

***In the Senate of the United States,***

*February 20 (legislative day, February 7), 1996.*

*Resolved*, That the bill from the House of Representatives (H.R. 2036) entitled “An Act to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes.”, do pass with the following

**AMENDMENTS:**

1 **(1)**Page 2, line 3, strike out **[1995]** and insert: *1996*

2 **(2)**Page 2, strike out all after line 3 over to and including

3 line 15 on page 4 and insert:

4 ***SEC. 2. LAND DISPOSAL RESTRICTIONS.***

5 *Section 3004(g) of the Solid Waste Disposal Act is*

6 *amended by adding after paragraph (6) the following:*

7 *“(7) Solid waste identified as hazardous based*

8 *solely on one or more characteristics shall not be sub-*

9 *ject to this subsection, any prohibitions under sub-*

10 *section (d), (e), or (f), or any requirement promul-*

11 *gated under subsection (m) (other than any applica-*

1 *ble specific methods of treatment, as provided in*  
2 *paragraph (8)) if the waste—*

3 *“(A) is treated in a treatment system that*  
4 *subsequently discharges to waters of the United*  
5 *States pursuant to a permit issued under section*  
6 *402 of the Federal Water Pollution Control Act*  
7 *(commonly known as the “Clean Water Act”) (33*  
8 *U.S.C. 1342), treated for the purposes of the*  
9 *pretreatment requirements of section 307 of the*  
10 *Clean Water Act (33 U.S.C. 1317), or treated in*  
11 *a zero discharge system that, prior to any per-*  
12 *manent land disposal, engages in treatment that*  
13 *is equivalent to treatment required under section*  
14 *402 of the Clean Water Act (33 U.S.C. 1342) for*  
15 *discharges to waters of the United States, as de-*  
16 *termined by the Administrator; and*

17 *“(B) no longer exhibits a hazardous char-*  
18 *acteristic prior to management in any land-*  
19 *based solid waste management unit.*

20 *“(8) Solid waste that otherwise qualifies under*  
21 *paragraph (7) shall nevertheless be required to meet*  
22 *any applicable specific methods of treatment specified*  
23 *for such waste by the Administrator under subsection*  
24 *(m), including those specified in the rule promulgated*  
25 *by the Administrator June 1, 1990, prior to manage-*

1 *ment in a land-based unit as part of a treatment sys-*  
2 *tem specified in paragraph (7)(A). No solid waste*  
3 *may qualify under paragraph (7) that would generate*  
4 *toxic gases, vapors, or fumes due to the presence of cy-*  
5 *anide when exposed to pH conditions between 2.0 and*  
6 *12.5.*

7 *“(9) Solid waste identified as hazardous based*  
8 *on one or more characteristics alone shall not be sub-*  
9 *ject to this subsection, any prohibitions under sub-*  
10 *section (d), (e), or (f), or any requirement promul-*  
11 *gated under subsection (m) if the waste no longer ex-*  
12 *hibits a hazardous characteristic at the point of injec-*  
13 *tion in any Class I injection well permitted under*  
14 *section 1422 of title XIV of the Public Health Service*  
15 *Act (42 U.S.C. 300h-1).*

16 *“(10) Not later than five years after the date of*  
17 *enactment of this paragraph, the Administrator shall*  
18 *complete a study of hazardous waste managed pursu-*  
19 *ant to paragraph (7) or (9) to characterize the risks*  
20 *to human health or the environment associated with*  
21 *such management. In conducting this study, the Ad-*  
22 *ministrator shall evaluate the extent to which risks*  
23 *are adequately addressed under existing State or Fed-*  
24 *eral programs and whether unaddressed risks could be*  
25 *better addressed under such laws or programs. Upon*

1       *receipt of additional information or upon completion*  
2       *of such study and as necessary to protect human*  
3       *health and the environment, the Administrator may*  
4       *impose additional requirements under existing Fed-*  
5       *eral laws, including subsection (m)(1), or rely on*  
6       *other State or Federal programs or authorities to ad-*  
7       *dress such risks. In promulgating any treatment*  
8       *standards pursuant to subsection (m)(1) under the*  
9       *previous sentence, the Administrator shall take into*  
10       *account the extent to which treatment is occurring in*  
11       *land-based units as part of a treatment system speci-*  
12       *fied in paragraph (7)(A).*

13               *“(11) Nothing in paragraph (7) or (9) shall be*  
14       *interpreted or applied to restrict any inspection or*  
15       *enforcement authority under the provisions of this*  
16       *Act.”.*

17 **(3)**Page 7, line 12, strike out **【paragraph.”.】** and insert:  
18 *paragraph.*

19 **(4)**Page 7, after line 12 insert:

20               *“(5) ALASKA NATIVE VILLAGES.—Upon certifi-*  
21       *cation by the Governor of the State of Alaska that ap-*  
22       *plication of the requirements described in paragraph*  
23       *(1) to a solid waste landfill unit of a Native village*  
24       *(as defined in section 3 of the Alaska Native Claims*  
25       *Settlement Act (16 U.S.C. 1602)) or unit that is lo-*

1        *cated in or near a small, remote Alaska village would*  
2        *be infeasible, or would not be cost-effective, or is other-*  
3        *wise inappropriate because of the remote location of*  
4        *the unit, the State may exempt the unit from some*  
5        *or all of those requirements. This paragraph shall*  
6        *apply only to solid waste landfill units that dispose*  
7        *of less than 20 tons of municipal solid waste daily,*  
8        *based on an annual average.*

9                *“(6) FURTHER REVISIONS OF GUIDELINES AND*  
10              *CRITERIA.—Recognizing the unique circumstances of*  
11              *small communities, the Administrator shall, not later*  
12              *than two years after enactment of this provision pro-*  
13              *mulgate revisions to the guidelines and criteria pro-*  
14              *mulgated under this subtitle to provide additional*  
15              *flexibility to approved States to allow landfills that*  
16              *receive 20 tons or less of municipal solid waste per*  
17              *day, based on an annual average, to use alternative*  
18              *frequencies of daily cover application, frequencies of*  
19              *methane gas monitoring, infiltration layers for final*  
20              *cover, and means for demonstrating financial assur-*  
21              *ance: Provided, That such alternative requirements*  
22              *take into account climatic and hydrogeologic condi-*

1     *tions and are protective of human health and envi-*  
2     *ronment.”.*

Attest:

*Secretary.*

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 2036**

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**AMENDMENTS**