

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

# H. R. 599

To amend the Resource Conservation and Recovery Act to improve procedures for the implementation of State compacts providing for the establishment and operation of regional disposal facilities for municipal and industrial solid waste, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1993

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

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## A BILL

To amend the Resource Conservation and Recovery Act to improve procedures for the implementation of State compacts providing for the establishment and operation of regional disposal facilities for municipal and industrial 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 **SEC. 101. SHORT TITLE.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Solid Waste Compact Act of 1993”.

1 **SEC. 102. AMENDMENT TO THE RESOURCE CONSERVATION**  
2 **AND RECOVERY ACT.**

3 The Resource Conservation and Recovery Act (42  
4 U.S.C. 6903) is amended by inserting at the end of section  
5 6903 the following:

6 “(40) COMPACT—The term ‘compact’ means a com-  
7 pact entered into by two or more States pursuant to this  
8 act.

9 “(41) COMPACT COMMISSION—The term ‘compact  
10 commission’ means the regional commission, committee,  
11 or board established in a compact to administer such com-  
12 pact.

13 “(42) COMPACT REGION—The term ‘compact region’  
14 means the area consisting of all States that are members  
15 of the compact.

16 “(43) SOLID WASTE DISPOSAL—The term ‘solid  
17 waste disposal’ means the recycling, incinerating,  
18 landfilling, or burning of solid waste pursuant to the re-  
19 quirements established by the Environmental Protection  
20 Agency, or any State environmental agency in which a  
21 compact is physically located.

22 “(44) NON-SITED COMPACT REGION—The term  
23 ‘non-sited compact region’ means any compact region that  
24 is not a sited compact region.

25 “(45) REGIONAL DISPOSAL FACILITY—The term ‘re-  
26 gional disposal facility’ means a non-Federal municipal or

1 solid waste disposal facility in operation January 1, 1993,  
2 or subsequently established and operated under a com-  
3 pact.

4 “(46) SOLID WASTE—The term ‘solid waste’ pertains  
5 to any nonhazardous waste generated by a municipality,  
6 industry, or community.

7 “(47) STATE—The term ‘State’ means any State of  
8 the United States, the District of Columbia, and the Com-  
9 monwealth of Puerto Rico.”.

10 SEC. 103. The Resource Conservation and Recovery  
11 Act (42 U.S.C. 6904) is amended by striking subsections  
12 (a) and (b) and inserting in lieu thereof the following:

13 “(a) STATE RESPONSIBILITIES.—Each State shall be  
14 responsible for providing, either by itself or in cooperation  
15 with other states, a plan to adequately dispose of all solid  
16 waste that is generated within their state. Within 12  
17 months of the enactment of the Solid Waste Compact Act  
18 of 1993 each State shall submit their plan to the United  
19 States Environmental Protection agency for approval.

20 “(b) REGIONAL COMPACTS FOR SOLID WASTE DIS-  
21 POSAL.—(1) IN GENERAL.—

22 “(A) FEDERAL POLICY.—It is the policy of the  
23 Federal Government that the responsibilities of the  
24 States under section (a) for the disposal of solid

1 waste can be most safely and effectively managed on  
2 a regional basis.

3 “(B) INTERSTATE COMPACTS.—To carry out  
4 the policy set forth in paragraph (A) the States may  
5 enter into such compacts as may be necessary to  
6 provide for the establishment and operation of re-  
7 gional disposal facilities for solid waste.

8 “(2) APPLICABILITY TO FEDERAL ACTIVITIES.—

9 “(A) EFFECT OF COMPACTS ON FEDERAL  
10 LAW.—Nothing contained in this Act or any compact  
11 may be construed to confer any new authority on  
12 any compact commission or State—

13 “(i) to regulate the packaging, generation,  
14 treatment, storage, disposal, or transportation  
15 of solid waste in a manner incompatible with  
16 the regulations of the Environmental Protection  
17 Agency or inconsistent with the Department of  
18 Transportation;

19 “(ii) to regulate health, safety, or environ-  
20 mental hazards from source or byproduct mate-  
21 rial.

22 “(B) FEDERAL AUTHORITY.—Except as ex-  
23 pressly provided in this Act, nothing contained in  
24 this act or any compact may be construed to limit  
25 the applicability of any Federal law or to diminish

1 or to otherwise impair the jurisdiction of any action  
2 taken pursuant to any compact.

3 “(C) STATE AUTHORITY PRESERVED.—Except  
4 as expressly provided in this Act, nothing contained  
5 in this Act expands, diminishes, or otherwise affects  
6 State law.

7 “(3) RESTRICTED USE OF REGIONAL SOLID WASTE  
8 DISPOSAL FACILITIES.—Any authority in a compact to re-  
9 strict the use of regional solid waste disposal facilities  
10 under the compact to the disposal of solid waste generated  
11 within the compact region shall not take effect before each  
12 of the following occurs:

13 “(1) January 1, 1995; and

14 “(2) the Congress by law consents to the com-  
15 pact.

16 “(4) CONGRESSIONAL REVIEW.—Each compact shall:  
17 *Provide*, That every 5 years after the compact has taken  
18 effect the Congress may by law withdraw its consent.

19 “(c) ALTERNATIVE SOLID WASTE DISPOSAL  
20 METHODS.—

21 “(1) Not later than 12 months after the date  
22 of enactment of the Solid Waste Compact Act of  
23 1993, the Environmental Protection Agency shall, in  
24 consultation with the States and other interested  
25 persons, identify potential alternative management

1 programs for the control of solid waste, and estab-  
2 lish and publish technical guidance regarding the  
3 implementation of such programs.

4 “(2) Not later than 24 months after the date  
5 of the enactment of the Solid Waste Compact Act of  
6 1993, the Environmental Protection Agency shall, in  
7 consultation with the States and other interested  
8 persons, identify and publish all relevant technical  
9 information regarding the technologies pursuant to  
10 subsection (1) that a State or compact must provide  
11 to the Agency in order to pursue such programs, to-  
12 gether with the requirements that such facilities  
13 must meet, in the judgment of the Agency, if pur-  
14 sued as an alternative to traditional solid waste  
15 management.

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