DOT 4356A December 1, 2020

Subject: POLLUTION PREVENTION AND WASTE MANAGEMENT POLICY

1. PURPOSE. This Order conveys policy, delegates authority, and assigns responsibility to ensure that the United States Department of Transportation (DOT or Department) and its Operating Administrations, meet all requirements related to pollution prevention and waste management, pursuant to the Pollution Prevention Act (PPA) of 1990, the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, Executive Order (EO) 13834, *Efficient Federal Operations*, and other applicable requirements set forth in law, regulations, or executive actions. With this Order, the Department will prioritize actions that reduce waste, cut costs, enhance resilience, and enable more effective accomplishment of its mission.

2. CANCELLATION AND EFFECTIVE DATE. This Order cancels and supersedes DOT Order 4356, *Pollution Prevention and Waste Management Policy*, issued September 5, 2013. This Order is effective upon issuance.

3. APPLICABILITY. This Order applies to internal DOT actions and activities (e.g., all phases of administration, planning, design, programming, budgeting, operations, maintenance, training, and acquisition) that generate pollution or waste within DOT-owned and DOT-leased facilities (direct-leases and General Services Administration (GSA) leases).

    a. For the purpose of this Order, Operating Administration (OA) refers to the nine DOT Operating Administrations, the Office of the Secretary, and the Office of Inspector General.

    b. OAs are responsible for waste management requirements within all DOT buildings (including leased buildings where DOT is directly responsible for waste management or for payment of contracted waste management services).

    c. OAs must comply with all relevant laws, regulations, executive actions, and other directives, including those set forth in Appendix I of this Order, along with any legal requirements not cited herein, or established after issuance.

    d. The requirements of this Order are not intended to restrict or inhibit DOT's ability to fulfill its mission or adversely affect in a material way the Department's operations or the safety of the traveling public.

e. This Order is intended solely to improve the internal management of the Department. It is not intended to and does not create any right or benefit, substantive or procedural, enforceable by any party against the United States, the Department, or its entities, officers, employees, or agents, or any other person.

f. For the actions contained in this Order, "must" conveys statutory or regulatory requirements, and "should" or "may" convey recommendations for efficient and effective implementation.

4. AUTHORITIES AND REFERENCES. See Appendix I for a list of authorities and guidance documents.

5. DEFINITIONS. See Appendix II for a list of key terms.

6. POLICY. It is the policy of the Department to meet all waste management requirements in a manner that increases efficiency, optimizes performance, eliminates unnecessary use of resources, and protects the environment.

a. The Department will implement a comprehensive waste management strategy and comply with all relevant requirements in the following areas:

1) Solid Waste Management;
2) Construction and Demolition (C&D) Solid Waste Management;
3) Toxic and Hazardous Waste Reduction; and
4) Management of Ozone-Depleting Substances.

b. Pursuant to 42 U.S.C. § 13101(b), the Department will utilize the Environmental Protection Agency's (EPA) Waste Management Hierarchy for all waste management practices, to prioritize cost-effective measures that reduce the amount of overall waste generated at the source (source reduction) and support material reuse where feasible, followed by recycling and composting, then energy recovery, and finally responsible treatment and disposal as a last resort.

c. Sections 8–11 of this Order set forth specific requirements, exclusions, and suggested procedures for efficient and effective pollution prevention and waste management.

d. The Department will track and report non-hazardous solid waste management metrics in accordance with federal mandates. Section 12 of this Order sets forth reporting requirements.

e. Appendix I of this Order lists guidance and resources pertinent to solid waste management, toxic and hazardous waste reduction, and management of ozone-depleting substances.

f. This Order provides additional benefits by avoiding greenhouse gas emissions related to the acquisition of raw material, the manufacture and transport of material, as well as downstream waste management activities.

g. The Sustainability Governance and Engagement directives described in the Overarching Sustainability Policy are intended to facilitate and support OA actions to implement the requirements in this Order.

h. OAs should also follow requirements related to this Order that are found in DOT's current Sustainable Buildings, Sustainable Acquisition, and Electronics Stewardship Policies, or any subsequent updates that supersede them.

