Public Law 102-386
102d Congress

An Act

To amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities.

Oct. 6, 1992
[H.R. 2194]

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

Environmental protection.

TITLE I—FEDERAL FACILITY COMPLIANCE ACT

Federal Facility Compliance Act of 1992.

SEC. 101. SHORT TITLE.

42 USC 6901 note.

This title may be cited as the "Federal Facility Compliance Act of 1992".

SEC. 102. APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILITIES.

(a) IN GENERAL.—Section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961) is amended—

(1) by inserting "(a) IN GENERAL.—" after "6001.";

(2) in the first sentence, by inserting "and management" before "in the same manner";

(3) by inserting after the first sentence the following: "The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations. The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order or civil or administrative penalty or fine referred to in the preceding sentence, or reasonable service charge). The reasonable service charges referred to in this subsection include, but are not limited to, fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local solid waste or hazardous waste regulatory program."; and

(4) by inserting after the second sentence the following: "No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local solid or hazardous waste law with respect to any act or omission within the scope of the official duties of the agent, employee, or officer. An agent, employee, or officer of the United States shall be subject to any criminal sanction

(including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.".

42 USC 6961.

(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—Such section is further amended by adding at the end the following new subsections:

"(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—(1) The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this Act. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against another person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

"(2) No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.

"(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.—Unless a State law in effect on the date of the enactment of the Federal Facility Compliance Act of 1992 or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.".

42 USC 6961 note.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in paragraphs (2) and (3), the amendments made by subsection (a) shall take effect upon the date of the enactment of this Act.

(2) DELAYED EFFECTIVE DATE FOR CERTAIN MIXED WASTE.—Until the date that is 3 years after the date of the enactment of this Act, the waiver of sovereign immunity contained in section 6001(a) of the Solid Waste Disposal Act with respect to civil, criminal, and administrative penalties and fines (as added by the amendments made by subsection (a)) shall not apply to departments, agencies, and instrumentalities of the executive branch of the Federal Government for violations of section 3004(j) of the Solid Waste Disposal Act involving storage of mixed waste that is not subject to an existing agreement, permit, or administrative or judicial order, so long as such waste is managed in compliance with all other applicable requirements.

(3) EFFECTIVE DATE FOR CERTAIN MIXED WASTE.—(A) Except as provided in subparagraph (B), after the date that is 3 years after the date of the enactment of this Act, the waiver of sovereign immunity contained in section 6001(a) of the Solid Waste Disposal Act with respect to civil, criminal, and administrative penalties and fines (as added by the amendments made by subsection (a)) shall apply to departments, agencies, and instrumentalities of the executive branch of the Federal Govern-

ment for violations of section 3004(j) of the Solid Waste Disposal Act involving storage of mixed waste.

(B) With respect to the Department of Energy, the waiver of sovereign immunity referred to in subparagraph (A) shall not apply after the date that is 3 years after the date of the enactment of this Act for violations of section 3004(j) of such Act involving storage of mixed waste, so long as the Department of Energy is in compliance with both—

(i) a plan that has been submitted and approved pursuant to section 3021(b) of the Solid Waste Disposal Act and which is in effect; and

(ii) an order requiring compliance with such plan which has been issued pursuant to such section 3021(b) and which is in effect.

(4) APPLICATION OF WAIVER TO AGREEMENTS AND ORDERS.—The waiver of sovereign immunity contained in section 6001(a) of the Solid Waste Disposal Act (as added by the amendments made by subsection (a)) shall take effect on the date of the enactment of this Act with respect to any agreement, permit, or administrative or judicial order existing on such date of enactment (and any subsequent modifications to such an agreement, permit, or order), including, without limitation, any provision of an agreement, permit, or order that addresses compliance with section 3004(j) of such Act with respect to mixed waste.

(5) AGREEMENT OR ORDER.—Except as provided in paragraph (4), nothing in this Act shall be construed to alter, modify, or change in any manner any agreement, permit, or administrative or judicial order, including, without limitation, any provision of an agreement, permit, or order—

(i) that addresses compliance with section 3004(j) of the Solid Waste Disposal Act with respect to mixed waste;

(ii) that is in effect on the date of enactment of this Act; and

(iii) to which a department, agency, or instrumentality of the executive branch of the Federal Government is a party.

SEC. 103. DEFINITION OF PERSON.

