

109TH CONGRESS
1ST SESSION

H. R. 1958

To phase out the incineration of solid waste, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2005

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To phase out the incineration of 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 **SEC. 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Solid Waste In-
5 cineration Act of 2005”.

6 **SEC. 2. STATE IMPLEMENTATION PLANS.**

7 (a) SUBMISSION OF PLANS.—Each State shall, after
8 reasonable notice and public hearings, adopt and submit
9 to the Administrator of the Environmental Protection

1 Agency (referred to in this Act as the “Administrator”),
2 within one year after the enactment of this Act, a 3-year
3 implementation plan to achieve each of the following:

4 (1) Increased recycling by at least 75 percent
5 over the 3-year period.

6 (2) Water source pollution reduction.

7 (3) The restriction of landfill dumping to mate-
8 rials that are not recyclable or compostable.

9 (4) The phasing out of incineration of solid
10 waste within 4 years and 6 months after the enact-
11 ment of this Act.

12 (5) A waste reduction rate of 10 percent.

13 (6) An increase in composting of 10 percent.

14 (b) PROCEDURES.—Each implementation plan sub-
15 mitted by a State under this Act shall be adopted by the
16 State after reasonable notice and public hearing. No such
17 plan may be implemented by the State until approved by
18 the Administrator under this Act. Each such plan shall—

19 (1) include enforceable limitations and other
20 control measures, means, or techniques, as well as
21 schedules and timetables for compliance, as may be
22 necessary or appropriate to meet the applicable re-
23 quirements of this Act;

1 (2) provide for establishment and operation of
2 appropriate devices, methods, systems, and proce-
3 dures necessary to—

4 (A) monitor, compile, and analyze data on
5 compliance with this Act; and

6 (B) make such data available to the Ad-
7 ministrator;

8 (3) include a program to provide for the en-
9 forcement of the measures described in paragraph
10 (1);

11 (4) provide for revision of such plan whenever
12 the Administrator finds on the basis of information
13 available to the Administrator that the plan is inad-
14 equate to comply with the requirements established
15 under this Act; and

16 (5) provide for consultation and participation
17 by local political subdivisions affected by the plan.

18 (c) ENVIRONMENTAL PROTECTION AGENCY ACTION
19 ON PLAN SUBMISSIONS.—

20 (1) COMPLETENESS OF PLAN SUBMISSIONS.—

21 (A) COMPLETENESS CRITERIA.—Within 6
22 months after the date of the enactment of this
23 Act, the Administrator shall promulgate min-
24 imum criteria that any plan submission must
25 meet before the Administrator is required to act

1 on such submission under this subsection. The
2 criteria shall be limited to the information nec-
3 essary to enable the Administrator to determine
4 whether the plan submission complies with the
5 provisions of this Act.

6 (B) COMPLETENESS FINDING.—Within 6
7 months after the Administrator's receipt of a
8 plan or plan revision under this Act, the Ad-
9 ministrator shall determine whether the plan or
10 revision complies with this Act and approve or
11 reject the plan or plan revision. If the plan is
12 approved, the State shall begin implementation
13 immediately. If the plan is rejected, the Envi-
14 ronmental Protection Agency will inform the
15 State why the plan was rejected. That State
16 then has 3 months to submit a new plan.

17 (C) EFFECT OF FINDING OF INCOMPLETE-
18 NESS.—Where the Administrator determines
19 that any part of a plan submission meets the
20 requirements of this Act and approves such
21 part and disapproves the plan in part, the State
22 shall immediately implement the approved part
23 or parts and submit a revised plan respecting
24 the remaining parts within 3 months after the
25 date of the Administrator's disapproval.

1 (2) DEADLINE FOR ACTION.—Within 12
2 months of a determination by the Administrator (or
3 a determination deemed by operation of law) under
4 paragraph (1) that a State has submitted a plan or
5 plan revision (or, in the Administrator’s discretion,
6 part thereof) that meets the minimum criteria estab-
7 lished pursuant to paragraph (1), if applicable (or,
8 if those criteria are not applicable, within 12 months
9 of submission of the plan or revision), the Adminis-
10 trator shall act on the submission in accordance with
11 paragraph (3).

12 (3) FULL AND PARTIAL APPROVAL AND DIS-
13 APPROVAL.—In the case of any submittal on which
14 the Administrator is required to act under para-
15 graph (2), the Administrator shall approve such sub-
16 mittal as a whole if it meets all of the applicable re-
17 quirements of this Act. If a portion of the plan revi-
18 sion meets all the applicable requirements of this
19 Act, the Administrator may approve the plan revi-
20 sion in part and disapprove the plan revision in part.
21 The plan revision shall not be treated as meeting the
22 requirements of this Act until the Administrator ap-
23 proves the entire plan revision as complying with the
24 applicable requirements of this Act.

1 (4) **CONDITIONAL APPROVAL.**—The Adminis-
2 trator may approve a plan revision based on a com-
3 mitment of the State to adopt specific enforceable
4 measures by a date certain, but not later than 1
5 year after the date of approval of the plan revision.
6 Any such conditional approval shall be treated as a
7 disapproval if the State fails to comply with such
8 commitment.