7. RESPONSIBILITIES. The following personnel are responsible for implementing this Order.

a. **DOT Chief Sustainability Officer (CSO):** The Secretary of Transportation has delegated to the Assistant Secretary of Administration the duties of the CSO pursuant to 49 CFR § 1.38(c)(2). The CSO serves as the senior official responsible for the day-to-day management, implementation, performance, and compliance with all applicable energy, environmental, and sustainability statutes, regulations, executive actions, and other requirements. Specific responsibilities of the CSO related to this Order include:

1) Represent DOT on sustainability matters with officials from the federal Executive Branch, Congress, and all other external stakeholders;
2) Communicate all energy, environmental, and sustainability requirements to the OAs and reports to the Secretary and Deputy Secretary of Transportation on the adequacy and effectiveness of DOT's implementation;
3) Coordinate with all appropriate Secretarial Offices and OAs to implement this Order;
4) Review and approve all sustainability-related reports submitted to oversight agencies, such as the Department of Energy (DOE), the Office of Management and Budget (OMB), and the Council on Environmental Quality (CEQ), on behalf of the Secretary; and
5) Enter into partnerships with other federal agencies, on behalf of DOT, to advance sustainability performance.

b. **DOT Assistant Secretary for Administration:** Provides Departmental leadership and develops DOT policy on issues related to human resources, security, acquisition and grants, information services, energy, environmental management and sustainability, transportation, facilities, and space management.

c. **DOT Senior Real Property Officer:** Oversees the siting, acquisition, and operations of DOT facilities, and the integration of DOT facilities into regional and local planning initiatives.

d. **DOT Office of the Secretary of Transportation (OST); Office of Facilities, Information, and Asset Management; Energy and Resource Efficiency Program (EREP):** Specific responsibilities related to this Order include:

1) Develop energy, environmental, and sustainability policies to improve efficiency, reduce waste, and reduce costs for DOT facilities;
2) Provide strategy development, oversight, evaluation, methodology, and assistance for implementation of energy and sustainability policy;
3) Assist the CSO in communicating all energy, environmental, and sustainability requirements to the OAs; and
4) Aggregate and assemble data for DOT-wide internal and external sustainability reports.

e. **DOT Office of the General Counsel (OGC):** Interprets and provides guidance on new and existing environmental and sustainability statutes, regulations, executive actions, and other requirements. Reviews contracts and ensures they meet all applicable statutes, regulations, executive actions, and other requirements.

f. **OA Administrator:** Ensures that OA conforms to and implements all applicable requirements for waste management set forth in this Order. The OA Administrator may delegate responsibilities as necessary to meet the requirements. Specific responsibilities related to this Order include:

1) Issue data collection requests and analyze data for reporting progress milestones;
2) Incorporate sustainability goals into performance plans and appraisals;
3) Ensure employees with sustainability and/or facility responsibilities receive appropriate training;
4) Communicate new requirements throughout the OA;
5) Ensure that waste information is tracked and reported to the appropriate reporting systems at the minimum intervals; and

6) Ensure that the OA has incorporated reporting requirements into waste management contracts.

8. SOLID WASTE MANAGEMENT. Effective implementation of waste prevention and recycling measures can enhance the ability of DOT to carry out its mission with available resources by reducing waste, pollution, and associated costs to the taxpayer, while generating environmental, economic, and societal benefits.

a. Pursuant to 42 U.S.C. § 6961, OAs must comply with all federal, state, interstate, and local requirements for the control and abatement of non-hazardous solid waste and hazardous waste.

b. OAs are responsible for meeting these waste management requirements within all DOT buildings (including leased buildings where DOT is directly responsible for waste management or for payment of contracted waste management services).

c. In accordance with EO 13834 and EO 13834 Implementing Instructions, OAs must:

1) Reduce, annually, the total amount of waste generated and the percentage of waste sent to treatment and disposal facilities, including landfill and incineration without energy recovery.
2) Identify waste targets for the next fiscal year in the Annual Sustainability Report and Implementation Plan:
   (a) Set annual targets for percentage reduction in the total amount of non-hazardous solid waste generated; and
   (b) Set annual targets for the percentage of waste sent to treatment and disposal facilities.
3) Track non-hazardous solid waste management progress for the total amount of waste generated, the amount of waste diverted from the waste stream (e.g., reuse, recycling, energy recovery), and the percentage of waste sent to treatment and disposal facilities.
   (a) OAs must track and report waste for all individual buildings 10,000 gross square feet (GSF) or greater.
   (b) OAs may report waste management progress for buildings smaller than 10,000 GSF at their discretion. If a site manages and tracks waste at a campus or facility level, OAs should report the waste generated and diverted for all relevant buildings, including those smaller than 10,000 GSF.

