

104TH CONGRESS
1ST SESSION

H. R. 2838

To amend the Solid Waste Disposal Act to provide congressional authorization for State and local flow control authority over solid waste, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 22, 1995

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Solid Waste Disposal Act to provide congressional authorization for State and local flow control authority over 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 “Public Debt Relief Act
5 of 1995”.

1 **SEC. 2. CONGRESSIONAL AUTHORIZATION OF STATE AND**
2 **LOCAL FLOW CONTROL AUTHORITY OVER**
3 **SOLID WASTE.**

4 Subtitle D of the Solid Waste Disposal Act (42
5 U.S.C. 6941 et seq.) is amended by adding after section
6 4010 the following new section:

7 **“SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE**
8 **AND LOCAL FLOW CONTROL AUTHORITY**
9 **OVER SOLID WASTE.**

10 “(a) AREAS WITH PRE-1984 FLOW CONTROL.—

11 “(1) GENERAL AUTHORITY.—A State may exer-
12 cise flow control authority over solid waste if, on or
13 before January 1, 1984, the State—

14 “(A) adopted regulations under a State
15 law that required or directed the transportation,
16 management, or disposal of solid waste from
17 residential, commercial, institutional, or indus-
18 trial sources (as defined under State law) to
19 specifically identified waste management facili-
20 ties, and applied those regulations to every po-
21 litical subdivision of the State, and

22 “(B) subjected waste management facilities
23 to the jurisdiction of a State public utilities
24 commission.

25 “(2) ADDITIONAL AUTHORITY.—A State that
26 meets the requirements of paragraph (1) and any

1 political subdivision thereof may exercise flow control
2 authority over all classes and categories of solid
3 waste that were subject to flow control by such State
4 or political subdivision thereof on May 16, 1994, by
5 directing it from any existing waste management fa-
6 cility to any other existing or proposed waste man-
7 agement facility.

8 “(3) LIMITATION OF AUTHORITY.—The addi-
9 tional authority granted by paragraph (2) may be
10 exercised to—

11 “(A) any facility described in paragraph
12 (2) for up to 5 years after the date of enact-
13 ment of this section, and

14 “(B) after 5 years after enactment of this
15 section, only to those facilities and only with re-
16 spect to the classes, categories, and geographic
17 origin of solid waste specifically identified by
18 the State in a public notice issued within 5
19 years after enactment of this section.

20 “(4) DURATION OF AUTHORITY.—The authority
21 to direct solid waste to any facility pursuant to this
22 subsection shall terminate at the expiration date of
23 a revenue or general obligation bond issued to fi-
24 nance one or more waste management facilities.

1 “(5) DEFINITIONS.—For purposes of this sub-
2 section:

3 “(A) The term ‘flow control authority’
4 means the authority to control the movement of
5 solid waste and direct such solid waste to one
6 or more waste management facilities.

7 “(B) The term ‘proposed waste manage-
8 ment facility’ means a waste management facil-
9 ity that was specifically identified in a waste
10 management plan prior to May 16, 1994, and
11 for the construction of which—

12 “(i) revenue bonds were issued and
13 outstanding as of May 16, 1994,

14 “(ii) additional financing with revenue
15 bonds was required as of the date of enact-
16 ment of this section to complete construc-
17 tion, and

18 “(iii) a permit had been issued prior
19 to December 31, 1994.”.

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