

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2649

To authorize States and political subdivisions of States to control the movement of municipal solid waste generated within their jurisdictions.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1993

Mr. MINGE (for himself, Mr. PENNY, Mr. PETERSON of Minnesota, Mr. VENTO, and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To authorize States and political subdivisions of States to control the movement of municipal solid waste generated within their jurisdictions.

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. AFFIRM AND AUTHORIZE THE RIGHT OF**  
4 **STATES AND POLITICAL SUBDIVISIONS OF**  
5 **STATES TO CONTROL MOVEMENT OF MUNICI-**  
6 **PAL SOLID WASTE.**

7 (a) **AUTHORITY.**—Subject to subsection (b), a State  
8 or a political subdivision of a State may require, by law,  
9 ordinance, or regulation, that all or any portion of the mu-

1 nicipal solid waste generated within its jurisdiction be  
2 processed, composted, disposed of, or otherwise managed  
3 at a facility designated by the State or political subdivision  
4 for that purpose.

5 (b) LIMITATION.—The authority provided by sub-  
6 section (a) may be exercised only if the designated waste  
7 management facility is in compliance with all applicable  
8 Federal and State environmental laws and regulations.

9 (c) MATERIALS SEPARATED FOR RECYCLING NOT  
10 COVERED.—Nothing in this section shall be interpreted,  
11 construed, or applied to authorize a State or political sub-  
12 division of a State to require materials that have been sep-  
13 arated or diverted from municipal solid waste, for the pur-  
14 pose of recycling or composting, to be processed,  
15 composted, disposed of, or otherwise managed at a facility  
16 designated by the State or political subdivision of the  
17 State.

18 (d) DEFINITION.—For purposes of the Act, the term  
19 “municipal solid waste” (MSW) means garbage and refuse  
20 that is discarded as solid wastes from residential, commer-  
21 cial, institutional and industrial sources and community  
22 activities, including residue remaining after recyclable ma-  
23 terials have been separated. The term does not include—

24 (1) any waste identified or listed as hazardous  
25 waste under section 3001 of the Solid Waste Dis-

1       positional Act (42 U.S.C. 6921) other than any such  
2       hazardous waste that is contained in household  
3       waste from single and multiple dwellings, and other  
4       residential sources; and

5               (2) materials and products returned from a dis-  
6       penser or distributor to the manufacturer for credit,  
7       evaluation, and possible reuse.

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