

RESOLUTION 95 - 85

A RESOLUTION SUPPORTING HR 1085 IN THE UNITED STATES HOUSE OF REPRESENTATIVES.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, has a concern about flow control legislation; and

WHEREAS, it is in the best interest of the citizens of Nassau County to have specific authority regarding flow control; and

WHEREAS, HR 1085, which has been introduced in the United States House of Representatives, would amend the Solid Waste Disposal Act, which would benefit the citizens of Nassau County.

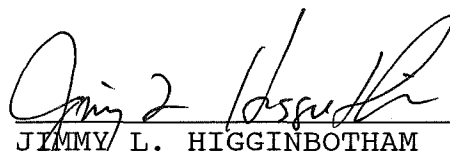
NOW, THEREFORE, BE IT RESOLVED this 27th day of March, 1995, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. The Board unanimously endorses the passage of HR 1085 in the United States House of Representatives and any companion bill submitted in the United States Senate.

2. A copy of this Resolution shall be provided to Congresswoman Tillie Fowler.

3. The Board, or its representatives, stand ready, willing, and able to provide any testimony that would be necessary to support passage of this bill.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



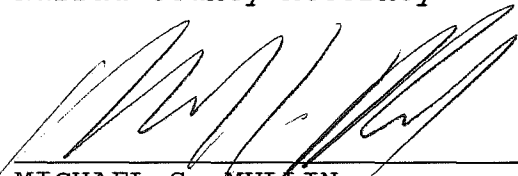
JIMMY L. HIGGINBOTHAM
Its: Chairman

ATTEST:



T. J. GREESON
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN

7/b:hr1085.res

104TH CONGRESS

1ST SESSION

H.R. 1085

IN THE HOUSE OF REPRESENTATIVES

Mr. Smith of New Jersey introduced the following bill for himself and Mr. Oxley, Mr. Pallone, Mr. Minge, Mrs. Roukema, and Mr. Saxton; which was referred to _____.

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 Representatives of the*

2 *United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Local Governments Flow Control
Act of 1995".

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

4 Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et
5 seq.)

6 is amended by adding after section 4010 the following new section:

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

10 (a) **AUTHORITY.--**

11 **"(1) IN GENERAL.--**Each State and each qualified political
12 subdivision may exercise flow control authority if, before May
13 15, 1994, the State or qualified political subdivision--

14 **"(A)** adopted a flow control measure or measures,
15 individually or collectively, that required the delivery of flow
16 controllable solid waste to a proposed or an existing waste
17 management facility; or

18 **"(B)** adopted a flow control measure that identified the
19 use of one or more waste management methods that will be
20 necessary for the transportation, management, or disposal of
21 flow controllable solid waste, and committed to designate one
22 or more waste management facilities for such method or
23 methods.

24 **"(2) RECYCLABLES.--**Each State and each qualified political
25 subdivision may exercise flow control authority over voluntarily
26 relinquished recyclable materials generated within the boundaries
27 of the State or qualified political subdivision.

1 "(3) REASONABLE REGULATION OF COMMERCE.--

2 "(A) A flow control measure of a State or qualified
3 political subdivision that implements or exercises flow control
4 authority in compliance with this section shall be considered
5 to be a reasonable regulation of commerce and shall not be
6 considered to be an undue burden on or otherwise as
7 impairing, restraining, or discriminating against interstate
8 commerce.

9 "(B) A contract or franchise agreement of a State or
10 qualified political subdivision that provides the exclusive or
11 nonexclusive authority for the collection, transportation, or
12 disposal of flow controllable solid waste, and that does not
13 involve the exercise of flow control authority, shall be
14 considered to be a reasonable regulation of commerce and
15 shall not be considered to be an undue burden on or otherwise
16 as impairing, restraining, or discriminating against interstate
17 commerce.

18 "(b) LIMITATIONS.--

19 "(1) LIMITATION OF AUTHORITY REGARDING
20 RECYCLABLE MATERIALS.--A State or qualified political
21 subdivision may exercise flow control authority over recyclable
22 materials only if--

23 "(A) the generator or owner of the materials voluntarily
24 made the materials available to the State or qualified political
25 subdivision, or the designee of the State or qualified political

1 subdivision, and relinquished any rights to, or ownership of,
2 such materials;

3 "(B) the State or qualified political subdivision, or the
4 designee of the State or qualified political subdivision,
5 assumes such rights to, or ownership of, such materials; and

6 "(C) the State or qualified political subdivision complies
7 with any Federal or State law or solid waste planning
8 requirement to separate, or divert at the point of generation,
9 recyclable materials from solid waste for purposes of
10 recycling, reclamation, or reuse.

