

103^D CONGRESS
1ST SESSION

S. 822

To amend the Solid Waste Disposal Act to provide for State management of solid waste; to reduce and regulate the interstate transportation of solid wastes; and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27 (legislative day, APRIL 19), 1993

Mr. BREAUX introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Solid Waste Disposal Act to provide for State management of solid waste; to reduce and regulate the interstate transportation of solid wastes; 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 TITLE I—GENERAL AMENDMENTS

4 **SEC. 101. SHORT TITLE.**

5 This Act may be cited as the “State Regulation and
6 Management of Solid Waste Act of 1993”.

1 **SEC. 102. CONGRESSIONAL FINDINGS.**

2 (a) Section 1002(a)(4) of the Solid Waste Disposal
3 Act is amended to read as follows:

4 “(4) that while the collection and disposal of
5 solid waste should continue to be primarily the func-
6 tion of State, regional and local agencies, the prob-
7 lems of waste disposal as set forth have become a
8 matter national in scope and in concern and neces-
9 sitate Federal action through—

10 “(A) requirements that each State develop
11 a program for the management and disposal of
12 solid waste generated within each State over the
13 next twenty years;

14 “(B) authorizing each State to restrict the
15 importation of solid waste from a State of ori-
16 gin for purposes of solid waste management
17 other than transportation; and

18 “(C) financial and technical assistance and
19 leadership in the development, demonstration,
20 and application of new and improved methods
21 and processes to reduce the amount of waste
22 and unsalvageable materials and to provide for
23 proper and economical solid waste disposal
24 practices.”.

25 (b) Section 1002(b) of the Solid Waste Disposal Act
26 is amended as follows:

1 (1) strike the word “and” at the end of para-
2 graph (7);

3 (2) paragraph (8) is amended to read as fol-
4 lows:

5 “(8) alternatives to existing methods of land
6 disposal must be developed since it is estimated that
7 80 per centum of all permitted landfills will close in
8 twenty years; and”

9 (3) add the following after paragraph (8):

10 “(9) solid waste is being transported long dis-
11 tances across country for purposes of solid waste
12 management and, in some cases, in the same vehi-
13 cles that carry consumer goods. Such practices are
14 harmful to the public health and measures should be
15 adopted to ensure public health is protected when
16 such goods are transported in the same vehicles as
17 solid waste is transported.”.

18 **SEC. 103. OBJECTIVES AND NATIONAL POLICY.**

19 (a) Section 1003(a)(1) of the Solid Waste Disposal
20 Act is amended to read as follows:

21 “(1) assuring that each State has a program to
22 manage solid waste generated within its borders, and
23 by providing technical and financial assistance to
24 State and local governments and interstate agencies
25 for the development of solid waste management

1 plans (including recycling, resource recovery, and re-
2 source conservation systems) which will promote im-
3 proved solid waste management techniques (includ-
4 ing more effective organization arrangements), new
5 and improved methods of collection, separation, and
6 recovery of solid waste, and the environmentally safe
7 disposal of nonrecoverable residues.”.

8 (b) Section 1003(a) of the Solid Waste Disposal Act
9 is further amended by:

10 (1) striking “and” at the end of paragraph
11 (10);

12 (2) striking the period at the end of paragraph
13 (11) and insert in lieu thereof a semicolon; and

14 (3) adding the following new paragraphs:

15 “(12) promoting the use of regional and inter-
16 state agreements for economically efficient and envi-
17 ronmentally sound solid waste management prac-
18 tices, and for construction and operation of solid
19 waste recycling and resource recovery facilities; and

20 “(13) promoting recycling and resource recov-
21 ery of solid waste through the development of mar-
22 kets for recycled products and recovered resources.”.

23 **SEC. 104. DEFINITIONS.**

24 (a) Section 104 of the Solid Waste Disposal Act is
25 amended by adding at the end thereof:

1 “(40) The term ‘recycling’ means any use,
2 reuse or reclamation of a solid waste.