Section 1004(15) of the Solid Waste Disposal Act (42 U.S.C. 6903(15)) is amended by adding the following before the period: "and shall include each department, agency, and instrumentality of the United States".

SEC. 104. FACILITY ENVIRONMENTAL ASSESSMENTS.

Section 3007(c) of the Solid Waste Disposal Act (42 U.S.C. 6927(c)) is amended as follows:

(1) The first sentence is amended by striking out "Beginning" and all that follows through "undertake" and inserting in lieu thereof "The Administrator shall undertake".

(2) The first sentence is further amended by striking out "Federal agency" and inserting in lieu thereof "department, agency, or instrumentality of the United States".

(3) The section is further amended by inserting after the first sentence the following new sentence: "Any State with an authorized hazardous waste program also may conduct an inspection of any such facility for purposes of enforcing the facility's compliance with the State hazardous waste program.".

(4) The section is further amended by adding at the end the following: "The department, agency, or instrumentality owning or operating each such facility shall reimburse the Environmental Protection Agency for the costs of the inspection of the facility. With respect to the first inspection of each such facility occurring after the date of the enactment of the Federal Facility Compliance Act of 1992, the Administrator shall conduct a comprehensive ground water monitoring evaluation at the facility, unless such an evaluation was conducted during the 12-month period preceding such date of enactment.".

SEC. 105. MIXED WASTE INVENTORY REPORTS AND PLAN.

(a) MIXED WASTE AMENDMENT.—(1) Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following new section:

42 USC 6939c.

"SEC. 3021. MIXED WASTE INVENTORY REPORTS AND PLAN.

"(a) MIXED WASTE INVENTORY REPORTS.—

"(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of the Federal Facility Compliance Act of 1992, the Secretary of Energy shall submit to the Administrator and to the Governor of each State in which the Department of Energy stores or generates mixed wastes the following reports:

"(A) A report containing a national inventory of all such mixed wastes, regardless of the time they were generated, on a State-by-State basis.

"(B) A report containing a national inventory of mixed waste treatment capacities and technologies.

"(2) INVENTORY OF WASTES.— The report required by paragraph (1)(A) shall include the following:

"(A) A description of each type of mixed waste at each Department of Energy facility in each State, including, at a minimum, the name of the waste stream.

"(B) The amount of each type of mixed waste currently stored at each Department of Energy facility in each State, set forth separately by mixed waste that is subject to the land disposal prohibition requirements of section 3004 and mixed waste that is not subject to such prohibition requirements.

"(C) An estimate of the amount of each type of mixed waste the Department expects to generate in the next 5 years at each Department of Energy facility in each State.

"(D) A description of any waste minimization actions the Department has implemented at each Department of Energy facility in each State for each mixed waste stream.

"(E) The EPA hazardous waste code for each type of mixed waste containing waste that has been characterized at each Department of Energy facility in each State.

"(F) An inventory of each type of waste that has not been characterized by sampling and analysis at each Department of Energy facility in each State.

"(G) The basis for the Department's determination of the applicable hazardous waste code for each type of mixed waste at each Department of Energy facility and a description of whether the determination is based on sampling

and analysis conducted on the waste or on the basis of process knowledge.

"(H) A description of the source of each type of mixed waste at each Department of Energy facility in each State.

"(I) The land disposal prohibition treatment technology or technologies specified for the hazardous waste component of each type of mixed waste at each Department of Energy facility in each State.

"(J) A statement of whether and how the radionuclide content of the waste alters or affects use of the technologies described in subparagraph (I).

"(3) INVENTORY OF TREATMENT CAPACITIES AND TECHNOLOGIES.—The report required by paragraph (1)(B) shall include the following:

"(A) An estimate of the available treatment capacity for each waste described in the report required by paragraph (1)(A) for which treatment technologies exist.

"(B) A description, including the capacity, number and location, of each treatment unit considered in calculating the estimate under subparagraph (A).

"(C) A description, including the capacity, number and location, of any existing treatment unit that was not considered in calculating the estimate under subparagraph (A) but that could, alone or in conjunction with other treatment units, be used to treat any of the wastes described in the report required by paragraph (1)(A) to meet the requirements of regulations promulgated pursuant to section 3004(m).

"(D) For each unit listed in subparagraph (C), a statement of the reasons why the unit was not included in calculating the estimate under subparagraph (A).

