

103^D CONGRESS
1ST SESSION

H. R. 2488

To establish certain requirements with respect to solid waste and hazardous waste incinerators, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1993

Mr. RICHARDSON (for himself, Mr. TOWNS, Mr. BEILENSON, Mr. BERMAN, Mr. BLACKWELL, Mrs. COLLINS of Illinois, Mr. DEFazio, Mr. DELLUMS, Mr. DE LUGO, Mr. EDWARDS of California, Mr. ENGLISH of Oklahoma, Mr. EVANS, Mr. FILNER, Mr. FORD of Michigan, Ms. FURSE, Mr. FOGLIETTA, Mr. FROST, Mr. GILCHREST, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HAMBURG, Mr. HINCHEY, Mr. HOLDEN, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. KLINK, Mr. LEVIN, Mr. LIPINSKI, Mr. McCLOSKEY, Mr. McDERMOTT, Mr. MCKINNEY, Mrs. MALONEY, Ms. MARGOLIES-MEZVINSKY, Mr. MARTINEZ, Mr. MENENDEZ, Mr. MFUME, Mr. NADLER, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. RAVENEL, Mr. REED, Mr. ROMERO-BARCELÓ, Ms. SCHENK, Mrs. SCHROEDER, Mr. SERRANO, Ms. SHEPHERD, Mr. STOKES, Mr. TORRES, Ms. VELÁZQUEZ, Ms. WOOLSEY, Mr. WYNN, and Mr. YATES) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish certain requirements with respect to solid waste and hazardous waste incinerators, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Pollution Prevention
3 and Incineration Alternatives Act of 1993”.

4 **SEC. 2. MORATORIUM ON MUNICIPAL SOLID WASTE INCIN-**
5 **ERATORS.**

6 (a) AMENDMENT TO SUBTITLE D.—Subtitle D of the
7 Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is
8 amended by adding at the end the following new section:

9 **“SEC. 4011. MUNICIPAL SOLID WASTE INCINERATORS.**

10 “(a) MORATORIUM.—No municipal solid waste incin-
11 erator may be issued a permit for construction or expan-
12 sion until the year 1997.

13 “(b) REQUIREMENTS.—After December 31, 1996, no
14 Federal agency, State or local government, or other waste
15 management jurisdiction may issue a permit (including a
16 permit under section 129(e) of the Clean Air Act) or other
17 prior approval for the construction or expansion of a mu-
18 nicipal solid waste incinerator, unless the applicant for the
19 permit or other approval demonstrates, and the State
20 finds, that the following requirements are met:

21 “(1) The applicant shall conduct a waste com-
22 position analysis of the solid waste generated in a
23 year within the area to be served by the facility and
24 shall demonstrate that it will continue to conduct
25 such a waste composition analysis annually. Each
26 entity from which the facility plans to accept waste

1 also shall conduct a waste composition analysis of
2 the solid waste generated in a year by the persons
3 from whom the entity collects waste and shall dem-
4 onstrate that it will continue to conduct such a
5 waste composition analysis annually. Any such waste
6 composition analysis shall be conducted in compli-
7 ance with the regulations promulgated under sub-
8 section (c).

9 “(2) Each entity from which the facility plans
10 to accept waste shall demonstrate that it has di-
11 verted during calendar year 2000, and will continue
12 to divert for each subsequent year, to waste manage-
13 ment methods other than incineration and landfilling
14 the following percentages of the total amount of
15 each of the following materials generated annually
16 by the persons from whom the entity collects waste:

17 “(A) Glass, 65 percent.

18 “(B) Newspapers, 65 percent.

19 “(C) Other paper, 65 percent.

20 “(D) Metals, 80 percent.

21 “(E) Plastic containers, 50 percent.

22 “(F) Yard waste, 90 percent.

23 “(G) Food waste, 10 percent.

24 Each such entity shall also demonstrate that, during
25 calendar years 1997, 1998, and 1999, it has di-

1 verted to such waste management methods an in-
2 terim diversion percentage established by the Admin-
3 istrator (at least 1/2) of the percentages of the mate-
4 rials specified in subparagraphs (A) through (G).

5 “(3) The applicant shall demonstrate that—

6 “(A) the facility will not interfere with
7 maintaining the diversion rates set forth in
8 paragraph (2) for each entity from which the
9 facility plans to accept waste; and

10 “(B) in any case in which a diversion rate
11 by an entity from which the facility plans to ac-
12 cept waste is higher than the rate set forth in
13 paragraph (2), the facility will not interfere
14 with maintaining the higher diversion rate.

