

103D CONGRESS  
1ST SESSION

# S. 533

To amend subtitle C of the Solid Waste Disposal Act to require the preparation of a community information statement for new hazardous waste treatment or disposal facilities, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 9 (legislative day, MARCH 3), 1993

Mr. GLENN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend subtitle C of the Solid Waste Disposal Act to require the preparation of a community information statement for new hazardous waste treatment or disposal facilities, and for other purposes.

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. COMMUNITY INFORMATION STATEMENT.**

4       (a) IN GENERAL.—Subtitle C of the Solid Waste Dis-  
5       posal Act (42 U.S.C. 6921 et seq.) is amended by adding  
6       at the end the following new section:

7 **“SEC. 3024. COMMUNITY INFORMATION STATEMENT.**

8       “(a) REGULATIONS.—

1           “(1) IN GENERAL.—Not later than 1 year after  
2       the date of enactment of this section, the Adminis-  
3       trator shall promulgate regulations to require the  
4       preparation of a community information statement  
5       as part of the permitting processes under this sub-  
6       title for any new offsite hazardous waste treatment  
7       or disposal facility.

8           “(2) PUBLIC REVIEW.—Each statement shall be  
9       made available for public review. The final statement  
10      for any facility shall be available for public review  
11      before the earlier of—

12           “(A) 60 days before a public hearing is  
13       conducted by the permitting authority regard-  
14       ing the proposed issuance of the permit; or

15           “(B) the date that is 1 year after the date  
16       on which an independent contractor is selected  
17       under subsection (b).

18           “(3) USE OF STATEMENT.—The permitting au-  
19       thority shall take the community information state-  
20       ment into account in making any final decision re-  
21       garding the issuance of a permit and in establishing  
22       any conditions to be imposed in the permit. The  
23       statement shall be a part of the record on which the  
24       permitting decision is based.

1       “(b) SELECTION OF INDEPENDENT CONTRACTOR TO  
2 PREPARE STATEMENT.—

3           “(1) JOINT SELECTION.—The community infor-  
4 mation statement required under this section shall  
5 be prepared by an independent contractor selected  
6 jointly, after consultation with concerned citizens, by  
7 the applicant for the permit and the chief elected of-  
8 ficial of the affected host community.

9           “(2) NONAGREEMENT OF CONTRACTOR.—If the  
10 applicant and chief elected official do not agree on  
11 the selection of an independent contractor within 30  
12 days after the date on which the application for a  
13 permit under this section is filed, the permitting au-  
14 thority shall select the independent contractor to  
15 prepare the statement required under this section.

16          “(c) COSTS.—The permitting authority shall impose  
17 and collect a fee on the submission of each application for  
18 a permit for which a statement under this section is re-  
19 quired. The fee shall cover the reasonable costs of prepar-  
20 ing the community information statement.

21          “(d) REQUIREMENTS.—A community information  
22 statement meets the requirements of this section if the  
23 statement identifies and describes each of the following:

24           “(1) The effects of the facility on the host com-  
25 munity, including the effects on the local economy

1 and employment, housing, public safety, emergency  
2 preparedness, transportation systems, and rec-  
3 reational amenities and tourism in the area.

4 “(2) The types of wastes expected to enter the  
5 facility, the types of releases expected from the facil-  
6 ity, and any human health impacts associated with  
7 the wastes and the releases.

8 “(3) The options or alternatives for mitigating  
9 any impacts on the affected community.

10 “(4) The demographic characteristics of the af-  
11 fected host community according to race, ethnic  
12 background, and income.

13 “(5) The presence in the affected host commu-  
14 nity of any—

15 “(A) existing solid waste treatment, stor-  
16 age, or disposal facility; or

17 “(B) site in which a release of hazardous  
18 substances (within the meaning of the Com-  
19 prehensive Environmental Response, Compensa-  
20 tion, and Liability Act of 1980 (42 U.S.C. 9601  
21 et seq.) has occurred and the extent to which  
22 the site has been remediated.

23 “(6) Permit the record of the compliance of the  
24 applicant with State and Federal environmental reg-  
25 ulations and laws, and the record of the compliance

1 by any firm engaged to operate the facility or any  
2 firm that controls or is affiliated with the applicant,  
3 including any serious violations of the regulations.

4 “(e) JUDICIAL REVIEW OF STATEMENT.—A commu-  
5 nity information statement prepared in connection with  
6 any facility shall not be subject to judicial review in any  
7 proceeding other than a proceeding brought to challenge  
8 the issuance of a permit for a facility. In any permitting  
9 proceeding respecting a facility, the permitting authority  
10 shall take the statement into account. In any proceeding,  
11 the statement shall be treated as satisfying the require-  
12 ments of this section unless the statement contains a  
13 material misstatement or omission that affected the deci-  
14 sion of the permitting authority.

15 “(f) DEFINITIONS.—As used in this section—

16 “(1) AFFECTED HOST COMMUNITY.—The term  
17 ‘affected host community’ means the county, munici-  
18 pality, town, or township, or other general purpose  
19 unit of local government that has primary jurisdic-  
20 tion over the use of the land on which a facility is  
21 located or proposed to be located.

22 “(2) INDEPENDENT CONTRACTOR.—The term  
23 ‘independent contractor’ means a person who has no  
24 financial or other potential conflict of interest in the  
25 outcome of a proceeding to determine whether or not

1 a permit should be issued for a new offsite facility  
2 for the treatment, storage, or disposal of hazardous  
3 waste.

4 “(3) NEW OFFSITE HAZARDOUS WASTE TREAT-  
5 MENT OR DISPOSAL FACILITY.—The term ‘new off-  
6 site hazardous waste treatment or disposal facility’  
7 means a hazardous waste treatment or disposal fa-  
8 cility that—

9 “(A) accepts for treatment or disposal haz-  
10 ardous waste that is not generated at the site  
11 of the treatment or disposal; and

12 “(B) for which a permit is issued by a  
13 State agency under this subtitle after the date  
14 of promulgation of regulations under this sec-  
15 tion.

16 The term shall not include any facility existing on  
17 the date of promulgation of regulations under this  
18 section, but shall include an expansion of such an  
19 existing facility if a new permit is required after  
20 such date for the expansion and if the expansion, to-  
21 gether with all other expansions constructed after  
22 such date (or after the preparation of the last state-  
23 ment under this section with respect to the facility,  
24 whichever is later) increases the capacity of the facil-  
25 ity by more than 50 percent.”.

1        (b) TABLE OF CONTENTS.—The table of contents of  
2 such Act (42 U.S.C. prec. 6901) is amended by adding  
3 at the end of the item relating to subtitle C the following  
4 new item:

“Sec. 3024. Community information statement.”.

