

104TH CONGRESS
1ST SESSION

H. R. 1085

To amend the Solid Waste Disposal Act to provide congressional authorization for State and local flow control authority over solid waste, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 1995

Mr. SMITH of New Jersey (for himself, Mr. OXLEY, Mr. PALLONE, Mr. MINGE, Mrs. ROUKEMA, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Solid Waste Disposal Act to provide congressional authorization for State and local flow control authority over solid waste, and for other purposes.

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 “Local Governments
5 Flow Control Act of 1995”.

1 **SEC. 2. CONGRESSIONAL AUTHORIZATION OF STATE AND**
2 **LOCAL FLOW CONTROL AUTHORITY OVER**
3 **SOLID WASTE.**

4 Subtitle D of the Solid Waste Disposal Act (42
5 U.S.C. 6941 et seq.) is amended by adding after section
6 4010 the following new section:

7 **“SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE**
8 **AND LOCAL FLOW CONTROL AUTHORITY**
9 **OVER SOLID WASTE.**

10 “(a) AUTHORITY.—

11 “(1) IN GENERAL.—Each State and each quali-
12 fied political subdivision may exercise flow control
13 authority if, before May 15, 1994, the State or
14 qualified political subdivision—

15 “(A) adopted a flow control measure or
16 measures, individually or collectively, that re-
17 quired the delivery of flow controllable solid
18 waste to a proposed or an existing waste man-
19 agement facility; or

20 “(B) adopted a flow control measure that
21 identified the use of one or more waste manage-
22 ment methods that will be necessary for the
23 transportation, management, or disposal of flow
24 controllable solid waste, and committed to des-
25 ignate one or more waste management facilities
26 for such method or methods.

1 “(2) RECYCLABLES.—Each State and each
2 qualified political subdivision may exercise flow con-
3 trol authority over voluntarily relinquished recyclable
4 materials generated within the boundaries of the
5 State or qualified political subdivision.

6 “(3) REASONABLE REGULATION OF COM-
7 MERCE.—

8 “(A) A flow control measure of a State or
9 qualified political subdivision that implements
10 or exercises flow control authority in compliance
11 with this section shall be considered to be a rea-
12 sonable regulation of commerce and shall not be
13 considered to be an undue burden on or other-
14 wise as impairing, restraining, or discriminating
15 against interstate commerce.

16 “(B) A contract or franchise agreement of
17 a State or qualified political subdivision that
18 provides the exclusive or nonexclusive authority
19 for the collection, transportation, or disposal of
20 flow controllable solid waste, and that does not
21 involve the exercise of flow control authority,
22 shall be considered to be a reasonable regula-
23 tion of commerce and shall not be considered to
24 be an undue burden on or otherwise as impair-

1 ing, restraining, or discriminating against inter-
2 state commerce.

3 “(b) LIMITATIONS.—

4 “(1) LIMITATION OF AUTHORITY REGARDING
5 RECYCLABLE MATERIALS.—A State or qualified po-
6 litical subdivision may exercise flow control authority
7 over recyclable materials only if—

8 “(A) the generator or owner of the mate-
9 rials voluntarily made the materials available to
10 the State or qualified political subdivision, or
11 the designee of the State or qualified political
12 subdivision, and relinquished any rights to, or
13 ownership of, such materials;

14 “(B) the State or qualified political sub-
15 division, or the designee of the State or quali-
16 fied political subdivision, assumes such rights
17 to, or ownership of, such materials; and

18 “(C) the State or qualified political sub-
19 division complies with any Federal or State law
20 or solid waste planning requirement to sepa-
21 rate, or divert at the point of generation, recy-
22 clable materials from solid waste for purposes
23 of recycling, reclamation, or reuse.

24 “(2) LIMITATION OF AUTHORITY REGARDING
25 NEED.—

1 “(A) A State or qualified political subdivi-
2 sion may designate a waste management facility
3 after the effective date of this section and exer-
4 cise flow control authority to that facility only
5 if, after conducting one or more public hear-
6 ings, the State or qualified political subdivi-
7 sion—

8 “(i) finds, on the basis of the record
9 developed at the hearing or hearings, that
10 it is necessary to exercise such flow control
11 authority to meet the current solid waste
12 management needs (as of the date of the
13 record) or the anticipated solid waste man-
14 agement needs of the State or qualified po-
15 litical subdivision;

16 “(ii) finds, on the basis of the record
17 developed at the hearing or hearings, that
18 such flow control authority is necessary to
19 provide short and long term integrated
20 solid waste management services in an eco-
21 nomically efficient and environmentally
22 sound manner, considering, among other
23 things, an analysis of the ability of the pri-
24 vate sector and public bodies to provide

1 such services with and without flow control
2 authority; and

3 “(iii) provides a written explanation of
4 the reasons for the findings described in
5 clauses (i) and (ii), which may include a
6 finding of a preferred waste management
7 method or methods for providing such inte-
8 grated solid waste management services.