15 “(4) The applicant shall demonstrate that it is
16 not feasible to manage the remaining solid waste
17 through source reduction, reuse, or recycling.

18 “(5) The applicant shall demonstrate that the
19 facility will not adversely affect the environment or
20 human health as a consequence of—

21 “(A) exposure to air emissions or inciner-
22 ator ash through inhalation;

23 “(B) ingestion of food contaminated by air
24 emissions or incinerator ash as a consequence

1 of incorporation of such ash or emissions into
2 the food chain;

3 “(C) ingestion of potable water or aquatic
4 organisms contaminated by surface water dis-
5 charges, surface runoff, leaching, or percolation
6 of air emissions or incinerator ash into ground
7 water or surface water;

8 “(D) ingestion or inhalation of soil par-
9 ticles contaminated with air emissions or incin-
10 erator ash; or

11 “(E) dermal contact with air emissions or
12 incinerator ash.

13 “(6) The applicant shall demonstrate that the
14 facility is not situated in a nonattainment area (as
15 that term is used in part D of title I of the Clean
16 Air Act (42 U.S.C. 7501 et seq.)).

17 “(7) The applicant shall demonstrate that the
18 facility will not harm the local economy, including a
19 demonstration that it will not negatively affect prop-
20 erty values.

21 “(8) The applicant shall demonstrate that the
22 full cost of the facility over its entire life, including
23 capital costs, debt service, liability insurance, reme-
24 diation, and long-term operation and maintenance

1 expenses, will be less costly than reducing, recycling,
2 or composting waste.

3 “(9) The Federal agency, State or local govern-
4 ment, or other waste management jurisdiction shall
5 conduct a full public participation process, including
6 public hearings, to address the proposed facility. As
7 part of the process, the applicant shall provide to
8 local community groups concerned about the project
9 a technical assistance grant of at least \$50,000. The
10 applicant shall renew the grant every six months
11 after the initial grant is made until the date on
12 which final action is completed by each Federal
13 agency, State or local government, or other waste
14 management jurisdiction on each permit for con-
15 struction or expansion of the facility.

16 “(10) The proposed construction or expansion
17 must be approved by the unit of local government in
18 whose boundaries the facility would be sited.

19 “(11) The applicant shall demonstrate the fol-
20 lowing with respect to the applicant, any firm en-
21 gaged to operate the facility, the parent firm of the
22 applicant and any firm engaged to operate the facil-
23 ity, and any firms controlled by the parent firm or
24 the operating firm or the applicant:

1 “(A) Each such entity is in compliance
2 with Federal and State environmental and pub-
3 lic health statutes and regulations.

4 “(B) Each such entity has paid all out-
5 standing fines or penalties for violations of such
6 statutes or regulations.

7 “(C) Each such entity has made available
8 to the public at the site, and at local public li-
9 braries in the jurisdiction where the facility
10 would be sited, a disclosure statement. The dis-
11 closure statement shall include the following in-
12 formation with respect to the entity:

13 “(i) A list of each conviction of fraud
14 or any criminal offense during the previous
15 10 years in connection with obtaining or
16 attempting to obtain a contract.

17 “(ii) A list of each conviction of a vio-
18 lation of a State or Federal antitrust law
19 during the previous 10 years, including
20 convictions relating to unlawful price-fix-
21 ing, allocation of customers among com-
22 petitors, and bid-rigging.

23 “(iii) A list of each citation for a per-
24 mit violation under a Federal, State, or

1 local environmental statute during the pre-
2 vious 5 years.

3 “(iv) A list of each citation for failure
4 to conduct proper cleanup, reclamation, or
5 closure of a site or forfeiture of a bond for
6 such a failure during the previous 5 years.

7 “(12) The applicant shall complete, after public
8 notice and comment, an environmental impact state-
9 ment. Such statement shall be conducted in the
10 same manner and in conformance with the same
11 standards required for environmental impact state-
12 ments under the National Environmental Policy Act
13 (42 U.S.C. 4321 et seq.) and must be approved by
14 the State.

15 “(13) The applicant shall demonstrate that the
16 facility is not located within 1½ miles of any school,
17 hospital, church, synagogue, mosque, prison, body of
18 surface water used as a drinking water source, or
19 site designated by any Federal or State agency as a
20 recharge zone for an aquifer that serves as a drink-
21 ing water source.