9 (5) **CALLS FOR PLAN REVISIONS.**—Whenever
10 the Administrator finds that the applicable imple-
11 mentation plan for any area is substantially inad-
12 equate to comply with any requirement of this Act,
13 the Administrator shall require the State to revise
14 the plan as necessary to correct such inadequacies.
15 The Administrator shall notify the State of the inad-
16 equacies, and may establish reasonable deadlines
17 (not to exceed 6 months after the date of such no-
18 tice) for the submission of such plan revisions. Such
19 findings and notice shall be public.

20 (6) **CORRECTIONS.**—Whenever the Adminis-
21 trator determines that the Administrator's action
22 approving, disapproving, or promulgating any plan
23 or plan revision (or part thereof) was in error, the
24 Administrator may in the same manner as the ap-
25 proval, disapproval, or promulgation revise such ac-

1 tion as appropriate without requiring any further
2 submission from the State. Such determination and
3 the basis thereof shall be provided to the State and
4 public.

5 (d) PLAN REVISIONS.—Each revision to an imple-
6 mentation plan submitted by a State under this Act shall
7 be adopted by such State after reasonable notice and pub-
8 lic hearing. The Administrator shall not approve a revision
9 of a plan if the revision would not comply with any appli-
10 cable requirement of this Act.

11 (e) SANCTIONS.—The Administrator may apply any
12 of the sanctions listed in section 2 whenever the Adminis-
13 trator makes a finding, disapproval, or determination
14 under section 2(a) in relation to any plan.

15 (f) FEDERAL IMPLEMENTATION PLANS.—The Ad-
16 ministrator shall promulgate a Federal implementation
17 plan at any time within 2 years after the Administrator—

18 (1) finds that a State has failed to make a re-
19 quired submission or finds that the plan or plan re-
20 vision submitted by the State does not satisfy the
21 minimum criteria established under this Act; or

22 (2) disapproves a State implementation plan
23 submission in whole or in part,

24 unless the State corrects the deficiency, and the Adminis-
25 trator approves the plan or plan revision, before the Ad-

1 administrator promulgates such Federal implementation
2 plan.

3 **SEC. 3. SANCTIONS.**

4 (a) STATE FAILURE.—For any implementation plan
5 or plan revision required under this part or required in
6 response to a finding of substantial inadequacy as de-
7 scribed in section 1, if the Administrator—

8 (1) finds that a State has failed to submit a
9 plan, or to submit 1 or more of the elements (as de-
10 termined by the Administrator) required by the pro-
11 visions of this Act;

12 (2) disapproves in whole or in part a plan sub-
13 mission under section 1; and

14 (3) finds that any requirement of an approved
15 plan (or approved part of a plan) is not being imple-
16 mented,

17 unless such deficiency has been corrected within 18
18 months after the finding, disapproval, or determination re-
19 ferred to in paragraphs (1), (2), and (3), the sanctions
20 referred to in subsection (b) shall apply until the Adminis-
21 trator determines that the State has come into compliance.

22 (b) SANCTIONS.—(1) The Administrator may impose
23 a prohibition, applicable to a State, on the approval by
24 the Secretary of Transportation of any projects or the
25 awarding by the Secretary of any grants, under title 23,

1 United States Code, other than projects or grants for safe-
2 ty where the Secretary determines, based on accident or
3 other appropriate data submitted by the State, that the
4 principal purpose of the project is an improvement in safe-
5 ty to resolve a demonstrated safety problem and likely will
6 result in a significant reduction in, or avoidance of, acci-
7 dents. Such prohibition shall become effective upon the se-
8 lection by the Administrator of this sanction.

9 (2) In addition to safety, projects or grants that may
10 be approved by the Secretary, notwithstanding the prohi-
11 bition in paragraph (1), are the following—

12 (A) capital programs for public transit;

13 (B) construction or restriction of certain roads
14 or lanes solely for the use of passenger buses or high
15 occupancy vehicles;

16 (C) highway ramp metering, traffic signaliza-
17 tion, and related programs that improve traffic flow;

18 (D) fringe and transportation corridor parking
19 facilities serving multiple occupancy vehicle pro-
20 grams or transit operations;

21 (E) programs to limit or restrict vehicle use in
22 downtown areas or other areas of emission con-
23 centration particularly during periods of peak use,
24 through road use charges, tolls, parking surcharges,

1 or other pricing mechanisms, vehicle restricted zones
2 or periods, or vehicle registration programs; and
3 (F) programs for breakdown and accident scene
4 management, nonrecurring congestion, and vehicle
5 information systems, to reduce congestion.

6 **SEC. 4. INCENTIVES.**

7 (a) GRANT PROGRAM.—The Administrator is author-
8 ized to make grants to each State that phases out the in-
9 cineration of solid waste prior to the deadline established
10 under this Act. Such grants are to be used for the purpose
11 of finding alternative, environmental friendly means of
12 solid waste disposal. The Administrator may make grants
13 under this subsection in the amount of—

14 (1) \$60,000,000 to States that phase out the
15 incineration of solid waste within 1 year after the
16 enactment of this Act;

17 (2) \$40,000,000 to States that phase out the
18 incineration of solid waste within 2 years after the
19 enactment of this Act; and

20 (3) \$25,000,000 to States that phase out the
21 incineration of solid waste within 3 years after the
22 enactment of this Act.

23 (b) INTERSTATE WASTE AUTHORITY.—On the date
24 that a State phases out the incineration of solid waste,

- 1 such State shall have the authority to limit or restrict the
- 2 importation of solid waste in such State.

