

106TH CONGRESS
1ST SESSION

S. 663

To impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 1999

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal 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. SHORT TITLE.**

4 This Act may be cited as the “Solid Waste Interstate
5 Transportation and Local Authority Act of 1999”.

1 **SEC. 2. INTERSTATE TRANSPORTATION AND DISPOSAL OF**
 2 **MUNICIPAL SOLID WASTE.**

3 (a) IN GENERAL.—Subtitle D of the Solid Waste Dis-
 4 posal Act (42 U.S.C. 6941 et seq.) is amended by adding
 5 after section 4010 the following new section:

6 **“SEC. 4011. RECEIPT AND DISPOSAL OF OUT-OF-STATE MU-**
 7 **NICIPAL SOLID WASTE.**

8 “(a) PRESUMPTIVE BAN ON RECEIPT OF OUT-OF-
 9 STATE WASTE.—No landfill or incinerator may receive
 10 any out-of-State municipal solid waste for disposal or in-
 11 cineration unless the waste is received pursuant to—

12 “(1) a host community agreement in accordance
 13 with subsection (b) or (c); or

14 “(2) an exemption under subsection (d).

15 “(b) EXISTING HOST COMMUNITY AGREEMENTS.—
 16 Except as provided in subsection (e), out-of-State munic-
 17 ipal solid waste may be received at a landfill or incinerator
 18 for disposal or incineration pursuant to a host community
 19 agreement entered into before the enactment of this sec-
 20 tion if—

21 “(1) the agreement specifically authorizes the
 22 owner or operator to accept, at the landfill or incin-
 23 erator, out-of-State municipal solid waste; and

24 “(2) the owner or operator complies with all of
 25 the terms and conditions of the host community
 26 agreement.

1 The owner or operator shall provide a copy of the host
 2 community agreement, within 90 days after the enactment
 3 of this section, to the State and affected local government
 4 and make such a copy available for inspection by the pub-
 5 lic in the affected local community.

6 “(c) NEW HOST COMMUNITY AGREEMENTS.—

7 “(1) EXEMPTION FROM BAN.—Except as pro-
 8 vided in subsection (e), out-of-State municipal solid
 9 waste may be received at a landfill or incinerator for
 10 disposal or incineration pursuant to a host commu-
 11 nity agreement entered into on or after the enact-
 12 ment of this section (in this section referred to as
 13 a ‘new host community agreement’) if the agreement
 14 specifically authorizes the receipt of such waste and
 15 meets the requirements of paragraphs (2) through
 16 (5) of this subsection.

17 “(2) REQUIREMENTS FOR AUTHORIZATION.—

18 An authorization to receive out-of-State municipal
 19 solid waste pursuant to a new host community
 20 agreement shall be granted by formal action at a
 21 meeting; be recorded in writing in the official record
 22 of the meeting; and remain in effect according to its
 23 terms. Such authorization may specify terms and
 24 conditions, including an amount of out-of-State mu-

1 nicipal solid waste that an owner or operator may
2 receive and the duration of the authorization.

3 “(3) INFORMATION.—Prior to seeking an au-
4 thorization to receive out-of-State municipal solid
5 waste pursuant to a new host community agreement
6 under this subsection, the owner or operator of the
7 facility seeking such authorization shall provide (and
8 make readily available to the State, each contiguous
9 local government and Indian tribe, and any other in-
10 terested person for inspection and copying) each of
11 the following items of information:

12 “(A) A brief description of the facility, in-
13 cluding, with respect to both the facility and
14 any planned expansion of the facility, the size,
15 the ultimate waste capacity, and the anticipated
16 monthly and yearly quantities of waste to be
17 handled. Such quantities shall be expressed in
18 terms of volume.

19 “(B) A map of the facility site indicating
20 location in relation to the local road system and
21 topography and general hydrogeological fea-
22 tures. The map shall indicate any buffer zones
23 to be acquired by the owner or operator as well
24 as all facility units.

1 “(C) A description of the then current en-
2 vironmental characteristics of the site, a de-
3 scription of ground water use in the area, and
4 a discussion of alterations that may be neces-
5 sitated by, or occur as a result of, the facility.
6 The description of groundwater use shall in-
7 clude identification of private wells and public
8 drinking water sources.

9 “(D) A description of environmental con-
10 trols typically required to be used on the site
11 (pursuant to permit requirements), including
12 run on or run off management, or both, air pol-
13 lution control devices, source separation proce-
14 dures (if any), methane monitoring and control,
15 landfill covers, liners or leachate collection sys-
16 tems, and monitoring programs. In addition,
17 the description shall include a description of
18 any waste residuals generated by the facility,
19 including leachate or ash, and the planned man-
20 agement of the residuals.

21 “(E) A description of site access controls
22 to be employed, and roadway improvements to
23 be made, by the owner or operator, and an esti-
24 mate of the timing and extent of increased local
25 truck traffic.

1 “(F) A list of all required Federal, State,
2 and local permits.

3 “(G) Estimates of the personnel require-
4 ments of the facility, including information re-
5 garding the probable skill and education levels
6 required for jobs at the facility. To the extent
7 practicable, the information shall distinguish
8 between employment statistics for
9 preoperational and postoperational levels.

10 “(H) Any information that is required by
11 State or Federal law to be provided with re-
12 spect to any violations of environmental laws
13 (including regulations) by the owner, the oper-
14 ator, and any subsidiary of the owner or oper-
15 ator, the disposition of enforcement proceedings
16 taken with respect to the violations, and correc-
17 tive action and rehabilitation measures taken as
18 a result of the proceedings.

19 “(I) Any information that is required by
20 State or Federal law to be provided with re-
21 spect to gifts and contributions made by the
22 owner or operator.

23 “(J) Any information that is required by
24 State or Federal law to be provided with re-

1 spect to compliance by the owner or operator
2 with the State solid waste management plan.

3 “(4) PRIOR NOTIFICATION.—Prior to taking
4 formal action with respect to granting authorization
5 to receive out-of-State municipal solid waste pursu-
6 ant to a new host community agreement under this
7 subsection, an affected local government shall—

8 “(A) notify the State, contiguous local gov-
9 ernments, and any contiguous Indian tribes;

10 “(B) publish notice of the action in a
11 newspaper of general circulation in the affected
12 area at least 15 days before holding a hearing
13 under subparagraph (C), except where State
14 law provides for an alternate form of public no-
15 tification; and

16 “(C) provide an opportunity for public
17 comment in accordance with State law, includ-
18 ing at least 1 public hearing.

