

103^D CONGRESS
1ST SESSION

H. R. 1357

To authorize each State to control the movement of municipal waste generated within the State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1993

Mr. McMILLAN introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To authorize each State to control the movement of municipal waste generated within the State, 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 “Municipal Solid Waste
5 Flow Control Act”.

6 **SEC. 2. CONGRESSIONAL AUTHORIZATION OF STATE CON-**
7 **TROL OVER MOVEMENT OF MUNICIPAL**
8 **WASTE.**

9 (a) **AUTHORITY.**—Subject to subsection (b), each
10 State is authorized—

1 (1) to direct, limit, regulate, or prohibit the
2 movement of municipal waste generated within the
3 boundaries of such State; and

4 (2) to designate the waste management facility
5 or facilities to which municipal waste generated
6 within the boundaries of the State must be trans-
7 ported.

8 (b) LIMITATIONS.—(1) A State may exercise the au-
9 thority provided by subsection (a) only if both of the fol-
10 lowing conditions are met:

11 (A) Recyclable materials will be removed from
12 the municipal waste in accordance with State munic-
13 ipal waste planning requirements through separation
14 at the source or at a facility or facilities, unless the
15 political subdivision (or subdivisions) in which the
16 municipal waste is generated is exempt from recy-
17 cling requirements in the State municipal waste
18 plan.

19 (B) Each waste management facility to be des-
20 ignated by the State is in compliance with all appli-
21 cable Federal and State environmental laws and reg-
22 ulations.

23 (2) No State may prohibit a person from selling, con-
24 veying, or arranging for the transportation of recyclable
25 materials owned by such person that have been separated

1 from municipal waste. A State may require such a person
2 to report the volumes and types of recyclable materials to
3 the State for the purpose of assuring compliance with
4 mandated recyclable material diversion rates.

5 (c) POLITICAL SUBDIVISIONS.—A State may author-
6 ize political subdivisions of the State to exercise the au-
7 thority provided by subsection (a), subject to the limita-
8 tions in subsection (b).

9 **SEC. 3. DEFINITIONS.**

10 For purposes of this Act:

11 (1) The term “municipal waste” means refuse
12 (and refuse-derived fuel) generated by the general
13 public and from residential, commercial, institu-
14 tional, and industrial sources, consisting of paper,
15 wood, yard wastes, plastics, leather, rubber, and
16 other combustible materials and noncombustible ma-
17 terials such as metal and glass, including residue re-
18 maining after recyclable materials have been sepa-
19 rated. The term does not include—

20 (A) any waste identified or listed as a haz-
21 ardous waste under section 3001 of the Solid
22 Waste Disposal Act (42 U.S.C. 6921);

23 (B) any waste, including contaminated soil
24 and debris, resulting from response action
25 taken under section 104 or 106 of the Com-

1 prehensive Environmental Response, Compensa-
2 tion, and Liability Act of 1980 (42 U.S.C. 9602
3 or 9606) or a corrective action taken under that
4 Act;

5 (C) any separated metal, pipe, glass, plas-
6 tic, paper, textile, or other material that has
7 been removed or otherwise diverted from munic-
8 ipal waste for the purposes of recycling or rec-
9 lamation; and

10 (D) any solid waste that is generated by
11 an industrial facility and transported for the
12 purpose of containment, storage, or disposal to
13 a facility that is owned or operated by the gen-
14 erator of that waste, or is located on property
15 owned by the generator or a company with
16 which the operator is affiliated.

17 (2) The term “recyclable materials” means any
18 metal, pipe, glass, plastic, textile, or other material
19 that has been separated or otherwise diverted from
20 municipal waste for the purpose of reclamation, re-
21 manufacture, or reuse.

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

