

108TH CONGRESS
1ST SESSION

H. R. 382

To authorize States to prohibit or impose certain limitations on the receipt of foreign municipal solid waste, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2003

Mr. ROGERS of Michigan (for himself, Mrs. MILLER of Michigan, Mr. KILDEE, Mr. CAMP, Mr. EHLERS, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. McCOTTER, Mr. SMITH of Michigan, and Mr. UPTON) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To authorize States to prohibit or impose certain limitations on the receipt of foreign 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 Inter-
5 national Transportation Act of 2003”.

1 **SEC. 2. INTERNATIONAL TRANSPORTATION AND DISPOSAL**
2 **OF 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 FOREIGN MUNIC-**
7 **IPAL SOLID WASTE.**

8 “(a) AUTHORITY.—A State may enact a law or laws
9 prohibiting or imposing limitations on the receipt and dis-
10 posal of foreign municipal solid waste.

11 “(b) EFFECT ON INTERSTATE AND FOREIGN COM-
12 MERCE.—No State action taken as authorized by this sec-
13 tion shall be considered to impose an undue burden on
14 interstate and foreign commerce or to otherwise impair,
15 restrain, or discriminate against interstate and foreign
16 commerce.

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

18 “(1) FOREIGN MUNICIPAL SOLID WASTE.—The
19 term ‘foreign municipal solid waste’ means munic-
20 ipal solid waste generated outside of the United
21 States.

22 “(2) MUNICIPAL SOLID WASTE.—

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

1 “(i) all waste materials discarded for
2 disposal by households, including single
3 and multifamily residences, and hotels and
4 motels; and

5 “(ii) all waste materials discarded for
6 disposal that were generated by commer-
7 cial, institutional, municipal, and industrial
8 sources, to the extent such materials—

9 “(I) are essentially the same as
10 materials described in clause (i); and

11 “(II) were collected and disposed
12 of with other municipal solid waste
13 described in clause (i) or subclause (I)
14 of this clause as part of normal mu-
15 nicipal solid waste collection services,
16 except that this subclause does not
17 apply to hazardous materials other
18 than hazardous materials that, pursu-
19 ant to regulations issued under sec-
20 tion 3001(d), are not subject to regu-
21 lation under subtitle C.

22 Examples of municipal solid waste include food
23 and yard waste, paper, clothing, appliances,
24 consumer product packaging, disposable dia-
25 pers, office supplies, cosmetics, glass and metal

1 food containers, and household hazardous
2 waste. Such term shall include debris resulting
3 from construction, remodeling, repair, or demo-
4 lition of structures.

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

8 “(i) Any solid waste identified or list-
9 ed as a hazardous waste under section
10 3001, except for household hazardous
11 waste.

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

14 “(I) a response action taken
15 under section 104 or 106 of the Com-
16 prehensive Environmental Response,
17 Compensation, and Liability Act (42
18 U.S.C. 9604 or 9606);

19 “(II) a response action taken
20 under a State law with authorities
21 comparable to the authorities of such
22 section 104 or 106; or

23 “(III) a corrective action taken
24 under this Act.

1 “(iii) Recyclable materials that have
2 been separated, at the source of the waste,
3 from waste otherwise destined for disposal
4 or that have been managed separately from
5 waste destined for disposal.

6 “(iv) Scrap rubber to be used as a
7 fuel source.

8 “(v) Materials and products returned
9 from a dispenser or distributor to the man-
10 ufacturer or an agent of the manufacturer
11 for credit, evaluation, and possible reuse.

12 “(vi) Any solid waste that is—

13 “(I) generated by an industrial
14 facility; and

15 “(II) transported for the purpose
16 of treatment, storage, or disposal to a
17 facility or unit thereof that is owned
18 or operated by the generator of the
19 waste, located on property owned by
20 the generator or a company with
21 which the generator is affiliated, or
22 the capacity of which is contractually
23 dedicated exclusively to a specific gen-
24 erator, so long as the disposal area
25 complies with local and State land use

1 and zoning regulations applicable to
2 the disposal site.

3 “(vii) Any medical waste that is seg-
4 regated from or not mixed with solid
5 waste.

6 “(viii) Sewage sludge and residuals
7 from any sewage treatment plant.

8 “(ix) Combustion ash generated by re-
9 source recovery facilities or municipal in-
10 cinerators, or waste from manufacturing or
11 processing (including pollution control) op-
12 erations not essentially the same as waste
13 normally generated by households.”.

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

“Sec. 4011. Receipt and disposal of foreign municipal solid waste.”.

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