

105TH CONGRESS  
1ST SESSION

# H. R. 843

To prohibit the location of solid and hazardous waste facilities near  
residential, day care, church, and school properties.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 1997

Mr. FORD (for himself, Mr. LEWIS of Georgia, Mr. THOMPSON, Mr. REYES, Mr. BLAGOJEVICH, Mr. JACKSON of Illinois, Mr. MALONEY of Connecticut, Ms. JACKSON-LEE of Texas, Mr. CLYBURN, Ms. MCKINNEY, Mr. STARK, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. KILPATRICK) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To prohibit the location of solid and hazardous waste facilities near residential, day care, church, and school properties.

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. LOCATION OF SOLID AND HAZARDOUS WASTE**

4                       **FACILITIES NEAR RESIDENTIAL, DAY CARE,**

5                       **CHURCH, AND SCHOOL PROPERTIES.**

6       (a) HAZARDOUS WASTE FACILITIES.—(1) Section  
7       3004 of the Solid Waste Disposal Act (42 U.S.C. 6924)  
8       is amended by adding the following at the end thereof:

1       “(z) PROXIMITY TO RESIDENTIAL PROPERTY, DAY  
2 CARE PROPERTY, CHURCHES, SCHOOLS, AND PARKS.—  
3 The standards under subsection (a)(4) shall prohibit the  
4 owner or operator of any hazardous waste treatment, stor-  
5 age or disposal facility from locating such facility within  
6 5,000 feet of any residential property, day care property,  
7 church property, school property, or park property.”.

8       (2) The Administrator of the Environmental Protec-  
9 tion Agency shall promulgate regulations under the  
10 amendment made by paragraph (1) of this subsection not  
11 later than 90 days after the enactment of this Act.

12       (b) SOLID WASTE FACILITIES.—(1) Section 4003(a)  
13 of the Solid Waste Disposal Act (42 U.S.C. 6943(a)) is  
14 amended by adding the following new paragraph after  
15 paragraph (6):

16               “(7) The plan shall prohibit the owner or opera-  
17 tor of any facility used for the collection, storage, re-  
18 cycling, disposal, or other management of solid  
19 waste or recyclable materials from locating such fa-  
20 cility within 5,000 feet of any residential property,  
21 day care property, church property, school property,  
22 and park property.”.

23       (2) The Administrator of the Environmental Protec-  
24 tion Agency shall promulgate regulations under the

1 amendment made by paragraph (1) of this subsection not  
2 later than 90 days after the enactment of this Act.

3 (3) Section 4007(a)(1) of the Solid Waste Disposal  
4 Act (42 U.S.C. 6947(a)(1)) is amended by striking out  
5 “and (5) of section 4003” and inserting “(5), and (7) of  
6 section 4003(a)”.

7 (4) Section 4007(a)(2)(A) of such Act (42 U.S.C.  
8 6947(a)(2)(A)) is amended by striking out “and (5) of  
9 section 4003” and inserting “(5), or (7) of section  
10 4003(a)”.

11 (c) EFFECTIVE DATE.—The amendments made by  
12 this Act and the regulations promulgated pursuant to such  
13 amendments shall take effect with respect to any permit  
14 or other authorization issued after the date 120 days after  
15 the enactment of this Act for the construction or modifica-  
16 tion (other than a modification necessary for closure) of  
17 any facility used for the treatment, storage or disposal of  
18 hazardous waste or of any facility used for the collection,  
19 storage, recycling, disposal, or other management of solid  
20 waste or recyclable materials.

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