

108TH CONGRESS  
1ST SESSION

# H. R. 411

To direct the Administrator of the Environmental Protection Agency to carry out certain authorities under an agreement with Canada respecting the importation of municipal solid waste, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2003

Mr. DINGELL (for himself, Mr. LEVIN, Mr. STUPAK, Mr. KILDEE, and Mr. ROGERS of Michigan) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To direct the Administrator of the Environmental Protection Agency to carry out certain authorities under an agreement with Canada respecting the importation 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. CANADIAN TRANSBOUNDARY MOVEMENT OF**  
4       **MUNICIPAL SOLID WASTE.**

5       (a) AMENDMENT.—Subtitle D of the Solid Waste  
6       Disposal Act (42 U.S.C. 6941 et seq.) is amended by add-  
7       ing at the end the following new section:

1 “CANADIAN TRANSBOUNDARY MOVEMENT OF MUNICIPAL  
2 SOLID WASTE

3 “SEC. 4011. (a) PROHIBITION.—No person shall im-  
4 port, transport, or export municipal solid waste for final  
5 disposal or for incineration in violation of the Agreement  
6 Between the Government of the United States of America  
7 and the Government of Canada Concerning the  
8 Transboundary Movement of Hazardous Waste, or any  
9 regulations issued to implement and enforce such agree-  
10 ment.

11 “(b) ADMINISTRATOR’S AUTHORITY.—The Adminis-  
12 trator shall perform the functions of the Designated Au-  
13 thority of the United States with respect to the importa-  
14 tion and exportation of municipal solid waste under the  
15 agreement described in subsection (a). Beginning imme-  
16 diately upon the enactment of this section, the Adminis-  
17 trator shall implement and enforce the notice and consent  
18 provisions of such agreement, as well as the other provi-  
19 sions thereof. In considering whether to consent to the im-  
20 portation of municipal solid waste under article 3(c) of  
21 such agreement, the Administrator shall—

22 “(1) give substantial weight to the views of the  
23 State or States into which the municipal solid waste  
24 is to be imported, and consider the views of the local

1 government with jurisdiction over the location where  
2 the waste is to be disposed; and

3 “(2) consider the impact of the importation  
4 on—

5 “(A) continued public support for and ad-  
6 herence to State and local recycling programs;

7 “(B) landfill capacity as provided in com-  
8 prehensive waste management plans;

9 “(C) air emissions from increased vehicular  
10 traffic;

11 “(D) road deterioration from increased ve-  
12 hicular traffic; and

13 “(E) public health and the environment.

14 “(c) COMPLIANCE ORDERS.—(1) Whenever on the  
15 basis of any information the Administrator determines  
16 that any person has violated or is in violation of this sec-  
17 tion, the Administrator may issue an order assessing a  
18 civil penalty for any past or current violation, requiring  
19 compliance immediately or within a specified time period,  
20 or both, or the Administrator may commence a civil action  
21 in the United States district court in the district in which  
22 the violation occurred for appropriate relief, including a  
23 temporary or permanent injunction.

24 “(2) Any order issued pursuant to this subsection  
25 shall state with reasonable specificity the nature of the vio-

1 lation. Any penalty assessed in the order shall not exceed  
 2 \$25,000 per day of noncompliance for each violation. In  
 3 assessing such a penalty, the Administrator shall take into  
 4 account the seriousness of the violation and any good faith  
 5 efforts to comply with applicable requirements.

6 “(d) PUBLIC HEARING.—Any order issued under this  
 7 section shall become final unless, not later than 30 days  
 8 after the order is served, the person or persons named  
 9 therein request a public hearing. Upon such request the  
 10 Administrator shall promptly conduct a public hearing. In  
 11 connection with any proceeding under this section the Ad-  
 12 ministrator may issue subpoenas for the attendance and  
 13 testimony of witnesses and the production of relevant pa-  
 14 pers, books, and documents, and may promulgate rules for  
 15 discovery procedures.

16 “(e) VIOLATION OF COMPLIANCE ORDERS.—If a vio-  
 17 lator fails to take corrective action within the time speci-  
 18 fied in a compliance order, the Administrator may assess  
 19 a civil penalty of not more than \$25,000 for each day of  
 20 continued noncompliance with the order.”.

21 (b) TABLE OF CONTENTS AMENDMENT.—The table  
 22 of contents of such subtitle D is amended by adding at  
 23 the end the following new item:

“Sec. 4011. Canadian transboundary movement of municipal solid waste.”.