9 “(B) The flow control authority of this sec-
10 tion shall remain in effect with respect to any
11 waste management facility until completion of
12 the schedule for payment of the capital costs of
13 the facility concerned (as in effect on May 15,
14 1994), or for the remaining useful life of the fa-
15 cility, or 10 years from the effective date of this
16 section, whichever is longer. At the end of such
17 period, the flow control authority shall continue
18 in effect for the waste management facility,
19 provided the State or qualified political subdivi-
20 sion complies with subparagraph (A) and sub-
21 section (c). For purposes of this paragraph, the
22 useful life of a waste management facility or
23 the schedule for payment of the capital cost of
24 the facility shall include any useful life exten-

1 sion or any new debt payment schedule that re-
2 sults when—

3 “(i) the designated waste management
4 facility is required to retrofit or otherwise
5 make significant modifications to meet ap-
6 plicable environmental requirements or
7 safety requirements;

8 “(ii) routine repair or scheduled re-
9 placements of existing equipment or com-
10 ponents of a designated waste management
11 facility is undertaken that does not add to
12 the capacity of the waste management fa-
13 cility; or

14 “(iii) a designated waste management
15 facility expands on land legally or equitably
16 owned, or under option to purchase or
17 lease, by the owner or operator of such fa-
18 cility and the applicable permit includes
19 such land.

20 “(C) Each State and each qualified politi-
21 cal subdivision meeting the requirements of
22 subsection (a)(1)(A) may redesignate without
23 regard to the requirements of paragraphs
24 (2)(A) and subsection (c).

1 “(D) Notwithstanding anything to the con-
2 trary in this section, paragraphs (2)(A) and
3 (2)(B) shall not apply to any State (or any of
4 its political subdivisions) that, on or before Jan-
5 uary 1, 1984, enacted regulations pursuant to
6 a State law that required or directed the trans-
7 portation, management, or disposal of solid
8 waste from residential, commercial, institutional
9 and industrial sources as defined by State law
10 to specific waste management facilities and ap-
11 plied those regulations to every political subdivi-
12 sion in the State.

13 “(3) LIMITATION ON SOLID WASTE CAT-
14 EGORIES.—The flow control authority granted by
15 this section shall apply only to the specific classes or
16 categories of flow controllable solid waste to which
17 the authority described in subsection (a)(1)(A) was
18 applied by the State or qualified political subdivision
19 before May 15, 1994, and to the specific classes or
20 categories of solid waste for which the State or
21 qualified political subdivision committed to designate
22 one or more waste management facilities as de-
23 scribed in subsection (a)(1)(B).

24 “(4) EXPIRATION OF AUTHORITY.—The flow
25 control authority granted in subsection (a)(1)(B)

1 shall expire if a State or qualified political subdivi-
2 sion has not designated a waste management facility
3 within 3 years after the date of enactment of this
4 section.

5 “(5) LIMITATION ON REVENUE.—A State or
6 qualified political subdivision may exercise the flow
7 control authority granted in this section only if the
8 State or qualified political subdivision limits the use
9 of any of the revenues it derives from the exercise
10 of such authority primarily to solid waste manage-
11 ment services.

12 “(c) COMPETITIVE DESIGNATION PROCESS.—

13 “(1) IN GENERAL.—A State or qualified politi-
14 cal subdivision may designate a waste management
15 facility only if the State or qualified political subdivi-
16 sion develops and implements a competitive designa-
17 tion process. The process shall—

18 “(A) ensure that the designation process is
19 based on, or is part of, a solid waste manage-
20 ment plan that is adopted by the State or quali-
21 fied political subdivision and that is designed to
22 ensure long-term management capacity for flow
23 controllable solid waste;

24 “(B) set forth the goals of the designation
25 process, including at a minimum—

1 “(i) capacity assurance;

2 “(ii) the establishment of provisions to
3 provide that protection of human health
4 and the environment will be achieved,
5 which may include a finding of a preferred
6 method or methods for providing solid
7 waste management services; and

8 “(iii) any other goals determined to be
9 relevant by the State or qualified political
10 subdivision;