"(E) A description, including the capacity, number, location, and estimated date of availability, of each treatment unit currently proposed to increase the treatment capacities estimated under subparagraph (A).

"(F) For each waste described in the report required by paragraph (1)(A) for which the Department has determined no treatment technology exists, information sufficient to support such determination and a description of the technological approaches the Department anticipates will need to be developed to treat the waste.

"(4) COMMENTS AND REVISIONS.—Not later than 90 days after the date of the submission of the reports by the Secretary of Energy under paragraph (1), the Administrator and each State which received the reports shall submit any comments they may have concerning the reports to the Department of Energy. The Secretary of Energy shall consider and publish the comments prior to publication of the final report.

"(5) REQUESTS FOR ADDITIONAL INFORMATION.—Nothing in this subsection limits or restricts the authority of States or the Administrator to request additional information from the Secretary of Energy.

"(b) PLAN FOR DEVELOPMENT OF TREATMENT CAPACITIES AND TECHNOLOGIES.—

"(1) PLAN REQUIREMENT.—(A)(i) For each facility at which the Department of Energy generates or stores mixed wastes, except any facility subject to a permit, agreement, or order

described in clause (ii), the Secretary of Energy shall develop and submit, as provided in paragraph (2), a plan for developing treatment capacities and technologies to treat all of the facility's mixed wastes, regardless of the time they were generated, to the standards promulgated pursuant to section 3004(m).

"(ii) Clause (i) shall not apply with respect to any facility subject to any permit establishing a schedule for treatment of such wastes, or any existing agreement or administrative or judicial order governing the treatment of such wastes, to which the State is a party.

"(B) Each plan shall contain the following:

"(i) For mixed wastes for which treatment technologies exist, a schedule for submitting all applicable permit applications, entering into contracts, initiating construction, conducting systems testing, commencing operations, and processing backlogged and currently generated mixed wastes.

"(ii) For mixed wastes for which no treatment technologies exist, a schedule for identifying and developing such technologies, identifying the funding requirements for the identification and development of such technologies, submitting treatability study exemptions, and submitting research and development permit applications.

"(iii) For all cases where the Department proposes radionuclide separation of mixed wastes, or materials derived from mixed wastes, it shall provide an estimate of the volume of waste generated by each case of radionuclide separation, the volume of waste that would exist or be generated without radionuclide separation, the estimated costs of waste treatment and disposal if radionuclide separation is used compared to the estimated costs if it is not used, and the assumptions underlying such waste volume and cost estimates.

"(C) A plan required under this subsection may provide for centralized, regional, or on-site treatment of mixed wastes, or any combination thereof.

"(2) REVIEW AND APPROVAL OF PLAN.—(A) For each facility that is located in a State (i) with authority under State law to prohibit land disposal of mixed waste until the waste has been treated and (ii) with both authority under State law to regulate the hazardous components of mixed waste and authorization from the Environmental Protection Agency under section 3006 to regulate the hazardous components of mixed waste, the Secretary of Energy shall submit the plan required under paragraph (1) to the appropriate State regulatory officials for their review and approval, modification, or disapproval. In reviewing the plan, the State shall consider the need for regional treatment facilities. The State shall consult with the Administrator and any other State in which a facility affected by the plan is located and consider public comments in making its determination on the plan. The State shall approve, approve with modifications, or disapprove the plan within 6 months after receipt of the plan.

"(B) For each facility located in a State that does not have the authority described in subparagraph (A), the Secretary shall submit the plan required under paragraph (1) to the Administrator of the Environmental Protection Agency for

review and approval, modification, or disapproval. A copy of the plan also shall be provided by the Secretary to the State in which such facility is located. In reviewing the plan, the Administrator shall consider the need for regional treatment facilities. The Administrator shall consult with the State or States in which any facility affected by the plan is located and consider public comments in making a determination on the plan. The Administrator shall approve, approve with modifications, or disapprove the plan within 6 months after receipt of the plan.

"(C) Upon the approval of a plan under this paragraph by the Administrator or a State, the Administrator shall issue an order under section 3008(a), or the State shall issue an order under appropriate State authority, requiring compliance with the approved plan.

"(3) PUBLIC PARTICIPATION.—Upon submission of a plan by the Secretary of Energy to the Administrator or a State, and before approval of the plan by the Administrator or a State, the Administrator or State shall publish a notice of the availability of the submitted plan and make such submitted plan available to the public on request.

