

106TH CONGRESS  
2D SESSION

# H. R. 3524

To phase out the incineration of solid waste, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2000

Mr. ANDREWS 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

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## A BILL

To phase out the incineration of solid waste, 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. STATE IMPLEMENTATION PLANS.**

4       (a) SUBMISSION OF PLANS.—Each State shall, after  
5       reasonable notice and public hearings, adopt and submit  
6       to the Administrator of the Environmental Protection  
7       Agency (referred to in this Act as the “Administrator”),  
8       within one year after the enactment of this Act, a 3-year  
9       plan implementation plan to achieve each of the following:

1           (1) Increased recycling by at least 75 percent  
2       over the 3-year period.

3           (2) Water source pollution reduction.

4           (3) The restriction of landfill dumping to mate-  
5       rials that are not recyclable or combustible.

6           (4) The phasing out of incineration of solid  
7       waste within 4 years and 6 months after the enact-  
8       ment of this Act.

9       (b) PROCEDURES.—Each implementation plan sub-  
10     mitted by a State under this Act shall be adopted by the  
11     State after reasonable notice and public hearing. No such  
12     plan may be implemented by the State until approved by  
13     the Administrator under this Act. Each such plan shall—

14           (1) include enforceable limitations and other  
15       control measures, means, or techniques, as well as  
16       schedules and timetables for compliance, as may be  
17       necessary or appropriate to meet the applicable re-  
18       quirements of this Act;

19           (2) provide for establishment and operation of  
20       appropriate devices, methods, systems, and proce-  
21       dures necessary to—

22                (A) monitor, compile, and analyze data on  
23       compliance with this Act; and

24                (B) make such data available to the Ad-  
25       ministrator;

1           (3) include a program to provide for the en-  
2           forcement of the measures described in paragraph  
3           (1);

4           (4) provide for revision of such plan whenever  
5           the Administrator finds on the basis of information  
6           available to the Administrator that the plan is inad-  
7           equate to comply with the requirements established  
8           under this Act; and

9           (5) provide for consultation and participation  
10          by local political subdivisions affected by the plan.

11          (c) ENVIRONMENTAL PROTECTION AGENCY ACTION  
12          ON PLAN SUBMISSIONS.—

13               (1) COMPLETENESS OF PLAN SUBMISSIONS.—

14                   (A) COMPLETENESS CRITERIA.—Within 6  
15                   months after the date of the enactment of this  
16                   Act, the Administrator shall promulgate min-  
17                   imum criteria that any plan submission must  
18                   meet before the Administrator is required to act  
19                   on such submission under this subsection. The  
20                   criteria shall be limited to the information nec-  
21                   essary to enable the Administrator to determine  
22                   whether the plan submission complies with the  
23                   provisions of this Act.

24                   (B) COMPLETENESS FINDING.—Within 6  
25                   months after the Administrator's receipt of a

1 plan or plan revision under this Act, the Ad-  
2 ministrator shall determine whether the plan or  
3 revision complies with this Act and approve or  
4 reject the plan or plan revision. If the plan is  
5 approved, the State shall begin implementation  
6 immediately. If the plan is rejected, the Envi-  
7 ronmental Protection Agency will inform the  
8 State why the plan was rejected. That State  
9 then has 3 months to submit a new plan.

10 (C) EFFECT OF FINDING OF INCOMPLETE-  
11 NESS.—Where the Administrator determines  
12 that any part of a plan submission meets the  
13 requirements of this Act and approves such  
14 part and disapproves the plan in part, the State  
15 shall immediately implement the approved part  
16 or parts and submit a revised plan respecting  
17 the remaining parts within 3 months after the  
18 date of the Administrator’s disapproval.

19 (2) DEADLINE FOR ACTION.—Within 12  
20 months of a determination by the Administrator (or  
21 a determination deemed by operation of law) under  
22 paragraph (1) that a State has submitted a plan or  
23 plan revision (or, in the Administrator’s discretion,  
24 part thereof) that meets the minimum criteria estab-  
25 lished pursuant to paragraph (1), if applicable (or,

1 if those criteria are not applicable, within 12 months  
2 of submission of the plan or revision), the Adminis-  
3 trator shall act on the submission in accordance with  
4 paragraph (3).

5 (3) FULL AND PARTIAL APPROVAL AND DIS-  
6 APPROVAL.—In the case of any submittal on which  
7 the Administrator is required to act under para-  
8 graph (2), the Administrator shall approve such sub-  
9 mittal as a whole if it meets all of the applicable re-  
10 quirements of this Act. If a portion of the plan revi-  
11 sion meets all the applicable requirements of this  
12 Act, the Administrator may approve the plan revi-  
13 sion in part and disapprove the plan revision in part.  
14 The plan revision shall not be treated as meeting the  
15 requirements of this Act until the Administrator ap-  
16 proves the entire plan revision as complying with the  
17 applicable requirements of this Act.

18 (4) CONDITIONAL APPROVAL.—The Adminis-  
19 trator may approve a plan revision based on a com-  
20 mitment of the State to adopt specific enforceable  
21 measures by a date certain, but not later than 1  
22 year after the date of approval of the plan revision.  
23 Any such conditional approval shall be treated as a  
24 disapproval if the State fails to comply with such  
25 commitment.