11 “(C) ensure that the designation of each
12 facility is accomplished through an open com-
13 petitive process during which the State or quali-
14 fied political subdivision—

15 “(i) identifies in writing the criteria to
16 be utilized for selection of the facilities,
17 which shall not discriminate unfairly
18 against any particular waste management
19 facility, and shall not establish qualifica-
20 tions for selection that can only be met by
21 public bodies;

22 “(ii) provides a fair and equal oppor-
23 tunity for interested public persons and
24 private persons to offer their facilities for
25 designation;

1 “(iii) identifies and compares reason-
2 able and available waste management facil-
3 ity alternatives, options, and costs; and

4 “(iv) evaluates and selects the facili-
5 ties for designation based on the merits of
6 the facilities in meeting the criteria identi-
7 fied; and

8 “(D) provide for public participation and
9 comment; and

10 “(E) base the designation of each such fa-
11 cility on reasons that shall be stated in a public
12 record.

13 “(2) CERTIFICATION.—

14 “(A) IN GENERAL.—A Governor of any
15 State may certify that the laws and regulations
16 of the State in effect on May 15, 1994, satisfy
17 the requirements for a competitive designation
18 process under paragraph (1).

19 “(B) PROCESS.—In making a certification
20 under subparagraph (A), a Governor shall—

21 “(i) publish notice of the proposed
22 certification in a newspaper of general cir-
23 culation and provide such additional notice
24 of the proposed certification as may be re-
25 quired by State law;

1 “(ii) include in the notice of the pro-
2 posed certification or otherwise make read-
3 ily available a statement of the laws and
4 regulations subject to the certification and
5 an explanation of the basis for a conclusion
6 that the laws and regulations satisfy the
7 requirements of paragraph (1);

8 “(iii) provide interested persons an
9 opportunity to comment on the proposed
10 certification, for a period of time not less
11 than 60 days, after publication of the no-
12 tice; and

13 “(iv) publish notice of the final certifi-
14 cation, together with an explanation of the
15 basis for the final certification, in a news-
16 paper of general circulation and provide
17 such additional notice of the final certifi-
18 cation as may be required by State law.

19 “(C) APPEAL.—Within 120 days after
20 publication of the final certification under sub-
21 paragraph (B), any interested person may file
22 an appeal of the final certification in the United
23 States court of appeals for the circuit in which
24 the State is located for a judicial determination
25 that the certified laws and regulations do not

1 satisfy the requirements of paragraph (1) or
2 that the certification process did not satisfy the
3 procedural requirements of subparagraph (B).
4 The appeal shall set forth the specific reasons
5 for the appeal of the final certification.

6 “(D) LIMITATION TO RECORD.—Any judi-
7 cial proceeding brought under subparagraph
8 (C) shall be limited to the administrative record
9 developed in connection with the procedures de-
10 scribed in subparagraph (B).

11 “(E) COSTS OF LITIGATION.—In any judi-
12 cial proceeding brought under subparagraph
13 (C), the court shall award costs of litigation (in-
14 cluding reasonable attorney fees) to any prevail-
15 ing party whenever the court determines that
16 such award is appropriate.

17 “(F) LIMITATION OF REVIEW OF CERTIFI-
18 CATIONS.—If no appeal is taken under subpara-
19 graph (C) within 120 days after the publication
20 of the final certification, or if the final certifi-
21 cation by the Governor of any State is upheld
22 by the United States court of appeals and no
23 party seeks review by the Supreme Court (with-
24 in applicable time requirements), the final cer-

1 tification shall not otherwise be subject to judi-
2 cial review.

3 “(G) LIMITATION ON REVIEW OF DESIGNA-
4 TIONS.—Designations made after the final cer-
5 tification and pursuant to the certified laws and
6 regulations shall not be subject to judicial re-
7 view for failure to satisfy the requirements of
8 paragraph (1).

9 “(d) OWNERSHIP OF RECYCLABLE MATERIALS.—

10 “(1) PROHIBITION ON REQUIRED TRANS-
11 FERS.—Nothing in this section shall authorize any
12 State or qualified political subdivision, or any des-
13 ignee of the State or qualified political subdivision,
14 to require any generator or owner of recyclable ma-
15 terials to transfer any recyclable materials to such
16 State or qualified political subdivision unless the
17 generator or owner of the recyclable materials volun-
18 tarily made the materials available to the State or
19 qualified political subdivision and relinquished any
20 rights to, or ownership of, such materials.