19 “(5) SUBSEQUENT NOTIFICATION.—Promptly,
20 but not later than 90 days after an authorization is
21 granted pursuant to a new host community agree-
22 ment under this subsection, the affected local gov-
23 ernment shall notify the Governor, contiguous local
24 governments, and any contiguous Indian tribes of
25 such authorization.

1 “(6) AUTHORITY.—

2 “(A) IN GENERAL.—A State may enact a
3 law or laws with respect to the entry, by an af-
4 fected local government in the State, into a host
5 community agreement, as it relates to the inter-
6 state transportation of solid waste.

7 “(B) NO DISCRIMINATION.—In enacting a
8 law or laws pursuant to subparagraph (A), a
9 State shall act in a consistent manner that does
10 not discriminate against the receipt of out-of-
11 State municipal solid waste on the basis of
12 State of origin.

13 “(d) EXEMPTION FOR WASTE NOT SUBJECT TO
14 HOST COMMUNITY AGREEMENTS.—

15 “(1) EXEMPTION FROM BAN.—Except as pro-
16 vided in subsection (e), out-of-State municipal solid
17 waste received at a landfill or incinerator shall be ex-
18 empt from the presumptive ban contained in sub-
19 section (a) if the owner or operator of the landfill or
20 incinerator provides to the State in which the landfill
21 or incinerator is located and to the affected local
22 government either of the following:

23 “(A) PERMIT.—Information establishing
24 that, before the enactment of this section, the
25 owner or operator of the landfill or incinerator

1 has received a State permit that specifically au-
2 thorizes the owner or operator to accept, at the
3 landfill or incinerator, such out-of-State munic-
4 ipal solid waste. This subparagraph shall be ef-
5 fective only if the owner or operator complies
6 with all of the terms and conditions of the per-
7 mit after the date of enactment of this section
8 and notifies the affected local government of
9 the permit as soon as practicable but not later
10 than 90 days after the date of enactment of
11 this section.

12 “(B) CONTRACT.—Information estab-
13 lishing that the owner or operator of the landfill
14 or incinerator has entered into a binding con-
15 tract before March 18, 1999, that commits to
16 the delivery to and receipt at the landfill or in-
17 cinerator of a specific quantity of out-of-State
18 municipal solid waste and that the owner or op-
19 erator of the landfill or incinerator has per-
20 mitted capacity actually available on the date of
21 enactment of this section for receipt of the spe-
22 cific quantity of out-of-State municipal solid
23 waste committed to in the contract. This sub-
24 paragraph shall be effective only for the longer
25 of—

1 “(i) the life of the contract (not in-
2 cluding any renewal, novation, or extension
3 thereof); or

4 “(ii) a period of 3 years after the date
5 of enactment of this section,
6 and only with respect to the amount of the obli-
7 gation in the contract.

8 “(2) AVAILABILITY OF DOCUMENTATION.—The
9 owner or operator of a landfill or incinerator receiv-
10 ing out-of-State municipal solid waste pursuant to
11 an exemption under paragraph (1) shall make avail-
12 able for inspection by the public in the affected local
13 community a copy of the permit or contract referred
14 to in paragraph (1). The owner or operator may
15 omit any proprietary information contained in con-
16 tracts.

17 “(3) DENIED OR REVOKED PERMITS.—A land-
18 fill or incinerator may not receive for disposal or in-
19 cineration out-of-State municipal solid waste pursu-
20 ant to an exemption under paragraph (1) if the op-
21 erating permit for the landfill or incinerator (or re-
22 newal thereof) was denied or revoked by the appro-
23 priate State agency before the date of enactment of
24 this section, unless such permit or license (or re-

1 newal) has been reinstated as of such date of enact-
 2 ment.

3 “(e) REQUIRED COMPLIANCE.—Exemptions under
 4 subsections (b), (c), and (d) shall not apply to a landfill
 5 or incinerator during any period with respect to which the
 6 State in which the facility is located has determined that
 7 the facility is not in compliance with applicable Federal
 8 and State laws and regulations relating to—

9 “(1) facility operation and design;

10 “(2) in the case of landfills, facility location
 11 standards, leachate collection standards, ground-
 12 water monitoring standards, and standards for fi-
 13 nancial assurance and for closure and postclosure
 14 and corrective action; and

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

18 “(f) AUTHORITY OF STATE TO RESTRICT OUT-OF-
 19 STATE MUNICIPAL SOLID WASTE.—

20 “(1) LIMITATIONS ON AMOUNT OF WASTE RE-
 21 CEIVED.—

22 “(A) LIMIT FOR ALL FACILITIES IN THE
 23 STATE.—A State may limit the amount of out-
 24 of-State municipal solid waste received annually
 25 at each landfill or incinerator in the State to

1 the limitation amount described in paragraph
2 (2), except as provided in this subsection. No
3 such limit may conflict—

4 “(i) with provisions of a permit spe-
5 cifically authorizing the owner or operator
6 to accept, at the facility, out-of-State mu-
7 nicipal solid waste; or

8 “(ii) with a host community agree-
9 ment entered into between the owner or
10 operator of any such landfill or incinerator
11 and the affected local government.

12 “(B) CONFLICT.—A limit referred to in
13 subparagraph (A) shall be treated as conflicting
14 with—

15 “(i) a permit if the permit establishes
16 a higher limit or does not establish any
17 limit on the amount of out-of-State munic-
18 ipal solid waste which may be received an-
19 nually at the facility; and

20 “(ii) a host community agreement if
21 the host community agreement establishes
22 a higher limit or does not establish any
23 limit on the amount of out-of-State munic-
24 ipal solid waste which may be received an-
25 nually at the facility, but only to the extent

1 that the landfill or incinerator, at the time
2 the host community agreement was entered
3 into, had specifically permitted capacity to
4 receive the solid waste authorized by the
5 host community agreement.

6 “(C) LIMIT FOR PARTICULAR FACILI-
7 TIES.—An affected local government that has
8 not executed a host community agreement with
9 a particular landfill or incinerator may limit the
10 amount of out-of-State municipal solid waste
11 received annually at the landfill or incinerator
12 concerned to the limitation amount described in
13 paragraph (2). No such limit may conflict with
14 provisions of a permit specifically authorizing
15 the owner or operator to accept, at the facility,
16 out-of-State municipal solid waste.