1           (5) CALLS FOR PLAN REVISIONS.—Whenever  
2           the Administrator finds that the applicable imple-  
3           mentation plan for any area is substantially inad-  
4           equate to comply with any requirement of this Act,  
5           the Administrator shall require the State to revise  
6           the plan as necessary to correct such inadequacies.  
7           The Administrator shall notify the State of the inad-  
8           equacies, and may establish reasonable deadlines  
9           (not to exceed 6 months after the date of such no-  
10          tice) for the submission of such plan revisions. Such  
11          findings and notice shall be public.

12          (6) CORRECTIONS.—Whenever the Adminis-  
13          trator determines that the Administrator’s action  
14          approving, disapproving, or promulgating any plan  
15          or plan revision (or part thereof) was in error, the  
16          Administrator may in the same manner as the ap-  
17          proval, disapproval, or promulgation revise such ac-  
18          tion as appropriate without requiring any further  
19          submission from the State. Such determination and  
20          the basis thereof shall be provided to the State and  
21          public.

22          (d) PLAN REVISIONS.—Each revision to an imple-  
23          mentation plan submitted by a State under this Act shall  
24          be adopted by such State after reasonable notice and pub-  
25          lic hearing. The Administrator shall not approve a revision

1 of a plan if the revision would not comply with any appli-  
2 cable requirement of this Act.

3 (e) SANCTIONS.—The Administrator may apply any  
4 of the sanctions listed in section 2 whenever the Adminis-  
5 trator makes a finding, disapproval, or determination  
6 under section 2(a) in relation to any plan.

7 (f) FEDERAL IMPLEMENTATION PLANS.—The Ad-  
8 ministrator shall promulgate a Federal implementation  
9 plan at any time within 2 years after the  
10 Administrator—

11 (1) finds that a State has failed to make a re-  
12 quired submission or finds that the plan or plan re-  
13 vision submitted by the State does not satisfy the  
14 minimum criteria established under this Act; or

15 (2) disapproves a State implementation plan  
16 submission in whole or in part,

17 unless the State corrects the deficiency, and the Adminis-  
18 trator approves the plan or plan revision, before the Ad-  
19 ministrator promulgates such Federal implementation  
20 plan.

21 **SEC. 2. SANCTIONS.**

22 (a) STATE FAILURE.—For any implementation plan  
23 or plan revision required under this part or required in  
24 response to a finding of substantial inadequacy as de-  
25 scribed in section 1, if the Administrator—

1           (1) finds that a State has failed to submit a  
2           plan, or to submit 1 or more of the elements (as de-  
3           termined by the Administrator) required by the pro-  
4           visions of this Act;

5           (2) disapproves in whole or in part a plan sub-  
6           mission under section 1; and

7           (3) finds that any requirement of an approved  
8           plan (or approved part of a plan) is not being imple-  
9           mented,

10 unless such deficiency has been corrected within 18  
11 months after the finding, disapproval, or determination re-  
12 ferred to in paragraphs (1), (2), and (3), the sanctions  
13 referred to in subsection (b) shall apply until the Adminis-  
14 trator determines that the State has come into compliance.

15       (b) SANCTIONS.—(1) The Administrator may impose  
16 a prohibition, applicable to a State, on the approval by  
17 the Secretary of Transportation of any projects or the  
18 awarding by the Secretary of any grants, under title 23,  
19 United States Code, other than projects or grants for safe-  
20 ty where the Secretary determines, based on accident or  
21 other appropriate data submitted by the State, that the  
22 principal purpose of the project is an improvement in safe-  
23 ty to resolve a demonstrated safety problem and likely will  
24 result in a significant reduction in, or avoidance of, acci-

1 dents. Such prohibition shall become effective upon the se-  
2 lection by the Administrator of this sanction.

3 (2) In addition to safety, projects or grants that may  
4 be approved by the Secretary, notwithstanding the prohi-  
5 bition in paragraph (1), are the following—

6 (A) capital programs for public transit;

7 (B) construction or restriction of certain roads  
8 or lanes solely for the use of passenger buses or high  
9 occupancy vehicles;

10 (C) highway ramp metering, traffic signaliza-  
11 tion, and related programs that improve traffic flow;

12 (D) fringe and transportation corridor parking  
13 facilities serving multiple occupancy vehicle pro-  
14 grams or transit operations;

15 (E) programs to limit or restrict vehicle use in  
16 downtown areas or other areas of emission con-  
17 centration particularly during periods of peak use,  
18 through road use charges, tolls, parking surcharges,  
19 or other pricing mechanisms, vehicle restricted zones  
20 or periods, or vehicle registration programs; and

21 (F) programs for breakdown and accident scene  
22 management, nonrecurring congestion, and vehicle  
23 information systems, to reduce congestion.

1 **SEC. 3. INCENTIVES.**

2 (a) GRANT PROGRAM.—The Administrator is author-  
3 ized to make grants to each State that phases out the in-  
4 cineration of solid waste prior to the deadline established  
5 under this Act. Such grants are to be used for the purpose  
6 of finding alternative, environmental friendly means of  
7 sold waste disposal. The Administrator may make grants  
8 under this subsection in the amount of—

9 (1) \$60,000,000 to States that phase out the  
10 incineration of solid waste within 1 year after the  
11 enactment of this Act;

12 (2) \$40,000,000 to States that phase out the  
13 incineration of solid waste within 2 years after the  
14 enactment of this Act; and

15 (3) \$25,000,000 to States that phase out the  
16 incineration of solid waste within 3 years after the  
17 enactment of this Act

18 (b) INTERSTATE WASTE AUTHORITY.—On the date  
19 that a State phases out the incineration of solid waste,  
20 such State shall have the authority to limit or restrict the  
21 importation of solid waste in such State.

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