21 “(2) OTHER TRANSACTIONS.—Nothing in this
22 section shall prohibit any person from selling, pur-
23 chasing, accepting, conveying, or transporting any
24 recyclable materials for purposes of transformation

1 or remanufacture into usable or marketable mate-
2 rials.

3 “(e) RETAINED AUTHORITY.—Upon the request of
4 any generator of solid waste affected by this section, the
5 State or qualified political subdivision may authorize the
6 diversion of all or a portion of the solid wastes generated
7 by the generator making such request to a waste manage-
8 ment facility, other than the facility or facilities originally
9 designated by the State or qualified political subdivision,
10 where the purpose of such request is to provide a higher
11 level of protection for human health and the environment
12 and reduce potential future liability under Federal or
13 State law of such generator for the management of such
14 wastes. Requests shall include information on the environ-
15 mental suitability of the proposed alternative waste man-
16 agement facility, compared to that of the designated facil-
17 ity. In making such a determination, the State or political
18 subdivision may consider the ability and willingness of
19 both the designated and alternative waste management fa-
20 cility to indemnify the generator against any cause of ac-
21 tion under State or Federal environmental statutes and
22 against any cause of action for nuisance, personal injury,
23 or property loss under any State law.

24 “(f) EXISTING LAWS AND CONTRACTS.—

1 “(1) IN GENERAL.—Except to the extent re-
2 quired to comply with paragraph (4) of this sub-
3 section, this section shall not supersede, abrogate, or
4 otherwise modify any of the following:

5 “(A) Any contract or other agreement (in-
6 cluding any contract containing an obligation to
7 repay the outstanding indebtedness on any pro-
8 posed or existing waste management facility)
9 entered into before May 15, 1994, by a State
10 or qualified political subdivision in which such
11 State or qualified political subdivision has des-
12 ignated a proposed or existing waste manage-
13 ment facility to receive flow controllable solid
14 waste.

15 “(B) Any other contract or agreement en-
16 tered into before May 15, 1994, for the trans-
17 portation, management or disposal of municipal
18 solid waste, incinerator ash from a solid waste
19 incineration unit, or construction debris or dem-
20 olition debris.

21 “(C) Any flow control measure of a State
22 or qualified political subdivision, adopted before
23 May 15, 1994, that designated a proposed or
24 existing waste management facility to receive
25 flow controllable solid waste.

1 “(2) CONTRACT INFORMATION.—A party to a
2 contract or other agreement that is described in
3 paragraph (A) or (B) of paragraph (1) shall provide
4 a copy of the contract or agreement to the State or
5 qualified political subdivision on request. Any propri-
6 etary information contained in the contract or agree-
7 ment may be omitted in the copy, but the informa-
8 tion that appears in the copy shall include at least
9 the date that the contract or agreement was signed,
10 the volume of flow controllable solid waste covered
11 by the contract or agreement with respect to which
12 the State or qualified political subdivision could oth-
13 erwise exercise authority under subsection (a) or
14 paragraph (1), the source of the waste or materials,
15 the destination of the waste or materials, the dura-
16 tion of the contract or agreement, and the parties to
17 the contract or agreement.

18 “(3) EFFECT ON INTERSTATE COMMERCE.—
19 Any contract or agreement described in subpara-
20 graph (A) or (B) of paragraph (1), and any flow
21 control measure described in subparagraph (C) of
22 paragraph (1), shall be considered to be a reasonable
23 regulation of commerce by a State or qualified politi-
24 cal subdivision, retroactive to the effective date of
25 the contract or agreement, or to the date of adoption

1 of any such flow control measure, and shall not be
2 considered to be an undue burden on or otherwise as
3 impairing, restraining, or discriminating against
4 interstate commerce.

5 “(4) LIMITATION.—Any designation by a State
6 or qualified political subdivision of any waste man-
7 agement facility after the date of enactment of this
8 section shall be made in compliance with subsections
9 (b) and (c). Nothing in this paragraph shall affect
10 any designation made before May 15, 1994, and any
11 such designation shall be deemed to satisfy the re-
12 quirements of subsections (b) and (c).

13 “(g) SAVINGS CLAUSE.—

14 “(1) FEDERAL OR STATE ENVIRONMENTAL
15 LAWS.—Nothing in this section is intended to super-
16 sede, amend, or otherwise modify Federal or State
17 environmental laws (including regulations) that
18 apply to the disposal or management of flow control-
19 lable solid waste at waste management facilities.

