

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

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# **H. R. 2036**

## **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.

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## 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.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Land Disposal Pro-  
3 gram Flexibility Act of 1995”.

4 **SEC. 2. LAND DISPOSAL BAN.**

5 Section 3004(g) of the Solid Waste Disposal Act (42  
6 U.S.C. 6924(g)) is amended by adding the following after  
7 paragraph (6):

8 “(7) Solid waste identified as hazardous based on one  
9 or more characteristics alone shall not be subject to this  
10 subsection, any prohibitions under subsection (d), (e), or  
11 (f), or any requirement (other than any applicable specific  
12 method of treatment) promulgated under subsection (m)  
13 if such waste—

14 “(A)(i) is managed in a treatment system which  
15 subsequently discharges to waters of the United  
16 States pursuant to a permit issued under section  
17 402 of the Clean Water Act (33 U.S.C. 1342); (ii)  
18 treated for the purposes of the pretreatment require-  
19 ments of section 307 of the Clean Water Act (33  
20 U.S.C. 1317); (iii) or managed in a zero discharge  
21 system that, prior to any permanent land disposal,  
22 engages in Clean Water Act-equivalent treatment as  
23 determined by the Administrator;

24 “(B) no longer exhibits a hazardous char-  
25 acteristic prior to management in any land-based  
26 solid waste management unit;

1           “(C) has met any applicable specific method of  
2           treatment promulgated by the Administrator under  
3           section 3004(m) (42 U.S.C. 6924(m)); and

4           “(D) would not generate toxic gases, vapors, or  
5           fumes due to the presence of cyanide at the point of  
6           generation when exposed to pH conditions between  
7           2 and 12.5.

8           “(8) Not later than 5 years after the date of enact-  
9           ment of this paragraph, the Administrator shall complete  
10          a study of hazardous wastes managed pursuant to para-  
11          graph (7) to characterize the risks to human health or  
12          the environment associated with such management. In  
13          conducting the study, the Administrator shall evaluate the  
14          extent to which the risks are adequately addressed under  
15          existing State or Federal programs and whether  
16          unaddressed risks could be better addressed under such  
17          Federal laws or programs. Upon completion of such study  
18          or upon receipt of additional information, and as necessary  
19          to protect human health and the environment, the Admin-  
20          istrator may, after notice and opportunity for comment,  
21          impose additional requirements, including requirements  
22          under section 3004(m)(1) or defer management of such  
23          wastes to other State or Federal programs or authorities.  
24          Compliance with any treatment standards promulgated  
25          pursuant to section 3004(m)(1) may be determined either

1 prior to management in, or after discharge from, a land-  
2 based unit as part of a treatment system specified in sub-  
3 paragraph (A) of paragraph (7). Nothing in this para-  
4 graph shall be construed to modify, supplement, or other-  
5 wise affect the application or authority of any other Fed-  
6 eral law or the standards applicable under any other Fed-  
7 eral law.

8 “(9) Solid waste identified as hazardous based on one  
9 or more characteristics alone shall not be subject to this  
10 subsection, any prohibition under subsection (d), (e), or  
11 (f), or any requirement promulgated under subsection (m)  
12 of this section if the waste no longer exhibits a hazardous  
13 characteristic at the point of injection in any Class I in-  
14 junction well regulated under section 1422 of title XIV  
15 of the Public Health Service Act (42 U.S.C. 300h-1).”.

16 **SEC. 3. GROUND WATER MONITORING.**

17 (a) AMENDMENT OF SOLID WASTE DISPOSAL ACT.—  
18 Section 4010(c) of the Solid Waste Disposal Act (42  
19 U.S.C. 6949a(c)) is amended as follows:

20 (1) By striking “CRITERIA.—Not later” and in-  
21 serting the following: “CRITERIA.—

22 “(1) IN GENERAL.—Not later”.

23 (2) By adding at the end the following new  
24 paragraphs:

1           “(2) ADDITIONAL REVISIONS.—Subject to para-  
2           graph (3), the requirements of the criteria described  
3           in paragraph (1) relating to ground water monitor-  
4           ing shall not apply to an owner or operator of a new  
5           municipal solid waste landfill unit, an existing mu-  
6           nicipal solid waste landfill unit, or a lateral expan-  
7           sion of a municipal solid waste landfill unit, that dis-  
8           poses of less than 20 tons of municipal solid waste  
9           daily, based on an annual average, if—

10                   “(A) there is no evidence of ground water  
11                   contamination from the municipal solid waste  
12                   landfill unit or expansion; and

13                   “(B) the municipal solid waste landfill unit  
14                   or expansion serves—

15                           “(i) a community that experiences an  
16                           annual interruption of at least 3 consecu-  
17                           tive months of surface transportation that  
18                           prevents access to a regional waste man-  
19                           agement facility; or

20                           “(ii) a community that has no prac-  
21                           ticable waste management alternative and  
22                           the landfill unit is located in an area that  
23                           annually receives less than or equal to 25  
24                           inches of precipitation.

1           “(3) PROTECTION OF GROUND WATER RE-  
2 SOURCES.—

3           “(A) MONITORING REQUIREMENT.—A  
4 State may require ground water monitoring of  
5 a solid waste landfill unit that would otherwise  
6 be exempt under paragraph (2) if necessary to  
7 protect ground water resources and ensure com-  
8 pliance with a State ground water protection  
9 plan, where applicable.

10           “(B) METHODS.—If a State requires  
11 ground water monitoring of a solid waste land-  
12 fill unit under subparagraph (A), the State may  
13 allow the use of a method other than the use  
14 of ground water monitoring wells to detect a re-  
15 lease of contamination from the unit.

16           “(C) CORRECTIVE ACTION.—If a State  
17 finds a release from a solid waste landfill unit,  
18 the State shall require corrective action as ap-  
19 propriate.

20           “(4) NO-MIGRATION EXEMPTION.—

21           “(A) IN GENERAL.—Ground water mon-  
22 itoring requirements may be suspended by the  
23 Director of an approved State for a landfill op-  
24 erator if the operator demonstrates that there is  
25 no potential for migration of hazardous con-



1           (3) In section 3004(g), by striking “subpara-  
2           graph (A) through (C)” in paragraph (5) and insert-  
3           ing “subparagraphs (A) through (C)”.

4           (4) In section 3004(r)(2)(C), by striking  
5           “petroleum-derived” and inserting “petroleum-de-  
6           rived”.

7           (5) In section 3004(r)(3) by inserting after  
8           “Standard” the word “Industrial”.

9           (6) In section 3005(a), by striking  
10          “polychlorinated” and inserting “polychlorinated”.

11          (7) In section 3005(e)(1), by inserting a comma  
12          at the end of subparagraph (C).

13          (8) In section 4007(a), by striking “4003” in  
14          paragraphs (1) and (2)(A) and inserting “4003(a)”.

Passed the House of Representatives January 31,  
1996.

Attest:

*Clerk.*