3 “(41) The term ‘State of origin’ means any
4 State that authorizes a person to transport solid
5 waste generated within its borders to a State of final
6 destination for purposes of solid waste management
7 other than transportation.

8 “(42) The term ‘State of final destination’
9 means any State that authorizes a person to trans-
10 port solid waste from a State of origin into such
11 State for purposes of solid waste management other
12 than transportation.”.

13 (b) Section 1004(12) of the Solid Waste Disposal Act
14 is amended to read as follows:

15 “(12) The term ‘manifest’ means the form used
16 for identifying the quantity, composition, and the or-
17 igin, routing, and destination of solid and hazardous
18 waste during its transportation from the point of
19 generation to the point of disposal, treatment, stor-
20 age, recycling, and resource recovery.”.

21 (c) Section 1004(28) is amended by inserting “recy-
22 cling, resource recovery,” before the term “treatment.”.

23 (d) Section 1004(29)(C) is amended by inserting “re-
24 cycling,” before the term “treatment.”.

1 (e) For purposes of this Act only, the term “solid
2 waste” means refuse (or refuse-derived fuel) collected
3 from the general public more than 30 per centum of which
4 consists of paper, wood, yard wastes, food waste, plastics,
5 leather, rubber, and other combustible materials and
6 noncombustible materials such as glass and metal includ-
7 ing household wastes, sludge and waste from institutional,
8 commercial, and industrial sources, but does not include
9 industrial process wastes or medical wastes, or any “haz-
10 ardous waste” or “hazardous substance” as defined in the
11 Resource Conservation and Recovery Act and in the Com-
12 prehensive Environmental Response, Compensation and
13 Liability Act (Public Law 96–570).

14 TITLE II—STATE SOLID WASTE MANAGEMENT
15 PLANS

16 **SEC. 201. OBJECTIVES OF SUBTITLE D.**

17 (a) The first two sentences of section 4001 of the
18 Solid Waste Disposal Act are amended to read as follows:
19 “The objectives of this subtitle are to reduce to the maxi-
20 mum extent practicable the amount of solid waste gen-
21 erated and disposed of during the twenty-year period fol-
22 lowing the date of enactment of this Act by requiring each
23 State to develop a program which will meet the aforemen-
24 tioned standards, and which—

1 “(1) first, reduces the amount of solid waste
2 generated in the State and encourages resource con-
3 servation; and

4 “(2) second, facilitates the recycling of solid
5 waste and the utilization of valuable resources, in-
6 cluding energy and materials which are recoverable
7 from solid waste.

8 “(b) Such objectives are to be accomplished through
9 Federal guidelines and technical and financial assistance
10 to States; encouragement of cooperation among Federal,
11 State, and local governments and private individuals and
12 industry; encouragement of States to enter into interstate
13 or regional agreements to facilitate environmentally sound
14 and efficient solid waste management; and through ap-
15 proval and oversight of the implementation of solid waste
16 management plans.”.

17 **SEC. 202. STATE SOLID WASTE MANAGEMENT PLANS.**

18 (a) Section 4003(a) of the Solid Waste Disposal Act
19 is amended by—

20 (1) inserting before the first sentence the fol-
21 lowing new sentence: “Upon the expiration of one
22 hundred and eighty days after the date of approval
23 of a State’s Solid Waste Management Plan required
24 by this section or upon the date a State plan be-
25 comes effective pursuant to section 4007(d), it shall

1 be unlawful for a person to manage solid waste with-
2 in that State, to transport solid waste generated in
3 that State to a State of final destination, and to ac-
4 cept solid waste from a State of origin for purposes
5 of solid waste management other than transpor-
6 tation unless such activities are authorized and con-
7 ducted pursuant to the provisions of the approved
8 plan.”, and

9 (2) striking in the first sentence thereof “each
10 State plan must comply with the following minimum
11 requirements” and inserting in lieu thereof “each
12 State Solid Waste Management Plan must comply
13 with the following minimum requirements”.