11 "(2) LIMITATION OF AUTHORITY REGARDING NEED.-

12 -

13 "(A) A State or qualified political subdivision may
14 designate a waste management facility after the effective date
15 of this section and exercise flow control authority to that
16 facility only if, after conducting one or more public hearings,
17 the State or qualified political subdivision--

18 "(i) finds, on the basis of the record developed at
19 the hearing or hearings, that it is necessary to exercise
20 such flow control authority to meet the current solid
21 waste management needs (as of the date of the record) or
22 the anticipated solid waste management needs of the State
23 or qualified political subdivision;

24 "(ii) finds, on the basis of the record developed at
25 the hearing or hearings, that such flow control authority
26 is necessary to provide short and long term integrated
27 solid waste management services in an economically effi-
28 cient and environmentally sound manner, considering,

1 among other things, an analysis of the ability of the
2 private sector and public bodies to provide such services
3 with and without flow control authority; and

4 "(iii) provides a written explanation of the reasons
5 for the findings described in clauses (i) and (ii), which
6 may include a finding of a preferred waste management
7 method or methods for providing such integrated solid
8 waste management services.

9 "(B) The flow control authority of this section shall
10 remain in effect with respect to any waste management facility
11 until completion of the schedule for payment of the capital
12 costs of the facility concerned (as in effect on May 15, 1994),
13 or for the remaining useful life of the facility, or 10 years
14 from the effective date of this section, whichever is longer.
15 At the end of such period, the flow control authority shall
16 continue in effect for the waste management facility, provided
17 the State or qualified political subdivision complies with
18 subparagraph (A) and subsection (c). For purposes of this
19 paragraph, the useful life of a waste management facility or
20 the schedule for payment of the capital cost of the facility
21 shall include any useful life extension or any new debt
22 payment schedule that results when:

23 "(i) the designated waste management facility is
24 required to retrofit or otherwise make significant
25 modifications to meet applicable environmental
26 requirements or safety requirements;

1 (ii) routine repair or scheduled replacements of
2 existing equipment or components of a designated waste
3 management facility is undertaken that does not add to
4 the capacity of the waste management facility; or

5 (iii) a designated waste management facility
6 expands on land legally or equitably owned, or under
7 option to purchase or lease, by the owner or operator of
8 such facility and the applicable permit includes such land.

9 (C) Each State and each qualified political subdivision
10 meeting the requirements of subsection (a)(1)(A) may
11 redesignate without regard to the requirements of paragraphs
12 (2)(A) and subsection (c).

13 (D) Notwithstanding anything to the contrary in this
14 section, paragraphs (2)(A) and (2)(B) shall not apply to any
15 State (or any of its political subdivisions) that, on or before
16 January 1, 1984, enacted regulations pursuant to a State law
17 that required or directed the transportation, management, or
18 disposal of solid waste from residential, commercial,
19 institutional and industrial sources as defined by State law to
20 specific waste management facilities and applied those
21 regulations to every political subdivision in the State.

22 (3) LIMITATION ON SOLID WASTE CATEGORIES.--The
23 flow control authority granted by this section shall apply only to
24 the specific classes or categories of flow controllable solid waste
25 to which the authority described in subsection (a)(1)(A) was
26 applied by the State or qualified political subdivision before May
27 15, 1994, and

1 to the specific classes or categories of solid waste for which the
2 State or qualified political subdivision committed to designate one
3 or more waste management facilities as described in subsection
4 (a)(1)(B).

5 "(4) EXPIRATION OF AUTHORITY.--The flow control
6 authority granted in subsection (a)(1)(B) shall expire if a State or
7 qualified political subdivision has not designated a waste
8 management facility within 3 years after the date of enactment of
9 this section.

10 "(5) LIMITATION ON REVENUE.--A State or qualified
11 political subdivision may exercise the flow control authority
12 granted in this section only if the State or qualified political
13 subdivision limits the use of any of the revenues it derives from
14 the exercise of such authority primarily to solid waste
15 management services.