20 “(2) STATE LAW.—Nothing in this section shall
21 be interpreted to authorize a qualified political sub-
22 division to exercise the authority granted by this sec-
23 tion in a manner inconsistent with State law.

24 “(h) DEFINITIONS.—For purposes of this section
25 only, the following definitions apply:

1 “(1) COMMITTED TO DESIGNATE ONE OR MORE
2 WASTE MANAGEMENT FACILITIES.—The term ‘com-
3 mitted to designate one or more waste management
4 facilities’ means that a State or qualified political
5 subdivision was legally bound to designate one or
6 more waste management facilities or performed or
7 caused to be performed one or more of the following
8 actions for the purpose of designating one or more
9 such facilities:

10 “(A) Obtained all required permits for the
11 construction of such waste management facility
12 prior to May 15, 1994.

13 “(B) Executed contracts for the construc-
14 tion of such waste management facility prior to
15 May 15, 1994.

16 “(C) Presented revenue bonds for sale to
17 specifically provide revenue for the construction
18 of such waste management facility prior to May
19 15, 1994.

20 “(D) Submitted to the appropriate regu-
21 latory agency or agencies, on or before May 15,
22 1994, administratively complete permit applica-
23 tions for the construction and operation of such
24 waste management facility.

1 “(E) Formed a public authority or a joint
2 agreement among qualified political subdivi-
3 sions, pursuant to a law authorizing such for-
4 mation or agreement for the purposes of des-
5 ignating such facilities.

6 “(F) Executed a contract or agreement
7 that obligates or otherwise requires a State or
8 qualified political subdivision to deliver a mini-
9 mum quantity of flow controllable solid waste to
10 a waste management facility and that obligates
11 or otherwise requires the State or qualified po-
12 litical subdivision to pay for that minimum
13 quantity of flow controllable solid waste even if
14 the stated minimum quantity of such waste is
15 not delivered within a required timeframe, oth-
16 erwise commonly known as a ‘put or pay agree-
17 ment’.

18 “(G) Adopted prior to May 15, 1994, pur-
19 suant to a State statute that specifically de-
20 scribed the method for designating by solid
21 waste management districts, a resolution of pre-
22 liminary designation that specifies criteria and
23 procedures for soliciting proposals to designate
24 such facilities after having completed a public
25 notice and comment period.

1 “(H) Adopted prior to May 15, 1994, pur-
2 suant to a State statute that specifically de-
3 scribed the method for designating by solid
4 waste management districts, a resolution of in-
5 tent to establish designation with a list of facili-
6 ties for which designation is intended.

7 “(2) DESIGNATION; DESIGNATE.—The terms
8 ‘designate’, ‘designated’, ‘designation’, or ‘designat-
9 ing’ mean to identify a specific waste management
10 facility to which flow controllable solid waste must
11 be delivered. Such terms include put or pay agree-
12 ments of the type described in paragraph (1)(F).

13 “(3) EXISTING WASTE MANAGEMENT FACIL-
14 ITY.—The term ‘existing waste management facility’
15 means a waste management facility that has been
16 designated and was under construction or in oper-
17 ation as of May 15, 1994.

18 “(4) FLOW CONTROL AUTHORITY.—The term
19 ‘flow control authority’ means the authority to des-
20 ignate one or more waste management facilities and
21 require the delivery of flow controllable solid waste
22 to such facilities.

23 “(5) FLOW CONTROL MEASURE.—The term
24 ‘flow control measure’ shall mean a law, ordinance,

1 regulation, solid waste management plan, or legally
2 binding provision.

3 “(6) FLOW CONTROLLABLE SOLID WASTE.—
4 The term ‘flow controllable solid waste’ shall mean
5 any or all of the following materials generated within
6 the boundaries of the State or qualified political sub-
7 division exercising authority under this section: mu-
8 nicipal solid waste; incinerator ash from a solid
9 waste incineration unit; construction debris and
10 demolition debris; and, voluntarily relinquished recy-
11 clable materials.

12 “(7) INDUSTRIAL SOLID WASTE.—The term ‘in-
13 dustrial solid waste’ means solid waste generated by
14 manufacturing or industrial processes, including
15 waste generated during scrap processing and scrap
16 recycling, that is not hazardous waste regulated
17 under subtitle C. The term does not include municipi-
18 pal solid waste specified in paragraph (8)(A)(iii).