17 “(D) EFFECT ON OTHER LAWS.—Nothing
18 in this subsection shall be interpreted or con-
19 strued to supersede any State law relating to
20 contracts.

21 “(2) LIMITATION AMOUNT.—For any landfill or
22 incinerator that commenced receiving documented
23 out-of-State municipal solid waste before the date of
24 enactment of this section, the limitation amount re-
25 ferred to in paragraph (1) for any year shall be

1 equal to the amount of out-of-State municipal solid
 2 waste received at the landfill or incinerator con-
 3 cerned during calendar year 1993. The documenta-
 4 tion referred to in this paragraph shall be such as
 5 would result in criminal penalties under State law
 6 in case of false or misleading information. Such doc-
 7 umentation shall include the amount of waste re-
 8 ceived in 1993, place of origin, identity of the gener-
 9 ator, date of shipment, and type of waste.

10 “(3) NO DISCRIMINATION.—In establishing a
 11 limitation under this subsection, a State shall act in
 12 a consistent manner that does not discriminate
 13 against any shipments of out-of-State municipal
 14 solid waste on the basis of State of origin.

15 “(g) LIMITATIONS ON PROSPECTIVE WASTE
 16 FLOWS.—

17 “(1) STATE AUTHORITY TO DENY PERMITS.—A
 18 State may provide by law that the State will deny,
 19 or refuse to renew, a permit for the construction or
 20 operation of a landfill or incinerator, or for a major
 21 modification to an existing landfill or incinerator,
 22 if—

23 “(A) the State has approved a State or
 24 local comprehensive municipal solid waste man-

1 agement plan developed under Federal or State
2 law; and

3 “(B) the denial or refusal to renew is
4 based on a determination, pursuant to a State
5 law authorizing the denial or refusal to renew,
6 that there is not a local or regional need for the
7 landfill or incinerator in the State.

8 “(2) PERCENTAGE LIMIT.—

9 “(A) IN GENERAL.—A State may provide
10 by law that a State permit issued or renewed
11 after the date of enactment of this section for
12 a municipal solid waste landfill or incinerator,
13 or for expansion of a municipal solid waste
14 landfill or incinerator, shall include a require-
15 ment that not more than a specified percentage
16 of the total amount of municipal solid waste re-
17 ceived annually at the landfill or incinerator
18 may be out-of-State municipal solid waste. A
19 percentage limitation established by a State
20 under this subparagraph shall not be less than
21 20 percent.

22 “(B) HOST COMMUNITY AGREEMENT.—
23 Notwithstanding subparagraphs (A) and (C), a
24 landfill or incinerator acting pursuant to a host
25 community agreement entered into prior to the

1 date of enactment of this section that specifi-
 2 cally authorizes the landfill or incinerator to re-
 3 ceive a specific quantity of out-of-State munic-
 4 ipal solid waste annually may receive the spe-
 5 cific quantity authorized under the host com-
 6 munity agreement.

7 “(C) NONDISCRIMINATION.—An annual
 8 percentage limitation referred to in subpara-
 9 graph (A)—

10 “(i) shall be uniform for all municipal
 11 solid waste landfills and incinerators in the
 12 State; and

13 “(ii) may not discriminate against
 14 out-of-State municipal solid waste accord-
 15 ing to the State of origin.

16 “(h) AUTHORITY OF STATE TO RESTRICT OUT-OF-
 17 STATE MUNICIPAL SOLID WASTE BASED ON RECYCLING
 18 PROGRAMS.—

19 “(1) AUTHORITY.—

20 “(A) LIMITATION.—A State may limit the
 21 amount of out-of-State municipal solid waste
 22 received annually at each landfill or incinerator
 23 in the State to the amount of out-of-State mu-
 24 nicipal solid waste received at the landfill or in-
 25 cinerator concerned during calendar year 1995

1 if the State has enacted a comprehensive, state-
2 wide recycling program. No such limit may
3 conflict—

4 “(i) with provisions of a permit spe-
5 cifically authorizing the owner or operator
6 to accept, at the facility, out-of-State mu-
7 nicipal solid waste; or

8 “(ii) with a host community agree-
9 ment entered into between the owner or
10 operator of any such landfill or incinerator
11 and the affected local government.

12 “(B) CONFLICT.—A limit referred to in
13 subparagraph (A) shall be treated as conflicting
14 with—

15 “(i) a permit if the permit establishes
16 a higher limit or does not establish any
17 limit on the amount of out-of-State munic-
18 ipal solid waste which may be received an-
19 nually at the facility; and

20 “(ii) a host community agreement if
21 the host community agreement establishes
22 a higher limit or does not establish any
23 limit on the amount of out-of-State munic-
24 ipal solid waste which may be received an-
25 nually at the facility, but only to the extent

1 that the landfill or incinerator, at the time
 2 the host community agreement was entered
 3 into, had specifically permitted capacity to
 4 receive the solid waste authorized by the
 5 host community agreement.

6 “(2) NO DISCRIMINATION.—In establishing a
 7 limitation under this subsection, a State shall act in
 8 a consistent manner that does not discriminate
 9 against any shipments of out-of-State municipal
 10 solid waste on the basis of State of origin.

11 “(3) EFFECT ON OTHER LAWS.—Nothing in
 12 this subsection shall be interpreted or construed to
 13 supersede any State law relating to contracts.

14 “(4) DEFINITION.—As used in this subsection,
 15 the term ‘comprehensive, statewide recycling pro-
 16 gram’ means a law of statewide applicability that re-
 17 quires the generators of municipal solid waste to
 18 separate all of the following materials for recycling
 19 as a condition of disposing of the waste at landfills
 20 or incinerators in the State:

21 “(A) Aluminum containers.

22 “(B) Corrugated paper or other container
 23 board.

24 “(C) Glass containers.

1 “(D) Magazines or other material printed
2 on similar paper.

3 “(E) Newspapers or other material printed
4 on newsprint.

5 “(F) Office paper.

6 “(G) Plastic containers.

7 “(H) Steel containers.

8 “(I) Containers for carbonated or malt
9 beverages that are primarily made of a com-
10 bination of steel and aluminum.

