

for tomorrow, and the schedule for next week.

ADJOURNMENT FROM FRIDAY, MARCH 8, TO TUESDAY, MARCH 12, 1996

Mr. ARMEY. Madam Speaker, I ask unanimous consent that when the House adjourns tomorrow, Friday, March 8, 1996 it adjourn to meet at 12:30 p.m. on Tuesday, March 12, 1996, for morning hour debates.

The SPEAKER pro tempore (Mrs. WALDHOLTZ). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

LAND DISPOSAL PROGRAM FLEXIBILITY ACT OF 1995

Mr. OXLEY. Madam Speaker, I ask unanimous consent to take from the Speaker's table 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, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 2, line 3, strike out "1995" and insert "1996".

Page 2, strike out all after line 3 over to and including line 15 on page 4 and insert:

SEC. 2. LAND DISPOSAL RESTRICTIONS.

Section 3004(g) of the Solid Waste Disposal Act is amended by adding after paragraph (6) the following:

"(7) Solid waste identified as hazardous based solely on one or more characteristics shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) (other than any applicable specific methods of treatment, as provided in paragraph (8)) if the waste—

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

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

"(8) Solid waste that otherwise qualifies under paragraph (7) shall nevertheless be required to meet any applicable specific methods of treatment specified for such waste by the Administrator under subsection (m), including those specified in the rule promulgated by the Administrator June 1, 1990, prior to management in a land-based unit as part of a treatment system specified in paragraph (7)(A). No solid waste may qualify under paragraph (7) that would generate toxic gases, vapors, or fumes due to the presence of cyanide when exposed to pH conditions between 2.0 and 12.5.

"(9) 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 promulgated under subsection (m) if the waste no longer exhibits a hazardous characteristic at the point of injection in any Class I injection well permitted under section 1422 of title XIV of the Public Health Service Act (42 U.S.C. 300h-1).

"(10) Not later than five years after the date of enactment of this paragraph, the Administration shall complete a study of hazardous waste managed pursuant to paragraph (7) or (9) to characterize the risks to human health or the environment associated with such management. In conducting this study, the Administrator shall evaluate the extent to which risks are adequately addressed under existing State or Federal programs and whether unaddressed risks could be better addressed under such laws or programs. Upon receipt of additional information or upon completion of such study and as necessary to protect human health and the environment, the Administrator may impose additional requirements under existing Federal laws, including subsection (m)(1), or rely on other State or Federal programs or authorities to address such risks. In promulgating any treatment standards pursuant to subsection (m)(1) under the previous sentence, the Administrator shall take into account the extent to which treatment is occurring in land-based units as part of a treatment system specified in paragraph (7)(A).

"(11) Nothing in paragraph (7) or (9) shall be interpreted or applied to restrict any inspection or enforcement authority under the provisions of this Act."

Page 7, line 12, strike out "paragraph." and insert: "paragraph."

Page 7, after line 12 insert:

"(5) ALASKA NATIVE VILLAGES.—Upon certification by the Governor of the State of Alaska that application of the requirements described in paragraph (1) to a solid waste landfill unit of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (16 U.S.C. 1602)) or unit that is located in or near a small, remote Alaska village would be infeasible, or would not be cost-effective, or is otherwise inappropriate because of the remote location of the unit, the State may exempt the unit from some or all of these requirements. This paragraph shall apply only to solid waste landfill units that dispose of less than 20 tons of municipal solid waste daily, based on an annual average.

"(6) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Recognizing the unique circumstances of small communities, the Administrator shall, not later than two years after enactment of this provision promulgate revisions to the guidelines and criteria promulgated under this subtitle to provide additional flexibility to approved States to allow landfills that receive 20 tons or less of municipal solid waste per day, based on an annual average, to use alternative frequencies of daily cover application, frequencies of methane gas monitoring, infiltration layers for final cover; and means for demonstrating

financial assurance: Provided, That such alternative requirements take into account climatic and hydrogeologic conditions and are protective of human health and environment."

Mr. OXLEY (during the reading). Madam Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

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

Mrs. LINCOLN. Madam Speaker, reserving the right to object, and I will not object, but I yield to the gentleman from Ohio [Mr. OXLEY] to explain the bill that we are considering.

Mr. OXLEY. Madam Speaker, as the gentlewoman is aware, the bill as passed by the House addresses two rulemakings in which EPA tried to use principles of sound risk management but were prevented by the courts from doing so. Unfortunately, the current law, as interpreted by the courts, does not allow EPA to develop a reasonable set of regulations.

Two weeks ago, the other body adopted, by voice vote, several amendments to the bill. The Senate amendments add underground injection wells to the 5-year study agreed to during the Commerce Committee's markup of the bill. The Senate amendments also address ground water monitoring concerns in Alaskan Native villages.

Senator CHAFEE, chairman of the Senate Committee on Environment and Public Works, has asked me to place into the RECORD a point of clarification consistent with the language of the House-passed bill. Specifically, it should be clear that the legislation does not modify, supplement, or otherwise affect the application or authority of any other Federal law or the standards applicable under any other Federal law, including the Clean Water Act. I would like to submit this letter for the RECORD.

I am pleased to say H.R. 2036 has the strong support of the administration, the Ground Water Protection Council, the Association of State and Territorial Solid Waste Management Officials, and representatives of the industrial community. I commend Chairman BLILEY for his leadership on this issue and the bipartisan cooperation from Mr. DINGELL, Mrs. LINCOLN, and the administration.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, March 5, 1996.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CHAFFEE: Thank you for your letter of this date clarifying the scope of H.R. 2036, the Land Disposal Flexibility Act of 1996. Your letter correctly indicates that this legislation only modifies provisions of the Solid Waste Disposal Act, a statutory program wholly within the jurisdiction of