

109TH CONGRESS  
1ST SESSION

# S. 346

To amend the Solid Waste Disposal Act to prohibit the importation of Canadian municipal solid waste without State consent.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2005

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

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## A BILL

To amend the Solid Waste Disposal Act to prohibit the importation of Canadian municipal solid waste without State consent.

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 “Canadian Waste Im-  
5       port Ban Act of 2005”.

6       **SEC. 2. CANADIAN MUNICIPAL SOLID WASTE.**

7       (a) IN GENERAL.—Subtitle D of the Solid Waste Dis-  
8       posal Act (42 U.S.C. 6941 et seq.) is amended by adding  
9       at the end the following:

1 **“SEC. 4011. CANADIAN MUNICIPAL SOLID WASTE.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) AGREEMENT.—The term ‘Agreement’  
4 means—

5 “(A) the Agreement Concerning the  
6 Transboundary Movement of Hazardous Waste  
7 between the United States and Canada, signed  
8 at Ottawa on October 28, 1986 (TIAS 11099)  
9 and amended on November 25, 1992; and

10 “(B) any regulations promulgated to im-  
11 plement and enforce that Agreement.

12 “(2) CANADIAN MUNICIPAL SOLID WASTE.—  
13 The term ‘Canadian municipal solid waste’ means  
14 municipal solid waste that is generated in Canada.

15 “(3) MUNICIPAL SOLID WASTE.—

16 “(A) IN GENERAL.—The term ‘municipal  
17 solid waste’ means—

18 “(i) material discarded for disposal  
19 by—

20 “(I) households (including single  
21 and multifamily residences); and

22 “(II) public lodgings such as ho-  
23 tels and motels; and

24 “(ii) material discarded for disposal  
25 that was generated by commercial, institu-

1 tional, and industrial sources, to the extent  
 2 that the material—

3 “(I)(aa) is essentially the same  
 4 as material described in clause (i); or

5 “(bb) is collected and disposed of  
 6 with material described in clause (i)  
 7 as part of a normal municipal solid  
 8 waste collection service; and

9 “(II) is not subject to regulation  
 10 under subtitle C.

11 “(B) INCLUSIONS.—The term ‘municipal  
 12 solid waste’ includes—

13 “(i) appliances;

14 “(ii) clothing;

15 “(iii) consumer product packaging;

16 “(iv) cosmetics;

17 “(v) debris resulting from construc-  
 18 tion, remodeling, repair, or demolition of a  
 19 structure;

20 “(vi) disposable diapers;

21 “(vii) food containers made of glass or  
 22 metal;

23 “(viii) food waste;

24 “(ix) household hazardous waste;

25 “(x) office supplies;

1 “(xi) paper; and

2 “(xii) yard waste.

3 “(C) EXCLUSIONS.—The term ‘municipal  
4 solid waste’ does not include—

5 “(i) solid waste identified or listed as  
6 a hazardous waste under section 3001, ex-  
7 cept for household hazardous waste;

8 “(ii) solid waste, including contami-  
9 nated soil and debris, resulting from—

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

15 “(II) a response action taken  
16 under a State law with authorities  
17 comparable to the authorities con-  
18 tained in either of those sections; or

19 “(III) a corrective action taken  
20 under this Act;

21 “(iii) recyclable material—

22 “(I) that has been separated, at  
23 the source of the material, from waste  
24 destined for disposal; or

1 “(II) that has been managed sep-  
2 arately from waste destined for dis-  
3 posal, including scrap rubber to be  
4 used as a fuel source;

5 “(iv) a material or product returned  
6 from a dispenser or distributor to the man-  
7 ufacturer or an agent of the manufacturer  
8 for credit, evaluation, and possible poten-  
9 tial reuse;

10 “(v) solid waste that is—

11 “(I) generated by an industrial  
12 facility; and

13 “(II) transported for the purpose  
14 of treatment, storage, or disposal to a  
15 facility (which facility is in compliance  
16 with applicable State and local land  
17 use and zoning laws and regulations)  
18 or facility unit—

19 “(aa) that is owned or oper-  
20 ated by the generator of the  
21 waste;

22 “(bb) that is located on  
23 property owned by the generator  
24 of the waste or a company with

1 which the generator is affiliated;

2 or

3 “(cc) the capacity of which  
4 is contractually dedicated exclu-  
5 sively to a specific generator;

6 “(vi) medical waste that is segregated  
7 from or not mixed with solid waste;

8 “(vii) sewage sludge or residuals from  
9 a sewage treatment plant;

10 “(viii) combustion ash generated by a  
11 resource recovery facility or municipal in-  
12 cinerator; or

13 “(ix) waste from a manufacturing or  
14 processing (including pollution control) op-  
15 eration that is not essentially the same as  
16 waste normally generated by households.

17 “(b) BAN ON CANADIAN MUNICIPAL SOLID  
18 WASTE.—

19 “(1) IN GENERAL.—Except as provided in para-  
20 graph (2), until the date on which the Administrator  
21 promulgates regulations to implement and enforce  
22 the Agreement (including notice and consent provi-  
23 sions of the Agreement), no person may import into  
24 any State, and no solid waste management facility  
25 may accept, Canadian municipal solid waste for the

1 purpose of disposal or incineration of the Canadian  
2 municipal solid waste.

3 “(2) ELECTION BY GOVERNOR.—The Governor  
4 of a State may elect to opt out of the ban under  
5 paragraph (1), and consent to the importation and  
6 acceptance by the State of Canadian municipal solid  
7 waste before the date specified in that paragraph, if  
8 the Governor submits to the Administrator a notice  
9 of that election by the Governor.

10 “(c) AUTHORITY OF ADMINISTRATOR.—

11 “(1) IN GENERAL.—Beginning immediately  
12 after the date of enactment of this section, the Ad-  
13 ministrator shall—

14 “(A) perform the functions of the Des-  
15 ignated Authority of the United States de-  
16 scribed in the Agreement with respect to the  
17 importation and exportation of municipal solid  
18 waste under the Agreement; and

19 “(B) implement and enforce the Agree-  
20 ment (including notice and consent provisions  
21 of the Agreement).

22 “(2) CONSENT TO IMPORTATION.—In consid-  
23 ering whether to consent to the importation of Cana-  
24 dian municipal solid waste under article 3(c) of the  
25 Agreement, the Administrator shall—

1                   “(A) obtain the consent of each State into  
2                   which the Canadian municipal solid waste is to  
3                   be imported; and

4                   “(B) consider the impact of the importa-  
5                   tion on homeland security, public health, and  
6                   the environment.”.

7           (b) CONFORMING AMENDMENT.—The table of con-  
8   tents of the Solid Waste Disposal Act (42 U.S.C. prec.  
9   6901) is amended by adding after the item relating to sec-  
10   tion 4010 the following:

“Sec. 4011. Canadian municipal solid waste”.

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