

104TH CONGRESS
1ST SESSION

H. R. 1249

To amend the Solid Waste Disposal Act to permit States and political subdivisions to control the disposal of out-of-State municipal solid waste within their boundaries.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 1995

Mr. GREENWOOD (for himself, Mr. CLINGER, Mr. WALKER, Mr. GILLMOR, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. KANJORSKI, Mr. HOLDEN, and Mr. MCHALE) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Solid Waste Disposal Act to permit States and political subdivisions to control the disposal of out-of-State municipal solid waste within their boundaries.

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. STATE AUTHORITY.**

4 (a) IN GENERAL.—Subtitle D of the Solid Waste Dis-
5 posal Act (42 U.S.C. 6941 et seq.) is amended by adding
6 after section 4010 the following new section:

1 **“SEC. 4011. INTERSTATE TRANSPORTATION AND DISPOSAL**
2 **OF MUNICIPAL SOLID WASTE.**

3 “(a) IN GENERAL.—The Governor of any State may
4 impose a limitation or prohibition on the receipt of out-
5 of-State municipal solid waste by landfills or incinerators
6 in the State. Any affected local government of a political
7 subdivision in a State may permit landfills or incinerators
8 in the political subdivision to receive out-of-State municipi-
9 pal solid waste notwithstanding any such limitation or pro-
10 hibition established by the Governor. In the absence of any
11 such limitation or prohibition imposed by the Governor of
12 a State, any affected local government of any political sub-
13 division in the State may impose a limitation or prohibi-
14 tion on the receipt of out-of-State municipal solid waste
15 by landfills or incinerators in that political subdivision.

16 “(b) WASTE NOT COVERED.—Subsection (a) shall
17 not apply to any of the following kinds of solid waste:

18 “(1) Any solid waste identified or listed as a
19 hazardous waste under section 3001.

20 “(2) Any solid waste, including contaminated
21 soil and debris, resulting from—

22 “(A) a response action taken under section
23 104 or 106 of the Comprehensive Environ-
24 mental Response, Compensation, and Liability
25 Act (42 U.S.C. 9604 or 9606),

1 “(B) a response action taken under a
2 State law with authorities comparable to the
3 authorities of section 104 or 106, or

4 “(C) a corrective action taken under this
5 Act.

6 “(3) Recyclable materials that have been sepa-
7 rated, at the source of the waste, from waste other-
8 wise destined for disposal or that have been man-
9 aged separately from waste destined for disposal.

10 “(4) Materials and products returned from a
11 dispenser or distributor to the manufacturer or an
12 agent of the manufacturer for credit, evaluation, and
13 possible reuse.

14 “(5) Any solid waste that is—

15 “(A) generated by an industrial facility;
16 and

17 “(B) transported for the purpose of treat-
18 ment, storage, or disposal to a facility that is
19 owned or operated by the generator of the
20 waste, or is located on property owned by the
21 generator of a company with which the genera-
22 tor is affiliated.

23 “(6) Any medical waste that is segregated from
24 or not mixed with other solid waste.

25 “(c) DEFINITIONS.—For purposes of this section:

1 “(1) AFFECTED LOCAL GOVERNMENT.—For
2 any landfill or incinerator, the term ‘affected local
3 government’ shall mean the public body authorized
4 by State law to plan for the management of municipi-
5 pal solid waste, a majority of the members of which
6 are elected officials, for the area in which the landfill
7 or incinerator is located or proposed to be located,
8 unless there is no such public body. If there is no
9 such body, such term shall mean the elected officials
10 of the city, town, township, borough, county, or par-
11 ish exercising primary responsibility for the use of
12 land on which the facility is located or proposed to
13 be located.

14 “(2) MUNICIPAL SOLID WASTE.—The term
15 ‘municipal solid waste’ means all waste materials
16 discarded for disposal by households, including sin-
17 gle and multifamily residences, and hotels and mo-
18 tels. The term also includes each of the following:

19 “(A) Waste materials generated by com-
20 mercial, institutional, and industrial sources.

21 “(B) Debris resulting from construction,
22 remodeling, repair, or demolition of structures
23 other than debris that is not otherwise commin-
24 gled with other municipal solid waste and has
25 been determined by the generator, to be con-

1 taminated. For purposes of determining wheth-
2 er any such debris is contaminated, the genera-
3 tor shall conduct representative sampling and
4 analysis of such debris, the results of which
5 shall be submitted to the affected local govern-
6 ment for record keeping purposes only, unless
7 not required by the affected local government.
8 Any such debris that has been determined to be
9 contaminated shall be disposed of in a landfill
10 that meets, at a minimum, the requirements of
11 this subtitle.

12 “(3) OUT-OF-STATE MUNICIPAL SOLID
13 WASTE.—The term ‘out-of-State municipal solid
14 waste’, means, with respect to any State, municipal
15 solid waste generated outside of the State. The term
16 includes municipal solid waste generated outside of
17 the United States.

18 (b) TABLE OF CONTENTS AMENDMENT.—The table
19 of contents of the Solid Waste Disposal Act (42 U.S.C.
20 prec. 6901) is amended by adding after the item relating
21 to section 4010 the following new item:

“Sec. 4011. Interstate transportation and disposal of municipal solid waste.”.

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