

104TH CONGRESS  
2D SESSION

# H. R. 4049

To permit States to prohibit the disposal of solid waste imported from other nations.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 1996

Mr. GILLMOR introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To permit States to prohibit the disposal of solid waste imported from other nations.

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. DISPOSAL OF SOLID WASTE IMPORTED FROM**

4 **OTHER NATIONS.**

5 (a) IN GENERAL.—Subtitle A of the Solid Waste Dis-  
6 posal Act (42 U.S.C. 6901 et seq.) is amended by adding  
7 after section 1008 the following new section:

1 **“SEC. 1009. DISPOSAL OF SOLID WASTE IMPORTED FROM**  
2 **OTHER NATIONS.**

3 “(a) BAN ON DISPOSAL OF FOREIGN SOLID  
4 WASTE.—After the date of enactment of this section, any  
5 State may prohibit the disposal in that State of any solid  
6 waste imported into the United States from any foreign  
7 country.

8 “(b) EXEMPTION.—(1) No State prohibition under  
9 subsection (a) shall apply to any solid waste received at  
10 a solid waste disposal facility pursuant to an existing host  
11 community agreement if—

12 “(A) the agreement specifically authorizes the  
13 owner or operator of the facility at which such waste  
14 is received to accept foreign solid waste; and

15 “(B) the owner or operator complies with all of  
16 the terms and conditions of the host community  
17 agreement.

18 The owner or operator shall provide a copy of the host  
19 community agreement, within 90 days after the enactment  
20 of this Act, to the State and affected local government  
21 and make such a copy available for inspection by the pub-  
22 lic in the affected local community.

23 “(2) REQUIREMENT FOR COMPLIANCE WITH CER-  
24 TAIN REQUIREMENTS.—The exemption under this sub-  
25 section shall not apply to a solid waste disposal facility  
26 in operation on the date of the enactment of this section

1 if the State determines that the facility was not in compli-  
2 ance as of such date with applicable Federal and State  
3 laws and regulations relating to facility operation and de-  
4 sign and—

5           “(A) in the case of landfills, facility location  
6 standards, leachate collection standards, ground-  
7 water monitoring standards, and standards for fi-  
8 nancial assurance and for closure and post-closure  
9 and corrective action, or

10           “(B) in the case of incinerators, the applicable  
11 requirements of section 129 of the Clean Air Act (42  
12 U.S.C. 7429),

13 and that such noncompliance constitutes a threat to  
14 human health or the environment.

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

16           “(1) AFFECTED LOCAL GOVERNMENT.—For  
17 any solid waste disposal facility, the term ‘affected  
18 local government’ shall mean—

19           “(A) the public body authorized by State  
20 law to plan for the management of solid waste,  
21 a majority of the members of which are elected  
22 officials, for the area in which the landfill or in-  
23 cinerator is located or proposed to be located,  
24 or

1           “(B) if there is no such body created by  
2           State law, the elected officials of the city, town,  
3           township, borough, county, or parish exercising  
4           primary responsibility for the use of land on  
5           which the facility is located or proposed to be  
6           located.

7           “(2) HOST COMMUNITY AGREEMENT.—The  
8           term ‘host community agreement’ means a written,  
9           legally binding agreement, lawfully entered into be-  
10          tween an owner or operator of a solid waste disposal  
11          facility and an affected local government, that spe-  
12          cifically authorizes the facility to receive foreign  
13          solid waste.

14          “(3) EXISTING HOST COMMUNITY AGREE-  
15          MENT.—The term ‘existing host community agree-  
16          ment’ means a host community agreement that is in  
17          effect as of the date of the enactment of this section.

18          “(4) FOREIGN SOLID WASTE.—The term ‘for-  
19          eign waste’, means waste generated outside of the  
20          United States.

21          “(5) SPECIFIC AUTHORIZATION.—For purposes  
22          of this section, the term ‘specifically authorizes’ re-  
23          fers to an explicit authorization, contained in a host  
24          community agreement or permit, to accept for dis-  
25          posal waste from outside the United States. The lan-

1 guage for such authorization may vary as long as it  
2 reasonably evidences such approval or consent. The  
3 term shall not include general references to the re-  
4 ceipt of waste from outside the jurisdiction of the af-  
5 fected local government.”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is  
8 amended by adding after the item relating to section 1008  
9 the following new item:

“Sec. 1009. Disposal of solid waste imported from other nations.”.

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