Current Developments

Solid Waste

HOUSE, SENATE PASS COMPROMISE RCRA WITH 1984 DEADLINE TO CLOSE OPEN DUMPS

Compromise legislation to amend and reauthorize the Resource Conservation and Recovery Act (RCRA), including an amendment which establishes a 1984 deadline for eliminating all open dumps, was passed by the Senate Oct. 1 and the House Oct. 2.

The bill (S 1156) would reauthorize the Act, which governs the management of solid and hazardous wastes, for three years (Current Developments, Oct. 3, p. 756). The measure would authorize RCRA at $158.5 million for fiscal 1980, $173.5 million for fiscal 1981, and $183.6 million for fiscal 1982.

The bill also would amend the Act to establish a September 1984 deadline for closing all open dumps containing solid wastes, or for upgrading them to sanitary landfills in accordance with the open dump criteria issued under the Act last year (Sept. 21, 1979, p. 1183).

The Act also would be amended to change from Oct. 21, 1976, to Nov. 19, 1980, the date for determining when a hazardous waste facility must be in existence in order to be eligible for interim status.

The bill also would provide for integration of RCRA permits with permits under the Surface Mining Control and Reclamation Act, would set up a new $12 million waste-to-energy program for states and local governments, and would create a $20 million progam for states to inventory hazardous waste sites within their borders.

The bill has been sent to President Carter for approval.

Water Pollution

HOUSE, SENATE ADOPT COMPROMISE BILL TO REPEAL ICR, REAUTHORIZE PROGRAMS

A compromise amendment to S 2725 which would reauthorize several sections of the Clean Water Act as well as repeal the Act's industrial cost recovery (ICR) provisions was passed by the House and Senate Oct. 1, and will be sent to the President soon.

ICR required industrial users of municipal sewage treatment facilities to repay the federal government over a 30-year period for publicly owned treatment work (POTW) construction costs associated with industrial use.

But in addition to repealing the ICR provision, the bill would prohibit, as of November 15, 1981, federal funding for constructing industrial capacity in POTWs where industrial discharges exceed 50,000 gallons per day. Only those grantees who had received their Step 2 grant awards before May 15, 1980, would be exempt from the funding prohibition. The Environmental Protection Agency also would be required to assess the impact and usefulness of the funding prohibition, as well as the appropriate degree of federal and non-federal participation in funding POTWs and to submit its findings to Congress by March 15, 1981.

The funding prohibition, introduced by Sen. Robert T. Stafford (R-Vt), was passed in the Senate's original version of S 2725 and would have become effective October 1, 1980 (Current Developments, July 4, p. 325). Provisions similar to the Stafford amendment were not contained in HR 6667 which was approved earlier by the House Public Works and Transportation Committee (April 25, p. 2331). After negotiations to delete the Stafford amendment were unsuccessful, the House committee and the Senate Environment and Public Works Committee finally reached a compromise to defer the effective date of the funding prohibition.

PCB Provision Survives

The compromise, reached between the two committees in a last minute effort to avoid a conference, also would permit a one-time expenditure of $20 million to be taken from New York's construction grant allotment to remove polychlorinated biphenyls (PCBs) from the Hudson River.

The original provision of S 2725 would have granted the state authority to use $10 million. The House committee, however, was opposed to the use of the construction grant funds for purposes other than sewage treatment and, according to staffers, felt that the Hudson River dredging could be

BNA BRIEFING SESSIONS LUNCHEON FEATURES EPA ASSISTANT ADMINISTRATOR

Environmental Protection Agency Assistant Administrator for Pesticides and Toxic Substances Steven D. Jellinek will be luncheon speaker at The Bureau of National Affairs Seventh Annual Environment and Safety Briefing Sessions on Nov. 13.

The opening session will be devoted to environmental and chemical regulation issues.

Dr. Anthony Robbins, director of the National Institute for Occupational Safety and Health, Department of Health and Human Services, will give the luncheon address at the second session Nov. 14. This session will consider occupational safety and health, product safety and liability issues, and international aspects of environmental and safety regulations.

The briefing sessions will be held at the Shoreham Hotel in Washington, D.C., and will include discussion by BNA editors, reporters, and attorneys of upcoming activities, regulatory developments, and possible legislation in the environmental and safety areas.

