

105TH CONGRESS
1ST SESSION

S. 555

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

IN THE SENATE OF THE UNITED STATES

APRIL 10, 1997

Mr. ALLARD introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

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

2 (a) TRUST FUND DISTRIBUTION.—Section 9004 of
3 the Solid Waste Disposal Act (42 U.S.C. 6991e) is amend-
4 ed by adding at the end the following:

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

6 “(1) IN GENERAL.—

7 “(A) AMOUNT AND PERMITTED USE OF
8 DISTRIBUTION.—The Administrator shall dis-
9 tribute to States at least 85 percent of the
10 funds appropriated to the Environmental Pro-
11 tection Agency from the Leaking Underground
12 Storage Tank Trust Fund established by sec-
13 tion 9508 of the Internal Revenue Code of 1986
14 (referred to in this subsection as the ‘Trust
15 Fund’) for each fiscal year for use in paying the
16 reasonable costs, incurred under cooperative
17 agreements entered into with the Adminis-
18 trator, of—

19 “(i) actions taken by a State 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 subsection (c)(1);

24 “(iii) enforcement of a State or local pro-
25 gram approved under this section or enforce-

1 ment of this subtitle or similar State or local
2 provisions by a State or local government;

3 “(iv) State or local corrective actions pur-
4 suant to regulations promulgated under section
5 9003(c)(4); or

6 “(v) corrective action and compensation
7 programs under subsection (c)(1) for releases
8 from underground storage tanks regulated
9 under this subtitle if, as determined by the
10 State, the financial resources of an owner or
11 operator (excluding resources provided by pro-
12 grams under subsection (c)(1)) are not ade-
13 quate to pay for the cost of a corrective action
14 without significantly impairing the ability of the
15 owner or operator to continue in business.

16 “(B) NONPERMITTED USES.—Funds provided
17 by the Administrator under subparagraph (A) shall
18 not be used by a State to provide financial assist-
19 ance to an owner or operator to meet the require-
20 ments respecting underground storage tanks con-
21 tained in section 280.21 of title 40, Code of Federal
22 Regulations (as in effect on the date of enactment
23 of this subsection), or similar requirements in State
24 programs approved under this section or similar
25 State or local provisions.

1 “(2) ALLOCATION.—

2 “(A) PROCESS.—Subject to subparagraph
3 (B), in the case of a State with which the Ad-
4 ministrator has entered into a cooperative
5 agreement under section 9003(h)(7)(A), the
6 Administrator shall distribute funds from the
7 Trust Fund to the State using the allocation
8 process developed by the Administrator for such
9 cooperative agreements.

10 “(B) REVISIONS TO PROCESS.—The Ad-
11 ministrator may revise the allocation process
12 only after—

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

18 “(ii) taking into consideration, at a
19 minimum—

20 “(I) the total revenue received
21 from each State into the Trust Fund;

22 “(II) the number of confirmed
23 releases from leaking underground
24 storage tanks in each State;

1 “(III) the number of notified pe-
2 troleum storage tanks in each State;
3 and

4 “(IV) the percentage of the popu-
5 lation of each State using ground-
6 water for any beneficial purpose.

7 “(3) DISTRIBUTIONS TO STATE AGENCIES.—

8 “(A) IN GENERAL.—Distributions from the
9 Trust Fund under this subsection shall be made
10 directly to the State agency entering into a co-
11 operative agreement or enforcing the State pro-
12 gram.

13 “(B) ADMINISTRATIVE EXPENSES.—A
14 State agency that receives funds under this sub-
15 section shall limit the proportion of those funds
16 that are used to pay administrative expenses to
17 a percentage that the State may establish by
18 law.

19 “(4) COST RECOVERY PROHIBITION.—Funds
20 provided to States from the Trust Fund to owners
21 or operators for programs under section 9004(c)(1)
22 for releases from underground storage tanks are not
23 subject to cost recovery by the Administrator under
24 section 9003(h)(6).”.

1 (b) CONFORMING AMENDMENT.—Section 9508(e)(1)
2 of the Internal Revenue Code of 1986 is amended by in-
3 serting before the period at the end the following: “and
4 to carry out section 9004(f) of that Act”.

5 (c) TECHNICAL AMENDMENTS.—

6 (1) Section 9001(3)(A) of the Solid Waste Dis-
7 posal Act (42 U.S.C. 6991(3)(A)) is amended by
8 striking “sustances” and inserting “substances”.

9 (2) Section 9003(f)(1) of the Solid Waste Dis-
10 posal Act (42 U.S.C. 6991b(f)(1)) is amended by
11 striking “subsection (c) and (d)” and inserting “sub-
12 sections (c) and (d)”.

13 (3) Section 9004(a) of the Solid Waste Disposal
14 Act (42 U.S.C. 6991c(a)) is amended by striking “in
15 9001(2)(A)” and inserting “in section 9001(2)(A)”.

16 (4) Section 9005 of the Solid Waste Disposal
17 Act (42 U.S.C. 6991d) is amended—

18 (A) in subsection (a), by striking “study
19 taking” and inserting “study, taking”;

20 (B) in subsection (b)(1), by striking
21 “relevent” and inserting “relevant”; and

22 (C) in subsection (b)(4), by striking
23 “Evironmental” and inserting “Environ-
24 mental”.

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