

103D CONGRESS
1ST SESSION

H. R. 495

To amend subtitle C of the Solid Waste Disposal Act to require the preparation of a community information statement for new hazardous waste treatment or disposal facilities.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1993

Mr. CLINGER (for himself, Mr. SYNAR, and Mr. HOBSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend subtitle C of the Solid Waste Disposal Act to require the preparation of a community information statement for new hazardous waste treatment or disposal facilities.

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. COMMUNITY INFORMATION STATEMENT.**

4 (a) AMENDMENT OF SUBTITLE D.—Subtitle C of the
5 Solid Waste Disposal Act is amended by adding the follow-
6 ing new section at the end thereof:

1 **“SEC. 3021. COMMUNITY INFORMATION STATEMENT.**

2 “(a) REGULATIONS.—Not later than one year after
3 the enactment of this section, the Administrator shall pro-
4 mulgate regulations to require the preparation of a com-
5 munity information statement as part of the permitting
6 processes under this subtitle for any new off-site hazard-
7 ous waste treatment or disposal facility. Each such state-
8 ment shall be made available for public review. The final
9 statement for any facility shall be available for public re-
10 view before the earlier of (1) 60 days before a public hear-
11 ing is conducted by the permitting authority regarding the
12 proposed issuance of such permit or (2) the date one year
13 after the date on which an independent contractor is se-
14 lected under subsection (b). The permitting authority shall
15 take the community information statement into account
16 in making any final decision regarding the issuance of
17 such permit and in establishing any conditions to be im-
18 posed in such permit. Such statement shall be a part of
19 the record on which the permitting decision is based.

20 “(b) SELECTION OF INDEPENDENT CONTRACTOR TO
21 PREPARE STATEMENT.—The community information
22 statement required under this section shall be prepared
23 by an independent contractor selected jointly, after con-
24 sultation with concerned citizens, by the applicant for the
25 permit and the chief elected official of the affected host
26 community. If the applicant and chief elected official do

1 not agree on the selection of any independent contractor
2 within 30 days after the date on which the application for
3 a permit under this section is filed, the permitting author-
4 ity shall select the independent contractor to prepare the
5 statement required under this section.

6 “(c) COSTS.—The permitting authority shall impose
7 and collect a fee on the submission of each application for
8 a permit for which a statement under this section is re-
9 quired. The fee shall cover the reasonable costs of prepar-
10 ing the community information statement.

11 “(d) REQUIREMENTS.—A community information
12 statement meets the requirements of this section if such
13 statement identifies and describes each of the following:

14 “(1) The effects of such facility on the host
15 community, including the effects on the local econ-
16 omy and employment, housing, public safety and
17 emergency preparedness, transportation systems,
18 and recreational amenities and tourism in the area.

19 “(2) The types of wastes expected to enter the
20 facility and the types of releases expected from the
21 facility and any human health impacts associated
22 with such wastes and with such releases.

23 “(3) The options or alternatives for mitigating
24 any such impacts on the affected community.

1 “(4) The demographic characteristics of the af-
2 fected host community according to race, ethnic
3 background, and income.

4 “(5) The presence in the affected host commu-
5 nity of any—

6 “(A) existing solid waste treatment, stor-
7 age, or disposal facility, or

8 “(B) site in which a release of hazardous
9 substances (within the meaning of the Com-
10 prehensive Environmental Response, Compensa-
11 tion, and Liability Act of 1980) has occurred
12 and the extent to which such site has been re-
13 mediated.

14 “(6) Permit applicant’s record of compliance
15 with State and Federal environmental regulations
16 and laws, and the record of such compliance by any
17 firm engaged to operate the facility or any firm
18 which controls or is affiliated with the applicant, in-
19 cluding any serious violations thereof.

20 The community information statement prepared in con-
21 nection with any facility shall not be subject to judicial
22 review in any proceeding other than a proceeding brought
23 to challenge the issuance of a permit for such facility. In
24 any permitting proceeding respecting such facility the per-
25 mitting authority shall take the statement into account,

1 and in any such proceeding the statement shall be treated
2 as satisfying the requirements of this section unless the
3 statement contained material misstatements or omissions
4 which affected the permitting authority's decision.

5 “(f) DEFINITIONS.—As used in this section—

6 “(1) The term ‘new off site hazardous waste
7 treatment or disposal facility’ means a hazardous
8 waste treatment or disposal facility which—

9 “(A) accepts for treatment or disposal haz-
10 ardous waste that is not generated at the site
11 of such treatment or disposal, and

12 “(B) for which a permit is issued by a
13 State agency under this subtitle after the date
14 of promulgation of regulations under this sec-
15 tion.

16 Such term shall not include any facility existing on
17 such date but shall include an expansion of such an
18 existing facility if a new permit is required after
19 such date for such expansion and if such expansion,
20 together with all other expansions constructed after
21 such date (or after the preparation of the last state-
22 ment under this section with respect to such facility,
23 whichever is later) increases the capacity of the facil-
24 ity by more than 50 percent.

1 “(2) The term ‘affected host community’ means
2 the county, municipality, town, or township or other
3 general purpose unit of local government which has
4 primary jurisdiction over the use of the land on
5 which a facility is located or proposed to be located.

6 “(3) The term ‘independent contractor’ means
7 a person who has no financial or other potential con-
8 flict of interest in the outcome of a proceeding to de-
9 termine whether or not a permit should be issued for
10 a new off site facility for the treatment, storage, or
11 disposal of hazardous waste.”.

12 (b) TABLE OF CONTENTS.—The table of contents for
13 subtitle C of such Act is amended by adding the following
14 new item after the item relating to section 3020:

“Sec. 3021. Community information statement.”.

