

104TH CONGRESS
1ST SESSION

S. 373

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

FEBRUARY 8 (legislative day, JANUARY 30), 1995

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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “State Regulation and
5 Management of Solid Waste Act of 1995”.

1 **TITLE I—GENERAL**
2 **AMENDMENTS**

3 **SEC. 101. FINDINGS.**

4 (a) SOLID WASTE.—Section 1002(a)(4) of the Solid
5 Waste Disposal Act (42 U.S.C. 6901(a)) is amended to
6 read as follows:

7 “(4) that while the collection and disposal of
8 solid waste should continue to be primarily the func-
9 tion of State, regional, and local agencies, the prob-
10 lems of waste disposal described in this subsection
11 have become a matter national in scope and in con-
12 cern and necessitate Federal action by—

13 “(A) requiring that each State develop a
14 program for the management and disposal of
15 solid waste generated within each State by the
16 year 2015;

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

21 “(C) providing financial and technical as-
22 sistance and leadership in the development,
23 demonstration, and application of new and im-
24 proved methods and processes to reduce the
25 quantity of waste and unsalvageable materials

1 and to provide for proper and economical solid
2 waste disposal practices.”.

3 (b) ENVIRONMENT AND HEALTH.—Section 1002(b)
4 of the Solid Waste Disposal Act (42 U.S.C. 6901(b)) is
5 amended—

6 (1) by striking “and” at the end of paragraph
7 (7);

8 (2) by striking paragraph (8) and inserting the
9 following:

10 “(8) alternatives to existing methods of land
11 disposal must be developed, because it is estimated
12 that 80 percent of all permitted landfills will close
13 by the year 2015; and”;

14 (3) by adding at the end the following new
15 paragraph:

16 “(9) the transportation of solid waste long dis-
17 tances across country for purposes of solid waste
18 management and, in some cases, in the same vehi-
19 cles that carry consumer goods is harmful to the
20 public health and measures should be adopted to en-
21 sure public health is protected when the goods are
22 transported in the same vehicles as solid waste is
23 transported.”.

1 **SEC. 102. OBJECTIVES AND NATIONAL POLICY.**

2 (a) OBJECTIVES.—Section 1003(a) of the Solid
3 Waste Disposal Act (42 U.S.C. 6902(a)) is amended—

4 (1) by striking paragraph (1) and inserting the
5 following:

6 “(1) ensuring that each State has a program to
7 manage solid waste generated within its borders and
8 providing technical and financial assistance to State
9 and local governments and interstate agencies for
10 the development of solid waste management plans
11 (including recycling, resource recovery, and resource
12 conservation systems) that will promote improved
13 solid waste management techniques (including more
14 effective organization arrangements), new and im-
15 proved methods of collection, separation, and recov-
16 ery of solid waste, and the environmentally safe dis-
17 posal of nonrecoverable residues;”;

18 (2) by striking “and” at the end of paragraph
19 (10);

20 (3) by striking the period at the end of para-
21 graph (11) and inserting a semicolon; and

22 (4) by adding at the end the following new
23 paragraphs:

24 “(12) promoting the use of regional and inter-
25 state agreements for economically efficient and envi-
26 ronmentally sound solid waste management prac-

1 tices, and for construction and operation of solid
2 waste recycling and resource recovery facilities; and

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

6 **SEC. 103. DEFINITIONS.**

7 Section 1004 of the Solid Waste Disposal Act (42
8 U.S.C. 6903) is amended—

9 (1) by striking paragraph (12) and inserting
10 the following:

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

17 (2) in paragraph (28), by inserting “recycling,
18 resource recovery,” before “treatment,”;

19 (3) in paragraph (29)(C), by inserting “recy-
20 cling,” before “treatment”;

21 (4) in paragraph (32)—

22 (A) by striking “means any” and inserting

23 “means—

24 “(A) any”;

1 (B) by striking the period at the end and
2 inserting “; and”; and

3 (C) by adding at the end the following:

4 “(B) refuse (or refuse-derived fuel) col-
5 lected from the general public more than 30
6 percent of which consists of paper, wood, yard
7 wastes, food waste, plastics, leather, rubber,
8 and other combustible materials and
9 noncombustible materials such as glass and
10 metal including household wastes, sludge and
11 waste from institutional, commercial, and in-
12 dustrial sources, but does not include industrial
13 process waste, medical waste, hazardous waste,
14 or ‘hazardous substance’, as those terms are de-
15 fined in section 1004 or in section 101 of the
16 Comprehensive Environmental Response, Com-
17 pensation and Liability Act (42 U.S.C. 6901).”;
18 and

19 (5) by adding at the end the following new
20 paragraphs:

21 “(42) The term ‘recycling’ means any use,
22 reuse or reclamation of a solid waste.

23 “(43) The term ‘State of final destination’
24 means a State that authorizes a person to transport
25 solid waste from a State of origin into the State for

1 purposes of solid waste management other than
2 transportation.

