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1ST SESSION

H. R. 1052

To authorize States to regulate the treatment, disposal, and other disposition of solid waste.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1993

Ms. DANNER (for herself, Mr. LEWIS of Florida, and Mr. WYDEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To authorize States to regulate the treatment, disposal, and other disposition of solid waste.

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 “States Solid Waste
5 Regulatory Authority Act”.

6 **SEC. 2. AUTHORITY TO REGULATE SOLID WASTE.**

7 (a) AUTHORITY.—Subtitle D of the Solid Waste Dis-
8 posal Act (42 U.S.C. 6901 et seq.) is amended by adding
9 at the end the following new section:

1 **“SEC. 4011. STATE AUTHORITY TO REGULATE SOLID**
 2 **WASTE.**

3 “(a) LAWS REGULATING TREATMENT AND DIS-
 4 POSAL.—

5 “(1) FEES.—

6 “(A) Subject to the limitations described in
 7 this paragraph, each State is authorized to
 8 enact and enforce laws imposing and collecting
 9 fees in connection with the treatment, disposal,
 10 or other disposition within such State of solid
 11 waste generated in another State.

12 “(B) Beginning in calendar year 1994, any
 13 increase in a fee described in subparagraph (A)
 14 may not exceed an amount which is equal to the
 15 base amount multiplied by the applicable per-
 16 centage for such calendar year.

17 “(C) The applicable percentage for cal-
 18 endar years, beginning with calendar year 1994,
 19 shall be determined in accordance with the fol-
 20 lowing table:

“In calendar year:	The applicable percentage is:
“1994	50
“1995	100
“1996	150
“1997	200
“1998 and thereafter	(Such amount as

the receiving State
may determine).

1 “(D) For purposes of this paragraph, the
2 term ‘base amount’ means the fee imposed by
3 the State on December 31, 1993, or, if no fee
4 was imposed on December 31, 1993, the fee
5 first imposed by the State after such date.

6 “(E) In the case of any State that imposes
7 a fee after December 31, 1993, the table in
8 subparagraph (C) shall be applied—

9 “(i) by substituting the first calendar
10 year beginning after the calendar year in
11 which such fee is imposed for 1994;

12 “(ii) by substituting the second cal-
13 endar year beginning after the calendar
14 year in which such fee is imposed for
15 1995;

16 “(iii) by substituting the third cal-
17 endar year beginning after the calendar
18 year in which such fee is imposed for
19 1996; and

20 “(iv) by substituting the fourth cal-
21 endar year beginning after the calendar
22 year in which such fee is imposed for
23 1997.

1 “(F) Notwithstanding any other provision
2 of this section, at any time the fee imposed by
3 an exporting State in connection with treat-
4 ment, disposal, or other disposition of solid
5 waste exceeds the fee imposed by a receiving
6 State in connection with treatment, disposal, or
7 other disposition of solid waste, the receiving
8 State may impose and collect a fee in connec-
9 tion with treatment, disposal, or other disposi-
10 tion of solid waste received from an exporting
11 State equal to that of the fee imposed by the
12 exporting State. For purposes of this subpara-
13 graph, the term ‘exporting State’ means a State
14 in which solid waste is generated and exported
15 to another State for treatment, disposal, or
16 other disposition, and the term ‘receiving State’
17 means the State which receives solid waste from
18 another State for treatment, disposal, or other
19 disposition.

20 “(2) BANS ON SOLID WASTE IMPORTATION.—
21 Each State is authorized to enact and enforce laws
22 imposing a ban on the importation into such State
23 of solid waste generated outside such State if—

1 “(A) the 5-year period beginning on the
2 date of enactment of this section has expired;
3 and

4 “(B) the State has an approved or effective
5 solid waste management plan meeting all of
6 the requirements of section 4003.

7 “(b) DEFINITION.—As used in this section, the term
8 ‘solid waste’ has the meaning provided in section 1004(27)
9 of this Act, except that such term does not include hazard-
10 ous waste as defined under subtitle C.”.

11 (b) TECHNICAL AMENDMENT.—The table of contents
12 for subtitle D of the Solid Waste Disposal Act (contained
13 in section 1001) is amended by adding at the end the fol-
14 lowing new item:

 “4011. State authority to regulate solid waste.”.

15 **SEC. 3. STATE SOLID WASTE MANAGEMENT PLANS.**

16 (a) ADDITIONAL PLAN REQUIREMENTS.—(1) Section
17 4003(a) of the Solid Waste Disposal Act (42 U.S.C.
18 6943(a)) is amended by striking out paragraph (6) and
19 inserting in lieu thereof the following:

20 “(6) The plan shall provide that the State, directly
21 or through regional or local planning units as may be es-
22 tablished under section 4002(a)(1), shall (A) identify the
23 amount of solid wastes by waste type that are reasonably
24 expected to be generated within the State or accepted from
25 another State during the 10-year period following the date

1 of the enactment of the States Solid Waste Regulatory Au-
2 thority Act, (B) identify the amount of solid waste to be
3 reduced during such 10-year period through source reduc-
4 tion, recycling, and resource recovery, and (C) establish
5 a process to assure the availability of solid waste treat-
6 ment, storage, and disposal facilities, including resource
7 recovery and recycling facilities, with capacity adequate to
8 manage all such solid wastes in an environmentally sound
9 manner. In establishing the process to assure the availabil-
10 ity of adequate solid waste management capacity, the
11 State shall take into account solid waste management
12 compacts in effect on the date of enactment of the States
13 Solid Waste Regulatory Authority Act that exist within
14 the State and one or more States.