11 “(i) COST RECOVERY SURCHARGE.—

12 “(1) AUTHORITY.—A State may impose and
13 collect a cost recovery charge on the processing,
14 combustion, or disposal in a landfill or incinerator of
15 out-of-State municipal solid waste in the State in ac-
16 cordance with this subsection.

17 “(2) AMOUNT OF SURCHARGE.—The amount of
18 the cost recovery surcharge may be no greater than
19 the amount necessary to recover those costs deter-
20 mined in conformance with paragraph (4) and in no
21 event may exceed \$2.00 per ton of waste.

22 “(3) USE OF SURCHARGE COLLECTED.—All
23 cost recovery surcharges collected by a State shall be
24 used to fund those solid waste management pro-
25 grams administered by the State or its political sub-

1 division that incur costs for which the surcharge is
2 collected.

3 “(4) CONDITIONS.—(A) Subject to subpara-
4 graphs (B) and (C), a State may impose and collect
5 a cost recovery surcharge on the processing, combus-
6 tion, or disposal within the State of out-of-State mu-
7 nicipal solid waste if—

8 “(i) the State demonstrates a cost to the
9 State arising from the processing, combustion,
10 or disposal within the State of a volume of mu-
11 nicipal solid waste from a source outside the
12 State;

13 “(ii) the surcharge is based on those costs
14 to the State demonstrated under clause (i) that,
15 if not paid for through the surcharge, would
16 otherwise have to be paid or subsidized by the
17 State; and

18 “(iii) the surcharge is compensatory and is
19 not discriminatory.

20 “(B) In no event shall a cost recovery surcharge
21 be imposed by a State to the extent that the cost for
22 which recovery is sought is otherwise paid, recov-
23 ered, or offset by any other fee or tax paid to the
24 State or its political subdivision or to the extent that
25 the amount of the surcharge is offset by voluntarily

1 agreed payments to a State or its political subdivi-
2 sion in connection with the generation, transpor-
3 tation, treatment, processing, combustion, or dis-
4 posal of solid waste.

5 “(C) The grant of a subsidy by a State with re-
6 spect to entities disposing of waste generated within
7 the State does not constitute discrimination for pur-
8 poses of subparagraph (A)(iii).

9 “(5) DEFINITIONS.—As used in this subsection:

10 “(A) The term ‘costs’ means the costs in-
11 curred by the State for the implementation of
12 its laws governing the processing, combustion,
13 or disposal of municipal solid waste, limited to
14 the issuance of new permits and renewal of or
15 modification of permits, inspection and compli-
16 ance monitoring, enforcement, and costs associ-
17 ated with technical assistance, data manage-
18 ment, and collection of fees.

19 “(B) The term ‘processing’ means any ac-
20 tivity to reduce the volume of solid waste or
21 alter its chemical, biological or physical state,
22 through processes such as thermal treatment,
23 bailing, composting, crushing, shredding, sepa-
24 ration, or compaction.

1 “(j) IMPLEMENTATION AND ENFORCEMENT.—Any
 2 State may adopt such laws and regulations, not incon-
 3 sistent with this section, as are necessary to implement
 4 and enforce this section, including provisions for penalties.

5 “(k) EFFECT ON INTERSTATE COMMERCE.—No
 6 State or local government action taken as authorized by
 7 this section, including the establishment of a limit pursu-
 8 ant to subsection (f) or the enactment or execution of a
 9 law or regulation described in subsection (c)(6), (g), (h),
 10 (i), or (j), shall be considered to impose an undue burden
 11 on interstate commerce or to otherwise impair, restrain,
 12 or discriminate against interstate commerce.

13 “(l) ANNUAL STATE REPORT.—Each year the owner
 14 or operator of each landfill or incinerator receiving out-
 15 of-State municipal solid waste shall submit to the Gov-
 16 ernor of the State in which the landfill or incinerator is
 17 located information specifying the amount of out-of-State
 18 municipal solid waste received for disposal during the pre-
 19 ceding year. Each year each such State shall publish and
 20 make available to the public a report containing informa-
 21 tion on the amount of out-of-State municipal solid waste
 22 received for disposal in the State during the preceding
 23 year.

24 “(m) DEFINITIONS.—For purposes of this section:

1 “(1) AFFECTED LOCAL GOVERNMENT.—The
2 term ‘affected local government’ means—

3 “(A) the public body authorized by State
4 law to plan for the management of municipal
5 solid waste, a majority of the members of which
6 are elected officials, for the area in which a
7 landfill or incinerator is located or proposed to
8 be located;

9 “(B) if there is no such body authorized by
10 State law, the elected officials of the city, town,
11 township, borough, county, or parish exercising
12 primary responsibility over municipal solid
13 waste management or the use of land in the ju-
14 risdiction in which a landfill or incinerator is lo-
15 cated or proposed to be located; or

16 “(C) contiguous units of local government
17 located in each of 2 or more adjoining States
18 acting jointly as an affected local government,
19 pursuant to the authority provided in section
20 1005(b), for purposes of providing authoriza-
21 tion under subsection (b), (c), or (d) for munic-
22 ipal solid waste generated in the jurisdiction of
23 one of those units of local government and re-
24 ceived for disposal or incineration in the juris-
25 diction of another.

1 “(2) HOST COMMUNITY AGREEMENT.—The
 2 term ‘host community agreement’ means a written,
 3 legally binding agreement, lawfully entered into be-
 4 tween an owner or operator of a landfill or inciner-
 5 ator and an affected local government that specifi-
 6 cally authorizes the landfill or incinerator to receive
 7 out-of-State municipal solid waste.

8 “(3) MUNICIPAL SOLID WASTE.—

9 “(A) WASTE INCLUDED.—Except as pro-
 10 vided in subparagraph (B), the term ‘municipal
 11 solid waste’ means—

12 “(i) all waste materials discarded for
 13 disposal by households, including single
 14 and multifamily residences, and hotels and
 15 motels; and

16 “(ii) all waste materials discarded for
 17 disposal that were generated by commer-
 18 cial, institutional, municipal, and industrial
 19 sources, to the extent such materials—

20 “(I) are essentially the same as
 21 materials described in clause (i); or

22 “(II) were collected and disposed
 23 of with other municipal solid waste
 24 described in clause (i) or subclause (I)
 25 of this clause as part of normal mu-

1 municipal solid waste collection services,
 2 except that this subclause does not
 3 apply to hazardous materials other
 4 than hazardous materials that, pursu-
 5 ant to regulations issued under sec-
 6 tion 3001(d), are not subject to regu-
 7 lation under subtitle C.