"(4) REVISIONS OF PLAN.—If any revisions of an approved plan are proposed by the Secretary of Energy or required by the Administrator or a State, the provisions of paragraphs (2) and (3) shall apply to the revisions in the same manner as they apply to the original plan.

"(5) WAIVER OF PLAN REQUIREMENT.—(A) A State may waive the requirement for the Secretary of Energy to develop and submit a plan under this subsection for a facility located in the State if the State (i) enters into an agreement with the Secretary of Energy that addresses compliance at that facility with section 3004(j) with respect to mixed waste, and (ii) issues an order requiring compliance with such agreement and which is in effect.

"(B) Any violation of an agreement or order referred to in subparagraph (A) is subject to the waiver of sovereign immunity contained in section 6001(a).

"(c) SCHEDULE AND PROGRESS REPORTS.—

"(1) SCHEDULE.—Not later than 6 months after the date of the enactment of the Federal Facility Compliance Act of 1992, the Secretary of Energy shall publish in the Federal Register a schedule for submitting the plans required under subsection (b). Federal Register, publication.

"(2) PROGRESS REPORTS.—(A) Not later than the deadlines specified in subparagraph (B), the Secretary of Energy shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a progress report containing the following:

"(i) An identification, by facility, of the plans that have been submitted to States or the Administrator of the Environmental Protection Agency pursuant to subsection (b).

"(ii) The status of State and Environmental Protection Agency review and approval of each such plan.

"(iii) The number of orders requiring compliance with such plans that are in effect.

"(iv) For the first 2 reports required under this paragraph, an identification of the plans required under such subsection (b) that the Secretary expects to submit in the 12-month period following submission of the report.

"(B) The Secretary of Energy shall submit a report under subparagraph (A) not later than 12 months after the date of the enactment of the Federal Facility Compliance Act of 1992, 24 months after such date, and 36 months after such date.".

(2) The table of contents for subtitle C of the Solid Waste Disposal Act (contained in section 1001) is amended by adding at the end the following new item:

"Sec. 3021. Mixed waste inventory reports and plan.".

42 USC 6903. (b) DEFINITION.—Section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6902) is amended by adding at the end the following new paragraph:

"(41) The term 'mixed waste' means waste that contains both hazardous waste and source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).".

42 USC 6939c note. (c) GAO REPORT.—

(1) REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the Department of Energy's progress in complying with section 3021(b) of the Solid Waste Disposal Act.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall contain, at a minimum, the following:

(A) The Department of Energy's progress in submitting to the States or the Administrator of the Environmental Protection Agency a plan for each facility for which a plan is required under section 3021(b) of the Solid Waste Disposal Act and the status of State or Environmental Protection Agency review and approval of each such plan.

(B) The Department of Energy's progress in entering into orders requiring compliance with any such plans that have been approved.

(C) An evaluation of the completeness and adequacy of each such plan as of the date of submission of the report required under paragraph (1).

(D) An identification of any recurring problems among the Department of Energy's submitted plans.

(E) A description of treatment technologies and capacity that have been developed by the Department of Energy since the date of the enactment of this Act and a list of the wastes that are expected to be treated by such technologies and the facilities at which the wastes are generated or stored.

(F) The progress made by the Department of Energy in characterizing its mixed waste streams at each such facility by sampling and analysis.

(G) An identification and analysis of additional actions that the Department of Energy must take to—

(i) complete submission of all plans required under such section 3021(b) for all such facilities;

(ii) obtain the adoption of orders requiring compliance with all such plans; and

(iii) develop mixed waste treatment capacity and technologies.

SEC. 106. PUBLIC VESSELS.

(a) AMENDMENT.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is further amended by adding at the end the following new section:

"SEC. 3022. PUBLIC VESSELS. 42 USC 6939d.

"(a) WASTE GENERATED ON PUBLIC VESSELS.—Any hazardous waste generated on a public vessel shall not be subject to the storage, manifest, inspection, or recordkeeping requirements of this Act until such waste is transferred to a shore facility, unless—

"(1) the waste is stored on the public vessel for more than 90 days after the public vessel is placed in reserve or is otherwise no longer in service; or

"(2) the waste is transferred to another public vessel within the territorial waters of the United States and is stored on such vessel or another public vessel for more than 90 days after the date of transfer.