16 "(c) COMPETITIVE DESIGNATION PROCESS.--

17 "(1) IN GENERAL.-A State or qualified political subdivision
18 may designate a waste management facility only if the State or
19 qualified political subdivision develops and implements a competi-
20 tive designation process. The process shall--

21 "(A) ensure that the designation process is based on, or is
22 part of, a solid waste management plan that is adopted by the
23 State or qualified political subdivision and that is designed to
24 ensure long-term management capacity for flow controllable
25 solid waste;

1 "(B) set forth the goals of the designation process,
2 including at a minimum--

3 "(i) capacity assurance;

4 "(ii) the establishment of provisions to provide that
5 protection of human health and the environment will be
6 achieved, which may include a finding of a preferred
7 method or methods for providing solid waste
8 management services; and

9 "(iii) any other goals determined to be relevant by
10 the
11 State or qualified political subdivision;

12 "(C) ensure that the designation of each facility is
13 accomplished through an open competitive process during
14 which the State or qualified political subdivision--

15 "(i) identifies in writing the criteria to be utilized for
16 selection of the facilities, which shall not discriminate
17 unfairly against any particular waste management facility,
18 and shall not establish qualifications for selection that can
19 only be met by public bodies;

20 "(ii) provides a fair and equal opportunity for
21 interested public persons and private persons to offer
22 their facilities for designation;

23 "(iii) identifies and compares reasonable and
24 available waste management facility alternatives,
25 options, and costs; and

26 "(iv) evaluates and selects the facilities for
27 designation based on the merits of the facilities in
28 meeting the criteria identified; and

1 "(D) provide for public participation and comment; and
2 "(E) base the designation of each such facility on reasons
3 that shall be stated in a public record.

4 "(2) CERTIFICATION.--

5 "(A) IN GENERAL.--A Governor of any State may
6 certify that the laws and regulations of the State in effect on
7 May 15, 1994, satisfy the requirements for a competitive
8 designation process under paragraph (1).

9 "(B) PROCESS.--In making a certification under
10 subparagraph (A), a Governor shall--

11 "(i) publish notice of the proposed certification in a
12 newspaper of general circulation and provide such
13 additional notice of the proposed certification as may be
14 required by State law;

15 "(ii) include in the notice of the proposed
16 certification or otherwise make readily available a
17 statement of the laws and regulations subject to the
18 certification and an explanation of the basis for a
19 conclusion that the laws and regulations satisfy the
20 requirements of paragraph (1);

21 "(iii) provide interested persons an opportunity to
22 comment on the proposed certification, for a period of
23 time not less than 60 days, after publication of the notice;
24 and

25 "(iv) publish notice of the final certification,
26 together with an explanation of the basis for the final
27 certification, in a newspaper of general circulation and
28 provide such additional notice of the final certification as

1 may be required by State law.

2 "(C) APPEAL.--Within 120 days after publication of the
3 final certification under subparagraph (B), any interested
4 person may file an appeal of the final certification in the
5 United States Court of Appeals for the circuit in which the
6 State is located for a judicial determination that the certified
7 laws and regulations do not satisfy the requirements of
8 paragraph (1) or that the certification process did not satisfy
9 the procedural requirements of subparagraph (B). The appeal
10 shall set forth the specific reasons for the appeal of the final
11 certification.

12 "(D) LIMITATION TO RECORD.--Any judicial
13 proceeding brought under subparagraph (C) shall be limited to
14 the administrative record developed in connection with the
15 procedures described in subparagraph (B).

16 "(E) COSTS OF LITIGATION.--In any judicial
17 proceeding brought under subparagraph (C), the court shall
18 award costs of litigation (including reasonable attorney fees) to
19 any prevailing party whenever the court determines that such
20 award is appropriate.

21 "(F) LIMITATION OF REVIEW OF
22 CERTIFICATIONS.--If no appeal is taken under
23 subparagraph (C) within 120 days after the publication of the
24 final certification, or if the final certification by the Governor
25 of any State is upheld by the United States Court of Appeals
26 and no party seeks review by the Supreme Court (within
27 applicable time requirements), the final certification shall not
28 otherwise be subject to judicial review.

1 "(G) LIMITATION ON REVIEW OF
2 DESIGNATIONS.--Designations made after the final
3 certification and pursuant to the certified laws and regulations
4 shall not be subject to judicial review for failure to satisfy the
5 requirements of paragraph (1).