8 Examples of municipal solid waste include food
 9 and yard waste, paper, clothing, appliances,
 10 consumer product packaging, disposable dia-
 11 pers, office supplies, cosmetics, glass and metal
 12 food containers, and household hazardous
 13 waste. Such term shall include debris resulting
 14 from construction, remodeling, repair, or demo-
 15 lition of structures.

16 “(B) WASTE NOT INCLUDED.—The term
 17 ‘municipal solid waste’ does not include any of
 18 the following:

19 “(i) Any solid waste identified or list-
 20 ed as a hazardous waste under section
 21 3001, except for household hazardous
 22 waste.

23 “(ii) Any solid waste, including con-
 24 taminated soil and debris, resulting from—

1 “(I) a response action taken
2 under section 104 or 106 of the Com-
3 prehensive Environmental Response,
4 Compensation, and Liability Act (42
5 U.S.C. 9604 or 9606);

6 “(II) a response action taken
7 under a State law with authorities
8 comparable to the authorities of such
9 section 104 or 106; or

10 “(III) a corrective action taken
11 under this Act.

12 “(iii) Recyclable materials that have
13 been separated, at the source of the waste,
14 from waste otherwise destined for disposal
15 or that have been managed separately from
16 waste destined for disposal.

17 “(iv) Scrap rubber to be used as a
18 fuel source.

19 “(v) Materials and products returned
20 from a dispenser or distributor to the man-
21 ufacturer or an agent of the manufacturer
22 for credit, evaluation, and possible reuse.

23 “(vi) Any solid waste that is—

24 “(I) generated by an industrial
25 facility; and

1 “(II) transported for the purpose
2 of treatment, storage, or disposal to a
3 facility or unit thereof that is owned
4 or operated by the generator of the
5 waste, located on property owned by
6 the generator or a company with
7 which the generator is affiliated, or
8 the capacity of which is contractually
9 dedicated exclusively to a specific gen-
10 erator, so long as the disposal area
11 complies with local and State land use
12 and zoning regulations applicable to
13 the disposal site.

14 “(vii) Any medical waste that is seg-
15 regated from or not mixed with solid
16 waste.

17 “(viii) Sewage sludge and residuals
18 from any sewage treatment plant, includ-
19 ing any sewage treatment plant required to
20 be constructed in the State of Massachu-
21 setts pursuant to any court order issued
22 against the Massachusetts Water Re-
23 sources Authority.

24 “(ix) Combustion ash generated by re-
25 source recovery facilities or municipal in-

1 cinerators, or waste from manufacturing or
 2 processing (including pollution control) op-
 3 erations not essentially the same as waste
 4 normally generated by households.

5 “(4) OUT-OF-STATE MUNICIPAL SOLID
 6 WASTE.—The term ‘out-of-State municipal solid
 7 waste’ means, with respect to any State, municipal
 8 solid waste generated outside of the State. The term
 9 includes municipal solid waste generated outside of
 10 the United States.

11 “(5) RECYCLABLE MATERIALS.—The term ‘re-
 12 cyclable materials’ means materials that are di-
 13 verted, separated from, or separately managed from
 14 materials otherwise destined for disposal as solid
 15 waste, by collecting, sorting, or processing for use as
 16 raw materials or feedstocks in lieu of, or in addition
 17 to, virgin materials, including petroleum, in the
 18 manufacture of usable materials or products.

19 “(6) SPECIFICALLY AUTHORIZES.—The term
 20 ‘specifically authorizes’ refers to an explicit author-
 21 ization, contained in a host community agreement or
 22 permit, to import municipal solid waste from outside
 23 the State. Such authorization may include a ref-
 24 erence to a fixed radius surrounding the landfill or
 25 incinerator which includes an area outside the State

1 or a reference to ‘any place of origin’, reference to
 2 specific places outside the State, or use of such
 3 phrases as ‘regardless of origin’ or ‘outside the
 4 State’. The language for such authorization must
 5 clearly and affirmatively state the approval or con-
 6 sent of the affected local government or State for re-
 7 ceipt of municipal solid waste from sources or loca-
 8 tions outside the State from which the owner or op-
 9 erator of a landfill or incinerator proposes to import
 10 it. The term shall not include general references to
 11 the receipt of waste from outside the jurisdiction of
 12 the affected local government.”.

13 (b) TABLE OF CONTENTS.—The table of contents of
 14 the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is
 15 amended by adding after the item relating to section 4010
 16 the following new item:

“Sec. 4011. Receipt and disposal of out-of-State municipal solid waste.”.

17 (c) INCIDENT REPORTS.—Not later than one year
 18 after the date of the enactment of this Act and annually
 19 for the next two years, the General Accounting Office shall
 20 submit a report to the Committee on Commerce of the
 21 House of Representatives and the Committee on Environ-
 22 ment and Public Works of the Senate that contains the
 23 following information:

24 (1) Available information for each State that
 25 imports municipal solid waste detailing any incidents

1 or circumstances where waste materials that are not
2 authorized by permit to be disposed of at a landfill
3 or incinerator have been discovered in the imported
4 municipal solid waste during the transportation,
5 processing, or disposal of such waste. Such unau-
6 thorized waste materials can include hazardous
7 waste, medical waste, radioactive waste, and indus-
8 trial waste.

9 (2) For each incident or circumstance identified
10 under paragraph (1), an indication of the method or
11 circumstances of detection, and the identity of the
12 source of the waste, the transporter, and the dis-
13 posal facility.

14 (3) For each incident or circumstance identified
15 under paragraph (1), an indication of whether any-
16 one was cited for a violation, and if so the nature
17 of the violation and any penalty assessed.

