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1ST SESSION

H. R. 2017

To amend the Solid Waste Disposal Act to require the testing of ash generated from the incineration of municipal solid waste before its disposal.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1993

Mr. HOCHBRUECKNER (for himself, Mr. ACKERMAN, Ms. DANNER, Mr. LIPINSKI, Ms. MOLINARI, Mr. SERRANO, Mr. HUGHES, Ms. FURSE, Mr. EVANS, Mr. BLACKWELL, Mr. KLINK, Mr. HINCHEY, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Solid Waste Disposal Act to require the testing of ash generated from the incineration of municipal solid waste before its disposal.

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 “Solid Waste Inciner-
5 ator Ash Testing Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds the following:

1 (1) The United States faces a severe and wors-
2 ening crisis in solid waste management.

3 (2) Landfilling, historically the primary method
4 of waste disposal in the United States, poses a seri-
5 ous threat of contamination to surface and ground
6 water. This, in turn, introduces contaminants into
7 the food chain.

8 (3) Coastal regions, ground water recharge
9 areas, and regions dependent on a sole source of
10 drinking water are particularly susceptible to the
11 threats posed by landfill contamination of drinking
12 water supplies.

13 (4) Ash resulting from solid waste incineration
14 can contain heavy metals and toxic materials which,
15 when discarded with solid waste in landfills, poses a
16 serious threat to ground water. This, in turn, jeop-
17 ardizes human health, wildlife, and the environment.

18 (b) PURPOSES.—The purposes of this Act are the fol-
19 lowing:

20 (1) To respect a national policy wherein the
21 United States treats solid waste according to the fol-
22 lowing hierarchy:

23 (A) Volume and toxicity reduction.

24 (B) Reuse.

25 (C) Recycling.

1 (D) Composting.

2 (E) Disposal.

3 (2) To encourage removal and recycling of
4 waste materials containing toxins, heavy metals, and
5 other contaminants prior to disposal.

6 (3) To mandate the testing of ash generated by
7 solid waste incineration in accordance with testing
8 procedures to be established by the Administrator
9 pursuant to this Act, prior to landfilling or other
10 disposal of such ash.

11 (4) To require that incinerator ash that tests
12 positive for contaminants hazardous to human
13 health, wildlife, or the environment be disposed of in
14 a subtitle C (hazardous waste) landfill, or otherwise
15 treated to prevent its contamination of drinking
16 water supplies and the environment.

17 **SEC. 3. REQUIREMENT TO TEST ASH GENERATED FROM**
18 **THE INCINERATION OF [CERTAIN] SOLID**
19 **WASTE.**

20 Section 3001 of the Solid Waste Disposal Act (42
21 U.S.C. 6921) is amended by adding at the end the follow-
22 ing new subsection:

23 “(j) ASH TESTING REQUIREMENT.—(1) Under regu-
24 lations promulgated by the Administrator, ash generated
25 from municipal solid waste incinerators shall be tested,

1 prior to disposal, for hazardous waste constituents. The
2 regulations shall require that any such ash that is shown
3 to contain hazardous waste constituents may be disposed
4 of only by land disposal meeting the requirements of sec-
5 tion 3004. The Administrator may not exempt such ash
6 from regulation under this subtitle unless such ash is
7 shown to contain no hazardous waste constituents.

8 “(2) For purposes of paragraph (1), the term ‘munic-
9 ipal solid waste incinerator’ means a facility that meets
10 the requirements of paragraphs (1) and (2) of subsection
11 (i) and that receives not less than 1 ton of waste daily.”.

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