6 "(d) OWNERSHIP OF RECYCLABLE MATERIALS.--
7 "(1) PROHIBITION ON REQUIRED TRANSFERS.--Nothing
8 in this section shall authorize any State or qualified political
9 subdivision, or any designee of the State or qualified political
10 subdivision, to require any generator or owner of recyclable
11 materials to transfer any recyclable materials to such State or
12 qualified political subdivision unless the generator or owner of the
13 recyclable materials voluntarily made the materials available to
14 the State or qualified political subdivision and relinquished any
15 rights to, or ownership of, such materials.

16 "(2) OTHER TRANSACTIONS.--Nothing in this section shall
17 prohibit any person from selling, purchasing, accepting,
18 conveying, or transporting any recyclable materials for purposes
19 of transformation or remanufacture into usable or marketable
20 materials.

21 "(e) RETAINED AUTHORITY.--Upon the request of any
22 generator of solid waste affected by this section, the State or qualified
23 political subdivision may authorize the diversion of all or a portion of
24 the solid wastes generated by the generator making such request to a
25 waste management facility, other than the facility or facilities originally
26 designated by the State or qualified political subdivision, where the
27 purpose of such request is to provide a higher level of protection for
28 human health and the environment and reduce potential future liability

1 under Federal or State law of such generator for the management of
2 such wastes. Requests shall include information on the environmental
3 suitability of the proposed alternative waste management facility,
4 compared to that of the designated facility. In making such a
5 determination, the State or political subdivision may consider the
6 ability and willingness of both the designated and alternative waste
7 management facility to indemnify the generator against any cause of
8 action under State or Federal environmental statutes and against any
9 cause of action for nuisance, personal injury, or property loss under
10 any State law.

11 "(f) EXISTING LAWS AND CONTRACTS.--

12 "(1) IN GENERAL.--Except to the extent required to comply
13 with paragraph (4) of this subsection, this section shall not
14 supersede, abrogate, or otherwise modify any of the following:

15 "(A) Any contract or other agreement (including any
16 contract containing an obligation to repay the outstanding
17 indebtedness on any proposed or existing waste management
18 facility) entered into before May 15, 1994, by a State or
19 qualified political subdivision in which such State or qualified
20 political subdivision has designated a proposed or existing
21 waste management facility to receive flow controllable solid
22 waste.

23 "(B) Any other contract or agreement entered into before
24 May 15, 1994, for the transportation, management or disposal
25 of municipal solid waste, incinerator ash from a solid waste
26 incineration unit, or construction debris or demolition debris.

27 "(C) Any flow control measure of a State or qualified
28 political subdivision, adopted before May 15, 1994, that

1 designated a proposed or existing waste management facility
2 to receive flow controllable solid waste.

3 "(2) CONTRACT INFORMATION.--A party to a contract or
4 other agreement that is described in subparagraph (A) or (B) of
5 paragraph (1) shall provide a copy of the contract or agreement to
6 the State or qualified political subdivision on request. Any propri-
7 etary information contained in the contract or agreement may be
8 omitted in the copy, but the information that appears in the copy
9 shall include at least the date that the contract or agreement was
10 signed, the volume of flow controllable solid waste covered by the
11 contract or agreement with respect to which the State or qualified
12 political subdivision could otherwise exercise authority under
13 subsection (a) or paragraph (1), the source of the waste or
14 materials, the destination of the waste or materials, the duration
15 of the contract or agreement, and the parties to the contract or
16 agreement.

17 "(3) EFFECT ON INTERSTATE COMMERCE.--Any
18 contract or agreement described in subparagraph (A) or (B) of
19 paragraph (1), and any flow control measure described in
20 subparagraph (C) of paragraph (1), shall be considered to be a
21 reasonable regulation of commerce by a State or qualified political
22 subdivision, retroactive to the effective date of the contract or
23 agreement, or to the date of adoption of any such flow control
24 measure, and shall not be considered to be an undue burden on or
25 otherwise as impairing, restraining, or discriminating against
26 interstate commerce.

27 "(4) LIMITATION.--Any designation by a State or qualified
28 political subdivision of any waste management facility after the

1 date of enactment of this section shall be made in compliance with
2 subsections (b) and (c). Nothing in this paragraph shall affect any
3 designation made before May 15, 1994, and any such designation
4 shall be deemed to satisfy the requirements of subsections (b) and
5 (c).