15 “(7) The plan shall require laws, regulations, and or-
16 dinances for development of new and expanded solid waste
17 management facilities necessary to provide adequate ca-
18 pacity, as determined by the process established under
19 paragraph (6), including the establishment of a process
20 for the siting of such facilities and a schedule for the ap-
21 proval and construction of such facilities. To the extent
22 any capacity is provided outside the planning unit, the
23 State shall act to ensure such capacity is available and
24 is identified in the plan. The plan shall reserve to the State
25 authority to take such actions as may be necessary on be-

1 half of a regional or local planning unit, including com-
2 pacts with other States if appropriate, to assure the avail-
3 ability of such capacity when such planning unit has failed
4 in a timely way to provide adequate capacity for waste
5 volumes identified in the plan pursuant to paragraph (6).

6 “(8) The plan shall describe solid waste management
7 practices and programs, based on the State’s environ-
8 mental and economic conditions, that promote source re-
9 duction and recycling. Such programs shall include public
10 education campaigns, and the plan’s description of such
11 programs shall include, but not be limited to, the following
12 areas:

13 “(A) Coordination among State and local offi-
14 cials, including public education officials.

15 “(B) Course curriculum development for pri-
16 mary and secondary schools regarding the benefits
17 of and opportunities to participate in source reduc-
18 tion and recycling programs.

19 “(C) Projects to inform all members of the pub-
20 lic and private sectors, including government agen-
21 cies, institutions, the industrial and business com-
22 munities, and consumers, of the benefits of and op-
23 portunities to participate in source reduction and re-
24 cycling programs.

1 “(9) The plan shall identify existing State and re-
2 gional markets for recyclable materials and actions that
3 the State will take to promote and develop recycling mar-
4 kets.

5 “(10) The plan shall provide for a program requiring
6 that all solid waste management facilities register with the
7 State and requiring that only registered facilities may
8 manage solid waste identified in the plan. Such registra-
9 tion shall, at a minimum, include the name and address
10 of the owner and operator of the facility, the address of
11 the solid waste management facility, the type of solid
12 waste management used at the facility, and the amounts
13 of solid waste, by type and source, to be managed at the
14 facility.

15 “(11) The plan shall provide for technical and finan-
16 cial assistance to local communities to meet the require-
17 ments of the plan.

18 “(12) The plan shall specify the conditions under
19 which the State will authorize a person to accept solid
20 waste from other States, for purposes of solid waste man-
21 agement other than transportation, and the conditions
22 shall ensure that such waste is managed in accordance
23 with the plan and that acceptance of such waste will not
24 impede the ability of the State to manage solid waste gen-
25 erated within its borders.”.

1 (2) Section 4003 of the Solid Waste Disposal Act (42
2 U.S.C. 6943) is amended by striking out subsection (d)
3 and inserting in lieu thereof the following:

4 “(d) WASTE-TO-ENERGY FACILITIES.—It is the in-
5 tention of this Act and the planning process developed
6 pursuant to this Act that determinations regarding the
7 need for or size of waste-to-energy facilities for solid waste
8 management shall not in any way interfere with the
9 achievement, to the maximum extent possible, of the objec-
10 tives and policies of this Act.

11 “(e) ADDITIONAL PLAN PROVISIONS.—Any State
12 plan submitted under this subtitle shall include provisions
13 to carry out each of the following unless the State dem-
14 onstrates, to the satisfaction of the Administrator, that
15 the inclusion of such a provision is not practicable:

16 “(1) A policy requiring the State and political
17 subdivisions of the State to procure products made
18 with recyclable materials.

19 “(2) A program to encourage composting of
20 yard waste, agricultural waste, and other waste
21 streams as appropriate.

22 “(3) A system for curbside pickup of recyclable
23 materials that have been separated at their source,
24 or a system for separation of recyclable materials at
25 recycling facilities, or both.

1 “(4)(A) A policy requiring—

2 “(i) that recyclable materials in solid waste
3 from residences, commercial establishments,
4 and office buildings be separated, to the maxi-
5 mum extent economically practicable, prior to
6 treatment or disposal in solid waste manage-
7 ment facilities; and

8 “(ii) the imposition of a surcharge on tip-
9 ping fees for any solid waste from commercial
10 establishments or office buildings that (I) is de-
11 livered to a landfill, waste-to-energy facility, or
12 waste treatment facility, and (II) from which
13 recyclable materials have not been separated at
14 their source.

15 “(B) In carrying out the policy of this para-
16 graph, the State shall include the following types of
17 recyclable materials; corrugated cardboard, office
18 paper and paper products, newspaper, glass, plastic
19 materials and products, ferrous and nonferrous met-
20 als, yard waste, and beverage containers.”.

21 (b) PLAN APPROVAL.—(1) Section 4006 of the Solid
22 Waste Disposal Act (42 U.S.C. 6946) is amended by add-
23 ing at the end the following:

24 “(d) SUBMISSION OF PLANS.—Not later than 6
25 months after the date of enactment of the States Solid

1 Waste Regulatory Authority Act, each State shall, after
2 consultation with interested parties and local govern-
3 ments, submit to the Administrator for approval a plan
4 that complies with the requirements of section 4003(a).

5 “(e) FAILURE OF THE ADMINISTRATOR TO ACT ON
6 A STATE PLAN.—If the Administrator fails to approve or
7 disapprove a plan under section 4007(a) within 6 months
8 after a State plan has been submitted for approval, the
9 State plan as submitted shall become effective at the expi-
10 ration of 6 months after the date on which such plan was
11 submitted. The plan shall remain in effect as submitted
12 and subject to review by the Administrator and revision
13 in accordance with section 4007(a).”.

14 (2) Section 4007(a) of the Solid Waste Disposal Act
15 (42 U.S.C. 6947(a)) is amended in paragraph (1) and in
16 paragraph (2)(A) by striking out “and (5)” and inserting
17 in lieu thereof “and (5) through (12)”.

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