

106TH CONGRESS
2D SESSION

S. 2335

To authorize the Secretary of the Army to carry out a program to provide assistance in the remediation and restoration of brownfields, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2000

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

A BILL

To authorize the Secretary of the Army to carry out a program to provide assistance in the remediation and restoration of brownfields, 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. SHORT TITLE.**

4 This Act may be cited as the “State and Local
5 Brownfields Revitalization Act of 2000”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) BROWNFIELD SITE.—The term “brownfield
9 site” means a parcel of real property, the expansion,

1 redevelopment, or reuse of which is complicated by
2 the presence or potential presence of a hazardous
3 substance.

4 (2) HAZARDOUS SUBSTANCE.—The term “haz-
5 arduous substance” has the meaning given the term
6 in section 101 of the Comprehensive Environmental
7 Response, Compensation, and Liability Act of 1980
8 (42 U.S.C. 9601).

9 (3) REMEDIATE.—The term “remediate” has
10 the meaning given the term in section 101 of the
11 Comprehensive Environmental Response, Compensa-
12 tion, and Liability Act of 1980 (42 U.S.C. 9601).

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of the Army.

15 **SEC. 3. BROWNFIELDS REVITALIZATION PROGRAM.**

16 (a) IN GENERAL.—As soon as practicable after the
17 date of enactment of this Act, the Secretary shall imple-
18 ment a program to provide assistance to State, regional,
19 and local governments in the remediation and restoration
20 of brownfield sites in cases in which the remediation and
21 restoration would contribute to the quality, conservation,
22 and sustainable use of waterways and watershed eco-
23 systems in the United States.

1 (b) FORMS OF ASSISTANCE.—Assistance provided
2 under the program under subsection (a) may be in the
3 form of—

- 4 (1) site characterization and planning;
- 5 (2) site design and construction;
- 6 (3) environmental restoration; and
- 7 (4) preparation for site development.

8 (c) CONSIDERATIONS; CONSULTATION.—In deter-
9 mining whether to provide assistance for a project to re-
10 mediate a brownfield site under subsection (a), the Sec-
11 retary shall—

12 (1) take into consideration—

13 (A) the manner and extent to which the
14 project would improve public health and safety;

15 (B) the manner and extent to which the
16 project would—

17 (i) encourage sustainable economic
18 and environmental redevelopment in an
19 area serviced by existing infrastructure; or

20 (ii) enable the creation of or addition
21 to parks, greenways, or other recreational
22 property; and

23 (C) any other expected beneficial results of
24 the project; and

1 (2) consult with appropriate Federal, State, re-
2 gional, and local officials.

3 (d) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-
4 retary shall provide assistance for a project under this sec-
5 tion only if the project site (including any facilities on the
6 site) is publicly owned.

7 (e) COST SHARING.—

8 (1) FEDERAL SHARE.—

9 (A) IN GENERAL.—Except as provided in
10 paragraph (3), the Federal share of the cost of
11 any project under this section shall not exceed
12 65 percent.

13 (B) AGREEMENT.—As a condition of re-
14 ceiving assistance for a project under this sec-
15 tion, a non-Federal interest shall enter into a
16 binding agreement with the Secretary that es-
17 tablishes the percentages of the costs of the
18 project that are to be paid by—

19 (i) the Secretary; and

20 (ii) the non-Federal interest.

21 (2) CREDIT TOWARD NON-FEDERAL SHARE.—

22 In determining the non-Federal share of the cost of
23 a project under this section, the Secretary shall pro-
24 vide credit to the non-Federal interest for—

1 (A) the value of land, easements, rights-of-
2 way, and relocations (including direct costs as-
3 sociated with obtaining permits necessary for
4 completing the site characterizations or remedi-
5 ation work), not to exceed 35 percent of total
6 project costs;

7 (B) any site characterization and site re-
8 mediation services and other in-kind work that
9 is carried out on or subsequent to, or within the
10 period that is 5 years before, the date on which
11 the non-Federal interest enters into a cost shar-
12 ing agreement with the Secretary under para-
13 graph (1)(B); and

14 (C) grants awarded, and the value of work
15 performed on behalf of the non-Federal inter-
16 est, by State and local agencies, as determined
17 by the Secretary.

18 (3) OPERATION AND MAINTENANCE.—The non-
19 Federal interest shall pay 100 percent of costs of op-
20 eration and maintenance of a remediated site.

21 (4) LIMITATION ON FEDERAL EXPENDI-
22 TURES.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the Secretary shall award

1 not more than \$3,250,000 for a project at any
2 brownfield site.

3 (B) EXCEPTION.—If the Secretary deter-
4 mines that a project, due to the size or the level
5 of contamination of the brownfield site, requires
6 additional funds, the Secretary may provide to
7 the project funding in the amount of the lesser
8 of—

- 9 (i) \$5,000,000; or
10 (ii) an amount not to exceed 65 per-
11 cent of the costs of the project.

12 (f) APPLICABILITY OF LAWS.—Nothing in this sec-
13 tion waives, limits, or otherwise affects the applicability
14 of any provision of Federal or State law that would other-
15 wise apply to a project to be carried out with assistance
16 provided under this section.

17 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$100,000,000 for each of fiscal years 2001 through 2005.

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