(c) OAs should conduct waste management audits of their facilities annually or as needed to track accurately and reduce waste generated, and track the percentage sent to treatment and disposal facilities.
   (i) Audits should assess waste generation and disposal, including but not limited to: waste stream composition (volume or weight by type of waste), the effectiveness of current recycling programs and waste diversion technologies, cost savings, and source reduction opportunities.

d. In accordance with OMB circular A-11, OAs must consider all alternatives before disposing of assets. OAs must also evaluate the regulatory requirements relevant to the disposal of each type of asset to ensure that proper procedures are followed and disposal is timely and cost-effective.

e. OAs should ensure that all waste management service contracts require vendors to report the quantity of materials received so as to facilitate reporting and compliance.

f. Source Reduction and Material Reuse: In accordance with the EPA Waste Management Hierarchy (Section 6b), OAs should evaluate processes and procedures across the organization to identify opportunities to reduce the amount and toxicity of waste generated (and associated disposal fees), and to reuse materials to the maximum extent practicable. OAs should consider the following approaches for waste prevention, where cost-effective:

   1) Purchase only products, services, and equipment that are necessary to complete the mission.
   2) Use procurement guidance such as EPA's Comprehensive Procurement Guidelines (CPG) program to reduce materials use by purchasing products made with recovered material.
   3) Ensure that Information Technology (IT) investments minimize duplication, achieve efficiencies, maximize performance, and leverage shared-service delivery models, in accordance with DOT Order 1351.39A, IT Management Policy.
   4) In accordance with 42 U.S.C. § 6962 and 7 U.S.C. § 8102, purchase products that incorporate recycled content, enhance recyclability or biodegradability, use biobased chemicals, and/or contain minimal toxicity.
   5) Purchase products and equipment in bulk to reduce packaging and require vendors to minimize the amount of packaging and waste generated when providing products and services to DOT facilities.
   6) Encourage practices that reduce employee-generated waste from food and drink packaging, such as using reusable food and beverage containers.

7) Reduce paper use by distributing materials electronically rather than printing and copying, and implement duplex printing, where feasible in accordance with DOT Order 1360.5C, IT Policy and Administration of Print Services.
8) Reuse or extend the service of all items necessary for daily operations (e.g., real property, real estate, fleet vehicles, heavy equipment, and personal property) before acquiring replacements.
9) Employ category management, best in class solutions, and blanket purchase agreements, along with standard equipment and furniture configurations, to facilitate purchase efficiency and product reuse within the Department.
10) Ensure that electronic equipment is not prematurely discarded by rotating equipment to staff with different electronics needs, thus extending the useful life of electronic equipment.
11) Evaluate the use of disposable products and identify reusable alternatives where feasible and life cycle cost-effective.
12) Reuse materials on-site for other purposes, where viable, or return all reusable materials to a common DOT warehouse for inventory and reuse or sale at public auction, pursuant to 41 CFR Part 102-36.
13) Where reuse within the Department or sale options pursuant to 41 CFR Part 102-36 is not feasible, donate surplus property to eligible non-federal organizations under the Federal Surplus Personal Property Donation Program, authorized by 40 U.S.C. § 549. All sale, donation, and exchange records must be maintained in accordance with DOT Order 4410.4, Equipment Management and Control.
14) Where reuse is not a viable option, OAs should participate in take-back programs offered by manufacturers or vendors.

g. Recycling and Composting: Where source reduction and material reuse are not feasible, OAs should implement and maintain comprehensive recycling programs in staffed facilities that are subject to the waste management requirements of this Order.

