

108TH CONGRESS
1ST SESSION

H. R. 2581

To authorize State and local governments to petition the Administrator of the Environmental Protection Agency for enforcement of certain violations of the Solid Waste Disposal Act, and to require the establishment of a manifest system for the interstate transportation of solid waste.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2003

Mrs. JO ANN DAVIS of Virginia introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To authorize State and local governments to petition the Administrator of the Environmental Protection Agency for enforcement of certain violations of the Solid Waste Disposal Act, and to require the establishment of a manifest system for the interstate transportation of 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 “Safe Waste Disposal
5 Act”.

1 **SEC. 2. AUTHORITY TO PETITION.**

2 (a) AMENDMENT.—Subtitle G of the Solid Waste
3 Disposal Act (42 U.S.C. 6971 et seq.) is amended by add-
4 ing at the end the following new section:

5 **“SEC. 7011. AUTHORITY TO PETITION.**

6 “If a State or local government has a reasonable
7 basis for believing that a person transporting solid waste
8 into the jurisdiction of the State or local government, or
9 a person who generated solid waste being transported into
10 the jurisdiction of the State or local government, has acted
11 in violation of any provision of this Act, the State or local
12 government may petition the Administrator for a finding
13 that such violation has occurred. The petition shall include
14 evidence supporting the allegation. Within 60 days after
15 receipt of a petition under this section, and after public
16 hearing, the Administrator shall make such finding or
17 deny the petition.”.

18 (b) TABLE OF CONTENTS.—The table of contents for
19 subtitle G of the Solid Waste Disposal Act is amended
20 by adding after the item relating to section 7010 the fol-
21 lowing new item:

“Sec. 7011. Authority to petition.”.

22 **SEC. 3. MANIFEST SYSTEM AND CERTIFICATION.**

23 (a) AMENDMENT.—Subtitle G of the Solid Waste
24 Disposal Act (42 U.S.C. 6971 et seq.) is further amended

1 by adding after the section added by section 2 of this Act
2 the following new section:

3 **“SEC. 7012. MANIFEST SYSTEM AND CERTIFICATION.**

4 “(a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this section, the Administrator shall
6 require the implementation of a manifest system, to be
7 maintained by transporters, for the interstate transpor-
8 tation of solid waste in a vehicle operating with 4 axles
9 or more, in a ship, barge, or other vessel on navigable wa-
10 ters transporting solid waste in containers stacked 2 or
11 more containers high, or by freight rail. Such system shall
12 include requirements as necessary to protect human health
13 and the environment, including a requirement that each
14 manifest contain a certification (in a form prescribed by
15 the Administrator) by the transporter—

16 “(1) that the solid waste—

17 “(A) is being transported in compliance
18 with all applicable Federal and State laws and
19 regulations; and

20 “(B) does not include any substances that
21 the recipient is prohibited from receiving under
22 Federal or State laws or regulations; and

23 “(2) identifying the State of origin of the solid
24 waste and the type of waste being transported.

1 “(b) ANNUAL REPORT TO GOVERNOR.—Each solid
2 waste management facility shall transmit an annual report
3 to the Governor of the State in which it is located that
4 aggregates all information received by the facility during
5 the preceding year under subsection (a).

6 “(c) PROHIBITIONS.—It shall be considered a viola-
7 tion subject to penalties under section 3008 for—

8 “(1) a solid waste management facility to—

9 “(A) accept for disposal solid waste trans-
10 ported in interstate transportation in a vehicle
11 operating with 4 axles or more, in a ship,
12 barge, or other vessel on navigable waters
13 transporting solid waste in containers stacked 2
14 or more containers high, or by freight rail, un-
15 less the transporter of such solid waste provides
16 to the solid waste management facility a certifi-
17 cation described in subsection (a) with respect
18 to such solid waste; or

19 “(B) fail to transmit a report as required
20 under subsection (b);

21 “(2) a transporter described in paragraph
22 (1)(A) to deliver to a solid waste management facil-
23 ity for disposal solid waste as described in paragraph
24 (1)(A) without providing a certification as required
25 under subsection (a); or

1 “(3) a transporter described in paragraph
2 (1)(A) to falsely certify, pursuant to a requirement
3 under subsection (a)—

4 “(A) that the conditions described in para-
5 graph (1)(A) and (B) of subsection (a) have
6 been met; or

7 “(B) the State of origin of solid waste or
8 the type of waste being transported.”.

9 (b) TABLE OF CONTENTS.—The table of contents for
10 subtitle G of the Solid Waste Disposal Act is amended
11 by adding after the item relating to section 7011, as added
12 by section 2 of this Act, the following new item:

“Sec. 7012. Manifest system and certification.”.

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