

104TH CONGRESS
2D SESSION

H. R. 3105

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to exempt certain State and local redevelopment boards or commissions, and fresh start users of facilities purchased from those boards or commissions, from the liability under that Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1996

Mr. WOLF 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 amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to exempt certain State and local redevelopment boards or commissions, and fresh start users of facilities purchased from those boards or commissions, from the liability under that Act.

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. EXEMPTION FROM CERCLA LIABILITY FOR**
2 **CERTAIN REDEVELOPMENT AUTHORITIES**
3 **AND FRESH START FACILITY USERS.**

4 (a) EXEMPTION FOR CERTAIN REDEVELOPMENT AU-
5 THORITIES.—Section 107 of the Comprehensive Environ-
6 mental Response, Compensation, and Liability Act of
7 1980 is amended by adding the following at the end
8 thereof:

9 “(n) REDEVELOPMENT AUTHORITIES.—No State or
10 local board, commission, or other entity, or any member
11 thereof, appointed or elected pursuant to State or local
12 law to plan for or implement the redevelopment or reuse
13 of a facility shall be liable under this section for costs or
14 damages with respect to any release or threat of release
15 from the facility to the extent such liability is based solely
16 on the entity’s status as an owner of the facility under
17 paragraph (1) of subsection (a) if such entity—

18 “(1) has not engaged in any response action at
19 the facility;

20 “(2) owns the facility or any portion thereof
21 only on a temporary basis prior to transfer to an-
22 other entity; and

23 “(3) has not engaged in the generation of any
24 hazardous substance disposed of at such facility.”.

25 (b) FRESH START USERS.—Section 101(35)(A) of
26 the Comprehensive Environmental Response, Compensa-

1 tion, and Liability Act of 1980 is amended by striking
2 “described in clause (i), (ii), or (iii)” and inserting “de-
3 scribed in clause (i), (ii), (iii), or (iv)” and by adding the
4 following after clause (iii):

5 “(iv) The defendant acquired the facility from
6 a person exempt from liability under section 107(n)
7 and has not engaged in (I) any response action at
8 the facility, (II) disposal of any hazardous substance
9 at the facility, or (III) the generation of any hazard-
10 ous substance disposed of at such facility. This
11 clause shall not apply to any person who impedes
12 the performance of a response action or natural re-
13 source restoration at the facility concerned.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 subsections (a) and (b) shall apply only with respect to
16 final agency actions, or court orders issued or judicial de-
17 cisions made, under the Comprehensive Environmental
18 Response, Compensation, and Liability Act of 1980 after
19 the date of the enactment of this Act.

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