

needed relief while placing reasonable limits on future flow control authority. I urge my colleagues to support this important bill.

Mrs. ROUKEMA. Mr. Speaker, I rise in support of the Flow Control Act of 1996. Prompt House action on this legislation is essential for people and counties of New Jersey, and their continued ability to dispose of solid waste.

Although this is not the exact bill that I would have written by myself, the time has come for the House to take action on this very serious issue nevertheless.

Essentially, this legislation will restore to towns and cities the ability to enact flow-control ordinances, which dictate the terms and conditions of how solid waste, or garbage as most people call it, is disposed of in New Jersey.

In May 1994, the Supreme Court, in its *Carbone* versus *Town of Clarkstown* ruling, held that without congressional authorization, it was an unconstitutional restriction on interstate commerce for towns and cities to dictate the disposal of solid waste.

At that point in time, 17 of the 21 counties in New Jersey had issued more than \$2 billion in debt to finance the construction of solid waste disposal facilities. Thus, the Supreme Court's rulings immediately put all of these bonds—as well as the counties that issued them—in dire jeopardy, because the bonds had been floated based on the assumption that the ability to flow control waste would remain intact.

The bill before us today grandfathers State and local flow-control arrangements made prior to the *Carbone* decision, as well as any existing lawful contracts entered into between May 16, 1994, and November 10, 1995. The grandfathering is in effect for the life of a county's bonded debt or an existing solid waste disposal contract, whichever is longer.

In the 36 months since the Supreme Court's ruling, I have worked diligently with all of my House colleagues from New Jersey, most notably Congressman CHRIS SMITH, to have the Congress pass legislation that restores to our State the authority to flow control solid waste.

In fact, during the 103d Congress, a bipartisan effort to approve flow-control legislation as part of a larger solid waste bill was passed by the House, only to die in the Senate in the waning hours of the session. Although the need for flow-control legislation was urgent then, it is even more serious today, almost 15 months later.

Last summer, the Senate passed its own version of solid waste legislation. The House cannot afford to delay anymore. With this in mind, I urge my colleagues in the House to join me in supporting passage of this bill.

I recognize the fact that some of my colleagues are urging the House to defeat this bill. However, their opposition to this bill is not centered so much on the provisions of the bill before us today, as much as the process by which it has been brought to the floor.

In the public arena, there is the old cliché "Don't let the good be the enemy of the perfect." Clearly, today, the legislation before us today meets this test—it isn't perfect, but we know that it is good and worthy of our support. I urge my colleagues in the House to vote in support of its passage.

The SPEAKER pro tempore (Mr. YOUNG of Florida). The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the

House suspend the rules and agree to the resolution, House Resolution 349.

The question was taken.

Mr. MARKEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 349, the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

LAND DISPOSAL PROGRAM FLEXIBILITY ACT OF 1995

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2036) to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land Disposal Program Flexibility Act of 1995".

SEC. 2. LAND DISPOSAL BAN.

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

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

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

"(B) no longer exhibits a hazardous characteristic prior to management in any land-based solid waste management unit;

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

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

"(8) Not later than 5 years after the date of enactment of this paragraph, the Adminis-

trator shall complete a study of hazardous wastes managed pursuant to paragraph (7) to characterize the risks of human health or the environment associated with such management. In conducting the study, the Administrator shall evaluate the extent to which the risks are adequately addressed under existing State or Federal programs and whether unaddressed risks could be better addressed under such Federal laws or programs. Upon completion of such study or upon receipt of additional information, and as necessary to protect human health and the environment, the Administrator may, after notice and opportunity for comment, impose additional requirements, including requirements under section 3004(m)(1) or defer management of such wastes to other State or Federal programs or authorities. Compliance with any treatment standards promulgated pursuant to section 3004(m)(1) may be determined either prior to management in, or after discharge from, a land-based unit as part of a treatment system specified in subparagraph (A) of paragraph (7). Nothing in this paragraph shall be construed to modify, supplement, or otherwise affect the application or authority of any other Federal law or the standards applicable under any other Federal law.

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

SEC. 3. GROUND WATER MONITORING.

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

(1) By striking "CRITERIA.—Not later" and inserting the following: "CRITERIA.—

"(1) IN GENERAL.—Not later".

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

"(2) ADDITIONAL REVISIONS.—Subject to paragraph (3), the requirements of the criteria described in paragraph (1) relating to ground water monitoring shall not apply to an owner or operator of a new municipal solid waste landfill unit, an existing municipal solid waste landfill unit, or a lateral expansion of a municipal solid waste landfill unit, that disposes of less than 20 tons of municipal solid waste daily, based on an annual average, if—

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

"(B) the municipal solid waste landfill unit or expansion serves—

"(i) a community that experiences an annual interruption of at least 3 consecutive months of surface transportation that prevent access to a regional waste management facility; or

"(ii) a community that has no practicable waste management alternative and the landfill unit is located in an area that annually receives less than or equal to 25 inches of precipitation.

"(3) PROTECTION OF GROUND WATER RESOURCES.—

"(A) MONITORING REQUIREMENT.—A State may require ground water monitoring of a solid waste landfill unit that would otherwise be exempt under paragraph (2) if necessary to protect ground water resources and ensure compliance with a State ground water protection plan, where applicable.

"(B) METHODS.—If a State requires ground water monitoring of a solid waste landfill