1) OAs should designate, recycling coordinators to meet the waste management requirements.
2) OAs should ensure that all recycling and composting contracts require regular reports that quantify waste diverted to facilitate tracking.
3) The Department participates in a nationwide recycling contract administered by GSA that is responsible for the collection of recyclable materials in federal buildings.
   (a) OAs should work with GSA to ensure that the recycling program at GSA managed facilities meets the Department's needs, to the maximum extent possible.

(b) OAs should participate in cooperative recycling programs with other federal facilities, state or local agencies, or non-profit organizations to the maximum extent possible, considering costs, cost avoidance, return on investment, and availability of markets.

4) OAs should require vendors to maximize waste diversion when providing products and services to DOT facilities.
5) OAs should participate in recycling programs offered by manufacturers or vendors, where reuse or take back is not an option.
6) OAs should participate in off-site composting programs or establish on-site programs where feasible and life cycle cost-effective.
7) OAs must use certified electronics recyclers, who have demonstrated to an accredited, independent third-party auditor that they meet specific standards to safely recycle and manage electronics. Refer to the DOT Electronics Stewardship Policy for more information.
8) OAs must use the proceeds generated by recycling materials in accordance with Public Law 103-329, Section 608.

h. Energy Recovery: Where source reduction, materials reuse, and recycling or composting are not feasible, OAs should manage or arrange for the procurement of waste management services in a manner which maximizes energy and resource recovery (42 U.S.C. § 6962(f)).

1) Where cost-effective, OAs should dispose of non-recyclable waste through a permitted Waste-to-Energy facility for conversion to energy by incineration or to a permitted Landfill Gas to Energy facility, consistent with local and state law.
2) OAs should ensure that all Waste-to-Energy service contracts require regular performance reports to facilitate tracking of the percent of non-hazardous solid waste sent to treatment and disposal facilities.

i. Treatment and Disposal: If the options above are not viable or cost-effective, OAs should prioritize treatment to reduce the volume and toxicity of waste, followed by disposal of non-hazardous solid waste in landfills as a last resort.

1) OAs should reduce the amount of non-recyclable waste disposed in landfills through physical, chemical and/or biological treatment where cost-effective.
2) Landfills used by OAs for waste disposal must have current operating permits and comply with federal, state, and local regulations, including standards for ground-water monitoring systems.
   (a) OAs should contract with waste service providers that use sanitary landfills with leachate collection systems.

j. Section 12 of this Order contains a summary of relevant reporting requirements.

k. OAs should also follow all policies regarding solid waste management included in DOT's Sustainable Buildings, Sustainable Acquisition, and Electronics Stewardship Policies.

9. CONSTRUCTION AND DEMOLITION SOLID WASTE MANAGEMENT. C&D of facilities, buildings and other structures often involve large quantities of materials and present great opportunities to reduce and divert waste. OAs should use a comprehensive strategy to reduce the amount of waste disposed of in landfills for all DOT C&D projects, including the following approaches:

a. Ensure that C&D contracts include provisions that require contractors to comply with all federal, state, interstate, and local requirements related to waste management.

b. Require waste reports for all relevant contracts to facilitate tracking of C&D waste prevention and recycling progress.

c. Ensure that project managers or contractors implement a C&D waste management plan for all construction and renovation projects, to address proper handling of waste according to EPA's Waste Management Hierarchy (Section 6b). Sections 8e through 8i of this Order generally apply in managing C&D waste.

d. Employ building designs that use materials efficiently and facilitate future changes and repurposing, including eventual deconstruction, which involves the salvage and reuse of building materials.

e. Use products that incorporate such features as recycled content, recyclability, biodegradability, and minimal toxicity.

f. Track generation and disposition of C&D waste separately from non-hazardous solid waste streams and, where data are available, report on volume and disposition of C&D waste for DOT's annual Sustainability Report and Implementation Plan. Section 12 of this Order contains a schedule of reporting requirements.

g. Conduct waste management audits of C&D activities annually or as needed to identify opportunities for improving waste management practices.

h. Ensure that C&D projects comply with the requirements in Section 10 of this Order, including minimal use and careful handling of toxic and hazardous materials.

i. Review and follow policy statements regarding the purchase of C&D products with recovered content and other features for source reduction, included in DOT's Sustainable Acquisition Policy.

