

104TH CONGRESS
1ST SESSION

H. R. 855

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to establish a maximum limit of liability for municipalities and other persons liable under that Act for the generation or transportation of municipal solid waste.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 1995

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Commerce and, in addition, to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to establish a maximum limit of liability for municipalities and other persons liable under that Act for the generation or transportation of municipal solid waste.

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 Liability
5 Cap Act of 1995”.

1 **SEC. 2. LIABILITY FOR CERTAIN SUBSTANCES.**

2 (a) GENERATION AND TRANSPORTATION OF MUNICI-
3 PAL SOLID WASTE—Section 107 of the Comprehensive
4 Environmental Response, Compensation, and Liability Act
5 of 1980 (42 U.S.C. 9607), commonly referred to as
6 “Superfund”, is amended by adding at the end the follow-
7 ing new subsection:

8 “(n) LIMITATION ON LIABILITY FOR GENERATION
9 OR TRANSPORTATION OF MUNICIPAL SOLID WASTE.—

10 “(1) IN GENERAL.—No municipality or other
11 person liable for any costs or damages under para-
12 graph (3) or (4) of subsection (a) of this section by
13 reason of such municipality or other person’s gen-
14 eration or transportation of municipal solid waste
15 shall be liable for more than 4 percent of such costs
16 and damages.

17 “(2) DEFINITIONS.—As used in this sub-
18 section—

19 “(A) the term ‘municipality’ means any po-
20 litical subdivision of a State, including any city,
21 county, town, township, school district, and
22 other legal government entity; and

23 “(B) the term ‘municipal solid waste’
24 means solid waste generated by households and
25 includes waste from commercial, institutional,
26 and industrial sources if the amount and tox-

1 icity of substances contained in the waste do
2 not exceed that which one would expect to find
3 in waste generated by households.

4 “(3) GUIDELINES.—The Administrator may
5 promulgate guidelines to be used in determining the
6 waste which qualifies as municipal solid waste under
7 paragraph (2)(B).”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall apply with respect to response actions
10 and suits brought under the Comprehensive Environ-
11 mental Response, Compensation, and Liability Act of
12 1980 whether such response actions or suits are com-
13 menced before, on, or after the date of the enactment of
14 this Act; except that such amendment shall not apply to
15 any suit brought under such Act in which final judgment
16 has been entered by a court before the date of the enact-
17 ment of this Act.

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