14 (b) Section 4003(a) is further amended by amending
15 paragraphs 4003(a) (5) and (6) to read as follows:

16 “(5) The plan shall identify the quantities,
17 types, sources, and characteristics of solid wastes
18 that are reasonably expected to be generated within
19 the State or transported to the State from a State
20 of origin during each of the ensuing twenty years
21 following the date of enactment of this Act and that
22 are reasonably expected to be managed within the
23 State during each of the ensuing twenty years.

24 “(6) The plan shall provide that the State act-
25 ing directly, through authorized persons, or through

1 interstate or regional agreements, shall ensure the
2 availability of solid waste management capacity to
3 manage the solid waste identified in paragraph (5)
4 in a manner that is environmentally sound and that
5 meets the objectives of this subtitle as defined in
6 section 4001.”.

7 (c) Section 4003(a) of the Solid Waste Disposal Act
8 is further amended by adding the following new para-
9 graphs at the end thereof:

10 “(7) When identifying the amount of solid
11 waste management capacity necessary to manage the
12 solid waste identified in paragraph (5), the State
13 shall take into account solid waste management
14 agreements in effect upon the date of enactment of
15 this Act that exist between a person operating within
16 such State and any person in a State or States con-
17 tiguous with such State.

18 “(8) The plan shall provide for the identifica-
19 tion and annual certification to the Administrator of
20 how the State has met the objectives of this subtitle
21 as defined in section 4001 and that the State has
22 issued permits consistent with all the requirements
23 of this Act for capacity sufficient to manage the
24 solid waste identified in paragraph (5) of this section
25 for the ensuing five-year period and that the State

1 has identified and approved the sites for capacity
2 identified in paragraph (5) of this section for the en-
3 suing eight-year period.

4 “(9) The plan shall provide that all solid waste
5 management facilities located in the State meet all
6 applicable Federal and State laws and for the enact-
7 ment of such State and local laws as may be nec-
8 essary to fulfill the purposes of this Act.

9 “(10) The plan shall provide for a program that
10 requires all solid waste management facilities located
11 or operating in the State to register with the State
12 and that only registered facilities may manage solid
13 waste identified in paragraph (5). Such registration
14 shall at a minimum include the name and address
15 of the owner and operator of the facility; the address
16 of the solid waste management facility; the type of
17 solid waste management used at the facility; and the
18 amounts, types and sources of waste to be managed
19 by the facility.

20 “(11) The plan shall provide for technical and
21 financial assistance to local communities to meet the
22 requirement of the plan.

23 “(12) The plan shall specify the conditions
24 under which the State will authorize a person to ac-
25 cept solid waste from a State of origin for purposes

1 of solid waste management other than transpor-
2 tation, and ensure that such waste is managed in ac-
3 cordance with the plan and that acceptance of such
4 waste will not impede the ability of the State of final
5 destination to manage solid waste generated within
6 its borders.”.

7 (d) Section 4006 of the Solid Waste Disposal Act is
8 amended by adding the following new subsection:

9 “(d) SUBMISSION OF PLANS.—Not later than four
10 years after the date of enactment of this Act, each State
11 shall, after consultation with the public, other interested
12 parties, and local governments, submit to the Adminis-
13 trator for approval a plan that complies with the require-
14 ments of section 4003(a) of this Act.”.

15 (e) Section 4007(a)(1) of the Solid Waste Disposal
16 Act is amended to read as follows: “(1) it meets the re-
17 quirements of section 4003(a);”.

18 (f) Section 4007(a) is amended by deleting the period
19 at the end of clause (C) and inserting in lieu thereof a
20 semicolon and the word “and”, and by adding the follow-
21 ing new paragraph at the end thereof:

22 “(3) it furthers the objectives of section 4001
23 of this Act.”.

