

note 1-428-676
January 1995

Note on the McDonald's Environmental Cases

As the volume of municipal solid waste (MSW) produced in this country continues to grow, communities are finding it increasingly difficult to dispose of the garbage and sludge produced by business and industry, institutions, and individuals. Differing definitions about what constitutes MSW leads to different estimates of volume. The EPA estimates that each American produces 4 pounds of trash per day; BioCycle magazine estimates 6.6 pounds per day. In general, estimates vary according to whether both pre-consumer and post-consumer waste are included or just post-consumer.

According to the EPA, approximately 73 percent of our trash was landfilled in 1988. Yet, over the past 10 years the number of operating landfills has decreased by 60 percent, with the majority of the closings occurring in New England. Today, the highest percentage of new closings are in the western states. The rate of landfill closings is a serious issue as past dumping practices, characterized by unsanitary conditions, methane explosions, and releases of hazardous substances into groundwater and the atmosphere, have made it increasingly difficult to site new landfills.

New EPA regulations, which require controls such as groundwater monitoring, may force many small landfills to close. The opening of several large facilities may offset the loss of the small sites, making capacity a more meaningful measure. It typically requires at least five years to permit and develop new landfill facilities. According to a 1988 EPA study, eight states had less than five years of remaining capacity, and 15 states had five to ten years of capacity.¹ This capacity constraint, coupled with cleanup costs, has caused an increase in "tipping fees" (charges to use landfills). For example, in Wisconsin it is estimated that a six-fold increase in the state's tipping fees may be necessary to cover pollution problems at licensed landfills over the next 30 years.² Further, the incentive to minimize tipping fees has caused the waste-hauling industry to grow rapidly as waste is transported to regions with higher capacities and correspondingly lower fees.

As of 1991, 20 states had enacted some type of waste reduction plan; 22 have enacted some requirements that local government provide some sort of recycling program. In addition, 29 states have enacted more than 100 disposal bans, prohibiting certain bulky or toxic items from landfills or incinerators.³

A growing recycling infrastructure and improved incineration methods, combined with constrained landfill capacity, are changing the way waste is disposed of in the United States. By 1995, the EPA estimates that 53 percent of waste will be landfilled, 23 percent incinerated, 19 percent recycled, and 5 percent composted.



Published by GloLens, a division of the William Davidson Institute at the University of Michigan.

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