

104TH CONGRESS
1ST SESSION

H. R. 2742

To set aside a portion of the funds available under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to be used to encourage the redevelopment of marginal brownfield sites, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 1995

Mr. ENGLISH of Pennsylvania introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To set aside a portion of the funds available under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to be used to encourage the redevelopment of marginal brownfield sites, 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,*

3 **SECTION. 1. DEFINITIONS.**

4 For purposes of this Act:

5 (1) The term “brownfield site” means a parcel
6 of land that was previously used for industrial pur-

1 poses but is contaminated with hazardous or toxic
2 waste and not currently used for any purpose. Such
3 term shall not include any of the following:

4 (A) Any facility that is the subject of a
5 planned or an ongoing response action under
6 the Comprehensive Environmental Response,
7 Compensation, and Liability Act of 1980 (42
8 U.S.C. 9601 et seq.).

9 (B) Any facility included, or proposed for
10 inclusion, in the National Priorities List main-
11 tained by the Administrator under such Act.

12 (C) Any facility with respect to which a
13 record of decision has been issued by the Presi-
14 dent under section 104 of such Act (42 U.S.C.
15 9604).

16 (D) Any facility that is subject to correc-
17 tive action under section 3004(u) or 3008(h) of
18 the Solid Waste Disposal Act (42 U.S.C.
19 6924(u) or 6928(h)) at the time that an appli-
20 cation for a grant or loan concerning the facil-
21 ity is submitted under this Act.

22 (E) Any land disposal unit with respect to
23 which a closure notification under subtitle C of
24 the Solid Waste Disposal Act (42 U.S.C. 6921
25 et seq.) has been submitted and closure require-

1 ments have been specified in a closure plan or
2 permit.

3 (F) Any facility that contains poly-
4 chlorinated biphenyls subject to response under
5 section 6(e) of the Toxic Substances Control
6 Act (15 U.S.C. 2605(e)).

7 (G) Any facility with respect to which an
8 administrative order on consent or judicial con-
9 sent decree requiring cleanup has been entered
10 into by the President under the Comprehensive
11 Environmental Response, Compensation, and
12 Liability Act of 1980 (42 U.S.C. 9601 et seq.),
13 the Solid Waste Disposal Act (42 U.S.C. 6901
14 et seq.), the Federal Water Pollution Control
15 Act (33 U.S.C. 1251 et seq.), the Toxic Sub-
16 stances Control Act (15 U.S.C. 2601 et seq.) or
17 title XIV of the Public Health Service Act, com-
18 monly known as the Safe Drinking Water Act
19 (42 U.S.C. 300f et seq.).

20 (H) Any facility controlled by, or to be re-
21 mediated by, a department, agency, or instru-
22 mentality of the executive branch of the Federal
23 Government.

24 (I) Any facility at which assistance for re-
25 sponse activities may be obtained pursuant to

1 subtitle I of the Solid Waste Disposal Act (42
2 U.S.C. 6991 et seq.) from the Leaking Under-
3 ground Storage Tank Trust Fund established
4 under section 9508 of the Internal Revenue
5 Code of 1986.

6 (2) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Environ-
8 mental Protection Agency.

9 **SEC. 2. SET-ASIDE FOR BROWNFIELD CLEANUPS.**

10 (a) AMOUNT OF SET-ASIDE.—Notwithstanding sec-
11 tion 111 of the Comprehensive Environmental Response,
12 Compensation, and Liability Act of 1980 (Superfund) or
13 any other provision of law, from the amounts available in
14 the Hazardous Substance Superfund established under
15 subchapter A of chapter 98 of the Internal Revenue Code
16 of 1986, in each fiscal year commencing after the enact-
17 ment of this Act a fraction equal to $1/365$ of the total
18 amount available in the fund in that fiscal year shall be
19 available to the Administrator for obligation or expendi-
20 ture for the purpose of making grants under section 3 of
21 this Act.

22 (b) ASSISTANCE AMOUNT.—The amount of any
23 grants provided under this Act to a single applicant shall
24 not exceed \$10,000,000. No funds made available under
25 this Act may be used for any brownfield site which has

1 previously received Federal funds for used for decon-
2 tamination or remediation. No grant funds shall be avail-
3 able under this Act for any project unless the State pro-
4 vides at least 20 percent of the total costs of the project
5 from nonfederal funds.

6 **SEC. 3. BROWNFIELD REDEVELOPMENT PROGRAM.**

7 (a) GRANTS.—Upon the approval of an application
8 made by any State under this section, the Administrator
9 may approve a State brownfield program and make grants
10 to State to be used for purposes of decontamination and
11 remediation of brownfield sites to make such sites avail-
12 able for proposed new uses. Grants under the section may
13 also be used for technical assistance.

14 (b) APPLICATIONS.—Any State may submit an appli-
15 cation to the Administrator for approval of a State pro-
16 gram under this section. An application shall be in such
17 form as the Administrator determines appropriate. At a
18 minimum, the application shall include each of the follow-
19 ing:

20 (1) Assurance that adequate oversight and en-
21 forcement authorities will be available.

22 (2) Evidence of active State brownfields cleanup
23 programs.

24 (3) Opportunity for public participation.

25 (4) Sufficient technical assistance.

1 (5) Adequate oversight to ensure that remedi-
2 ation complies with State laws.

3 (6) Certification to owners and prospective pur-
4 chaser that cleanup is completed.

5 (7) Evidence of a proposed use for the site after
6 the remediation has been completed.

7 (8) Streamlined procedures to ensure expedi-
8 tious brownfield remediation.

9 The Administrator shall approve the program if he deter-
10 mines that it meets the requirements of paragraphs (1)
11 through (8).

12 (c) GRANTS.—The Administrator may make grants
13 under this section to any State for the purposes of decon-
14 tamination and remediation of brownfield sites pursuant
15 to an approved State program.

16 (d) CLEANUP STANDARDS.—All decontamination and
17 remediation activities carried out under an approved State
18 brownfields cleanup program shall comply with applicable
19 provisions of State law. No action may be taken by the
20 United States under the Comprehensive Environmental
21 Response, Compensation, and Liability Act of 1980 (42
22 U.S.C. 9601 et seq.) or under the Solid Waste Disposal
23 Act (42 U.S.C. 6901 et seq.) for the decontamination or
24 remediation of any brownfield site at which decontamina-
25 tion or remediation is being carried out under an approved

1 State brownfield cleanup program, and no action for re-
2 covery of costs or damages arising from a release or
3 threatened release of hazardous substances at any
4 brownfield site may be brought under the Comprehensive
5 Environmental Response, Compensation, and Liability Act
6 of 1980 against any person who is, or who has, engaged
7 in the cleanup of such site under a State program ap-
8 proved under this section.

9 (e) WITHDRAWAL OF APPROVAL.—Whenever the Ad-
10 ministrator determines after public hearing that a State
11 is not administering and enforcing a qualified program in
12 accordance with the requirements of this section, the Ad-
13 ministrator shall notify the State in writing of such deter-
14 mination. If appropriate corrective action is not taken by
15 the State within 120 days after receipt of the notice, the
16 Administrator shall withdraw the approval of the program
17 and publish a notice of this action in the Federal Register,
18 after which the State program shall cease to be an ap-
19 proved program and shall not be eligible to receive further
20 Federal funds under this Act.

21 (f) STATUS REPORTS.—States with programs ap-
22 proved under this section shall report to the Administrator
23 at the end of each calendar year with regard to whether

- 1 or not the program continues to meet the requirements
- 2 of this section.

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