22 “(14) The State in which the incinerator is lo-
23 cated shall complete, prior to 1995, an incinerator
24 capacity study which makes a determination of each
25 of the following:

1 “(A) The baseline capacity within the
2 State and after all recyclables, compostables
3 and noncombustibles are diverted from the
4 waste stream.

5 “(B) The baseline capacity within the En-
6 vironmental Protection Agency Region and
7 after diversion of list in I,2),a).

8 “(C) The baseline capacity for landfills
9 after diversion of list in I,2),a).

10 “(D) Potential health impacts of additional
11 incinerators.

12 “(E) Any disproportionate impact on mi-
13 nority and low income communities of addi-
14 tional incinerators.

15 States shall have the authority to levy a fee from ex-
16 isting incinerator and landfills to fund studies.

17 “(15) The Administrator has conducted, during
18 1995 and 1996, a national capacity study based on
19 the information contained in State studies conducted
20 under paragraph (14).

21 “(16) The applicant shall demonstrate that the
22 location of the facility will not have a disproportion-
23 ate impact on minority or low-income communities.

24 “(c) WASTE COMPOSITION ANALYSIS REGULA-
25 TIONS.—(1) Not later than January 1, 1995, the Adminis-

1 trator shall promulgate regulations containing standards
2 for the conduct of waste composition analyses under sub-
3 section (b)(1). In the regulations, the Administrator shall
4 define the term ‘waste composition analysis’ to mean—

5 “(A) an identification of all materials that fall
6 within standard categories and subcategories of ma-
7 terials set forth by the Administrator, including, at
8 a minimum, glass, newspapers, other paper, metals,
9 plastics, yard waste, and food waste; and

10 “(B) a measurement of the quantities of those
11 materials, using a method established by the Admin-
12 istrator.

13 “(2) The regulations also shall include procedures
14 for—

15 “(A) certification of the accuracy of a waste
16 composition analysis by the entity carrying out the
17 analysis; and

18 “(B) verification by the Administrator of the
19 accuracy of a waste composition analysis.

20 “(d) AUTHORITY TO IMPOSE HIGHER DIVERSION
21 RATES.—The Administrator shall assess periodically, but
22 not less often than at least once every 3 years, whether
23 the achievement of higher diversion rates under subsection
24 (b)(2) is feasible. If the Administrator concludes that a
25 higher rate is feasible for one or more materials listed in

1 subsection (b)(2), the Administrator may by rule require
2 such higher rate for the material under such subsection.

3 “(e) DEFINITIONS.—For purposes of this section, the
4 following definitions apply:

5 “(1) The term ‘municipal solid waste incinerator’ means a distinct operating unit of any facility
6 which combusts any solid waste material from commercial or industrial establishments or the general
7 public (including single and multiple residences, hotels, and motels). Such term does not include (i) incinerators or other units required to have a permit
8 under section 3005; (ii) materials recovery facilities (including primary or secondary smelters) which
9 combust waste for the primary purpose of recovering metals; (iii) qualifying small power production facilities, as defined in section 3(17)(C) of the Federal
10 Power Act (16 U.S.C. 769(17)(C)), which burn homogeneous waste (other than refuse-derived fuel) for
11 the production of electric energy; (iv) air curtain incinerators provided that such incinerators only burn
12 wood wastes, yard wastes, and clean lumber and that such air curtain incinerators comply with opacity
13 limitations to be established by the Administrator by rule; or (v) incinerators or other units that burn
14 only infectious medical waste.
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1 system shall consist of one flexible membrane liner
2 and one composite liner, with a leachate collection
3 system above and between such liners. For purposes
4 of this subsection, the term 'flexible membrane liner'
5 means a liner that consists of high density poly-
6 ethylene or equivalent material that is at least 60
7 mils thick and a layer of recompacted clay or other
8 natural materials at least 3 feet thick with hydraulic
9 conductivity of no more than 1×10^{-7} centimeter per
10 second.

11 “(ii) Upon closure, a final composite cover sys-
12 tem designed, operated, and constructed of materials
13 to prevent the infiltration of precipitation into such
14 cover during any closure or post-closure monitoring
15 period. For purposes of this section, the term 'com-
16 posite cover' means a cover which consists of high
17 density polyethylene or equivalent material that is at
18 least 40 mils thick and a layer of recompacted clay
19 or other natural materials at least 2 feet thick with
20 hydraulic conductivity of no more than 1×10^{-7} cen-
21 timeter per second.

