

112TH CONGRESS
1ST SESSION

S. 840

To establish customs user fees for commercial trucks transporting foreign municipal solid waste, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2011

Ms. STABENOW (for herself and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish customs user fees for commercial trucks transporting foreign municipal 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 “Stop Canadian Trash
5 Act”.

1 **SEC. 2. CUSTOMS USER FEES FOR COMMERCIAL TRUCKS**
 2 **TRANSPORTING FOREIGN MUNICIPAL SOLID**
 3 **WASTE.**

4 (a) IN GENERAL.—Section 13031 of the Consolidated
 5 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
 6 58c) is amended—

7 (1) in subsection (a)(2), by inserting “or \$500
 8 if such truck is transporting foreign municipal solid
 9 waste” before the end period;

10 (2) in subsection (b)(2), by striking “No fee”
 11 and inserting “Except for the fee charged for each
 12 arrival of a commercial truck that is transporting
 13 foreign municipal solid waste, no fee”; and

14 (3) in subsection (b)(7), by striking “No fee”
 15 and inserting “Except for the fee charged for each
 16 arrival of a commercial truck that is transporting
 17 foreign municipal solid waste, no fee”.

18 (b) DEFINITIONS.—Subsection (c) of such section is
 19 amended by adding at the end the following:

20 “(6) FOREIGN MUNICIPAL SOLID WASTE.—The
 21 term ‘foreign municipal solid waste’ means munic-
 22 ipal solid waste generated outside of the customs
 23 territory of the United States.

24 “(7) MUNICIPAL SOLID WASTE.—

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

1 “(i) all waste materials, collected or
2 handled by any means, discarded for dis-
3 posal by households, including single and
4 multifamily residences, hotels, and motels;
5 and

6 “(ii) all waste materials, collected or
7 handled by any means, discarded for dis-
8 posal that were generated by commercial,
9 institutional, municipal, or industrial
10 sources, including—

11 “(I) rubbish;

12 “(II) food;

13 “(III) yard waste;

14 “(IV) paper;

15 “(V) clothing;

16 “(VI) appliances;

17 “(VII) consumer product pack-
18 aging;

19 “(VIII) disposable diapers;

20 “(IX) office supplies;

21 “(X) cosmetics;

22 “(XI) glass and metal food con-
23 tainers;

24 “(XII) household hazardous
25 waste;

1 “(XIII) debris resulting from
2 construction; and

3 “(XIV) remodeling, repair, or
4 demolition of structures.

5 “(B) EXCEPTION.—The term ‘municipal
6 solid waste’ does not include any of the fol-
7 lowing:

8 “(i) Any solid waste identified or list-
9 ed as a hazardous waste under section
10 3001 of the Solid Waste Disposal Act (42
11 U.S.C. 6921), except for household haz-
12 ardous waste.

13 “(ii) Any solid waste, including con-
14 taminated soil and debris, resulting from a
15 response to a release or threatened release
16 of a hazardous substance which, had such
17 response occurred within the United
18 States, would constitute—

19 “(I) a response action taken
20 under section 104 or 106 of the Com-
21 prehensive Environmental Response,
22 Compensation, and Liability Act (42
23 U.S.C. 9604 and 9606); or

24 “(II) a response action taken
25 under a State law with authorities

1 comparable to the authorities of such
2 section 104 or 106.

3 “(iii) Recyclable materials that have
4 been separated, at the source of the waste,
5 from waste otherwise destined for disposal
6 or that have been managed separately from
7 waste destined for disposal.

8 “(iv) Any waste being used solely as
9 feedstock for the purpose of alternative en-
10 ergy production.

11 “(v) Any medical waste that is seg-
12 regated from or not mixed with solid
13 waste.

14 “(vi) Solid waste generated incident to
15 the provision of service in interstate, intra-
16 state, foreign, or overseas air transpor-
17 tation.”.

18 **SEC. 3. INFORMATION TO BE PROVIDED TO CUSTOMS.**

19 (a) IN GENERAL.—Not later than 120 days after the
20 date of the enactment of this Act, the Secretary of Home-
21 land Security shall promulgate regulations requiring each
22 importer of foreign municipal solid waste (as defined sec-
23 tion 13031(c) of the Consolidated Omnibus Budget Rec-
24 onciliation Act of 1985 (19 U.S.C. 58c(c))) to provide,
25 with respect to each truck carrying foreign municipal solid

1 waste that enters the customs territory of the United
2 States, the following information:

3 (1) The cubic feet of the foreign municipal solid
4 waste in the truck.

5 (2) The specific type and content of such waste.

6 (3) Any other information the Secretary of
7 Homeland Security deems appropriate.

8 (b) PENALTIES.—Any person who fails to provide, or
9 falsifies, the information required by this section, or any
10 regulation issued under this section, shall, in addition to
11 any other civil or criminal penalty that may be imposed
12 under title 18, United States Code, under title 42, United
13 States Code, or under any other provision of law, be as-
14 sessed a civil penalty by the Secretary of Homeland Secu-
15 rity of not more than \$10,000 for each such failure or
16 falsification.

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