

104TH CONGRESS
1ST SESSION

H. R. 1080

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 1995

Mr. MINGE (for himself, Mr. VENTO, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. LUTHER, Mr. GUTKNECHT and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Commerce

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. AUTHORIZATION FOR STATES AND POLITICAL**
4 **SUBDIVISIONS OF STATES TO CONTROL**
5 **MOVEMENT OF MUNICIPAL SOLID WASTE.**

6 (a) AUTHORITY.—Subject to subsection (b), a State
7 or a political subdivision of a State may require, by law,
8 ordinance, or regulation, that all or any portion of the mu-
9 nicipal solid waste generated within its jurisdiction be

1 processed, composted, disposed of, or otherwise managed
2 at a facility designated by the State or political subdivision
3 for that purpose.

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

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

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

23 (1) any waste identified or listed as hazardous
24 waste under section 3001 of the Solid Waste Dis-
25 posal Act (42 U.S.C. 6921) other than any such

1 hazardous waste that is contained in household
2 waste from single and multiple dwellings, and other
3 residential sources; and

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

○