10. TOXIC AND HAZARDOUS WASTE REDUCTION. Effective management of toxic and hazardous waste mitigates threats to human health and the environment. The requirements of this Section apply to all OAs that acquire, use, or dispose of toxic and hazardous waste.

a. Pursuant to 42 U.S.C. § 6902(b) and 42 U.S.C. § 13101(b), OAs must minimize the quantity of toxic and hazardous materials acquired, used, and disposed of.

b. OAs must follow RCRA requirements for hazardous waste identification, classification, generation, management and disposal in accordance with 42 U.S.C. §§ 6921-6939g and implementing regulations at 40 CFR Parts 260-280.

c. OAs must comply with the provisions set forth in EPCRA, as amended (42 U.S.C. §§ 11001-11005 and 11021-11023), in light of applicable EPA guidance, and without regard to the Standard Industrial Classification or North American Industrial Classification System delineations.

1) OAs must require their contractors to provide the information needed by the federal facility to comply with EPCRA.
2) OA facilities that submit annual toxic chemical release forms in accordance with EPCRA (42 U.S.C. § 11023) must do so electronically, as provided in EPA's EPCRA Section 313 guidance.
   (a) Electronic reporting must include required elements from the Pollution Prevention Act of 1990 (42 U.S.C. § 13106). For example, it requires a toxic chemical source reduction and recycling report for the preceding calendar year.

d. OAs must follow Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund) requirements, where applicable. 42 U.S.C. § 9620 describes federal agency responsibilities under this Act.

e. OAs must follow Toxic Substances Control Act implementing regulations at 40 CFR Part 761.

f. OAs must implement EPA's Integrated Pest Management Principles to reduce and eliminate the use of toxic and hazardous chemicals and materials.

g. OAs should reuse and recycle hazardous materials to minimize their introduction into the waste stream to the maximum extent possible, where cost-effective.

h. OAs should conduct an alternatives analysis prior to procuring products that contain hazardous or toxic materials, and prioritize alternatives that minimize toxic and hazardous substances, to the maximum extent possible.

   1) Consult Section 8f, "Source Reduction and Materials Reuse," for a list of resources to facilitate acquisitions with minimal toxic and hazardous substances.

i. Section 12 of this Order contains a schedule for reporting releases of toxic and hazardous waste.

j. OAs should also follow requirements related to the purchase of products that minimize toxic and hazardous materials that are found in DOT's Sustainable Acquisition Policy and requirements related to management of electronic equipment waste that are found in DOT's Electronics Stewardship Policy.

11. MANAGEMENT OF OZONE-DEPLETING SUBSTANCES. Minimizing the use and release of ozone-depleting substances (ODS) can increase stratospheric ozone protection, improving human health and the environment. The requirements of this Section apply to all OAs that acquire, use, or dispose of ODS.

    a. Pursuant to Title VI of the Clean Air Act (CAA) (42 U.S.C. §§ 7671-7671q), OAs must implement programs to phase out the procurement of ODS, and give preference to alternative chemicals, products, and manufacturing processes that lessen the depletion of ozone in the upper atmosphere, where feasible and life cycle cost-effective, to the maximum extent possible. EPA's Significant New Alternatives Policy (SNAP) program publishes a list of safe alternatives to ODS.

    b. When applicable, OAs must produce reports in accordance with the requirements of 42 U.S.C. §§ 11001-11005 and §§ 11021-11023, from EPCRA (refer to Section 10 of this Order), including an annual Toxics Release Inventory (TRI). OAs must also report refrigerant amounts in the Annual Energy Data Report, in accordance with 42 U.S.C. § 8253.

    c. OAs must ensure that their facilities have obtained an air pollution permit (e.g., Title V Permit) if required under the CAA. OAs must ensure that air pollution emissions of facility system equipment meet each respective facility's CAA permit requirements and limitations.

d. Section 12 of this Order contains a schedule for reporting related to ODS.

e. OAs should also follow the requirements related to reduction of toxic and hazardous materials through the procurement process, and the purchase of products made from recovered materials, that are found in DOT's Sustainable Acquisition Policy.

