

104TH CONGRESS
1ST SESSION

H. R. 2440

To amend the Emergency Planning and Community Right-to-Know Act of 1986 and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify certain notice requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 1995

Mr. MINGE (for himself, Mr. PETERSON of Minnesota, Mr. HAYES, Mrs. LINCOLN, and Mr. TAUZIN) 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

A BILL

To amend the Emergency Planning and Community Right-to-Know Act of 1986 and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify certain notice requirements, 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,*

1 **SECTION 1. EMERGENCY PLANNING AND COMMUNITY**
2 **RIGHT-TO-KNOW.**

3 Section 304 of the Emergency Planning and Commu-
4 nity Right-to-Know Act of 1986 (42 U.S.C. 1104) is
5 amended as follows:

6 (1) By striking “immediately” after “operator
7 of the facility shall” in subsection (a)(1) and insert-
8 ing “, within 1 hour of having knowledge that such
9 release had occurred,”.

10 (2) By striking “immediately” after “operator
11 of the facility shall” in subsection (a)(2) and insert-
12 ing “, within 1 hour of having knowledge that such
13 release had occurred,”.

14 (3) By inserting in subsection (a)(3) in the
15 matter preceding subparagraph (A), “, within 1 hour
16 of having knowledge that such release had oc-
17 curred,” after “the owner or operator shall”.

18 (4) By amending subsection (b)(1) to read as
19 follows:

20 “(1) RECIPIENTS OF NOTICE.—Notice required
21 under subsection (a) shall be given, within 1 hour of
22 having knowledge that the release had occurred, by
23 the owner or operator of a facility (by such means
24 as telephone, radio, or in person) to—

25 “(A) the community emergency coordinator
26 for the local emergency planning committees, if

1 established pursuant to section 301(c) of this
2 title, for any area likely to be affected by the
3 release and to the State emergency planning
4 commission of any State likely to be affected by
5 the release; or

6 “(B) a State agency authorized by State
7 law to receive such notification.

8 If an authorized State agency is notified by an
9 owner or operator of the facility, the State agency
10 shall provide notice to the State emergency response
11 commission within 2 hours of receiving notification.
12 Notice may be given later than 1 hour after knowl-
13 edge of a leak or spill if the owner or operator of
14 the facility, acting in good faith, is unable to provide
15 notification because of unusual, extenuating cir-
16 cumstances, including remote location, power out-
17 ages, incapacity of owner or operator, and disruption
18 of telephone service. With respect to transportation
19 of a substance subject to the requirements of this
20 section, or storage incident to such transportation,
21 the notice requirements of this section with respect
22 to a release shall be satisfied by dialing 911 or, in
23 the absence of a 911 emergency telephone number,
24 calling the operator.”.

1 **SEC. 2. COMPREHENSIVE ENVIRONMENTAL RESPONSE,**
2 **COMPENSATION, AND LIABILITY ACT OF 1980.**

3 Section 103 of the Comprehensive Environmental Re-
4 sponse, Compensation, and Liability Act of 1980 (42
5 U.S.C. 9603) is amended as follows:

6 (1) By striking “Any person in charge of a ves-
7 sel” in subsection (a) and all that follows through
8 the end of the subsection and inserting the following:
9 “Any person in charge of a vessel or an offshore or an
10 onshore facility shall, within 1 hour of having knowledge
11 of any release (other than a federally permitted release)
12 of a hazardous substance from such vessel or facility in
13 quantities equal to or greater than those determined pur-
14 suant to section 9602 of this title, notify—

15 “(1) the National Response Center established
16 under the Clean Water Act (33 U.S.C. 1251 et
17 seq.);

18 “(2) the State emergency response commission
19 established under the Emergency Planning and
20 Community Right-to-Know Act (42 U.S.C. 11001 et
21 seq.); or

22 “(3) a State agency authorized by State law to
23 receive notification of such release.

24 If the National Response Center is notified directly, the
25 Center shall convey the notification within 2 hours to all
26 appropriate Government agencies, including the Governor

1 of any affected State. If the State emergency response
2 commission receives notification of such release from a
3 State agency or from the person in charge of a vessel or
4 an offshore or an onshore facility, the commission shall
5 convey notification within 2 hours to the National Re-
6 sponse Center. If an authorized State agency receives noti-
7 fication of such release from a person in charge of a vessel
8 or an offshore or an onshore facility, the State agency
9 shall convey notification within 2 hours to the National
10 Response Center and the State emergency response com-
11 mission. Notice may be given later than 1 hour after
12 knowledge of a leak or spill if the person, acting in good
13 faith, is unable to provide notification because of unusual,
14 extenuating circumstances, including location, power out-
15 ages, incapacity of person having knowledge, and disrup-
16 tion of telephone service.”.

17 (2) In subsection (b), by striking “immediately
18 the appropriate agency” and all that follows through
19 “knowledge of such release” and inserting “, within
20 1 hour of having knowledge that such release had
21 occurred, the National Response Center, the State
22 emergency response commission, or the appropriate
23 State agency as designated by State law”.

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