"(b) COMPUTATION OF STORAGE PERIOD.—For purposes of subsection (a), the 90-day period begins on the earlier of—

"(1) the date on which the public vessel on which the waste was generated is placed in reserve or is otherwise no longer in service; or

"(2) the date on which the waste is transferred from the public vessel on which the waste was generated to another public vessel within the territorial waters of the United States;

and continues, without interruption, as long as the waste is stored on the original public vessel (if in reserve or not in service) or another public vessel.

"(c) DEFINITIONS.—For purposes of this section:

"(1) The term 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a foreign nation, except when the vessel is engaged in commerce.

"(2) The terms 'in reserve' and 'in service' have the meanings applicable to those terms under section 7293 and sections 7304 through 7308 of title 10, United States Code, and regulations prescribed under those sections.

"(d) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed as altering or otherwise affecting the provisions of section 7311 of title 10, United States Code.".

(b) TECHNICAL AMENDMENT.—The table of contents for subtitle C of such Act (contained in section 1001) is further amended by adding at the end the following new item:

"Sec. 3022. Public vessels.".

SEC. 107. MUNITIONS.

Section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) is amended by adding at the end the following new subsection:

"(y) MUNITIONS.—(1) Not later than 6 months after the date of the enactment of the Federal Facility Compliance Act of 1992, the Administrator shall propose, after consulting with the Secretary of Defense and appropriate State officials, regulations identifying Regulations.

when military munitions become hazardous waste for purposes of this subtitle and providing for the safe transportation and storage of such waste. Not later than 24 months after such date, and after notice and opportunity for comment, the Administrator shall promulgate such regulations. Any such regulations shall assure protection of human health and the environment.

"(2) For purposes of this subsection, the term 'military munitions' includes chemical and conventional munitions.".

SEC. 108. FEDERALLY OWNED TREATMENT WORKS.

(a) AMENDMENT.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is further amended by adding at the end the following new section:

42 USC 6939e.

"SEC. 3023. FEDERALLY OWNED TREATMENT WORKS.

"(a) IN GENERAL.—For purposes of section 1004(27), the phrase 'but does not include solid or dissolved material in domestic sewage' shall apply to any solid or dissolved material introduced by a source into a federally owned treatment works if—

"(1) such solid or dissolved material is subject to a pretreatment standard under section 307 of the Federal Water Pollution Control Act (33 U.S.C. 1317), and the source is in compliance with such standard;

"(2) for a solid or dissolved material for which a pretreatment standard has not been promulgated pursuant to section 307 of the Federal Water Pollution Control Act (33 U.S.C. 1317), the Administrator has promulgated a schedule for establishing such a pretreatment standard which would be applicable to such solid or dissolved material not later than 7 years after the date of enactment of this section, such standard is promulgated on or before the date established in the schedule, and after the effective date of such standard the source is in compliance with such standard;

"(3) such solid or dissolved material is not covered by paragraph (1) or (2) and is not prohibited from land disposal under subsections (d), (e), (f), or (g) of section 3004 because such material has been treated in accordance with section 3004(m); or

"(4) notwithstanding paragraphs (1), (2), or (3), such solid or dissolved material is generated by a household or person which generates less than 100 kilograms of hazardous waste per month unless such solid or dissolved material would otherwise be an acutely hazardous waste and subject to standards, regulations, or other requirements under this Act notwithstanding the quantity generated.

"(b) PROHIBITION.—It is unlawful to introduce into a federally owned treatment works any pollutant that is a hazardous waste.

"(c) ENFORCEMENT.—(1) Actions taken to enforce this section shall not require closure of a treatment works if the hazardous waste is removed or decontaminated and such removal or decontamination is adequate, in the discretion of the Administrator or, in the case of an authorized State, of the State, to protect human health and the environment.

"(2) Nothing in this subsection shall be construed to prevent the Administrator or an authorized State from ordering the closure of a treatment works if the Administrator or State determines such closure is necessary for protection of human health and the environment.

"(3) Nothing in this subsection shall be construed to affect any other enforcement authorities available to the Administrator or a State under this subtitle.

"(d) DEFINITION.—For purposes of this section, the term 'federally owned treatment works' means a facility that is owned and operated by a department, agency, or instrumentality of the Federal Government treating wastewater, a majority of which is domestic sewage, prior to discharge in accordance with a permit issued under section 402 of the Federal Water Pollution Control Act.