12. SUMMARY OF REPORTING REQUIREMENTS. OAs must use the monitoring and documentation systems listed in the table below to meet the requirements of this Order. These systems are generally web-based and proprietary to the federal government.

Reporting Module	**Purpose**	**Data Attributes to Report**	**Reporting Frequency**
Annual Energy Data Report	Report data on refrigerant use and cost	Refer to the most current version of DOE's Annual Energy Data Report template for required data attributes	Annually, no later than November 15, or date mutually agreed upon between the OA and EREP
Annual Sustainability Report and Implementation Plan	Provide a summary of sustainability strategies, progress, implementation priorities, and planned actions related to waste management	Percentage reduction from prior year in non-hazardous solid waste generated and sent to treatment and disposal facilities, future performance targets, and strategies to achieve reductions	Annually, no later than March 15, or date mutually agreed upon between the OA and EREP
Internal OA Sustainability Scorecard	Report OA progress on waste management requirements for the Departmental Sustainability Report and Implementation Plan and OMB Scorecard for Efficient Federal Operations/ Management	Percentage reduction in non-hazardous solid waste generated and percentage reduction sent to treatment and disposal facilities from prior year, costs, explanations for performance declines, and future strategies	As needed to support DOT and internal OA reporting requirements
OMB Scorecard for Efficient Federal Operations/ Management	Report Departmental progress on waste management requirements	Department-level percentage reduction in non-hazardous solid waste generated and percentage reduction sent to treatment and disposal facilities from prior year	Annually, by date specified by OMB. Data derived from the internal OA sustainability scorecard and the annual OA waste report

Reporting Module	**Purpose**	**Data Attributes to Report**	**Reporting Frequency**
Toxics Release Inventory Reporting via EPA's TRI-MEweb online reporting tool	Report on releases of toxic and hazardous materials	Name, use, and quantity of toxic chemicals at the facility, transferred, disposed of, and entering the environment annually, along with on-site toxic chemical waste treatment methods and efficiency, energy recovery, toxic chemical recycling, and source reduction	Annually, no later than July 1
Pollution Prevention and Waste Audits	Assessment of waste generation and disposal, waste stream composition, effectiveness of current recycling programs and waste diversion technologies, source reduction opportunities for both solid waste and C&D waste	Estimated total weight/volume of waste generated, diverted, converted to energy, by type of material, number of facilities with composting programs, assessment of recycled waste streams, percent of facilities with recycling programs, and percent of facilities implementing integrated pest management and landscaping	As needed to accurately track and reduce waste generated and the percentage sent to treatment and disposal facilities
DOT annual reporting of solid waste data collection and target setting	Track and report on non-hazardous solid waste generated, and the percentage sent to treatment and disposal facilities; report C&D waste data where available; set annual targets for waste reduction	Collection methods, material types, recovered weight/volume, and recipients of the diverted material	Annually, no later than November 15 (same as the Annual Energy Data Report)

13. POLICY UPDATES AND/OR REVISIONS. This Order must be reviewed at least once every three years to determine whether updates or revisions are necessary. In the interim, all applicable laws revised by Congress and all new executive actions or guidance related to waste management are considered incorporated by reference.

14. POLICY EXCEPTION REQUIREMENTS. OA Administrators may submit a request for an exception to the CSO, through EREP. Approvals for exceptions to the requirements of this Order should be coordinated with OGC.

15. DISTRIBUTION. This Order is distributed to all OST offices listed in Section 7 of this Order, the DOT Senior Real Property Officer, OA Administrators, OA Chief Acquisition Officers, and the Federal Aviation Administration (FAA) Acquisition Executive.

16. CONTACT. If you have specific questions related to this Order, please contact EREP (M-90) at DOTsustains@dot.gov.

Keith Washington
Deputy Assistant Secretary for Administration,
Chief Sustainability Officer

Keith Washington 12/1/2020

APPENDIX I: AUTHORITIES AND REFERENCES.

