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104TH CONGRESS

2D SESSION H. R. 4272 To amend the Solid Waste Disposal Act to improve public accountability and public safety in the management of hazardous waste facilities.
IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1996 Mr. SPRATT introduced the following bill; which was referred to the Committee on Commerce

A BILL To amend the Solid Waste Disposal Act to improve public

accountability and public safety in the management of
hazardous waste facilities.

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 ‘‘Hazardous Waste Fa-
5 cilities Financial Responsibility Act of 1996’’.
6 SEC. 2. REVISED POST-CLOSURE STANDARDS.

7 Section 3004(t) of the Solid Waste Disposal Act (42

8 U.S.C. 6924(t)) is amended by adding the following new
9 paragraph after paragraph (4):

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1 ‘‘(5) Not later than 24 months after the enactment
2 of the Hazardous Waste Facilities Public Accountability

3 Act of 1996, the Administrator shall revise the standards 4 for financial responsibility and post-closure care promul-5 gated pursuant to subsection (a) of this section to provide

6 for each of the following:
7 ‘‘(A) A post-closure care period of not less than

8 30 years for facilities where wastes or residuals re-
9 main on site. After 30 years, the owner or operator

10 of the facility may submit a petition to the Adminis-
11 trator for termination of the post-closure care pe-
12 riod. If such petition is denied, the owner or opera-

13 tor may resubmit a petition for termination at 15-
14 year intervals thereafter until the petition is grant-

15 ed. The Administrator shall grant the petition if the
16 owner or operator of the facility demonstrates to the
17 satisfaction of the Administrator, and the Adminis-

18 trator determines, after notice and public hearing,
19 that post-closure care is no longer necessary to pro-

20 tect human health and the environment.

21 ‘‘(B) Financial responsibility for credible acci-
22 dents and known corrective action from the issuance

23 of an operating or post-closure permit through clo-
24 sure and the entire post-closure care period, includ-

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1 ing provisions for revision, where necessary, based
2 on changed circumstances.

3 ‘‘(C) Liability assurances through the entire
4 post-closure care period.
5 ‘‘(D) Financial responsibility for post-closure

6 care through the entire post-closure care period (if
7 any) and revisions of post-closure care cost esti-

8 mates, after closure, resulting from a change to the
9 facility or to the post-closure permit that increases

10 the cost of performing post-closure care.
11 ‘‘(E) For any facility that is closed after the
12 date of enactment of this paragraph, financial re-

13 sponsibility standards under this paragraph may not
14 be satisfied by means of either of the following:
15 ‘‘(i) Financial tests pursuant to which

16 owner or operator demonstrates any of the fol-
17 lowing:
18 ‘‘(I) A ratio of total liabilities to net

19 worth; a ratio of the sum of net income

20 plus depreciation, depletion, and amortiza-
21 tion to total liabilities greater; or a ratio of
22 current assets to current liabilities.

23 ‘‘(II) Net working capital and tangible
24 net worth greater than the sum of the cur-

25 rent closure and post-closure cost esti-

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1 mates and the current plugging and aban-
2 donment cost estimates.

3 ‘‘(III) Tangible net worth of a speci-
4 fied amount or of an amount greater than

5 the sum of the current closure and post-
6 closure cost estimates and the current
7 plugging and abandonment cost estimates.
8 ‘‘(IV) Assets located in the United

9 States in an amount greater than (a) total
10 assets or (b) the sum of the current clo-

11 sure and post-closure cost estimates and
12 the current plugging and abandonment
13 cost estimates.

14 ‘‘(V) A current rating for the most re-

15 cent bond issuance.

16 ‘‘(ii) A corporate guarantee for closure is-
17 sued by the parent corporation of the owner or

18 operator.’’.

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