"(e) SAVINGS CLAUSE.—Nothing in this section shall be construed as affecting any agreement, permit, or administrative or judicial order, or any condition or requirement contained in such an agreement, permit, or order, that is in existence on the date of the enactment of this section and that requires corrective action or closure at a federally owned treatment works or solid waste management unit or facility related to such a treatment works.".

(b) TECHNICAL AMENDMENT.—The table of contents for subtitle C of such Act (contained in section 1001) is further amended by adding at the end the following new item:

"Sec. 3023. Federally owned treatment works.".

SEC. 109. SMALL TOWN ENVIRONMENTAL PLANNING. 42 USC 6908.

(a) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency (hereafter referred to as the "Administrator") shall establish a program to assist small communities in planning and financing environmental facilities. The program shall be known as the "Small Town Environmental Planning Program".

(b) SMALL TOWN ENVIRONMENTAL PLANNING TASK FORCE.— Establishment.
(1) The Administrator shall establish a Small Town Environmental Planning Task Force which shall be composed of representatives of small towns from different areas of the United States, Federal and State governmental agencies, and public interest groups. The Administrator shall terminate the Task Force not later than 2 years after the establishment of the Task Force.

(2) The Task Force shall—

(A) identify regulations developed pursuant to Federal environmental laws which pose significant compliance problems for small towns;

(B) identify means to improve the working relationship between the Environmental Protection Agency (hereafter referred to as the Agency) and small towns;

(C) review proposed regulations for the protection of the environmental and public health and suggest revisions that could improve the ability of small towns to comply with such regulations;

(D) identify means to promote regionalization of environmental treatment systems and infrastructure serving small towns to improve the economic condition of such systems and infrastructure; and

(E) provide such other assistance to the Administrator as the Administrator deems appropriate.

(c) IDENTIFICATION OF ENVIRONMENTAL REQUIREMENTS.—(1) Not later than 6 months after the date of the enactment of this Act, the Administrator shall publish a list of requirements under Federal environmental and public health statutes (and the regulations developed pursuant to such statutes) applicable to small

towns. Not less than annually, the Administrator shall make such additions and deletions to and from the list as the Administrator deems appropriate.

(2) The Administrator shall, as part of the Small Town Environmental Planning Program under this section, implement a program to notify small communities of the regulations identified under paragraph (1) and of future regulations and requirements through methods that the Administrator determines to be effective to provide information to the greatest number of small communities, including any of the following:

(A) Newspapers and other periodicals.

(B) Other news media.

(C) Trade, municipal, and other associations that the Administrator determines to be appropriate.

(D) Direct mail.

Establishment.

(d) SMALL TOWN OMBUDSMAN.—The Administrator shall establish and staff an Office of the Small Town Ombudsman. The Office shall provide assistance to small towns in connection with the Small Town Environmental Planning Program and other business with the Agency. Each regional office shall identify a small town contact. The Small Town Ombudsman and the regional contacts also may assist larger communities, but only if first priority is given to providing assistance to small towns.

(e) MULTI-MEDIA PERMITS.—(1) The Administrator shall conduct a study of establishing a multi-media permitting program for small towns. Such evaluation shall include an analysis of—

(A) environmental benefits and liabilities of a multi-media permitting program;

(B) the potential of using such a program to coordinate a small town's environmental and public health activities; and

(C) the legal barriers, if any, to the establishment of such a program.

Reports.

(2) Within 3 years after the date of enactment of this Act, the Administrator shall report to Congress on the results of the evaluation performed in accordance with paragraph (1). Included in this report shall be a description of the activities conducted pursuant to subsections (a) through (d).

(f) DEFINITION.—For purposes of this section, the term "small town" means an incorporated or unincorporated community (as defined by the Administrator) with a population of less than 2,500 individuals.

(g) AUTHORIZATION.—There is authorized to be appropriated the sum of $500,000 to implement this section.

42 USC 6965.

SEC. 110. CHIEF FINANCIAL OFFICER REPORT.

The Chief Financial Officer of each affected agency shall submit to Congress an annual report containing, to the extent practicable, a detailed description of the compliance activities undertaken by the agency for mixed waste streams, and an accounting of the fines and penalties imposed on the agency for violations involving mixed waste.

