

105TH CONGRESS  
1ST SESSION

# H. R. 688

To amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1997

Mr. DAN SCHAEFER of Colorado (for himself, Mr. STUPAK, Mr. OXLEY, Mr. NORWOOD, Mr. BURR of North Carolina, Mr. LIVINGSTON, Mr. MCHUGH, Mr. SKEEN, Ms. NORTON, Mr. BEREUTER, Ms. CHRISTIAN-GREEN, Mr. NETHERCUTT, Mr. BACHUS, Mr. KLUG, Mr. PARKER, Mr. GRAHAM, Mr. DEAL of Georgia, Mr. GILLMOR, Ms. RIVERS, Mr. TAYLOR of North Carolina, Mr. MCINTOSH, Mr. DOYLE, Mr. LAFALCE, Mrs. MYRICK, Mr. GEKAS, Mrs. THURMAN, Mr. WATKINS, Mr. LUCAS of Oklahoma, Mr. HEFLEY, Mr. PORTER, Mr. MCDADE, Mr. CANADY of Florida, Mr. DOOLEY of California, Mr. EHLERS, Mr. SPRATT, Mr. HILLEARY, Mr. BOB SCHAFFER of Colorado, Mr. KANJORSKI, Mr. CRAPO, Mr. TAUZIN, and Mr. MCCRERY) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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

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## A BILL

To amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for

cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

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 “Leaking Underground  
 5 Storage Tank Trust Fund Amendments Act of 1997”.

6 **SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.**

7 (a) TRUST FUND DISTRIBUTION.—Section 9004 of  
 8 the Solid Waste Disposal Act (42 U.S.C. 6991c) is amend-  
 9 ed by adding at the end the following new subsection:

10 “(f) TRUST FUND DISTRIBUTION TO STATES.—

11 “(1) IN GENERAL.—(A) The Administrator  
 12 shall distribute to States at least 85 percent of the  
 13 funds appropriated to the Environmental Protection  
 14 Agency from the Leaking Underground Storage  
 15 Tank Trust Fund (in this subsection referred to as  
 16 the ‘Trust Fund’) each fiscal year for the reasonable  
 17 costs under cooperative agreements entered into with  
 18 the Administrator for the following:

19 “(i) States’ actions under section  
 20 9003(h)(7)(A).

21 “(ii) Necessary administrative expenses di-  
 22 rectly related to corrective action and com-  
 23 pensation programs under section 9004(c)(1).

1           “(iii) Enforcement of a State or local pro-  
2           gram approved under this section or enforce-  
3           ment of this subtitle or similar State or local  
4           provisions by a State or local government.

5           “(iv) State and local corrective actions pur-  
6           suant to regulations promulgated under section  
7           9003(c)(4).

8           “(v) Corrective action and compensation  
9           programs under section 9004(c)(1) for releases  
10          from underground storage tanks regulated  
11          under this subtitle in any instance, as deter-  
12          mined by the State, in which the financial re-  
13          sources of an owner or operator, excluding re-  
14          sources provided by programs under section  
15          9004(c)(1), are not adequate to pay for the cost  
16          of a corrective action without significantly im-  
17          pairing the ability of the owner or operator to  
18          continue in business.

19          “(B) Funds provided by the Administrator  
20          under subparagraph (A) may not be used by States  
21          for purposes of providing financial assistance to an  
22          owner or operator in meeting the requirements re-  
23          specting underground storage tanks contained in  
24          section 280.21 of title 40 of the Code of Federal

1 Regulations (as in effect on the date of the enact-  
2 ment of this subsection) or similar requirements in  
3 State programs approved under this section or simi-  
4 lar State or local provisions.

5 “(2) ALLOCATION.—

6 “(A) PROCESS.—In the case of a State  
7 that the Administrator has entered into a coop-  
8 erative agreement with under section  
9 9003(h)(7)(A), the Administrator shall distrib-  
10 ute funds from the Trust Fund to the State  
11 using the allocation process developed by the  
12 Administrator for such cooperative agreements.

13 “(B) REVISIONS TO PROCESS.—The Ad-  
14 ministrator may revise such allocation process  
15 only after—

16 “(i) consulting with State agencies re-  
17 sponsible for overseeing corrective action  
18 for releases from underground storage  
19 tanks and with representatives of owners  
20 and operators; and

21 “(ii) taking into consideration, at a  
22 minimum, the total revenue received from  
23 each State into the Trust Fund, the num-  
24 ber of confirmed releases from leaking un-  
25 derground storage tanks in each State, the

1           number of notified petroleum storage tanks  
2           in each State, and the percent of the popu-  
3           lation of each State using groundwater for  
4           any beneficial purpose.

5           “(3) RECIPIENTS.—Distributions from the  
6           Trust Fund under this subsection shall be made di-  
7           rectly to the State agency entering into a cooperative  
8           agreement or enforcing the State program.

9           “(4) COST RECOVERY PROHIBITION.—Funds  
10          provided to States from the Trust Fund to owners  
11          or operators for programs under section 9004(c)(1)  
12          for releases from underground storage tanks are not  
13          subject to cost recovery by the Administrator under  
14          section 9003(h)(6).”.

15          (b) CONFORMING AMENDMENT.—Section 9508(c)(1)  
16          of the Internal Revenue Code of 1986 is amended by in-  
17          serting before the period at the end the following: “and  
18          to carry out section 9004(f) of such Act”.

19          (c) TECHNICAL AMENDMENTS.—Subtitle I of the  
20          Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is  
21          amended as follows:

22                  (1) Section 9001(3)(A) (42 U.S.C. 6991(3)(A))  
23                  is amended by striking out “sustances” and insert-  
24                  ing in lieu thereof “substances”.

1           (2) Section 9003(f)(1) (42 U.S.C. 6991b(f)(1))  
2           is amended by striking out “subsection (c) and (d)”  
3           and inserting in lieu thereof “subsections (c) and  
4           (d)”.

5           (3) Section 9004(a) (42 U.S.C. 6991c(a)) is  
6           amended by striking out “in 9001(2)(A)” and in-  
7           serting in lieu thereof “in section 9001(2)(A)”.

8           (4) Section 9005 (42 U.S.C. 6991d) is amend-  
9           ed—

10                   (A) in subsection (a), by striking out  
11                   “study taking” and inserting in lieu thereof  
12                   “study, taking”;

13                   (B) in subsection (b)(1), by striking out  
14                   “relevent” and inserting in lieu thereof “rel-  
15                   evant”; and

16                   (C) in subsection (b)(4), by striking out  
17                   “Evironmental” and inserting in lieu thereof  
18                   “Environmental”.

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