

103^D CONGRESS
2^D SESSION

H. R. 4643

To amend the Solid Waste Disposal Act to provide and clarify the authority for certain municipal solid waste flow control arrangements.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 1994

Mr. RICHARDSON (for himself, Mr. FIELDS of Texas, Mr. BRYANT, and Mr. GRAMS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Solid Waste Disposal Act to provide and clarify the authority for certain municipal solid waste flow control arrangements.

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 1994”.

1 **SEC. 2. CONGRESSIONAL AUTHORIZATION OF STATE CON-**
2 **TROL OVER MOVEMENT OF MUNICIPAL**
3 **SOLID WASTE AND RECYCLABLE MATERIALS.**

4 (a) AMENDMENT.—Subtitle D of the Solid Waste
5 Disposal Act is amended by adding the following new sec-
6 tion after section 4010:

7 **“SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE**
8 **CONTROL OVER MOVEMENT OF MUNICIPAL**
9 **SOLID WASTE AND RECYCLABLE MATERIALS.**

10 “(a) AUTHORITY.—Each State and each political
11 subdivision thereof is authorized to require the movement
12 of municipal solid waste generated, and recyclable material
13 voluntarily relinquished by its owner, within its jurisdic-
14 tion to one or more waste management facilities or recy-
15 cling facilities if such requirement—

16 “(1) is imposed pursuant to a law, ordinance,
17 or other official act of the State or political subdivi-
18 sion in effect on January 1, 1994; and

19 “(2) has been implemented by designating be-
20 fore January 1, 1994, the particular management
21 facilities in operation as of January 1, 1994, to
22 which the municipal solid waste and recyclables
23 must be moved.

24 With respect to each facility, the authority of this section
25 shall be effective (A) for the remaining life of a contract
26 between the State or political subdivision and any other

1 person regarding the movement or delivery of such waste
2 or recyclable materials, as in effect on January 1, 1994,
3 or (B) until completion of the schedule for payment of the
4 capital costs of the facility concerned, as in effect on Janu-
5 ary 1, 1994, whichever is longer.

6 “(b) EFFECT ON OTHER LAWS.—Nothing in this sec-
7 tion shall be interpreted or construed to have any effect
8 on any other law relating to the protection of human
9 health and the environment, or the management of munic-
10 ipal solid waste.

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

12 “(1) The term ‘municipal solid waste’ means
13 solid waste generated by the general public and from
14 residential, commercial, institutional, and industrial
15 sources, consisting of paper, wood, yard wastes,
16 plastics, leather, rubber, and other combustible ma-
17 terials and noncombustible materials such as metal
18 and glass, including residue remaining after recycla-
19 ble materials have been separated from waste des-
20 tined for disposal, except that the term does not in-
21 clude—

22 “(A) any waste identified or listed as a
23 hazardous waste under section 3001 or the
24 Solid Waste Disposal Act (42 U.S.C. 6921) or

1 waste regulated under the Toxic Substances
2 and Control Act;

3 “(B) any waste, including contaminated
4 soil and debris, resulting from response taken
5 under section 104 or 106 of the comprehensive
6 Environmental Response, Compensation, and
7 Liability Act of 1980 (42 U.S.C. 9602 or 9606)
8 or a corrective action taken under this Act;

9 “(C) medical waste;

10 “(D) industrial waste;

11 “(E) recyclable materials; or

12 “(F) sludge.

13 “(2) The term ‘recyclable materials’ means any
14 materials that have been separated from waste oth-
15 erwise destined for disposal (either at the source of
16 the waste or at processing facilities) or that have
17 been managed separately from waste destined for
18 disposal, for the purpose of recycling, composting of
19 organic materials such as food and yard waste, or
20 reuse (other than for the purpose of incineration).

21 “(3) The term ‘waste management facility’
22 means any facility collecting, separating, storing,
23 transporting, transferring, treating, processing, or
24 disposing of municipal solid waste.’’.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 subtitle D of the Solid Waste Disposal Act is amended
3 by adding the following new item after the item relating
4 to section 4010:

“Sec. 4011. Congressional authorization of State control over movement of municipal solid waste and recyclable materials.”.

○