18 **SEC. 3. CONGRESSIONAL AUTHORIZATION OF STATE AND**
19 **LOCAL MUNICIPAL SOLID WASTE FLOW CON-**
20 **TROL.**

21 (a) AMENDMENT OF SUBTITLE D.—Subtitle D of the
22 Solid Waste Disposal Act is amended by adding after sec-
23 tion 4011 the following new section:

1 **“SEC. 4012. CONGRESSIONAL AUTHORIZATION OF STATE**
2 **AND LOCAL GOVERNMENT CONTROL OVER**
3 **MOVEMENT OF MUNICIPAL SOLID WASTE**
4 **AND RECYCLABLE MATERIALS.**

5 “(a) FLOW CONTROL AUTHORITY FOR FACILITIES
6 PREVIOUSLY DESIGNATED.—Any State or political sub-
7 division thereof is authorized to exercise flow control au-
8 thority to direct the movement of municipal solid waste
9 and recyclable materials voluntarily relinquished by the
10 owner or generator thereof to particular waste manage-
11 ment facilities, or facilities for recyclable materials, des-
12 ignated as of the suspension date, if each of the following
13 conditions are met:

14 “(1) The waste and recyclable materials are
15 generated within the jurisdictional boundaries of
16 such State or political subdivision, as such jurisdic-
17 tion was in effect on the suspension date.

18 “(2) Such flow control authority is imposed
19 through the adoption or execution of a law, ordi-
20 nance, regulation, resolution, or other legally binding
21 provision or official act of the State or political sub-
22 division that—

23 “(A) was in effect on the suspension date;

24 “(B) was in effect prior to the issuance of
25 an injunction or other order by a court based
26 on a ruling that such law, ordinance, regula-

tion, resolution, or other legally binding provision or official act violated the Commerce Clause of the United States Constitution; or

“(C) was in effect immediately prior to suspension or partial suspension thereof by legislative or official administrative action of the State or political subdivision expressly because of the existence of an injunction or other court order of the type described in subparagraph (B) issued by a court of competent jurisdiction.

“(3) The State or a political subdivision thereof has, for one or more of such designated facilities—

“(A) on or before the suspension date, presented eligible bonds for sale;

“(B) on or before the suspension date, issued a written public declaration or regulation stating that bonds would be issued and held hearings regarding such issuance, and subsequently presented eligible bonds for sale within 180 days of the declaration or regulation; or

“(C) on or before the suspension date, executed a legally binding contract or agreement that—

“(i) was in effect as of the suspension date;

1 “(ii) obligates the delivery of a min-
2 imum quantity of municipal solid waste or
3 recyclable materials to one or more such
4 designated waste management facilities or
5 facilities for recyclable materials; and

6 “(iii) either—

7 “(I) obligates the State or polit-
8 ical subdivision to pay for that min-
9 imum quantity of waste or recyclable
10 materials even if the stated minimum
11 quantity of such waste or recyclable
12 materials is not delivered within a re-
13 quired timeframe; or

14 “(II) otherwise imposes liability
15 for damages resulting from such fail-
16 ure.

17 “(b) WASTE STREAM SUBJECT TO FLOW CON-
18 TROL.—Subsection (a) authorizes only the exercise of flow
19 control authority with respect to the flow to any des-
20 ignated facility of the specific classes or categories of mu-
21 nicipal solid waste and voluntarily relinquished recyclable
22 materials to which such flow control authority was applica-
23 ble on the suspension date and—

24 “(1) in the case of any designated waste man-
25 agement facility or facility for recyclable materials

1 that was in operation as of the suspension date, only
 2 if the facility concerned received municipal solid
 3 waste or recyclable materials in those classes or cat-
 4 egories on or before the suspension date; and

5 “(2) in the case of any designated waste man-
 6 agement facility or facility for recyclable materials
 7 that was not yet in operation as of the suspension
 8 date, only of the classes or categories that were
 9 clearly identified by the State or political subdivision
 10 as of the suspension date to be flow controlled to
 11 such facility.

12 “(c) DURATION OF FLOW CONTROL AUTHORITY.—
 13 Flow control authority may be exercised pursuant to this
 14 section with respect to any facility or facilities only until
 15 the later of the following:

16 “(1) The final maturity date of the bond re-
 17 ferred to in subsection (a)(3)(A) or (B).

18 “(2) The expiration date of the contract or
 19 agreement referred to in subsection (a)(3)(C).

20 “(3) The adjusted expiration date of a bond
 21 issued for a qualified environmental retrofit.

22 The dates referred to in paragraphs (1) and (2) shall be
 23 determined based upon the terms and provisions of the
 24 bond or contract or agreement. In the case of a contract
 25 or agreement described in subsection (a)(3)(C) that has

1 no specified expiration date, for purposes of paragraph (2)
2 of this subsection the expiration date shall be the first date
3 that the State or political subdivision that is a party to
4 the contract or agreement can withdraw from its respon-
5 sibilities under the contract or agreement without being
6 in default thereunder and without substantial penalty or
7 other substantial legal sanction. The expiration date of a
8 contract or agreement referred to in subsection (a)(3)(C)
9 shall be deemed to occur at the end of the period of an
10 extension exercised during the term of the original con-
11 tract or agreement, if the duration of that extension was
12 specified by such contract or agreement as in effect on
13 the suspension date.

14 “(d) INDEMNIFICATION FOR CERTAIN TRANSPOR-
15 TATION.—Notwithstanding any other provision of this sec-
16 tion, no State or political subdivision may require any per-
17 son to transport municipal solid waste or recyclable mate-
18 rials, or to deliver such waste or materials for transpor-
19 tation, to any active portion of a municipal solid waste
20 landfill unit if contamination of such active portion is a
21 basis for listing of the municipal solid waste landfill unit
22 on the National Priorities List established under the Com-
23 prehensive Environmental Response, Compensation, and
24 Liability Act of 1980 unless such State or political subdivi-
25 sion or the owner or operator of such landfill unit has in-

1 demnified that person against all liability under that Act
 2 with respect to such waste or materials.

3 “(e) OWNERSHIP OF RECYCLABLE MATERIALS.—
 4 Nothing in this section shall authorize any State or polit-
 5 ical subdivision to require any person to sell or transfer
 6 any recyclable materials to such State or political subdivi-
 7 sion.

8 “(f) LIMITATION ON REVENUE.—A State or political
 9 subdivision may exercise the flow control authority grant-
 10 ed in this section only if the State or political subdivision
 11 limits the use of any of the revenues it derives from the
 12 exercise of such authority to the payment of one or more
 13 of the following:

14 “(1) Principal and interest on any eligible bond.

15 “(2) Principal and interest on a bond issued for
 16 a qualified environmental retrofit.

17 “(3) Payments required by the terms of a con-
 18 tract referred to in subsection (a)(3)(C).