19 “(8) MUNICIPAL SOLID WASTE.—

20 “(A) IN GENERAL.—The term ‘municipal
21 solid waste’ means—

22 “(i) any solid waste discarded by a
23 household, including a single or multifam-
24 ily residence;

1 “(ii) any solid waste that is discarded
2 by a commercial, institutional, or industrial
3 source;

4 “(iii) residue remaining after recyclable
5 materials have been separated or diverted
6 from municipal solid waste described
7 in clause (i) or (ii);

8 “(iv) any waste material or waste substance
9 removed from a septic tank, septic
10 pit, or cesspool, other than from portable
11 toilets; and

12 “(v) conditionally exempt small quantity
13 generator waste under section 3001(d),
14 if it is collected, processed or disposed with
15 other municipal solid waste as part of municipal
16 solid waste services.

17 “(B) EXCLUSIONS.—The term ‘municipal
18 solid waste’ shall not include any of the following:
19 ing:

20 “(i) Hazardous waste required to be
21 managed in accordance with subtitle C
22 (other than waste described in subparagraph
23 (A)(v)), solid waste containing polychlorinated
24 biphenyl regulated under the
25 Toxic Substances Control Act (15 U.S.C.

1 2601 et seq.), or medical waste listed in
2 section 11002.

3 “(ii)(I) A recyclable material.

4 “(II) A material or a product re-
5 turned from a dispenser or distributor to
6 the manufacturer or the agent of the man-
7 ufacturer for credit, evaluation, or reuse
8 unless such material or product is dis-
9 carded or abandoned for collection, dis-
10 posal or combustion.

11 “(III) A material or product that is
12 an out-of-date or unmarketable material or
13 product, or is a material or product that
14 does not conform to specifications, and
15 that is returned to the manufacturer or the
16 agent of the manufacturer for credit, eval-
17 uation, or reuse unless such material or
18 product is discarded or abandoned for col-
19 lection, disposal or combustion.

20 “(iii) Any solid waste (including con-
21 taminated soil and debris) resulting from a
22 response action taken under section 104 or
23 106 of the Comprehensive Environmental
24 Response, Compensation, and Liability Act

1 of 1980 (42 U.S.C. 9604 or 9606) or a
2 corrective action taken under this Act.

3 “(iv)(I) Industrial solid waste.

4 “(II) Any solid waste that is gen-
5 erated by an industrial facility and trans-
6 ported for the purpose of containment,
7 storage, or disposal to a facility that is
8 owned or operated by the generator of the
9 waste, or a facility that is located on prop-
10 erty owned by the generator.

11 “(9) PROPOSED WASTE MANAGEMENT FACIL-
12 ITY.—The term ‘proposed waste management facil-
13 ity’ means a waste management facility that has
14 been designated, but that was not under construc-
15 tion, as of May 15, 1994.

16 “(10) QUALIFIED POLITICAL SUBDIVISION.—
17 The term ‘qualified political subdivision’ means a
18 governmental entity or political subdivision of a
19 State, as authorized by the State, to plan for, or de-
20 termine the methods to be utilized for, the collection,
21 transportation, disposal or other management of
22 flow controllable solid waste generated within the
23 boundaries of the area served by the governmental
24 entity or political subdivision.

1 “(11) RECYCLABLE MATERIAL.—The term ‘re-
2 cyclable material’ means any material (including any
3 metal, glass, plastic, textile, wood, paper, rubber, or
4 other material) that has been separated or diverted
5 at the point of generation from solid waste for the
6 purpose of recycling, reclamation, or reuse.

7 “(12) REDESIGNATE.—The term ‘redesignate’
8 shall mean to designate from an existing or proposed
9 waste management facility to any other existing or
10 proposed waste management facility.

11 “(13) SOLID WASTE MANAGEMENT PLAN.—The
12 term ‘solid waste management plan’ means a plan
13 for the transportation, treatment, processing,
14 composting, combustion, disposal or other manage-
15 ment of flow controllable solid waste, adopted by a
16 State or qualified political subdivision pursuant to
17 and conforming with State law.

18 “(14) WASTE MANAGEMENT FACILITY.—The
19 term ‘waste management facility’ means any facility
20 or facilities in which flow controllable solid waste is
21 separated, stored, transferred, treated, processed,
22 combusted, deposited or disposed.”.

23 **SEC. 3. TABLE OF CONTENTS AMENDMENT.**

24 The table of contents in section 1001 of the Solid
25 Waste Disposal Act (42 U.S.C. prec. 6901) is amended

- 1 by adding after the item relating to section 4010 the fol-
- 2 lowing new item:

“Sec. 4011. Congressional authorization of State and local flow control authority
over solid waste.”.



HR 1085 IH——2