

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1621

To require the Administrator of the Environmental Protection Agency to establish a program under which States may be certified to carry out voluntary environmental cleanup programs for low- and medium-priority sites.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 11, 1995

Mr. REGULA (for himself, Mr. VISCLOSKY, Mr. TRAFICANT, Mr. LIPINSKI, Mr. DOYLE, Mr. SERRANO, Mr. ACKERMAN, Mr. FOGLIETTA, Mr. KLINK, Ms. PELOSI, Mr. LATOURETTE, Mr. ENGLISH of Pennsylvania, and Mr. MURTHA) 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

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## A BILL

To require the Administrator of the Environmental Protection Agency to establish a program under which States may be certified to carry out voluntary environmental cleanup programs for low- and medium-priority sites.

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 “Brownfield Cleanup  
5 and Redevelopment Act”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) Hundreds of thousands of obsolete indus-  
4 trial sites nationwide are polluted with medium to  
5 low amounts of environmental contamination.

6 (2) Reusing these sites requires cleanup of the  
7 contamination, adding costs and uncertainties to the  
8 redevelopment process.

9 (3) Left unused, these contaminated sites mean  
10 loss of tax revenues and job opportunities for the  
11 community and pose potential risks to nearby resi-  
12 dents or people who venture onto the site.

13 (4) State efforts to encourage voluntary cleanup  
14 and redevelopment of such sites are hindered by  
15 Federal requirements for environmental permits to  
16 conduct the cleanups and by the lack of Federal cer-  
17 tification of such State efforts.

18 (b) PURPOSE.—The purpose of this Act is to encour-  
19 age cleanup and redevelopment of contaminated industrial  
20 facilities (known as “brownfields”) as economically viable  
21 alternatives to previously undeveloped “greenfield” sites.

22 **SEC. 3. CERTIFICATION OF STATE VOLUNTARY CLEANUP**  
23 **PROGRAMS.**

24 (a) IN GENERAL.—Not later than one year after the  
25 date of the enactment of this Act, the Administrator of  
26 the Environmental Protection Agency (hereinafter in this

1 Act referred to as the “Administrator”) shall establish cer-  
2 tification criteria for State voluntary cleanup programs at  
3 eligible facilities. If a State meets the criteria for certifi-  
4 cation, the Administrator shall certify the State to carry  
5 out the cleanup program in such State at eligible facilities  
6 in lieu of any Federal program that addresses the cleanup  
7 of such facilities under the Comprehensive Environmental  
8 Response, Compensation, and Liability Act of 1980 or the  
9 Solid Waste Disposal Act.

10 (b) BIENNIAL AUDITS AND REVOCATION OF STATE  
11 CERTIFICATION.—The Administrator shall ensure that  
12 State programs continue to meet the terms of the certifi-  
13 cation issued pursuant to subsection (a) by conducting bi-  
14 ennial audits of State voluntary cleanup programs. If the  
15 Administrator finds that the State is not administering  
16 the program in accordance with the terms of the certifi-  
17 cation, the Administrator shall notify the State of defi-  
18 ciencies and of the Administrator’s intention to withdraw  
19 the State’s certification if the deficiencies are not resolved  
20 within 6 months. Withdrawal of State certification shall  
21 not affect any cleanup completed and approved by the  
22 State as of the date of such withdrawal.

23 (c) SPECIFIC CRITERIA.—The Administrator shall re-  
24 quire that, in order for a State voluntary cleanup program

1 to be certified under subsection (a), the program shall, at  
2 a minimum, contain each of the following provisions:

3 (1) The program shall provide that only eligible  
4 facilities, as described in subsection (d), may partici-  
5 pate in the program.

6 (2) The program shall provide adequate oppor-  
7 tunities for public participation in the development  
8 and implementation of cleanup plans for eligible fa-  
9 cilities. Public participation requirements shall in-  
10 clude but not be limited to providing opportunity for  
11 affected parties to review and comment on cleanup  
12 documents and plans, and providing opportunity for  
13 public input to the remedy selection process. Af-  
14 fected parties shall include but not be limited to  
15 local work force representatives, adjacent community  
16 residents, and local environmental and other public  
17 interest organizations.

18 (3) The program shall provide technical assist-  
19 ance throughout each voluntary cleanup.

20 (4) The program shall provide adequate over-  
21 sight and enforcement authority to ensure that the  
22 voluntary cleanups comply with Federal and State  
23 laws (except permit requirements as provided in sub-  
24 section (e)).

1           (5) Provide for a certification from the State to  
2           the owner or prospective purchaser of an eligible fa-  
3           cility that the cleanup is complete.

4           (d) ELIGIBLE FACILITIES.—For purposes of this Act,  
5           the term “eligible facility” means a facility or property  
6           in a State that is determined by the State to have environ-  
7           mental contamination that—

8           (1) could prevent the timely use, development,  
9           or reuse of the facility or property; and

10          (2) is limited in scope and can be comprehen-  
11          sively and readily evaluated.

12          Such term shall not include any of the following:

13          (A) A facility that is eligible for abatement ac-  
14          tion under section 106 of the Comprehensive Envi-  
15          ronmental Response, Compensation, and Liability  
16          Act of 1980.

17          (B) A facility that, as of the date of the enact-  
18          ment of this Act, is subject to Federal enforcement  
19          action under the Comprehensive Environmental Re-  
20          sponse, Compensation, and Liability Act of 1980 (42  
21          U.S.C. 9601 et seq.).

22          (C) A facility included, or proposed for inclu-  
23          sion, on the National Priorities List or on the com-  
24          prehensive environmental response, compensation,  
25          and liability inventory system (“CERCLIS”) that

1 has been evaluated as high priority under the hazard  
2 ranking system.

3 (D) A facility required to have a permit under  
4 section 3005 of the Solid Waste Disposal Act that  
5 does not have a permit under that section and does  
6 not qualify for authorization to operate in interim  
7 status under subsection (e) of that section.

8 (E) A land disposal unit with respect to which  
9 a closure notification under subtitle C of the Solid  
10 Waste Disposal Act (42 U.S.C. 6921 et seq.) is sub-  
11 mitted and closure requirements are specified in a  
12 closure plan or permit.

13 (F) A facility subject to corrective action under  
14 section 3004(u) or 3008(h) of the Solid Waste Dis-  
15 posal Act (42 U.S.C. 5924(u) or 6928(h)) that is  
16 evaluated as high priority under the Environmental  
17 Protection Agency's National Corrective Action Pri-  
18 ority System as set forth in regulations under sub-  
19 title C of the Solid Waste Disposal Act.

20 (G) A facility at which assistance for response  
21 activities may be obtained pursuant to subtitle I of  
22 the Solid Waste Disposal Act (42 U.S.C. 6991 et  
23 seq.) from the Leaking Underground Storage Tank  
24 Trust Fund established under section 9508 of the  
25 Internal Revenue Code of 1986.

1           (H) A facility owned or operated by a depart-  
2           ment, agency, or instrumentality of the United  
3           States.

4           (e) RELATIONSHIP TO PERMIT REQUIREMENTS.—No  
5           Federal, State, or local permit shall be required for any  
6           cleanup conducted under a State voluntary cleanup pro-  
7           gram certified under this section, if the cleanup is carried  
8           out in compliance with the certified program.

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