

2004 SESSION

HOUSE SUBSTITUTE

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SENATE JOINT RESOLUTION NO. 79
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Rules
on February 25, 2004)

(Patron Prior to Substitute—Senator Obenshain)

Memorializing Congress to enact the State Waste Empowerment and Enforcement Provision Act of 2003.

WHEREAS, recent reports issued by the Department of Environmental Quality reveal that Virginia is currently the second largest importer of municipal solid waste from other states, second only to Pennsylvania, and is currently importing approximately 5.5 million tons annually of municipal solid waste from other states; and

WHEREAS, the amount of municipal solid waste being imported into Virginia is expected to increase in coming years due to the closure of the Fresh Kills Landfill in New York and increased volumes from other states; and

WHEREAS, the importation of significant amounts of municipal solid waste from other states is prematurely exhausting Virginia's limited landfill capacity; and

WHEREAS, an increase in the number of garbage trucks on its roads and an increase in the number of garbage barges on its rivers resulting from the importation of significant amounts of municipal solid waste from other states has created many short-term environmental problems for Virginia; and

WHEREAS, the importation of significant amounts of municipal solid waste from other states also may create serious long-term environmental problems for Virginia; and

WHEREAS, the importation of significant amounts of municipal solid waste from other states is inconsistent with Virginia's efforts to promote the Commonwealth as a national and international destination for tourism and high-tech economic development; and

WHEREAS, the Commerce Clause of the United States Constitution and the interpretation and application of the Commerce Clause by the United States Supreme Court and other federal courts with respect to interstate solid waste transportation has left Virginia and other states with limited alternatives in regulating, limiting, or prohibiting the importation of municipal solid waste; and

WHEREAS, it is the belief of the General Assembly of Virginia that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (HR 1123)—introduced by the Congresswoman representing Virginia's First Congressional District and supported by a majority of Virginia's Congressional delegation—to give local and state governments, including Virginia's, additional specific authority to regulate the importation of municipal solid waste into their jurisdictions; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

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