

106TH CONGRESS
1ST SESSION

H. R. 379

To permit States to prohibit the disposal of solid waste imported from
other nations.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

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

A BILL

To permit States to prohibit the disposal of solid waste
imported from other nations.

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. DISPOSAL OF SOLID WASTE IMPORTED FROM**
4 **OTHER NATIONS.**

5 (a) IN GENERAL.—Subtitle A of the Solid Waste Dis-
6 posal Act (42 U.S.C. 6901 et seq.) is amended by adding
7 after section 1008 the following new section:

1 **“SEC. 1009. DISPOSAL OF SOLID WASTE IMPORTED FROM**
2 **OTHER NATIONS.**

3 “(a) BAN ON DISPOSAL OF FOREIGN SOLID
4 WASTE.—After the date of enactment of this section, any
5 State may prohibit the disposal in that State of any for-
6 eign solid waste.

7 “(b) EXEMPTION.—

8 “(1) RECEIPT AUTHORIZED BY HOST COMMU-
9 NITY AGREEMENT.—No State prohibition under sub-
10 section (a) shall apply to any foreign solid waste re-
11 ceived at a solid waste disposal facility pursuant to
12 an existing host community agreement if—

13 “(A) the agreement specifically authorizes
14 the owner or operator of the facility at which
15 such waste is received to accept that foreign
16 solid waste;

17 “(B) the owner or operator is in compli-
18 ance with all of the terms and conditions of the
19 host community agreement; and

20 “(C) the owner or operator has provided a
21 copy of the host community agreement to the
22 State and has made such a copy available for
23 inspection by the public in the affected local
24 community.

25 “(2) REQUIREMENT FOR COMPLIANCE WITH
26 CERTAIN REQUIREMENTS.—The exemption under

1 this subsection shall not apply to a solid waste dis-
2 posal facility during any period with respect to
3 which the State has determined that—

4 “(A) the facility was not in compliance
5 with applicable Federal and State laws and reg-
6 ulations relating to facility operation and design
7 and—

8 “(i) in the case of landfills, facility lo-
9 cation standards, leachate collection stand-
10 ards, groundwater monitoring standards,
11 and standards for financial assurance and
12 for closure and post-closure and corrective
13 action, or

14 “(ii) in the case of incinerators, the
15 applicable requirements of section 129 of
16 the Clean Air Act (42 U.S.C. 7429); and

17 “(B) such noncompliance constitutes a
18 threat to human health or the environment.

19 “(c) DEFINITIONS.—For purposes of this section:

20 “(1) AFFECTED LOCAL GOVERNMENT.—For
21 any solid waste disposal facility, the term ‘affected
22 local government’ shall mean—

23 “(A) the public body authorized by State
24 law to plan for the management of solid waste,
25 a majority of the members of which are elected

1 officials, for the area in which the facility is lo-
2 cated or proposed to be located, or

3 “(B) if there is no such body authorized by
4 State law, the elected officials of the city, town,
5 township, borough, county, or parish exercising
6 primary responsibility for the use of land on
7 which the facility is located or proposed to be
8 located.

9 “(2) HOST COMMUNITY AGREEMENT.—The
10 term ‘host community agreement’ means a written,
11 legally binding agreement, lawfully entered into be-
12 tween an owner or operator of a solid waste disposal
13 facility and an affected local government, that spe-
14 cifically authorizes the facility to receive foreign
15 solid waste.

16 “(3) EXISTING HOST COMMUNITY AGREE-
17 MENT.—The term ‘existing host community agree-
18 ment’ means a host community agreement that is in
19 effect as of the date of the enactment of this section.

20 “(4) FOREIGN SOLID WASTE.—The term ‘for-
21 eign solid waste’ means solid waste generated out-
22 side of the United States.

23 “(5) SPECIFIC AUTHORIZATION.—For purposes
24 of this section, the term ‘specifically authorizes’ re-
25 fers to an explicit authorization, contained in a host

1 community agreement, to accept for disposal foreign
2 solid waste. The language for such authorization
3 may vary as long as it reasonably evidences approval
4 or consent for such disposal. The term shall not in-
5 clude general references to the receipt of waste from
6 outside the jurisdiction of the affected local govern-
7 ment.”.

8 (b) TABLE OF CONTENTS.—The table of contents of
9 the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is
10 amended by adding after the item relating to section 1008
11 the following new item:

“Sec. 1009. Disposal of solid waste imported from other nations.”.