24 (g) The third sentence of section 4007(a) is amended
25 to read as follows: “Upon receipt of each State’s certifi-

1 cation required by section 4003(a)(8), the Administrator
 2 shall determine whether the approved plan is in compli-
 3 ance with the provisions of section 4003, and if he deter-
 4 mines that revision or corrections are necessary to bring
 5 such plan into compliance with the minimum requirements
 6 promulgated under section 4003 (including new or revised
 7 requirements), he shall, after notice and opportunity for
 8 public hearing, withhold per his approval of such plan.”.

9 (h) Section 4007 is amended by adding the following
 10 new paragraph at the end thereof:

11 “(d) FAILURE OF THE ADMINISTRATOR TO ACT ON
 12 A STATE PLAN.—If the Administrator fails to approve or
 13 disapprove a plan within eighteen months after a State
 14 plan has been submitted for approval the State plan as
 15 submitted shall go into effect at the expiration of eighteen
 16 months after the plan was submitted. The plan shall re-
 17 main in effect as submitted and subject to review by the
 18 Administrator and revision in accordance with section
 19 4007(a).”.

20 TITLE III—INTERSTATE TRANSPORT OF WASTE

21 **SEC. 301. AUTHORITY OF STATES TO CONTROL INTER-**

22 **STATE SHIPMENT OF SOLID WASTE.**

23 (a) Subtitle D of the Solid Waste Disposal Act is
 24 amended by adding at the end thereof the following new
 25 sections:

1 “SEC. 4011. (a) AUTHORITY TO RESTRICT INTER-
2 STATE TRANSPORT OF SOLID WASTE.—Upon the expira-
3 tion of one hundred and eighty days after the date the
4 Administrator has approved a Solid Waste Management
5 Plan required by section 4003, or after the date a State
6 plan becomes effective in accordance with section 4007(d),
7 such State with an approved or effective State plan is au-
8 thorized to prohibit or restrict a person from importing
9 solid waste from a State of origin for purposes of solid
10 waste management (other than transportation). A State
11 may authorize a person to import solid waste from a State
12 of origin for purposes of solid waste management (other
13 than transportation) only in accordance with the provi-
14 sions of section 4003(a)(12).

15 “(b) Each State is authorized to levy fees on solid
16 waste that differentiate rates or other aspects of payment
17 on the basis of solid waste origin. At least 50 per centum
18 of the revenues received from such fees collected shall be
19 allocated by the State to the local government in whose
20 jurisdiction the solid waste will be managed. Such fees
21 shall be used by such local governments for the purpose
22 of carrying out provisions of an approved plan.”.

1 TITLE IV—FINANCIAL ASSISTANCE

2 **SEC. 401. FEDERAL ASSISTANCE.**

3 (a) Section 4008(a)(1) of the Solid Waste Disposal
4 Act is amended by adding at the end thereof the following
5 new sentence: “In addition, there are authorized to be ap-
6 propriated for each of the fiscal years 1992, 1993, and
7 1994, \$100,000,000 for such purposes set forth in the
8 preceding sentence.”.

9 (b) Section 4008(a)(2) is amended by adding the fol-
10 lowing new subsection at the end thereof:

11 “(E) There are authorized to be appro-
12 priated \$25,000,000 for each of the fiscal years
13 1992 through 1994 for the purposes of provid-
14 ing grants to States for the encouragement of
15 recycling, resource recovery, and resource con-
16 servation activities. Such activities shall include
17 licensing and construction of recycling, resource
18 recovery and resource conservation facilities
19 within the State and the development of mar-
20 kets for recycled products.”.

21 **SEC. 402. RURAL COMMUNITIES ASSISTANCE.**

22 (a) Section 4009(d) of the Solid Waste Disposal Act
23 is amended by adding at the end thereof the following new
24 sentence: “In addition, there are authorized to be appro-

1 priated for each of the fiscal years 1992, 1993, and 1994,
2 \$50,000,000 to carry out this section.”.

3 (b) Section 4009(a) is amended by inserting “section
4 4004 and” before “4005”.

○