1. Public Laws and Statutes

   a. Clean Air Act of 1970 (CAA), as amended, 42 U.S.C. §§ 7401–7671q.
   b. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601–9675.
   c. Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. §§ 11001-11050.
   d. Federal Insecticide, Fungicide and Rodenticide Act of 1972 (FIFRA), 7 U.S.C. §§ 136 -136y.
   e. Federal Water Pollution Control Amendments of 1972 (Clean Water Act), 33 U.S.C. §§ 1251–1387.
   f. Land Disposal Program Flexibility Act of 1996, Pub. L. No. 104-119, 42 U.S.C. §§ 6901, 6921, 6924, 6925, 6947, 6949a.
   g. National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321–4347.
   h. Pollution Prevention Act of 1990 (PPA), 42 U.S.C. §§ 13101-13109.
   i. Resource Conservation and Recovery Act of 1976 (RCRA), as amended, Pub. L. No. 94-580 (42 U.S.C. §§ 6901–6992k).
   j. Toxic Substances Control Act of 1976 (TSCA), 15 U.S.C. §§ 2601–2692.

2. Regulations

   a. DOE Regulations, 40 CFR Parts 350–373 and 702–749.
   b. Federal Management Regulation, Subchapter B - Disposition of Excess Personal Property, 41 CFR Part 102-36.

3. Executive Actions

   a. CEQ: Implementing Instructions for EO 13834, Efficient Federal Operations, April 2019.
   b. EO 13834, Efficient Federal Operations, May 2018.
   c. M-19-13, Category Management: Making Smarter Use of Common Contract Solutions and Practices, March 2019.
   d. OMB Circular No. A-11, Preparation, Submission, and Execution of the Budget, June 2019.

4. Guidance and Directives

   a. CEQ: Guiding Principles for Sustainable Federal Buildings and Associated Instructions, February 2016.

b. DOT Order 1351.39 Information Technology (IT) Management Policy
c. DOT Order 1360.5C, Information Technology Policy and Administration ofPrint Services
d. DOT Order 4410.4, Equipment Management and Control
FAA: Acquisition Management System (AMS)

5. Online Resources

a. EPA: Comprehensive Procurement Guidelines
b. EPA: Emergency Planning and Community Right-to-Know Act (EPCRA)
c. EPA: EPCRA Section 313 Guidance
d. EPA: Federal Green Challenge
e. EPA: Pollution Prevention Resources
f. EPA: Recommendations of Specifications, Standards, and Ecolabels for Federal Purchasing
g. EPA: Resource Conservation and Recovery Act (RCRA) Overview
h. EPA: Sustainable Materials Management Resources
i. EPA: Toxics Release Inventory (TRI) Program
j. EPA: Waste Management Hierarchy
k. GSA: Green Procurement Compilation (GPC)
l. GSA: Sustainable Facilities Tool: Solid Waste Management

APPENDIX II. KEY TERMS.

1. ***Best in Class*:** An acquisition designation to identify government-wide contracts that are vetted, well-managed, and recommended or required (pursuant to OMB memoranda or other policy), and satisfy key criteria defined by OMB.

2. ***Blanket Purchase Agreements*:** An agreement established by a government buyer with a schedule contractor to fill repetitive needs for supplies or services (FAR 8.405-3).

3. ***Category Management*:** The business practice of buying common goods and services as an enterprise to eliminate redundancies, increase efficiency, and deliver more value and savings from the government's acquisition programs.

4. ***Composting*:** The controlled biological decomposition of organic material under aerobic or anaerobic conditions. Organic materials are broken down (decomposed by microorganisms) into compost, also known as humus.

5. ***Construction and Demolition (C&D) Waste*:** Waste materials and debris generated during construction, renovation, demolition, or dismantling of all structures and buildings and associated infrastructure.

6. ***Direct-Lease*:** A building or facility leased by DOT, but not owned by GSA. FAA and the U.S. Maritime Administration are the only OAs with the authority to enter into these leasing agreements.

7. ***Disposal*:** The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water.

8. ***Diversion*:** Also known as Solid Waste Diversion. Redirecting materials, which might otherwise enter the waste stream, to recycling or reuse and keeping them from entering a disposal facility, excluding Waste-to-Energy facilities. Waste prevention, reuse, composting, mulching, recycling, and donation are generally accepted diversion methods.

