

103^D CONGRESS
1ST SESSION

S. 1634

To authorize each State and certain political subdivisions of States to control the movement of municipal solid waste generated within, or imported into, the State or political subdivisions of the State, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8 (legislative day, NOVEMBER 2), 1993

Mr. HEFLIN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To authorize each State and certain political subdivisions of States to control the movement of municipal solid waste generated within, or imported into, the State or political subdivisions of the State, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Municipal Solid Waste
5 Flow Control Act of 1993”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act:

1 (1) MUNICIPAL SOLID WASTE.—The term “mu-
2 nicipal solid waste” means refuse (and refuse-de-
3 rived fuel) generated by the general public and from
4 residential, commercial, institutional, and industrial
5 sources, that consists of paper, wood, yard wastes,
6 plastics, leather, rubber, and other combustible ma-
7 terials and noncombustible materials such as metal
8 and glass, including residue remaining after recycla-
9 ble materials have been separated. The term does
10 not include—

11 (A) any solid waste identified or listed as
12 hazardous waste under section 3001 of the
13 Solid Waste Disposal Act (42 U.S.C. 6921);

14 (B) any solid waste, including contami-
15 nated soil and debris, resulting from a response
16 action taken under section 104 or 106 of the
17 Comprehensive Environmental Response, Com-
18 pensation, and Liability Act of 1980 (42 U.S.C.
19 9604 or 9606) or a corrective action taken
20 under such Act;

21 (C) any separated metal, pipe, glass, plas-
22 tic, paper, textile, or other material that has
23 been separated or otherwise diverted from mu-
24 nicipal solid waste for the purpose of recycling
25 or reclamation; and

1 (D) any solid waste that is generated by
2 an industrial facility and transported for the
3 purpose of containment, storage, or disposal to
4 a facility that is owned or operated by the gen-
5 erator of the waste, or is located on property
6 owned by the generator or a company with
7 which the operator is affiliated.

8 (2) RECYCLABLE MATERIALS.—The term “recy-
9 clable materials” means any metal, pipe, glass, plas-
10 tic, textile, or other material that has been separated
11 or otherwise diverted from municipal solid waste for
12 the purpose of reclamation, manufacture, or reuse.

13 (3) WASTE MANAGEMENT FACILITY.—The term
14 “waste management facility” means any facility that
15 collects, stores, transports, transfers, treats, proc-
16 esses, or disposes of municipal waste.

17 **SEC. 3. CONGRESSIONAL AUTHORIZATION OF STATE CON-**
18 **TROL OVER MOVEMENT OF MUNICIPAL**
19 **SOLID WASTE.**

20 (a) AUTHORITY.—Subject to subsection (b), each
21 State and, each political subdivision with respect to which
22 a State has delegated to a political subdivision the author-
23 ity to plan for, and determine methods to be used for, the
24 collection, disposal, or other means of management of mu-

1 nicipal solid waste generated within, or imported, into, the
2 boundaries of the political subdivision, is authorized to—

3 (1) direct, limit, regulate, or prohibit the move-
4 ment of municipal solid waste generated within, or
5 imported into, the boundaries of the State (or politi-
6 cal subdivision); and

7 (2) designate 1 or more waste management fa-
8 cilities to which municipal solid waste generated
9 within, or imported within, the State (or political
10 subdivision) shall be transported.

11 (b) LIMITATIONS.—

12 (1) IN GENERAL.—The authority granted to a
13 State or political subdivision of a State pursuant to
14 subsection (a) may be exercised by the State or po-
15 litical subdivision of a State only if both of the fol-
16 lowing conditions are met:

17 (A) Recyclable materials will be removed
18 from the municipal solid waste in accordance
19 with applicable State municipal waste planning
20 requirements by means of separation at the
21 source or at 1 or more facilities, unless the po-
22 litical subdivision in which the municipal solid
23 waste is generated is exempt from recycling re-
24 quirements under an applicable State municipal
25 solid waste plan.

1 (B) Each municipal solid waste manage-
2 ment facility to be designated by a State or a
3 political subdivision of the State is not presently
4 in violation of applicable Federal and State en-
5 vironmental laws (including regulations).

6 (2) RECYCLABLE MATERIALS.—No State or po-
7 litical subdivision of a State may prohibit a person
8 from selling, conveying, or arranging for the trans-
9 portation of, recyclable materials that are owned by
10 the person and that have been separated from mu-
11 nicipal solid waste. A State or political subdivision of
12 a State may require the person to report the volume
13 and types of recyclable materials to the State or po-
14 litical subdivision for the purpose of ensuring com-
15 pliance with required recyclable material diversion
16 rates.

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