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

8 **TITLE II—STATE SOLID WASTE** 9 **MANAGEMENT PLANS**

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

11 Section 4001 of the Solid Waste Disposal Act (42
12 U.S.C. 6941) is amended to read as follows:

13 **“SEC. 4001. OBJECTIVES OF SUBTITLE.**

14 “(a) IN GENERAL.—The objectives of this subtitle
15 are to reduce to the maximum extent practicable the quan-
16 tity of solid waste generated and disposed of prior to the
17 year 2015 by requiring each State to develop a program
18 that—

19 “(1) meets the objectives set out in section 102;

20 “(2) reduces the quantity of solid waste gen-
21 erated in the State and encourages resource con-
22 servation; and

23 “(3) facilitates the recycling of solid waste and
24 the utilization of valuable resources, including en-

1 ergy and materials that are recoverable from solid
2 waste.

3 “(b) MEANS.—The objectives stated in subsection (a)
4 are to be accomplished through—

5 “(1) Federal guidelines and technical and fi-
6 nancial assistance to States;

7 “(2) encouragement of cooperation among Fed-
8 eral, State, and local governments and private indi-
9 viduals and industry;

10 “(3) encouragement of States to enter into
11 interstate or regional agreements to facilitate envi-
12 ronmentally sound and efficient solid waste manage-
13 ment; and

14 “(4) approval and oversight of the implementa-
15 tion of solid waste management plans.”.

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

17 (a) MINIMUM REQUIREMENTS.—Section 4003 of the
18 Solid Waste Disposal Act (42 U.S.C. 6943) is amended—

19 (1) in subsection (a)—

20 (A) in the matter preceding paragraph (1),
21 by striking “each State plan must comply with
22 the following minimum requirements—” and in-
23 serting “each State Solid Waste Management
24 Plan must comply with the following minimum
25 requirements.”;

1 (B) by striking paragraphs (5) and (6) and
2 inserting the following:

3 “(5) The plan shall identify the quantities,
4 types, sources, and characteristics of solid wastes
5 that are reasonably expected to be generated within
6 the State or transported to the State from a State
7 of origin during each of the 20 years following the
8 year 1995 and that are reasonably expected to be
9 managed within the State during each of those
10 years.

11 “(6) The plan shall provide that the State act-
12 ing directly, through authorized persons, or through
13 interstate or regional agreements, will ensure the
14 availability of solid waste management capacity to
15 manage the solid waste described in paragraph (5)
16 in a manner that is environmentally sound and that
17 meets the objectives of this subtitle.”; and

18 (C) by adding at the end the following new
19 paragraphs:

20 “(7) When identifying the quantity of solid
21 waste management capacity necessary to manage the
22 solid waste described in paragraph (5), the State
23 shall take into account solid waste management
24 agreements in effect upon the date of enactment of
25 this paragraph that exist between a person operating

1 within the State and any person in a State or States
2 contiguous with the State.

3 “(8) The plan shall provide for the identifica-
4 tion and annual certification to the Administrator
5 concerning—

6 “(A) how the State has met the objectives
7 of this subtitle;

8 “(B) whether the State has issued permits
9 consistent with all the requirements of this Act
10 for capacity sufficient to manage the solid
11 waste described in paragraph (5) for an ensuing
12 5-year period; and

13 “(C) identification and approval by the
14 State of the sites for capacity described in para-
15 graph (5) for an ensuing 8-year period.

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

21 “(10)(A) The plan shall provide for a program
22 that requires all solid waste management facilities
23 located or operating in the State to register with the
24 State and that only registered facilities may manage
25 solid waste described in paragraph (5).

1 “(B) Registration of facilities for the purpose of
2 subparagraph (A) shall at a minimum include—

3 “(i) the name and address of the owner
4 and operator of the facility;

5 “(ii) the address of the solid waste man-
6 agement facility;

7 “(iii) the type of solid waste management
8 used at the facility; and

9 “(iv) the quantities, types, and sources of
10 waste to be managed by the facility.

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

14 “(12) The plan shall—

15 “(A) specify the conditions under which
16 the State will authorize a person to accept solid
17 waste from a State of origin for purposes of
18 solid waste management other than transpor-
19 tation; and

20 “(B) ensure that the waste is managed in
21 accordance with the plan and that acceptance of
22 the waste will not impede the ability of the
23 State of final destination to manage solid waste
24 generated within its borders.”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(e) PROHIBITION.—Upon the expiration of 180 days
4 after the date of approval of a State’s Solid Waste Man-
5 agement Plan required by this section or on the date on
6 which a State plan becomes effective pursuant to section
7 4007(d), it shall be unlawful for a person to manage solid
8 waste within that State, to transport solid waste generated
9 in that State to a State of final destination, and to accept
10 solid waste from a State of origin for purposes of solid
11 waste management other than transportation unless the
12 activities are authorized and conducted pursuant to the
13 approved plan.”.

