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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE RESOLUTION

No. 105      Session of  
1999

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INTRODUCED BY DALLY, GEORGE, HENNESSEY, MASLAND, ORIE, LYNCH,  
COY, BUNT, GORDNER, BARRAR, CAPPABIANCA, MARSICO, PESCI,  
STURLA, DeLUCA, SHANER, FAIRCHILD, READSHAW, CHADWICK, TIGUE,  
NAILOR, YEWIC, NICKOL, THOMAS, HALUSKA, RUBLEY, JADLOWIEC,  
WOJNAROSKI, SERAFINI, CLARK, ARGALL, HARHAI, MELIO,  
S. H. SMITH, HERMAN, SATHER, BAKER, DRUCE, DAILEY, CURRY,  
PLATTS, McILHATTAN, FARGO, M. COHEN, SANTONI, PETRARCA, ROSS,  
McNAUGHTON, BATTISTO, MAJOR, E. Z. TAYLOR, SAYLOR, HESS,  
RAYMOND, EGOLF, GRUCELA, SURRA, YOUNGBLOOD, B. SMITH, MYERS,  
LAUGHLIN, McCALL, SCHRODER, SEYFERT, FREEMAN, YUDICHAK,  
ROHRER, HERSHEY, R. MILLER, BROWNE, LUCYK, BARD, LEH, SEMMEL,  
KIRKLAND, DALEY, RAMOS, WILLIAMS AND PIPPY, MARCH 30, 1999

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REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS,  
MARCH 30, 1999

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## A RESOLUTION

1    Memorializing the Clinton Administration, the Congress of the  
2       United States and the Governor of New York to support and to  
3       approve legislation that would give states authority to place  
4       reasonable restrictions upon the importation of solid waste.

5       WHEREAS, The United States Supreme Court has issued a series  
6       of decisions holding that the Commerce Clause of the  
7       Constitution of the United States prohibits states from  
8       restricting the importation of solid waste from other states;  
9       and

10       WHEREAS, Over the past several years, owners and operators of  
11       solid waste landfills located in this Commonwealth have  
12       increased significantly the amount of solid waste that they  
13       accept from other states; and

1 WHEREAS, According to statistics compiled by the Department  
2 of Environmental Protection, the percentage of solid waste  
3 disposed of in this Commonwealth that is imported from other  
4 states has increased in each of the past six years; and

5 WHEREAS, According to statistics compiled by the Department  
6 of Environmental Protection, in 1996 imported waste made up 43%  
7 of the solid waste disposed of in landfills located in this  
8 Commonwealth; and

9 WHEREAS, New York State and New York City have announced  
10 plans to close by the year 2001 the Fresh Kills landfill located  
11 on Staten Island, which currently accepts 13,000 tons of waste  
12 per day from New York City and the city's sanitation director  
13 stated that the city would consider sending its waste to  
14 landfills in Pennsylvania, among other places; and

15 WHEREAS, Governor Tom Ridge has notified the Governor of New  
16 York that the recently released report on how New York State and  
17 New York City will handle the closure of Fresh Kills did not  
18 adequately address limiting the exportation of the waste from  
19 Fresh Kills or steps New York State will take to plan for the  
20 construction of disposal facilities; and

21 WHEREAS, The present and projected future levels of solid  
22 waste that owners and operators of landfills and incinerators  
23 located in this Commonwealth import from other states pose  
24 environmental, aesthetic and traffic problems and is unfair to  
25 citizens of this Commonwealth, particularly citizens living in  
26 areas where landfills and incinerators are located; and

27 WHEREAS, In 1988 the Commonwealth adopted a law designed to  
28 reduce the need for additional landfills and incinerators by  
29 requiring and encouraging recycling of certain materials; and

30 WHEREAS, It is within the power of Congress to delegate

1 authority to the states to restrict the amount of solid waste  
2 they import from other states; and

3 WHEREAS, Legislation is needed in both Houses of Congress  
4 that would give states authority to impose reasonable  
5 restrictions on the amount of solid waste imported from other  
6 states; and

7 WHEREAS, Passage of such legislation by Congress may hinge  
8 upon the success of negotiations between certain states that  
9 import and export trash; and

10 WHEREAS, Governor Ridge and the governors of four other  
11 states wrote to the Honorable George Pataki, Governor of New  
12 York, expressing their desire to reach an accord on authorizing  
13 states to place reasonable limits on the importation of solid  
14 waste; and

15 WHEREAS, The failure of Congress to act will harm this  
16 Commonwealth by allowing the continued unrestricted flow of  
17 solid waste generated in other states to landfills and  
18 incinerators located in this Commonwealth; therefore be it

19 RESOLVED, That the House of Representatives memorialize the  
20 Clinton Administration and Congress to support legislation  
21 authorizing states to restrict the amount of solid waste they  
22 import from other states; and be it further

23 RESOLVED, That the House of Representatives memorialize the  
24 Governor of New York to support the legislation giving states  
25 the authority to place reasonable restrictions upon the amount  
26 of solid waste imported from other states; and be it further

27 RESOLVED, That copies of this resolution be transmitted to  
28 the Honorable William Clinton, President of the United States,  
29 the Honorable George Pataki, Governor of New York, the presiding  
30 officer of each House of Congress and to each member of Congress

1 from Pennsylvania.