

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

# H. R. 541

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to establish a maximum limit of liability for municipalities and other persons liable under that Act for the generation or transportation of municipal solid waste.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1993

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to establish a maximum limit of liability for municipalities and other persons liable under that Act for the generation or transportation of municipal 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 “Toxic Pollution  
5 Responsibility Act of 1993”.

1 **SEC. 2. LIABILITY FOR CERTAIN SUBSTANCES.**

2 (a) GENERATION AND TRANSPORTATION OF MUNICI-  
3 PAL SOLID WASTE—Section 107 of the Comprehensive  
4 Environmental Response, Compensation, and Liability Act  
5 of 1980 (42 U.S.C. 9607), commonly referred to as  
6 “Superfund”, is amended by adding at the end the follow-  
7 ing new subsection:

8 “(n) LIMITATION ON LIABILITY FOR GENERATION  
9 OR TRANSPORTATION OF MUNICIPAL SOLID WASTE.—

10 “(1) IN GENERAL.—No municipality or other  
11 person liable for any costs or damages under para-  
12 graph (3) or (4) of subsection (a) of this section by  
13 reason of such municipality or other person’s gen-  
14 eration or transportation of municipal solid waste  
15 shall be liable for more than 4 percent of such costs  
16 and damages.

17 “(2) DEFINITIONS.—As used in this sub-  
18 section—

19 “(A) the term ‘municipality’ means any po-  
20 litical subdivision of a State, including any city,  
21 county, town, township, school district, and  
22 other legal government entity; and

23 “(B) the term ‘municipal solid waste’  
24 means solid waste generated by households and  
25 includes waste from commercial, institutional,  
26 and industrial sources if the amount and tox-

1           icity of substances contained in the waste do  
2           not exceed that which one would expect to find  
3           in waste generated by households.

4           “(3) GUIDELINES.—The Administrator may  
5           promulgate guidelines to be used in determining the  
6           waste which qualifies as municipal solid waste under  
7           paragraph (2)(B).”.

8           (b) EFFECTIVE DATE.—The amendment made by  
9           subsection (a) shall apply with respect to response actions  
10          and suits brought under the Comprehensive Environ-  
11          mental Response, Compensation, and Liability Act of  
12          1980 whether such response action or suits are com-  
13          menced before, on, and after the date of the enactment  
14          of this Act; except that such amendment shall not apply  
15          to any suit brought under such Act in which final judg-  
16          ment has been entered by a court before the date of the  
17          enactment of this Act.

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