

106TH CONGRESS
1ST SESSION

H. R. 2718

To amend the Solid Waste Disposal Act to provide for the management of remediation waste at Brownfields and other remediation sites.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. OXLEY (for himself and Mr. TOWNS) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Solid Waste Disposal Act to provide for the management of remediation waste at Brownfields and other remediation sites.

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. SHORT TITLE.**

4 This Act may be cited as the “Brownfields Remedi-
5 ation Waste Act”.

6 **SEC. 2. REMEDIATION WASTE MANAGEMENT.**

7 (a) IN GENERAL.—Section 3004 of the Solid Waste
8 Disposal Act is amended by adding the following new sub-
9 section at the end thereof:

10 “(z) REMEDIATION WASTE MANAGEMENT.—

1 “(1) DEFINITION.—As used in this subsection,
2 the term ‘remediation waste’ means all solid and
3 hazardous wastes, and all media (including ground-
4 water, surface water, soils, and sediments) and de-
5 bris that contain listed hazardous wastes or that
6 themselves exhibit a hazardous characteristic and
7 are managed for implementing cleanup.

8 “(2) COVERAGE OF SUBSECTION.—Nothing in
9 this subsection shall apply to any solid waste that is
10 not regulated under other provisions of this subtitle.

11 “(3) ALTERNATIVE REQUIREMENTS.—As pro-
12 vided in this subsection the Administrator may pro-
13 vide alternative requirements for management of re-
14 mediation waste in lieu of restrictions under this
15 section or subsections (a) through (e) of section
16 3005 where appropriate. Such alternative require-
17 ments shall be protective of human health and the
18 environment and shall, to the extent feasible, remove
19 disincentives to remediation, streamline regulation,
20 and achieve greater flexibility for State remediation
21 programs. The Administrator may not use the au-
22 thority of this paragraph to remove or diminish any
23 existing waiver, variance, or exemption from other-
24 wise applicable restrictions on the management of
25 remediation waste.

1 “(4) EPA RULES.—The rules promulgated by
2 the Administrator on November 30, 1998 (63 FR
3 65874) and on February 16, 1993 (58 FR 8658),
4 as modified on November 30, 1998, shall be deemed
5 to satisfy the requirements of paragraph (3) of this
6 subsection and shall remain in effect unless the Ad-
7 ministrator takes action under this subsection to
8 modify such rules. The Administrator shall not pub-
9 lish any proposal to modify the rules referred to in
10 this paragraph before submitting a Report to Con-
11 gress identifying problems associated with the imple-
12 mentation of such rules. Any such report shall be
13 prepared in consultation with State Governors and
14 after notice and opportunity for public comment on
15 a draft report.

16 “(5) LAND DISPOSAL.—Notwithstanding any
17 other provision of this subtitle or any rules adopted
18 pursuant to this subtitle, placement of remediation
19 waste in temporary units, staging piles, or corrective
20 action management units designated under Federal
21 or State authorities shall not be deemed to be engag-
22 ing in land disposal (as defined in section 3004(k))
23 and shall not be subject to requirements under sec-
24 tion 3004(d), (e), (f), (g), (m), (o)(1)(A), or (o)(2)
25 through (7).

1 “(6) ADDITIONAL FLEXIBILITY AND CLARIFICA-
2 TION.—Notwithstanding the rules referred to in
3 paragraph (4), and where appropriate and protective
4 of human health and the environment—

5 “(A) temporary units and staging piles
6 may also be designated at another location
7 owned or operated by a person engaged in re-
8 mediation at the first location to facilitate con-
9 solidated management of wastes;

10 “(B) corrective action management units at one
11 remediation waste management site may be des-
12 ignated to receive remediation waste from another
13 remediation waste management site; and

14 “(C) a staging pile may be designated and allow
15 for mixing or blending for the primary purposes of
16 consolidation or enhancement of subsequent waste
17 management.

18 “(7) AUTHORIZATION FOR REMEDIATION
19 WASTE MANAGEMENT ACTIVITIES.—

20 “(A) AUTHORIZATION MECHANISMS.—Not-
21 withstanding any other provision of this sub-
22 title, remediation waste management units or
23 activities may be authorized through permits,
24 interim status, orders, or other authorization
25 available under this subtitle, subject to the ap-

1 plicable requirements of this subtitle. Where
 2 other provisions of Federal or State law waive
 3 the requirement for permits or interim status,
 4 remediation waste management activities or
 5 units are authorized under this paragraph.

6 “(B) EFFECT OF AUTHORIZATION.—No
 7 authorization, application for authorization, or
 8 activity authorized under this paragraph for re-
 9 mediation waste management shall itself subject
 10 a person to the requirements of section
 11 3004(u), 3004(v) or section 3008(h).”.

12 (b) ALTERNATIVE STATE REMEDIATION WASTE
 13 PROGRAMS.—Section 3006 of the Solid Waste Disposal
 14 Act is amended by adding the following at the end thereof:

15 “(i) ALTERNATIVE STATE REMEDIATION WASTE
 16 PROGRAMS.—

17 “(1) STATE SUBMISSION.—

18 “(A) SUBMISSION.—(i) At any time after
 19 the enactment of this subsection, a State or
 20 State agency may administer and enforce a pro-
 21 gram for management of remediation waste
 22 pursuant to a program authorized under sub-
 23 section (b) or (c) or under a program author-
 24 ized under this subsection.

1 “(ii) A State or State agency may submit
2 to the Administrator a demonstration, sup-
3 ported by such documentation as the State con-
4 siders to be appropriate, that the State has an
5 effective State program for the management of
6 remediation wastes under this subsection which
7 includes each of the following:

8 “(I) Statutory and regulatory author-
9 ity to control the management of remedi-
10 ation wastes from generation to disposal in
11 a manner that protects human health and
12 the environment.

13 “(II) Resources in place to administer
14 and enforce those authorities.

15 “(III) Procedures to ensure public no-
16 tice and opportunity for comment as ap-
17 propriate.

18 “(B) DETERMINATION OF APPROVAL.—

19 “(i) IN GENERAL.—Not later than 12
20 months after the date on which a State
21 submits to the Administrator a demonstra-
22 tion under subparagraph (A), after public
23 notice and opportunity for comment, the
24 Administrator shall issue to the State and

1 publish in the Federal Register a deter-
2 mination that—

3 “(I) the demonstration meets all
4 of the criteria in subparagraph (A),
5 and the State program is finally au-
6 thorized under this subsection; or

7 “(II) the demonstration fails to
8 meet one or more of the criteria stat-
9 ed in subparagraph (A), stating with
10 particularity the elements of the State
11 program that are considered to be de-
12 ficient.

13 “(ii) UNTIMELY REVIEW.—If the Ad-
14 ministrator does not issue a determination
15 under clause (i) within 18 months after the
16 date on which a State submits to the Ad-
17 ministrator a demonstration under sub-
18 paragraph (A), the demonstration shall be
19 considered to meet all of the criteria stated
20 in subparagraph (A), and the State pro-
21 gram shall be treated as finally authorized
22 under this subsection.

23 “(2) EFFECT OF AUTHORIZATION OF STATE
24 PROGRAM.—Upon authorization of a State remedi-
25 ation waste management program under this sub-

1 section, such State may to carry out such program
2 in lieu of the Federal program under this subtitle in
3 such State unless such authorization is withdrawn as
4 provided in subsection (e).”.

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