

106TH CONGRESS  
1ST SESSION

# H. R. 378

To authorize States to regulate certain solid waste.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

Mr. GILLMOR introduced the following bill; which was referred to the  
Committee on Commerce

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## A BILL

To authorize States to regulate certain 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. AUTHORIZATION FOR STATES TO REGULATE**  
4               **SOLID WASTE IN INTERSTATE COMMERCE.**

5       (a) AMENDMENT OF SOLID WASTE DISPOSAL ACT.—  
6       The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)  
7       is amended by adding at the end of subtitle D the follow-  
8       ing new section:

9       **“SEC. 4011. AUTHORIZATION FOR STATES TO REGULATE**  
10               **SOLID WASTE IN INTERSTATE COMMERCE.**

11       “(a) REGULATION.—Each State is authorized to  
12       enact and enforce laws regulating the treatment and dis-

1 posal within such State of solid waste generated in another  
2 State, including laws imposing a ban on the importing into  
3 such State, or any part thereof, of solid waste for its treat-  
4 ment or disposal, or laws otherwise regulating the import-  
5 ing into such State of solid waste for its treatment or dis-  
6 posal. In enacting or enforcing any such law, a State may  
7 consult with elected officials from any unit of local govern-  
8 ment with jurisdiction over an existing or proposed facility  
9 for the treatment or disposal of solid waste, with elected  
10 officials from other communities affected by the enact-  
11 ment or enforcement of any such law, and with such other  
12 persons as the State considers appropriate.

13       “(b) FEES.—Each State is authorized to enact and  
14 enforce laws imposing and collecting, in such manner as  
15 the State deems appropriate, fees or other charges in con-  
16 nection with the treatment and disposal within such State  
17 of solid waste generated in another State. Any State im-  
18 posing and collecting any such fee or charge may, in con-  
19 nection therewith, differentiate between two or more  
20 States in which solid waste is generated, and may differen-  
21 tiate between any such State of origin and the fees or  
22 charges which it imposes and collects, if any, in connection  
23 with the treatment and disposal of waste generated within  
24 its geographical boundaries.

1       “(c) LIMITATION.—Nothing in this section shall  
2 apply to—

3               “(1) any hazardous waste regulated under sub-  
4 title C of this Act;

5               “(2) any solid waste, hazardous waste, hazard-  
6 ous substance, including contaminated soil and de-  
7 bris, resulting from a response action taken under  
8 section 104 or 106 of the Comprehensive Environ-  
9 mental Response, Compensation and Liability Act of  
10 1980 (42 U.S.C. 9604 and 9606, respectively) or a  
11 corrective action taken under this Act;

12               “(3) any hazardous chemical substance or mix-  
13 ture regulated under section 6(e) of the Toxic Sub-  
14 stances Control Act (15 U.S.C. 2605(e));

15               “(4) any metal, pipe, glass, plastic, paper, tex-  
16 tile, or other material that has been separated or  
17 otherwise diverted from solid waste, and that has  
18 been transported into such State for the purposes of  
19 recycling or reclamation; or

20               “(5) any nonhazardous solid waste produced by  
21 an industry that is transported for the purpose of  
22 treatment, storage, or disposal to a facility owned or  
23 operated by the original generator of the waste.

24       “(d) INTERSTATE COMPACTS.—The consent of Con-  
25 gress is given to two or more States to negotiate and enter

1 into agreements or compacts, not in conflict with any law  
2 or treaty of the United States, for cooperative efforts and  
3 mutual assistance for the management of solid waste, and  
4 the approval of Congress is given to any such agreement  
5 or compact so entered into.

6 “(e) EPA AUTHORITY.—The Administrator shall  
7 have the authority to propose and promulgate regulations  
8 exempting waste types or recycling practices from the au-  
9 thority granted in this section, if the Administrator deter-  
10 mines that such action promotes the development of an  
11 interstate market for recyclable materials or is necessary  
12 to promote environmentally sound waste disposal prac-  
13 tices. Any person may petition the Administrator to pro-  
14 pose such regulations and the Administrator shall solicit  
15 and consider public comments before making any final de-  
16 termination under this subsection.”.

17 (b) TECHNICAL AMENDMENT.—The table of contents  
18 for such Act (contained in section 1001) is amended by  
19 inserting after the item relating to section 4010 the follow-  
20 ing new item:

“4011. Authorization for States to regulate solid waste in interstate com-  
merce.”.

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