22 “(B) Municipal solid waste incinerators in existence
23 on the date of the enactment of the Pollution Prevention
24 and Incineration Alternatives Act of 1993 shall meet the

1 requirements of clause (i) not later than 3 years after such
2 date of enactment.

3 “(C) As of the date of the enactment of the Pollution
4 Prevention and Incineration Alternatives Act of 1993, the
5 utilization of municipal solid waste incinerator ash for any
6 purpose is prohibited.

7 “(D) For purposes of this paragraph, the following
8 definitions apply:

9 “(i) The term ‘ash from municipal solid waste
10 incinerators’ means the residues resulting from the
11 combustion of municipal solid waste in a municipal
12 solid waste incinerator.

13 “(ii) The term ‘municipal solid waste inciner-
14 ator’ means a distinct operating unit of any facility
15 which combusts any solid waste material from com-
16 mercial or industrial establishments or the general
17 public (including single and multiple residences, ho-
18 tels, and motels). Such term does not include (I) in-
19 cinerators or other units required to have a permit
20 under section 3005; (II) materials recovery facilities
21 (including primary or secondary smelters) which
22 combust waste for the primary purpose of recovering
23 metals; (III) qualifying small power production fa-
24 cilities, as defined in section 3(17)(C) of the Federal
25 Power Act (16 U.S.C. 769(17)(C)), which burn ho-

1 mogeneous waste (other than refuse-derived fuel) for
2 the production of electric energy; (IV) air curtain in-
3 cinerators provided that such incinerators only burn
4 wood wastes, yard wastes and clean lumber and that
5 such air curtain incinerators comply with opacity
6 limitations to be established by the Administrator by
7 rule; or (V) incinerators or other units that burn
8 only infectious medical waste.”.

9 **SEC. 4. PROHIBITION ON INCINERATION OF CERTAIN MA-**
10 **TERIALS.**

11 (a) PROHIBITION.—Section 3001 of the Solid Waste
12 Disposal Act (42 U.S.C. 6921) is further amended by add-
13 ing at the end the following new subsection:

14 “(k) PROHIBITION ON INCINERATION OF CERTAIN
15 MATERIALS.—The following materials and products may
16 not be incinerated in a municipal solid waste incinerator:

17 “(1) Household hazardous waste.

18 “(2) Batteries.

19 “(3) Chlorinated plastics.

20 “(4) Consumer electronics.

21 “(5) Yard waste.”.

22 (b) EFFECTIVE DATE.—Subsection (k) of section
23 3001 of the Solid Waste Disposal Act (as added by sub-
24 section (a)) shall take effect 18 months after the date of
25 the enactment of this Act.

1 **SEC. 5. REQUIREMENTS RELATING TO HAZARDOUS WASTE**
2 **INCINERATORS.**

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

6 **“SEC. 3021. HAZARDOUS WASTE INCINERATORS.**

7 “(a) GENERAL REQUIREMENTS.—Effective on the
8 date of the enactment of the Pollution Prevention and In-
9 cineration Alternatives Act of 1993, no Federal agency,
10 State or local government, or any other waste manage-
11 ment jurisdiction may issue a permit or other prior ap-
12 proval for the construction or expansion of a hazardous
13 waste incinerator unless the following requirements are
14 met:

15 “(1) The applicant for the permit or other prior
16 approval, and all generators of waste expected to be
17 incinerated at the facility, shall conduct waste com-
18 position analyses that identify and quantify all the
19 waste expected to be incinerated at the facility, in-
20 cluding all toxic or hazardous substances in the
21 waste.

22 “(2) The applicant shall demonstrate that the
23 toxics use reduction requirements of subsection (b)
24 have been met.

25 “(3) The applicant shall demonstrate that the
26 facility will not interfere with, divert resources from,

1 or otherwise serve as a disincentive to, aggressive
2 implementation of the toxics use reduction require-
3 ments of subsection (b).

4 “(4) The applicant shall demonstrate that the
5 facility will not adversely affect the environment or
6 human health as a consequence of—

7 “(A) exposure to air emissions or inciner-
8 ator ash through inhalation;

9 “(B) ingestion of food contaminated by air
10 emissions or incinerator ash as a consequence
11 of incorporation of such ash or emissions into
12 the food chain;

13 “(C) ingestion of potable water or aquatic
14 organisms contaminated by surface water dis-
15 charges, surface runoff, leaching, or percolation
16 of air emissions or incinerator ash into ground
17 water or surface water;

18 “(D) ingestion or inhalation of soil par-
19 ticles contaminated with air emissions or incin-
20 erator ash; or

21 “(E) dermal contact with air emissions or
22 incinerator ash.

