

111TH CONGRESS  
1ST SESSION

# H. R. 1342

To amend the Solid Waste Disposal Act to provide for the reduction of greenhouse gases, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2009

Mr. MORAN of Virginia introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Solid Waste Disposal Act to provide for the reduction of greenhouse gases, 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 “Landfill Greenhouse  
5 Gas Reduction Act”.

6 **SEC. 2. SOLID WASTE MANAGEMENT PLANS.**

7 (a) REQUIREMENTS FOR PLANS.—Section 4003(a) of  
8 the Solid Waste Disposal Act (42 U.S.C. 6943(a)) is  
9 amended by adding the following at the end thereof:

1           “(7)(A) The plan shall provide for the collection  
2           of a fee of not less than \$5 per ton to be imposed  
3           on all solid waste collected by, or generated by, a  
4           municipality (other than fly ash and bottom ash) re-  
5           ceived by each solid waste landfill subject to this  
6           subtitle in the State. The fee shall be collected by  
7           the owner or operator of the solid waste landfill and  
8           remitted to the general purpose unit of local govern-  
9           ment having jurisdiction over the area in which the  
10          facility is located. The plan shall also provide for the  
11          submission to the State and to the Administrator of  
12          an annual report by each facility in the State that  
13          is subject to such fee in the year to which the report  
14          applies. The report shall specify the amount and  
15          type of waste received for the year concerned, to-  
16          gether with the amount of fees collected and all  
17          measures in place at the reporting facility to reduce  
18          greenhouse gases and to protect human health and  
19          the environment.

20               “(B)(i) The unit of local government referred to  
21               in subparagraph (A) shall use all revenues generated  
22               by the fee referred to in subparagraph (A), or trans-  
23               fer such revenues to the State, to undertake, or to  
24               provide grants, loans, loan guarantees or other fi-  
25               nancial assistance to any entity to undertake, ap-

1 proved greenhouse gas reduction projects in the area  
2 subject to the jurisdiction of such unit of local gov-  
3 ernment. Not more than 10 percent of such revenues  
4 may be reserved for the costs of administering the  
5 program under this subparagraph.

6 “(ii) A greenhouse gas reduction project shall  
7 be treated as approved for purposes of this para-  
8 graph if the project is one of a class or category of  
9 greenhouse gas reduction projects listed by the Ad-  
10 ministrator as a cost-effective greenhouse gas reduc-  
11 tion measure. The Administrator shall promulgate,  
12 and from time to time revise, a list of such classes  
13 or categories of such measures. Such list shall iden-  
14 tify the most cost-effective measures. Such measures  
15 may include waste reduction measures, recycling,  
16 landfill gas recovery, waste recovery including energy  
17 generation, and any other measures deemed cost ef-  
18 fective by the Administrator.

19 “(iii) In selecting projects to be funded under  
20 this paragraph, the unit of local government (or  
21 State, as the case may be) shall select those projects  
22 identified by the Administrator as the most cost-ef-  
23 fective means to reduce greenhouse gases.”.

24 (b) FEDERAL FINANCIAL ASSISTANCE.—Section  
25 4007(a) of the Solid Waste Disposal Act (42

1 U.S.C.6947(a)) is amended by striking out “and (5)” in  
 2 each placed it appears and inserting “(5), and (7)”.

3 **SEC. 3. FEDERAL PLANS FOR GREENHOUSE GAS REDUC-**  
 4 **TION.**

5 (a) IN GENERAL.—Subtitle D of the Solid Waste Dis-  
 6 posal Act (42 U.S.C. 6901 and following) is amended by  
 7 adding the following new section at the end thereof:

8 **“SEC. 4011. FEDERAL PLANS FOR GREENHOUSE GAS RE-**  
 9 **DUCTION.**

10 “(a) STATES NOT HAVING APPROVED PLANS.—In  
 11 the case of any State for which plan provisions under sec-  
 12 tion 4003(a)(7) have not been approved within one year  
 13 after the enactment of this section, or for which any such  
 14 plan provisions are subsequently disapproved, the Admin-  
 15 istrator shall impose and collect, under rules promulgated  
 16 by the Administrator, a fee of not more than \$5 per ton  
 17 on all solid waste collected by, or generated by, a munici-  
 18 pality (other than fly ash and bottom ash) received by each  
 19 solid waste landfill subject to this subtitle in that State.  
 20 Subject to annual appropriations, all revenues derived  
 21 from such fee shall be used by the Administrator for  
 22 greenhouse gas reduction measures described in section  
 23 4003(a)(7)(B).

24 “(b) PENALTY.—Any person who fails or refuses to  
 25 pay the full amount of any fee imposed under subsection

1 (a) shall be liable to the United States for a civil penalty  
2 in the amount fo \$25,000 for each such violation. Such  
3 civil penalty shall be assessed and collected in the same  
4 manner as in the case of a civil penalty under section  
5 3008(g).”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 such subtitle D is amended by adding the following at the  
8 end thereof:

“Sec. 4011. Federal plans for greenhouse gas reduction.”.

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