

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4915

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to add States to the governmental entities eligible for reimbursement for emergency removal actions and to clarify authority to take such actions at illicit drug laboratories.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1994

Mr. STUPAK (for himself, Mr. BARCIA of Michigan, Mr. CONDIT, and Mr. HORN) introduced the following bill; which was referred jointly to the Committees on Energy and Commerce and Public Works and Transportation

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## A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to add States to the governmental entities eligible for reimbursement for emergency removal actions and to clarify authority to take such actions at illicit drug laboratories.

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. ADDITION OF STATES TO GOVERNMENTAL EN-**  
2 **TITIES ELIGIBLE FOR REIMBURSEMENT FOR**  
3 **EMERGENCY REMOVAL ACTIONS; CLARIFICA-**  
4 **TION OF AUTHORITY TO TAKE EMERGENCY**  
5 **RESPONSE ACTION AT ILLICIT DRUG LAB-**  
6 **ORATORIES.**

7 (a) AMENDMENT OF SECTION 123.—Section 123 of  
8 the Comprehensive Environmental Response, Compensa-  
9 tion, and Liability Act of 1980 (42 U.S.C. 9623) is  
10 amended to read as follows:

11 **“SEC. 123. REIMBURSEMENT TO STATE AND LOCAL GOV-**  
12 **ERNMENTS.**

13 “(a) APPLICATION.—Any State or general purpose  
14 unit of local government for a political subdivision of a  
15 State that is affected by a release or threatened release  
16 at any facility may apply to the President for reimburse-  
17 ment under this section.

18 “(b) REIMBURSEMENT.—

19 “(1) EMERGENCY RESPONSE ACTIONS.—The  
20 President is authorized to reimburse States and local  
21 community authorities for expenses incurred (before  
22 or after the enactment of the Superfund Reform Act  
23 of 1994) in carrying out emergency response actions  
24 necessary to prevent or mitigate injury to human  
25 health or the environment associated with the re-  
26 lease or threatened release of any hazardous sub-

1 stance or pollutant or contaminant. Such actions  
2 may include, where appropriate, security fencing to  
3 limit access, cleanup of illicit drug laboratories, re-  
4 sponse to fires and explosions, and other measures  
5 that require immediate response at the State or local  
6 level.

7 “(2) STATE OR LOCAL FUNDS NOT SUP-  
8 PLANTED.—Reimbursement under this section shall  
9 not supplant State or local funds normally provided  
10 for response.

11 “(c) AMOUNT.—(1) The amount of any reimburse-  
12 ment to a local authority under subsection (b)(1) may not  
13 exceed \$25,000 for a single response. The reimbursement  
14 under this section with respect to a single facility shall  
15 be limited to the units of local government having jurisdic-  
16 tion over the political subdivision in which the facility is  
17 located.

18 “(2) The amount of any reimbursement to a State  
19 under subsection (b)(1) may not exceed \$50,000 for a sin-  
20 gle response. The reimbursement under this section with  
21 respect to a single facility shall be limited to the State  
22 in which the facility is located.

23 “(3) The amounts allowed for State and local govern-  
24 ments under subsection (b)(1) may not be combined for  
25 any single response action.

1       “(d) PROCEDURE.—Reimbursements authorized pur-  
2 suant to this section shall be in accordance with rules pro-  
3 mulgated by the Administrator.”.

4       (b) AMENDMENT OF SECTION 111.—Paragraph (11)  
5 of section 111(c) of such Act is amended—

6           (1) by striking out “LOCAL GOVERNMENT RE-  
7 IMBURSEMENT.—” and inserting in lieu thereof  
8 “STATE AND LOCAL GOVERNMENT REIMBURSE-  
9 MENT.—(A)”;

10          (2) by adding at the end the following new sub-  
11 paragraph:

12           “(B) Reimbursements to States under section  
13 123, except that no State may receive more than  
14 \$2,000,000 in any one fiscal year.”.

15       (c) DEADLINE FOR REGULATIONS.—The Adminis-  
16 trator of Environmental Protection Agency shall promul-  
17 gate regulations to implement section 123 of the Com-  
18 prehensive Environmental Response, Compensation, and  
19 Liability Act of 1980 (42 U.S.C. 9623), as amended by  
20 subsection (a), not later than one year after the date of  
21 the enactment of this Act.

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