23 “(5) The applicant shall demonstrate that the
24 facility will not harm the local economy, including a

1 demonstration that it will not negatively affect prop-
2 erty values.

3 “(6) The applicant shall demonstrate that there
4 is no safer disposal or treatment technology available
5 for any of the wastes.

6 “(7) The Federal agency, State or local govern-
7 ment, or other waste management jurisdiction shall
8 conduct a full public participation process, including
9 public hearings, to address the proposed facility. As
10 part of the process, the applicant shall provide to
11 local community groups concerned about the project
12 a technical assistance grant of at least \$50,000. The
13 applicant shall renew the grant every six months
14 after the initial grant is made until the date final ac-
15 tion is completed by each Federal agency, State or
16 local government, or other waste management juris-
17 diction on each permit for construction or expansion
18 of the facility.

19 “(8) The proposed construction or expansion
20 must be approved by the unit of local government in
21 whose boundaries the facility would be sited.

22 “(9) The applicant shall demonstrate the fol-
23 lowing with respect to the applicant, any firm en-
24 gaged to operate the facility, the parent firm of the
25 applicant and any firm engaged to operate the facil-

1 ity, and any firms controlled by the parent firm or
2 the operating firm or the applicant:

3 “(A) Each such entity is in compliance
4 with Federal and State environmental and pub-
5 lic health statutes and regulations.

6 “(B) Each such entity has paid all out-
7 standing fines or penalties for violations of such
8 statutes or regulations.

9 “(C) Each such entity has made available
10 to the public at the site, and at local public li-
11 braries in the jurisdiction where the facility
12 would be sited, a disclosure statement. The dis-
13 closure statement shall include the following in-
14 formation with respect to the entity:

15 “(i) A list of each conviction of fraud
16 or any criminal offense during the previous
17 10 years in connection with obtaining or
18 attempting to obtain a contract.

19 “(ii) A list of each conviction of a vio-
20 lation of a State or Federal anti-trust law
21 during the previous 10 years, including
22 convictions relating to unlawful price-fix-
23 ing, allocation of customers among com-
24 petitors, and bid-rigging.

1 “(iii) A list of each citation for a per-
2 mit violation under a Federal, State, or
3 local environmental statute during the pre-
4 vious 5 years.

5 “(iv) A list of each citation for failure
6 to conduct proper cleanup, reclamation, or
7 closure of a site or forfeiture of a bond for
8 such a failure during the previous 5 years.

9 “(10) The applicant shall complete, after public
10 notice and comment, an environmental impact state-
11 ment. Such statement shall be conducted in the
12 same manner and in conformance with the same
13 standards required for environmental impact state-
14 ments under the National Environmental Policy Act
15 (42 U.S.C. 4321 et seq.) and must be approved by
16 the State.

17 “(11) The applicant shall demonstrate that the
18 facility is not located within 1½ miles of any school,
19 hospital, church, synagogue, mosque, prison, body of
20 surface water used as a drinking water source, or
21 site designated by any Federal or State agency as a
22 recharge zone for an aquifer that serves as a drink-
23 ing water source.

1 “(12) The applicant shall demonstrate that the
2 location of the facility will not have a disproportion-
3 ate impact on minority or low-income communities.

4 “(b) TOXICS USE REDUCTION REQUIREMENTS.—(1)
5 For purposes of subsection (a)(2), an applicant for a per-
6 mit, and each generator of waste expected to be inciner-
7 ated at the facility, shall demonstrate that each such gen-
8 erator has completed and made available to the public, and
9 intends to complete and make available each subsequent
10 year, a report on the use of toxic or hazardous substances
11 at the generator’s facility and the reduction of the use of
12 such substances during the preceding year at the genera-
13 tor’s facility. The report shall include, at a minimum, the
14 following:

15 “(A) A materials accounting for each toxic or
16 hazardous substance used in each production unit of
17 the generator’s facility and for the facility as a
18 whole.

19 “(B) An evaluation of options for reducing the
20 use of toxic and hazardous substances in each pro-
21 duction unit of the generator’s facility.