14 (b) PROCEDURE.—Section 4006 of the Solid Waste
15 Disposal Act (42 U.S.C. 6946) is amended by adding at
16 the end the following new subsection:

17 “(d) SUBMISSION OF PLANS.—Not later than 4 years
18 after the date of enactment of this subsection, each State
19 shall, after consultation with the public, other interested
20 parties, and local governments, submit to the Adminis-
21 trator for approval a plan that complies with the require-
22 ments of section 4003(a).”.

23 (c) APPROVAL.—Section 4007 of the Solid Waste
24 Disposal Act (42 U.S.C. 6947) is amended—

25 (1) in subsection (a)—

1 (A) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) it meets the requirements of section
4 4003(a);”.

5 (B) by striking the period at the end of
6 paragraph (2) and inserting “; and”;

7 (C) by inserting after paragraph (2) the
8 following new paragraph:

9 “(3) it furthers the objectives of section 4001.”;

10 and

11 (D) by striking the third sentence and in-
12 serting the following: “Upon receipt of each
13 State’s certification required by section
14 4003(a)(8), the Administrator shall determine
15 whether the approved plan is in compliance with
16 section 4003, and if the Administrator deter-
17 mines that revision or corrections are necessary
18 to bring the plan into compliance with the mini-
19 mum requirements promulgated under section
20 4003 (including new or revised requirements),
21 the Administrator shall, after notice and oppor-
22 tunity for public hearing, withhold approval of
23 the plan.”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(d) FAILURE OF THE ADMINISTRATOR TO ACT ON
2 A STATE PLAN.—If the Administrator fails to approve or
3 disapprove a plan within 18 months after a State plan
4 has been submitted for approval, the State plan as submit-
5 ted shall go into effect at the expiration of 18 months after
6 the plan was submitted, subject to review by the Adminis-
7 trator and revision in accordance with section 4007(a).”.

8 **TITLE III—INTERSTATE**
9 **TRANSPORT OF WASTE**

10 **SEC. 301. AUTHORITY OF STATES TO CONTROL INTER-**
11 **STATE SHIPMENT OF SOLID WASTE.**

12 Subtitle D of the Solid Waste Disposal Act (42
13 U.S.C. 6941 et seq.) is amended by adding at the end
14 the following new sections:

15 **“SEC. 4011. AUTHORITY TO RESTRICT INTERSTATE TRANS-**
16 **PORT OF SOLID WASTE.**

17 (a) IN GENERAL.—Upon the expiration of 180 days
18 after the date on which the Administrator approves a Solid
19 Waste Management Plan required by section 4003 or after
20 the date a State plan becomes effective in accordance with
21 section 4007(d), a State with an approved or effective
22 State plan may prohibit or restrict a person from import-
23 ing solid waste from a State of origin for purposes of solid
24 waste management (other than transportation).

1 “(b) LIMITATION.—A State may authorize a person
2 to import solid waste from a State of origin for purposes
3 of solid waste management (other than transportation)
4 only in accordance with section 4003(a)(12).

5 **“SEC. 4012. FEES.**

6 “(a) IN GENERAL.—A State may levy fees on solid
7 waste that differentiate rates or other aspects of payment
8 on the basis of solid waste origin.

9 “(b) ALLOCATION.—At least 50 percent of the reve-
10 nues received from the fees collected shall be allocated by
11 the State to the local government of the jurisdictions in
12 which the solid waste will be managed. The fees shall be
13 used by local governments for the purpose of carrying out
14 an approved plan.”.

15 **TITLE IV—FINANCIAL**
16 **ASSISTANCE**

17 **SEC. 401. FEDERAL ASSISTANCE.**

18 Section 4008(a) of the Solid Waste Disposal Act (42
19 U.S.C. 6948) is amended—

20 (1) in paragraph (1), by striking “appro-
21 priated” and all that follows through “1988” and in-
22 serting “appropriated \$100,000,000 for each of fis-
23 cal years 1996, 1997, and 1998”; and

24 (2) by adding at the end of paragraph (2) the
25 following new subparagraph:

1 “(E) There are authorized to be appropriated
2 \$25,000,000 for each of fiscal years 1996 through 1998
3 for the purposes of providing grants to States for the en-
4 couragement of recycling, resource recovery, and resource
5 conservation activities. The activities shall include licens-
6 ing and construction of recycling, resource recovery, and
7 resource conservation facilities within the State and the
8 development of markets for recycled products.”.

9 **SEC. 402. RURAL COMMUNITIES ASSISTANCE.**

10 Section 4009(d) of the Solid Waste Disposal Act (42
11 U.S.C. 6949) is amended—

12 (1) in subsection (a), by striking “section
13 4005” and inserting “sections 4004 and 4005”; and

14 (2) by striking subsection (d) and inserting the
15 following:

16 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$50,000,000 for each of fiscal years 1996, 1997, and
19 1998.”.

○