19 “(4) Other expenses necessary for the operation
 20 and maintenance and closure of designated facilities
 21 and other integral facilities identified by the bond
 22 necessary for the operation and maintenance of such
 23 designated facilities.

24 “(5) To the extent not covered by paragraphs
 25 (1) through (4), expenses for recycling, composting,

1 and household hazardous waste activities in which
 2 the State or political subdivision was engaged before
 3 the suspension date. The amount and nature of pay-
 4 ments described in this paragraph shall be fully dis-
 5 closed to the public annually.

6 “(g) INTERIM CONTRACTS.—A contract of the type
 7 referred to in subsection (a)(3)(C) that was entered into
 8 during the period—

9 “(1) before November 10, 1995, and after the
 10 effective date of any applicable final court order no
 11 longer subject to judicial review specifically invali-
 12 dating the flow control authority of the applicable
 13 State or political subdivision; or

14 “(2) after the applicable State or political sub-
 15 division refrained pursuant to legislative or official
 16 administrative action from enforcing flow control au-
 17 thority expressly because of the existence of a court
 18 order of the type described in subsection (a)(2)(B)
 19 issued by a court of the same State or the Federal
 20 judicial circuit within which such State is located
 21 and before the effective date on which it resumes en-
 22 forcement of flow control authority after enactment
 23 of this section,

24 shall be fully enforceable in accordance with State law.

25 “(h) AREAS WITH PRE-1984 FLOW CONTROL.—

1 “(1) GENERAL AUTHORITY.—A State that on
2 or before January 1, 1984—

3 “(A) adopted regulations under a State
4 law that required or directed transportation,
5 management, or disposal of municipal solid
6 waste from residential, commercial, institu-
7 tional, or industrial sources (as defined under
8 State law) to specifically identified waste man-
9 agement facilities, and applied those regulations
10 to every political subdivision of the State; and

11 “(B) subjected such waste management fa-
12 cilities to the jurisdiction of a State public utili-
13 ties commission,

14 may exercise flow control authority over municipal
15 solid waste in accordance with the other provisions
16 of this section.

17 “(2) DURATION OF AUTHORITY.—The authority
18 to direct municipal solid waste to any facility pursu-
19 ant to this subsection shall terminate with regard to
20 such facility in accordance with subsection (c).

21 “(i) EFFECT ON AUTHORITY OF STATES AND POLIT-
22 ICAL SUBDIVISIONS.—Nothing in this section shall be
23 interpreted—

1 “(1) to authorize a political subdivision to exer-
2 cise the flow control authority granted by this sec-
3 tion in a manner inconsistent with State law;

4 “(2) to permit the exercise of flow control au-
5 thority over municipal solid waste and recyclable ma-
6 terials to an extent greater than the maximum vol-
7 ume authorized by State permit to be disposed at
8 the waste management facility or processed at the
9 facility for recyclable materials;

10 “(3) to limit the authority of any State or polit-
11 ical subdivision to place a condition on a franchise,
12 license, or contract for municipal solid waste or recy-
13 clable materials collection, processing, or disposal; or

14 “(4) to impair in any manner the authority of
15 any State or political subdivision to adopt or enforce
16 any law, ordinance, regulation, or other legally bind-
17 ing provision or official act relating to the movement
18 or processing of municipal solid waste or recyclable
19 materials which does not constitute discrimination
20 against or an undue burden upon interstate com-
21 merce.

22 “(j) EFFECTIVE DATE.—The provisions of this sec-
23 tion shall take effect with respect to the exercise by any
24 State or political subdivision of flow control authority on
25 or after the date of enactment of this section. Such provi-

1 sions, other than subsection (d), shall also apply to the
 2 exercise by any State or political subdivision of flow con-
 3 trol authority before such date of enactment, except that
 4 nothing in this section shall affect any final judgment that
 5 is no longer subject to judicial review as of the date of
 6 enactment of this section insofar as such judgment award-
 7 ed damages based on a finding that the exercise of flow
 8 control authority was unconstitutional.

9 “(k) STATE SOLID WASTE DISTRICT AUTHORITY.—
 10 In addition to any other flow control authority authorized
 11 under this section a solid waste district or a political sub-
 12 division of a State may exercise flow control authority for
 13 a period of 20 years after the enactment of this section,
 14 for municipal solid waste and for recyclable materials that
 15 is generated within its jurisdiction if—

16 “(1) the solid waste district, or a political sub-
 17 division within such district, is required through a
 18 recyclable materials recycling program to meet a
 19 municipal solid waste reduction goal of at least 30
 20 percent by the year 2005, and uses revenues gen-
 21 erated by the exercise of flow control authority
 22 strictly to implement programs to manage municipal
 23 solid waste and recyclable materials, other than in-
 24 cineration programs; and

1 “(2) prior to the suspension date, the solid
2 waste district, or a political subdivision within such
3 district—

4 “(A) was responsible under State law for
5 the management and regulation of the storage,
6 collection, processing, and disposal of solid
7 wastes within its jurisdiction;

8 “(B) was authorized by State statute (en-
9 acted prior to January 1, 1992) to exercise flow
10 control authority, and subsequently adopted or
11 sought to exercise the authority through a law,
12 ordinance, regulation, regulatory proceeding,
13 contract, franchise, or other legally binding pro-
14 vision; and

15 “(C) was required by State statute (en-
16 acted prior to January 1, 1992) to develop and
17 implement a solid waste management plan con-
18 sistent with the State solid waste management
19 plan, and the district solid waste management
20 plan was approved by the appropriate State
21 agency prior to September 15, 1994.

22 “(1) SPECIAL RULE FOR CERTAIN CONSORTIA.—For
23 purposes of this section, if—

24 “(1) two or more political subdivisions are
25 members of a consortium of political subdivisions es-

1 tablished to exercise flow control authority with re-
2 spect to any waste management facility or facility
3 for recyclable materials;

4 “(2) all of such members have either presented
5 eligible bonds for sale or executed contracts with the
6 owner or operator of the facility requiring use of
7 such facility;

8 “(3) the facility was designated as of the sus-
9 pension date by at least one of such members;

10 “(4) at least one of such members has met the
11 requirements of subsection (a)(2) with respect to
12 such facility; and

13 “(5) at least one of such members has pre-
14 sented eligible bonds for sale, or entered into a con-
15 tract or agreement referred to in subsection
16 (a)(3)(C), on or before the suspension date, for such
17 facility,

18 the facility shall be treated as having been designated, as
19 of May 16, 1994, by all members of such consortium, and
20 all such members shall be treated as meeting the require-
21 ments of subsection (a)(2) and (3) with respect to such
22 facility.