6 "(g) SAVINGS CLAUSE.--

7 "(1) FEDERAL OR STATE ENVIRONMENTAL LAWS.--

8 Nothing in this section is intended to supersede, amend, or
9 otherwise modify Federal or State environmental laws (including
10 regulations) that apply to the disposal or management of flow
11 controllable solid waste at waste management facilities.

12 "(2) STATE LAW.--Nothing in this section shall be
13 interpreted to authorize a qualified political subdivision to exercise
14 the authority granted by this section in a manner inconsistent with
15 State law.

16 "(h) DEFINITIONS.--For purposes of this section only, the
17 following definitions apply:

18 "(1) COMMITTED TO DESIGNATE ONE OR MORE
19 WASTE MANAGEMENT FACILITIES.--The term 'committed
20 to designate one or more waste management facilities' means that
21 a State or qualified political subdivision was legally bound to
22 designate one or more waste management facilities or performed
23 or caused to be performed one or more of the following actions
24 for the purpose of designating one or more such facilities:

25 "(A) Obtained all required permits for the construction of
26 such waste management facility prior to May 15, 1994.

27 "(B) Executed contracts for the construction of such
28 waste management facility prior to May 15, 1994.

1 "(C) Presented revenue bonds for sale to specifically
2 provide revenue for the construction of such waste
3 management facility prior to May 15, 1994.

4 "(D) Submitted to the appropriate regulatory agency or
5 agencies, on or before May 15, 1994, administratively
6 complete permit applications for the construction and
7 operation of such waste management facility.

8 "(E) Formed a public authority or a joint agreement
9 among qualified political subdivisions, pursuant to a law
10 authorizing such formation or agreement for the purposes of
11 designating such facilities.

12 "(F) Executed a contract or agreement that obligates or
13 otherwise requires a State or qualified political subdivision to
14 deliver a minimum quantity of flow controllable solid waste to
15 a waste management facility and that obligates or otherwise
16 requires the State or qualified political subdivision to pay for
17 that minimum quantity of flow controllable solid waste even if
18 the stated minimum quantity of such waste is not delivered
19 within a required timeframe, otherwise commonly known as a
20 'put or pay agreement'.

21 "(G) Adopted prior to May 15, 1994, pursuant to a State
22 statute that specifically described the method for designating
23 by solid waste management districts, a resolution of
24 preliminary designation that specifies criteria and procedures
25 for soliciting proposals to designate such facilities after having
26 completed a public notice and comment period.

27 "(H) Adopted prior to May 15, 1994, pursuant to a State
28 statute that specifically described the method for designating

1 by solid waste management districts, a resolution of intent to
2 establish designation with a list of facilities for which
3 designation is intended.

4 "(2) DESIGNATION; DESIGNATE.--The terms 'designate',
5 'designated', 'designation', or 'designating' mean to identify a
6 specific waste management facility to which flow controllable
7 solid waste must be delivered. Such terms include put or pay
8 agreements of the type described in paragraph (1)(F).

9 "(3) EXISTING WASTE MANAGEMENT FACILITY.--The
10 term 'existing waste management facility' means a waste
11 management facility that has been designated and was under
12 construction or in operation as of May 15, 1994.

13 "(4) FLOW CONTROL AUTHORITY.--The term 'flow
14 control authority' means the authority to designate one or more
15 waste management facilities and require the delivery of flow
16 controllable solid waste to such facilities.

17 "(5) FLOW CONTROL MEASURE.--The term 'flow control
18 measure' shall mean a law, ordinance, regulation, solid waste
19 management plan, or legally binding provision.

20 "(6) FLOW CONTROLLABLE SOLID WASTE.--The term
21 'flow controllable solid waste' shall mean any or all of the
22 following materials generated within the boundaries of the State or
23 qualified political subdivision exercising authority under this
24 section: municipal solid waste; incinerator ash from a solid waste
25 incineration unit; construction debris and demolition debris; and,
26 voluntarily relinquished recyclable materials.

27 "(7) INDUSTRIAL SOLID WASTE.--The term 'industrial
28 solid waste' means solid waste generated by manufacturing or

1 industrial processes, including waste generated during scrap
2 processing and scrap recycling, that is not hazardous waste
3 regulated under subtitle C. The term does not include municipal
4 solid waste specified in paragraph (8)(A)(iii).