22 “(C) Two- and five-year goals, by toxic and
23 hazardous substance, for reducing the use of each
24 substance in each production unit of the generator’s
25 facility and in the facility as a whole.

1 “(D) A schedule for implementing the goals re-
2 ferred to in subparagraph (C).

3 “(E) A statement signed by an independent ex-
4 pert certifying that, to the expert’s best knowledge
5 and belief, the report prepared by the generator is
6 true, complete, accurate, and prepared under a prop-
7 er data accounting and planning system.

8 “(2) For purposes of subsection (a)(2), an applicant
9 for a permit shall demonstrate that the State in which
10 the facility is located, and each State in which generators
11 of waste expected to be incinerated at the facility are lo-
12 cated, has established and is implementing a toxics use
13 reduction program that includes, at a minimum, the fol-
14 lowing requirements:

15 “(A) The program must be designed to achieve,
16 within 5 years after the date the program is estab-
17 lished, at least a 50 percent reduction, from the base
18 year, in the amount of toxic or hazardous substances
19 entering the hazardous waste stream prior to treat-
20 ment, recycling, handling, disposal, or release.

21 “(B) The program must require generators of
22 hazardous waste to develop a plan for reducing their
23 toxic or hazardous substance use.

24 “(C) The program must require each generator
25 of hazardous waste to publicly report on materials

1 accounting for each production unit of the genera-
2 tor's facility and the facility as a whole.

3 “(c) APPLICABILITY.—This section applies to any fa-
4 cility that burns hazardous waste, including cement kilns
5 and other industrial furnaces and boilers.

6 “(d) DEFINITIONS.—For purposes of this section, the
7 following definitions apply:

8 “(1) The term ‘base year’ means any calendar
9 year, not earlier than 1991, for which a State has
10 complete and adequate information on the genera-
11 tion of toxic or hazardous substances entering the
12 hazardous waste stream, prior to treatment, recy-
13 cling, handling, disposal, or release.

14 “(2) The term ‘toxic or hazardous substance’
15 means—

16 “(A) a substance on the list described in
17 section 313(c) of the Emergency Planning and
18 Community Right-To-Know Act of 1986 (42
19 U.S.C. 11023(c));

20 “(B) any chemical for which a Federal or
21 State law requires reporting similar to section
22 313 of such Act but which is not otherwise cov-
23 ered under subparagraph (A);

24 “(C) any hazardous constituent of hazard-
25 ous wastes identified under regulations promul-

1 gated under this subtitle and listed in sections
2 261.33(e), 261.33(f), and Appendix VIII of
3 part 261 of title 40 of the Code of Federal Reg-
4 ulations; and

5 “(D) any priority pollutant listed under
6 regulations relating to steam electric power
7 point source pollutants under the Federal
8 Water Pollution Control Act (33 U.S.C. 1311 et
9 seq.) (as listed in Appendix A of section 423 of
10 title 40 of the Code of Federal Regulations).

11 “(3)(A) The term ‘toxics use reduction’ means
12 any change in a production process or activity, raw
13 material, or product, that reduces or eliminates the
14 use of any toxic or hazardous substance, or the
15 amount of any toxic or hazardous substance entering
16 any waste stream or otherwise released to the envi-
17 ronment (including fugitive emissions and hazardous
18 secondary materials), prior to recycling, treatment,
19 disposal, handling, or release, without creating or in-
20 creasing risks to the public health, workers, consum-
21 ers, or the environment. The term includes produc-
22 tion equipment or technology modifications, reformu-
23 lation or redesign of products, substitution of raw
24 materials, changes in production processes or proce-

1 dures, and improvements in housekeeping, mainte-
2 nance, training, or inventory control.

3 “(B) The term does not include (i) any waste
4 management or pollution control activity, or any
5 other practice which alters the physical, chemical, or
6 biological characteristics, or the volume, of a toxic or
7 hazardous substance through a process or activity
8 which itself is not integral to and necessary for the
9 production of a product or the providing of a service;
10 (ii) recycling without the use of in-process, in-line, or
11 closed-loop recycling methods according to standard
12 engineering practices and that is not integral to and
13 necessary for the production of the product within
14 the original production unit; or (iii) the use of a by-
15 product as hazardous secondary material, as a prod-
16 uct, or as a constituent of a product.”.

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

 “Sec. 3021. Hazardous waste incinerators.”.

○

HR 2488 IH—2

HR 2488 IH—3