

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 injections 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 CHAFEE: 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

the House Committee on Commerce. The legislation does not modify, supplement, or otherwise affect the authority of any other Federal law or the standards applicable under any other Federal law, including the Federal Water Pollution Control Act. The language which was included in the House bill, but inadvertently deleted by the Senate amendments, was intended to make clear that the bill does not amend any statute other than the Solid Waste Disposal Act.

Thank you again for your clarification.

Sincerely,

THOMAS J. BLILEY, JR.,  
Chairman.

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,  
Washington, DC, March 5, 1996.

Hon. THOMAS J. BLILEY,  
House of Representatives,  
Washington, DC.

DEAR CHAIRMAN BLILEY: It has come to my attention that in amending H.R. 2036, the Land Disposal Program Flexibility Act of 1996, the Senate did not incorporate a House provision that was inserted during your Committee's consideration of this legislation. The provision stated that "[n]othing 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."

The exclusion of this language from the Senate passed bill should not be viewed as implying a contrary policy on this issue. The legislation passed by the Senate 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 Federal Water Pollution Control Act. I understand this clarification is important to both you and the Chairman of the House Transportation and Infrastructure Committee.

H.R. 2036 and its Senate companion, S. 1497, provide a model for moving targeted, commonsense legislation that maintains protection of human health and the environment while removing duplicative or overlapping layers of regulation. It has been a pleasure to work with you and your colleagues in the House to move this legislation expeditiously.

Sincerely,

JOHN H. CHAFEE.

Mrs. LINCOLN. Madam Speaker, further reserving the right to object, and I will not object, I want to thank the gentleman for his explanation and certainly commend him for his bipartisan fashion in which this bill has been handled.

The chairman and the subcommittee chairman here, the gentleman from Ohio [Mr. OXLEY], are certainly to be congratulated for shepherding the bill through the process it has gone through. I, too, believe this bill represents a great bipartisan solution to problems identified under RCRA's existing land disposal restrictions.

As we all know, under the current regulatory regime, industries will be required to put in place over \$800 million a year to install new equipment without corresponding benefits to the environmental health. This is something neither the industrial community nor the Environmental Protection Agency wants. H.R. 2036 resolves this needless investment by incorporating commonsense solutions.

Industries will avoid duplicative regulations under this bill. If their surface

impoundments are in compliance with the Clean Water Act or their underground injection wells are in compliance with the Safe Drinking Water Act, industries will not need further treatment technologies to comply with RCRA.

I believe it is an excellent bill. Again I applaud Chairman OXLEY for his hard work. It is a bill that should serve as an example for future environmental legislation as we work together.

It has Republican support, Democratic support, administration support, and the industry support. We have all worked wholeheartedly together.

Again I thank Chairman BLILEY, Chairman OXLEY, and the gentleman from Michigan, Mr. DINGELL, for working with me on this very important issue.

Madam Speaker, I see no other speakers on this side, and the bill has been cleared from our side.

Madam Speaker, I rise to address provisions in H.R. 2036, the Land Disposal Program Flexibility Act.

This is important legislation that will eliminate a mandate that the Environmental Protection Agency [EPA] promulgate under the Solid Waste Disposal Act stringent and costly treatment standards for low-risk wastes that are already being treated to meet standards applicable under the Clean Water Act, simply because the Clean Water Act treatment system uses surface impoundments. In 1990, EPA issued regulations that took the approach adopted by this bill and exempted such wastes from Solid Waste Disposal Act land disposal restrictions and treatment standards. In 1992, however, the U.S. Circuit Court of Appeals for the D.C. Circuit overturned EPA's regulations. In compliance with the court's order, EPA has issued new regulations that would impose these unnecessary and costly requirements. These regulations will go into effect shortly so it is important for Congress to act expeditiously on this legislation.

Recognizing this urgency, I did not seek a formal referral of H.R. 2036 when it moved through the House. Instead, I worked cooperatively with Chairman BLILEY of the Commerce Committee on any potential Clean Water Act issues raised by the bill. To address my concerns, Chairman BLILEY added language to the bill that specifically states that H.R., 2036 provides no grant of authority to address the wastes managed in surface impoundments that are part of the Clean Water Act treatment systems, beyond the authorities provided under existing law.

Unfortunately, through inadvertent oversight, this language was not included in the Senate amendment to H.R. 2036. However, Senator CHAFEE, chairman of the Senate Committee on Environment and Public Works has assured me in a letter dated March 5, 1996, that the legislation passed by the Senate also 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.

Because of the urgency of this issue, I will not offer an amendment to H.R. 2036 today to expressly state this intent. Instead, I ask unanimous consent that Senator CHAFEE'S March 5, 1996, letter to me be printed in the RECORD.

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,  
Washington, DC, March 5, 1996.

Hon. BUD SHUSTER,  
U.S. House of Representatives,  
Washington, DC.

DEAR CHAIRMAN SHUSTER: It has come to my attention that in amending H.R. 2036, the Land Disposal Program Flexibility Act of 1996, the Senate did not incorporate a House provision that was inserted during the Commerce Committee's consideration of this legislation at your request. The provision stated that "[n]othing 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."

The elusion of this language from the Senate passed bill should not be viewed as implying a contrary policy in this issue. The legislation passed by the Senate does not modify, supplement, or otherwise affect the application of authority of any other federal law or the standards applicable under any other Federal law, including the Federal Water Pollution Control Act.

H.R. 2036 and its Senate companion, S. 1497, provide a model for moving targeted, commonsense legislation that maintains protection of human health and the environment while removing duplicative or overlapping layers of regulation. It has been a pleasure to work with you and your colleagues in the House to move this legislation expeditiously.

Sincerely,

JOHN H. CHAFEE.

Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. OXLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to insert extraneous material on H.R. 2036, the bill just considered.

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

There was no objection.

#### REPORT ON NATIONAL SECURITY STRATEGY OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on National Security:

*To the Congress of the United States:*

As required by section 603 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, I am transmitting a report on the National Security Strategy of the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 7, 1996.