

9. POLICY POSITION

URGING CONGRESS TO EXTEND THE 20 YEAR CAPACITY ASSURANCE CLAUSE OF THE SUPERFUND AMENDMENT AND REAUTHORIZATION ACT OF 1986

Background

The proper management of hazardous materials is one of the critical problems on the national agenda being addressed by all levels of government as well as the public and the private sector. National surveys beginning early in the 1980s show a progression of public concern for the cleaning up of the nation's water, air, and land resources.

Congress has responded to the increasing public concern about the state of the environment by updating the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. This new law, the Superfund Amendments and Reauthorization Act of 1986 (SARA), requires the states to initiate many new programs and established deadlines for their completion.

Section 104k of SARA requires that each state assure that it has adequate capacity to handle in a responsibly sound manner all hazardous waste expected to be generated within their boundaries for the next 20 years. In 1987-88 the National Governors' Association (NGA) promulgated the waste capacity guidelines to be used by the states for implementation of the capacity assurance clause in SARA. These guidelines were finalized and given to the states in August, 1988. This gave the states only 13 months to conduct the necessary research on capacity assurance and to initiate procedures by the appropriate state officials among the states for making agreements and formalizing policies regarding capacity assurance.

Additionally, there was no state legislative participation during the research and writing stages of the NGA guidelines. Therefore, the state assemblies have not even begun their deliberations on the NGA guidelines for capacity assurance of the October, 1989 SARA deadline. At this juncture time will not permit the legislative bodies to carefully survey the potential individual state policy options.

Recommendation

The Southern Legislative Conference urges Congress to delay the October 17, 1989 deadline dealing with the 20 year capacity assurance clause of the Superfund Amendments and Reauthorization Act of 1986 for three years; and further urges Congress to extend the October 17, 1989 deadline in order to allow for the necessary time for the southern states to work together with the U.S. EPA for meeting the SARA requirements for the same three year period.

Adopted by the Southern Legislative Conference July 19, 1989.

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