ensure when landfills are built or expanded in operation, they meet or exceed all existing and, where practical, new standards, and are operated in an environmentally safe way by certified operators.

*Reasons to Support Policy:* For some materials, such as incinerator ash, there are no other methods of disposal than to landfill it. Landfills need to be constructed in such a manner that they will not cause ground or surface water pollution, air pollution, or create nuisances. A certified operator will ensure that the person in responsible charge is knowledgeable of the laws and regulations concerning waste management.

Federal and state regulations will continue to evolve. Where existing facilities have been in operation for a number of years, they may no longer be "state of the art." While it may not always be practicable, existing facilities should still endeavor to upgrade their air emission control devices, groundwater monitoring programs, and leachate collection systems.

**POLICY 10.** The American Planning Association and its Chapters support actions that lead to the expansion and stabilization of the economic base for recycling in the local, regional, state, and national economy, including the support for existing and new laws designed to encourage the manufacture and purchase of products made from recycled materials.

*Reason to Support Policy:* Markets for recycled materials are uneven and tend to be volatile. This should not be interpreted as a restriction on recycling and reuse, but as a challenge to address problems of institutional constraints and artificial barriers such as tax laws that favor use of virgin materials. These barriers should be removed, and economic development planners should aggressively seek out opportunities and companies that can expand the market. For example, economic development incentives can be targeted at companies that use recycled materials in their businesses.

**POLICY 11.** The American Planning Association and its Chapters encourage the evaluation and use of public/private partnerships where appropriate to manage solid waste.

*Reasons to Support Policy:* As costs increase and are passed on to the citizens, public sector contracts with the private sector may be more cost-effective and efficient, and some degree of the liability for operations can be shifted with the private sector.

**POLICY 12.** The American Planning Association and its Chapters support the rapid assessment and cleanup of brownfields with appropriate assurances so that the site may be returned to productive use in the community.

*Reasons to Support Policy:* Brownfields represent unutilized and underutilized properties that do not make good use of existing infrastructure and location. The sites need to be assessed for the type and severity of contamination and then prepared for reuse by cleaning them to a standard appropriate to their type of reuse. It is important to give owners some type of assurance, either a "no further action" letter or a covenant not to sue, so that the owner starts the use with the knowledge that they may have to cleanup new contamination, but not previous contamination.

**POLICY 13.** The American Planning Association and its Chapters support the appropriate reuse (parks, open space) of closed landfills after methane gas has been recovered and leachate has been contained or after methane production has subsided, and where public health is not jeopardized by exposure to hazardous materials.

*Reasons to Support Policy:* While many landfills were built outside of the urban limits, urban development has moved up to and often passed by closed landfills. This area can be put to smart use such as in park or open space development, but the development must not penetrate the landfill cap, so excavation, trees with deep roots, and underground pipes are to be avoided. Landfills continue to produce methane gas as a natural process of decay for about 15 years after a landfill is closed. This gas migrates laterally, and in the right mixture with air, is explosive. Therefore, it is important to either wait until the gas production has subsided before the site is reused, direct ventilation underground, or to actively remove the gas as part of site reuse.

**POLICY 14.** The American Planning Association and its Chapters urge all agencies siting and reviewing siting of waste management facilities to assess the impact of the facility on the neighborhood and to ensure that waste management facilities are not being disproportionately placed in low income and minority communities. The location of waste management facilities should be part of a comprehensive planning process, which includes the opportunity for meaningful public participation and public consensus.

**Reasons to Support Policy:** Ethical planners will empower the entire community, including low income and minority populations, to participate in siting waste management facilities and will also look at the total array of waste management facilities and where they are sited when making recommendations for new sites.