5 "(8) MUNICIPAL SOLID WASTE.--

6 "(A) IN GENERAL.--The term 'municipal solid waste'
7 means--

8 "(i) any solid waste discarded by a household,
9 including a single or multifamily residence;

10 "(ii) any solid waste that is discarded by a
11 commercial, institutional, or industrial source;

12 "(iii) residue remaining after recyclable materials
13 have been separated or diverted from municipal solid
14 waste described in clause (i) or (ii);

15 "(iv) any waste material or waste substance removed
16 from a septic tank, septage pit, or cesspool, other than
17 from portable toilets; and

18 "(v) conditionally exempt small quantity generator
19 waste under section 3001(d), if it is collected, processed
20 or disposed with other municipal solid waste as part of
21 municipal solid waste services.

22 "(B) EXCLUSIONS.--The term 'municipal solid waste'
23 shall not include any of the following:

24 "(i) Hazardous waste required to be managed in
25 accordance with subtitle C (other than waste described in
26 subparagraph (A)(v)), solid waste containing
27 polychlorinated biphenyl regulated under the Toxic
28 Substances Control Act (15 U.S.C. 2601 et seq.), or

1 medical waste listed in section 11002.

2 "(ii)(I) A recyclable material.

3 "(II) A material or a product returned from a
4 dispenser or distributor to the manufacturer or the
5 agent of the manufacturer for credit, evaluation, or
6 reuse unless such material or product is discarded or
7 abandoned for collection, disposal or combustion.

8 "(III) A material or product that is an out-of-
9 date or unmarketable material or product, or is a
10 material or product that does not conform to
11 specifications, and that is returned to the
12 manufacturer or the agent of the manufacturer for
13 credit, evaluation, or reuse unless such material or
14 product is discarded or abandoned for collection,
15 disposal or combustion.

16 "(iii) Any solid waste (including contaminated soil
17 and debris) resulting from a response action taken under
18 section 104 or 106 of the Comprehensive Environmental
19 Response, Compensation, and Liability Act of 1980 (42
20 U.S.C. 9604 or 9606) or a corrective action taken under
21 this Act.

22 "(iv) (I) Industrial solid waste.

23 "(II) Any solid waste that is generated by an
24 industrial facility and transported for the purpose of
25 containment, storage, or disposal to a facility that is
26 owned or operated by the generator of the waste, or
27 a facility that is located on property owned by the
28 generator.

1 "(9) PROPOSED WASTE MANAGEMENT FACILITY.--

2 The term 'proposed waste management facility' means a waste
3 management facility that has been designated, but that was not
4 under construction, as of May 15, 1994.

5 "(10) QUALIFIED POLITICAL SUBDIVISION.--The term
6 'qualified political subdivision' means a governmental entity or
7 political subdivision of a State, as authorized by the State, to plan
8 for, or determine the methods to be utilized for, the collection,
9 transportation, disposal or other management of flow controllable
10 solid waste generated within the boundaries of the area served by
11 the governmental entity or political subdivision.

12 "(11) RECYCLABLE MATERIAL.--The term 'recyclable
13 material' means any material (including any metal, glass, plastic,
14 textile, wood, paper, rubber, or other material) that has been
15 separated or diverted at the point of generation from solid waste
16 for the purpose of recycling, reclamation, or reuse.

17 "(12) REDESIGNATE.--The term 'redesignate' shall mean to
18 designate from an existing or proposed waste management facility
19 to any other existing or proposed waste management facility.

20 "(13) SOLID WASTE MANAGEMENT PLAN.--The term
21 'solid waste management plan' means a plan for the
22 transportation, treatment, processing, composting, combustion,
23 disposal or other management of flow controllable solid waste,
24 adopted by a State or qualified political subdivision pursuant to
25 and conforming with State law.

26 "(14) WASTE MANAGEMENT FACILITY.--The term
27 'waste management facility' means any facility or facilities in
28 which flow controllable solid waste is separated, stored,

1 transferred, treated, processed, combusted, deposited or
2 disposed."

3 **SEC. 3. TABLE OF CONTENTS AMENDMENT.**

4 The table of contents in section 1001 of the Solid Waste Disposal
5 Act (42 U.S.C. prec. 6901) is amended by adding after the item
6 relating to section 4010 the following new item:

"Sec. 4011. Congressional authorization of State and local flow control
authority over solid waste."