United States
Environmental Protection
Agency

Solid Waste and
Emergency Response
(5305)

EPA530-F-95-008
March 1995

Office of Solid Waste

EPA

Environmental Fact Sheet

Report to Congress on Flow Control And Municipal Solid Waste

Background

Flow controls are legal provisions that allow state and local governments to designate the places where municipal solid waste (MSW) is taken for processing, treatment, or disposal. Because of flow controls, designated facilities may hold monopolies on local MSW and/or recoverable materials. Consequently, flow control has become a heavily debated issue among state and local governments, the waste management and recycling industries, and environmental groups.

In 1992, Congress directed the Environmental Protection Agency (EPA) to review flow control as it pertains to municipal solid waste management. Specifically, Congress directed EPA to:

- Review and compare states with and without flow control authority;
- Identify the impact of flow controls on human health and the environment; and
- Describe the impacts of flow control on the development of state and local waste management capacity, and on the achievement of state and local goals set for source reduction, reuse, and recycling.

Action

EPA's *Report to Congress on Flow Control and Municipal Solid Waste* indicates that flow controls are an administratively efficient tool for local governments to plan and fund solid waste management systems. However, protection of human health and the environment is directly related to the implementation and enforcement of federal, state, and local environmental regulations rather than to the existence of flow control measures. Data also indicate that flow control is not essential for developing MSW management capacity, or for achieving recycling goals.

The Agency examined flow control nation-wide, finding that 35 states, the District of Columbia, and the Virgin Islands authorize flow

control directly. Four additional states authorize flow control through mechanisms such as solid waste management plans and home rule authority. Eleven states have no flow control authority. It is important to recognize that the *Report* presents a national perspective on flow control, and that the needs and objectives of state and local jurisdictions may differ significantly from a national viewpoint. Factors such as local waste generation rates, financial and market conditions, demographics, and the local economy affect the planning and implementation of local solid waste management systems.

More Information

The *Executive Summary*, the full *Report*, and this fact sheet are available in electronic format on the Internet System through the EPA Public Access Server at **gopher.epa.gov**. From the main menu, choose: *EPA Offices and Regions*; then, *Office of Solid Waste and Emergency Response (OSWER)*; finally, *Office of Solid Waste/ Nonhazardous Waste/Municipal Solid Waste/General.*

Additional information or free paper copies of the *Executive Summary* (EPA530-S-95-008) may be obtained from the RCRA Hotline Monday-Friday, 8:30 a.m. to 7:30 p.m. EST. The national, toll-free number is (800) 424-9346; TDD (800) 553-7672 (hearing impaired). Paper copies of the full Report (EPA530-R-95-008) are available for a fee from the National Technical Information Service (NTIS) at 1-703-487-4650.

Copies of documents applicable to this *Report* may be obtained by writing: RCRA Information Center (RIC), U.S. Environmental Protection Agency, Office of Solid Waste (5305), 401 M Street SW, Washington, D.C. 20460.