23 “(m) RECOVERY OF DAMAGES.—

24 “(1) PROHIBITION.—No damages, interest on
25 damages, costs, or attorneys’ fees may be recovered

1 in any claim against any State or local government,
 2 or official or employee thereof, based on the exercise
 3 of flow control authority on or before May 16, 1994.

4 “(2) APPLICABILITY.—Paragraph (1) shall
 5 apply to cases commenced on or after the date of en-
 6 actment of the Solid Waste Interstate Transpor-
 7 tation and Local Authority Act of 1999, and shall
 8 apply to cases commenced before such date except
 9 cases in which a final judgment no longer subject to
 10 judicial review has been rendered.

11 “(n) DEFINITIONS.—For the purposes of this
 12 section—

13 “(1) ADJUSTED EXPIRATION DATE.—The term
 14 ‘adjusted expiration date’ means, with respect to a
 15 bond issued for a qualified environmental retrofit,
 16 the earlier of the final maturity date of such bond
 17 or 15 years after the date of issuance of such bond.

18 “(2) BOND ISSUED FOR A QUALIFIED ENVIRON-
 19 MENTAL RETROFIT.—The term ‘bond issued for a
 20 qualified environmental retrofit’ means a bond de-
 21 scribed in paragraph (4)(A) or (B), the proceeds of
 22 which are dedicated to financing the retrofitting of
 23 a resource recovery facility or a municipal solid
 24 waste incinerator necessary to comply with section
 25 129 of the Clean Air Act, provided that such bond

1 is presented for sale before the expiration date of
 2 the bond or contract referred to in subsection
 3 (a)(3)(A), (B), or (C) that is applicable to such fa-
 4 cility and no later than December 31, 1999.

5 “(3) DESIGNATED.—The term ‘designated’
 6 means identified by a State or political subdivision
 7 for receipt of all or any portion of the municipal
 8 solid waste or recyclable materials that is generated
 9 within the boundaries of the State or political sub-
 10 division. Such designation includes designation
 11 through—

12 “(A) bond covenants, official statements,
 13 or other official financing documents issued by
 14 a State or political subdivision issuing an eligi-
 15 ble bond; and

16 “(B) the execution of a contract of the
 17 type described in subsection (a)(3)(C),
 18 in which one or more specific waste management fa-
 19 cilities are identified as the requisite facility or facili-
 20 ties for receipt of municipal solid waste or recyclable
 21 materials generated within the jurisdictional bound-
 22 aries of that State or political subdivision.

23 “(4) ELIGIBLE BOND.—The term ‘eligible bond’
 24 means—

1 “(A) a revenue bond or similar instrument
2 of indebtedness pledging payment to the bond-
3 holder or holder of the debt of identified reve-
4 nues; or

5 “(B) a general obligation bond,
6 the proceeds of which are used to finance one or
7 more designated waste management facilities, facili-
8 ties for recyclable materials, or specifically and di-
9 rectly related assets, development costs, or finance
10 costs, as evidenced by the bond documents.

11 “(5) FLOW CONTROL AUTHORITY.—The term
12 ‘flow control authority’ means the regulatory author-
13 ity to control the movement of municipal solid waste
14 or voluntarily relinquished recyclable materials and
15 direct such solid waste or recyclable materials to one
16 or more designated waste management facilities or
17 facilities for recyclable materials within the bound-
18 aries of a State or political subdivision.

19 “(6) MUNICIPAL SOLID WASTE.—The term
20 ‘municipal solid waste’ has the meaning given that
21 term in section 4011, except that such term—

22 “(A) includes waste material removed from
23 a septic tank, septage pit, or cesspool (other
24 than from portable toilets); and

25 “(B) does not include—

1 “(i) any substance the treatment and
 2 disposal of which is regulated under the
 3 Toxic Substances Control Act;

4 “(ii) waste generated during scrap
 5 processing and scrap recycling; or

6 “(iii) construction and demolition de-
 7bris, except where the State or political
 8 subdivision had on or before January 1,
 9 1989, issued eligible bonds secured pursu-
 10 ant to State or local law requiring the de-
 11livery of construction and demolition debris
 12 to a waste management facility designated
 13 by such State or political subdivision.

14 “(7) POLITICAL SUBDIVISION.—The term ‘polit-
 15 ical subdivision’ means a city, town, borough, coun-
 16 ty, parish, district, or public service authority or
 17 other public body created by or pursuant to State
 18 law with authority to present for sale an eligible
 19 bond or to exercise flow control authority.

20 “(8) RECYCLABLE MATERIALS.—The term ‘re-
 21 cyclable materials’ means any materials that have
 22 been separated from waste otherwise destined for
 23 disposal (either at the source of the waste or at
 24 processing facilities) or that have been managed sep-
 25 arately from waste destined for disposal, for the pur-

1 pose of recycling, reclamation, composting of organic
 2 materials such as food and yard waste, or reuse
 3 (other than for the purpose of incineration). Such
 4 term includes scrap tires to be used in resource re-
 5 covery.

6 “(9) SUSPENSION DATE.—The term ‘suspension
 7 date’ means, with respect to a State or political
 8 subdivision—

9 “(A) May 16, 1994;

10 “(B) the date of an injunction or other
 11 court order described in subsection (a)(2)(B)
 12 that was issued with respect to that State or
 13 political subdivision; or

14 “(C) the date of a suspension or partial
 15 suspension described in subsection (a)(2)(C)
 16 with respect to that State or political subdivi-
 17 sion.

18 “(10) WASTE MANAGEMENT FACILITY.—The
 19 term ‘waste management facility’ means any facility
 20 for separating, storing, transferring, treating, proc-
 21 essing, combusting, or disposing of municipal solid
 22 waste.”.

23 (b) TABLE OF CONTENTS.—The table of contents for
 24 subtitle D of the Solid Waste Disposal Act is amended

- 1 by adding the following new item after the item relating
- 2 to section 4011:

“Sec. 4012. Congressional authorization of State and local government control
over movement of municipal solid waste and recyclable materials.”.