Guest speakers and the BNA editors also will discuss the effects of the presidential and congressional elections results on environment and safety regulations.

The sessions will consider specifically the regulation of hazardous and toxic materials in the environment, in the workplace, and in products.

Registration may be made for a single-day session at $150 for either the Nov. 13 environment session or the Nov. 14 safety session, or for both sessions at $275.

For more information, contact the Environmental Conference Secretary, BNA Education Systems, Suite S-602, 1231 25th St., N.W., Washington, D.C. 20037, telephone (202) 452-4420 or toll free (800) 424-8039.

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appropriately addressed under superfund legislation recently passed by the House (Sept. 26, p. 729).

Reauthorizations Extended for Two Years

The least controversial provisions of the compromise bill would extend several program authorizations for two more years or through fiscal 1982. The programs and their respective reauthorizations include:

- ► $20.697 million and $22.770 million for investigations and information gathering required under Section 104(u)(1);
- ► $3 million each year for training sewage treatment plant operators under Section 104(u)(2);
- ► $1.5 million each year to develop and maintain a system for forecasting the supply and demand for waste treatment personnel under Section 104(u)(3);
- ► $75 million each year for Section 106 state water pollution control program grants;
- ► $7 million each year for Section 112(c) grants to universities;
- ► $100 million each year for Section 208 grants to states for areawide water quality planning and management;
- ► $100 million each year for the Rural Clean Water program under Section 208(j)(9);
- ► $30 million each year for Section 314 Clean Lakes program; and
- ► $150 million and $161 million for Section 517 general authorizations for EPA to administer the Act.

Other Amendment Provisions

The compromise amendment also would:

- ► Extend for an additional year the obligation period for fiscal 1979 construction grant funds;
- ► Grant states the discretion of reducing the federal share for project funding which is currently 75 percent;
- ► Increase construction costs limitations applicable to the combined Step 2 and Step 3 grant procedures for small projects from $2-$3 million to $4-$5 million;
- ► Clarify reimbursement provisions for municipalities that use their own funds to construct wastewater treatment facilities to assure that the amount of reimbursement will not exceed a state's allotment and that the project for which funds are expended are on an approved state priority list;
- ► Provide that the 2 percent set-aside of state allotments used for administering the grants program shall be based on the authorization level rather than the amount actually appropriated for the construction grants program; and
- ► Require Congress to be notified by the Department of Transportation when the unobligated balance of the oil and hazardous substances spills funds under Section 311 of the Act falls below $12 million.

One provision which the House unsuccessfully pushed was a provision contained in HR 6667 which would extend the compliance deadlines for municipalities from July 1, 1983, to July 1, 1985.

Calling the compromise "a reasonable resolution" of differences, House Public Works Chairman Harold T. (Bizz) Johnson (D-Calif) urged President Carter to sign the legislation which he said, "is absolutely essential to the continued progress of our national effort to restore and preserve our waters."

Coastal Zone Management

HOUSE, SENATE PASS BILL TO AMEND, REAUTHORIZE COASTAL ZONE MANAGEMENT ACT

The House and Senate approved compromise legislation to amend and reauthorize for five years the Coastal Zone Management Act of 1972, and forwarded the bill to President Carter for approval.

The compromise bill (S 2622) passed the House on Sept. 30 and the Senate on Oct. 1. The Senate originally passed its own version of legislation to amend the Coastal Zone Management Act (CZM) in June (Current Developments, June 6, p. 194), while the House Merchant Marine and Fisheries Committee approved its version in May (May 9, p. 43). In order to avoid any more delays with a conference committee, the House and Senate informally worked on a compromise which could be approved quickly before Congress adjourned Oct. 2 for the elections.

The CZM Act provides a voluntary program for states to receive federal grants to develop and administer their own federally approved coastal management programs. Currently 25 states and territories have approved programs, covering approximately 78 percent of the U.S. coastline.

Reauthorization of Act

The legislation would reauthorize the CZM Act through Sept. 30, 1985, at $161 million per year, compared with existing authorization levels of $236 million per year.

The basic CZM program would be authorized at $86 million per year while the coastal energy impact formula grants, to address the effects of outer continental shelf energy development, would be funded at $75 million per year.

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