TITLE II—METROPOLITAN WASHINGTON WASTE MANAGEMENT STUDY ACT

Metropolitan Washington Waste Management Study Act.

SEC. 201. SHORT TITLE.

This title may be cited as the "Metropolitan Washington Waste Management Study Act".

SEC. 202. FINDINGS.

The Congress finds that the I–95 Sanitary Landfill, in Lorton, Virginia, is located on Federal land, and the ultimate responsibility for maintaining environmental integrity at such landfill is on the Federal Government, as well as the signatories to the July 1981 I–95 Sanitary Landfill Memorandum of Understanding.

SEC. 203. ENVIRONMENTAL IMPACT STATEMENT

(a) ENVIRONMENTAL IMPACT STATEMENT.—Except as provided in subsection (b), in order to assure environmental integrity in and around properties owned by the Government of the United States, no expansion of the I–95 Sanitary Landfill shall be permitted or otherwise authorized unless—

(1) an environmental impact statement, pursuant to the National Environmental Policy Act, regarding any such proposed expansion has been completed and approved by the Administrator; and

(2) the costs incurred in conducting and completing such environmental impact statement are paid (A) from the landfill's so-called enterprise fund established pursuant to the July 1981 I–95 Sanitary Landfill Memorandum of Understanding, or (B) in accordance with some other payment formula based on past and projected percentage of the jurisdictional usage of the landfill.

(b) EXCEPTION.—(1) Notwithstanding subsection (a), the I–95 Sanitary Landfill may be expanded for the purpose of the ash monofill planned by the parties to the July 1981 I–95 Sanitary Landfill Memorandum of Understanding if such monofill, subject to paragraph (2), is used solely for the disposal of incinerator ash from such parties.

(2) The ash monofill referred to in paragraph (1) may be used for the disposal of solid waste for a maximum of 30 days whenever a resource recovery facility, or an incinerator and a resource recovery facility, operated for or by the parties to the July 1981 I–95 Sanitary Landfill Memorandum of Understanding is completely unavailable because of an emergency shutdown.

(c) LIMITATION.—After December 31, 1995, the I–95 Sanitary Landfill, including any expansions thereof, shall not be available to receive or dispose of municipal or industrial waste of any kind other than incinerator ash unless the conditions enumerated in subsection (a) are met.

(d) GENERAL.—Notwithstanding any other provision of this title, the parties of the July 1981 I–95 Sanitary Landfill Memorandum of Understanding, together with the Federal Government, shall continue to be responsible for maintaining environmental stability at the I–95 Sanitary Landfill, including any expansion, in accordance with applicable laws of the United States, the Commonwealth

of Virginia, and the local jurisdictions in which the I–95 Sanitary Landfill is located.

SEC. 204. DEFINITIONS.

For purposes of this title:

(1) The term "expansion" includes any development or use, after May 31, 1991, of any lands (other than those lands which were used as a landfill on or before May 31, 1991) owned by the Government of the United States in and around Lorton, Virginia, for the purpose of, or use as, a sanitary landfill in accordance with the July 1981 I–95 Sanitary Landfill Memorandum of Understanding. The term also includes variances or exemptions from any elevation requirements relating to landfill operations established by the laws of the Commonwealth of Virginia, or any subdivision thereof, in connection with any such lands used on or before May 31, 1991.

(2) The term "lands owned by the Government of the United States" includes any lands owned by the United States, and any such lands with respect to which the Government of the District of Columbia has beneficial ownership.

(3) The term "July 1981 I–95 Sanitary Landfill Memorandum of Understanding" means the document titled "Memorandum of Understanding I–95 Resource Recovery, Land Reclamation, and Recreation Complex" that was executed July 22, 1981, and subsequently amended by supplemental agreements executed before May 31, 1991.

Approved October 6, 1992.

LEGISLATIVE HISTORY—H.R. 2194 (S. 596):

HOUSE REPORTS: Nos. 102-111 (Comm. on Energy and Commerce) and 102-886 (Comm. of Conference).

SENATE REPORTS: No. 102-67 accompanying S. 596 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD:

Vol. 137 (1991): June 24, considered and passed House.
Oct. 17, 22, S. 596 considered in Senate.
Oct. 24, H.R. 2194 considered and passed Senate, amended, in lieu of S. 596.

Vol. 138 (1992): Sept. 23, House and Senate agreed to conference report.

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Oct. 6, Presidential statement.