9. ***Duplex Printing*:** A feature of computer printers and multifunction printers that allows the automatic printing of a sheet of paper on both sides.

10. ***Energy Recovery*:** Also known as Waste-to-Energy. The conversion of non-recyclable waste materials into usable heat, electricity, or fuel through processes including combustion, gasification, pyrolization, anaerobic digestion and landfill gas recovery.

11. ***Executive Action*:** Includes EOs, presidential memoranda, implementing instructions, and other documents issued by the Executive Office of the President.

12. ***Facility*:** Any building, installation, structure, or other property (including any applicable fixtures) owned or operated by, or constructed or manufactured and leased to, the federal government. Facility is used interchangeably with building throughout this Order, based on the original statutory or guidance language.

13. ***Hazardous Waste*:** Waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is generated from many sources, ranging from industrial manufacturing process wastes to batteries, and may come in many forms, including liquids, solids, gases, and sludges. EPA's regulations regarding identification of hazardous waste are codified at 40 CFR Part 261.

14. ***Landfill*:** A permitted solid waste disposal unit where non-hazardous solid waste is placed in or on the land.

15. ***Leachate*:** Water that collects contaminants as it trickles through wastes, pesticides, or fertilizers. Leaching may occur in landfills, farming areas, and feedlots and may result in hazardous substances entering surface water, ground water, or soil.

16. ***Life Cycle Cost-Effective*:** The life cycle costs of a product, project, or measure are estimated to be equal to or less than the base case (i.e., current or standard practice or product) in accordance with 10 CFR Part 436 Subpart A.

17. ***Ozone-Depleting Substance (ODS)*:** A chemical substance, usually consisting of some combination of chlorine, fluorine, or bromine plus carbon, such as chlorofluorocarbons and hydro chlorofluorocarbons, which has been shown to destroy stratospheric ozone. These substances are commonly found in aerosol products, foams, and fire extinguishers, and are used as refrigerants and in air-conditioning and cooling equipment.

18. ***Pollution Prevention*:** "Source reduction" as defined in the Pollution Prevention Act of 1990 (42 U.S.C. § 13102), and other practices that reduce or eliminate the creation of pollutants through (a) increased efficiency in the use of raw materials, energy, water, or other resources, or (b) the protection of natural resources by conservation.

19. ***Recovered Material*:** Also known as recycled material, or recovered content. Waste material and by-products that have been recovered or diverted from solid waste. This does not include materials and by-products generated from, and commonly reused within, an original manufacturing process.

20. ***Reuse*****:** The use of a product or material again for the same purpose in its original form or with little enhancement or change.

21. ***Recycling*****:** A process of collecting a product or material, separating and processing it, and then returning it to the economy in the form of raw materials, or remelting a product or material into a new finished good.

22. ***Solid Waste*****:** Any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. As used in this Order, "solid waste" refers to non-hazardous solid waste excluding C&D waste.

23. ***Source Reduction*****:** Also known as Waste Prevention. Any change in the design, manufacture, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded and become solid waste. Source reduction also refers to the reuse of products or materials.

24. ***Toxic*****:** A chemical or mixture that may be harmful to the environment.

25. ***Treatment*****:** Any activity or processing designed to change the physical form or chemical composition of hazardous waste, to render it non-hazardous.

26. ***Waste Management Audit*****:** An assessment of waste generation and disposal including: waste stream composition (volume or weight by type of waste), effectiveness of current recycling programs and waste diversion methods, cost savings, and source reduction opportunities. The audit should result in a waste reduction and diversion program tailored to the facility.

27. ***Waste Prevention*****:** Also known as Source Reduction. Any change in the design, manufacturing, purchase, or use of materials or products, (including packaging), to reduce their amount or toxicity before they are discarded and become solid waste (also refers to the reuse of products or materials).

28. ***Waste-to-Energy*****:** Energy recovery from waste through the conversion of non-recyclable waste materials into useable heat, electricity, or fuel through a variety of processes, including combustion, gasification, pyrolization, anaerobic digestion, and landfill gas (LFG) recovery.