To establish a final criterion for promulgation of a rule with respect to sediments to be used as remediation material at the Historic Area Remediation Site off the coast of the State of New Jersey.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2003

Mr. CORZINE (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish a final criterion for promulgation of a rule with respect to sediments to be used as remediation material at the Historic Area Remediation Site off the coast of the State of New Jersey.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clean Ocean Preservation Act of 2003”.

SEC. 2. EFFECT OF FINAL CRITERION.

(a) DEFINITIONS.—In this Act:
(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) EFFECTS LEVEL.—The term “effects level” means the effects level of 113 parts per billion of polychlorinated biphenyls in the tissue of worms determined through—

(A) tests conducted on worms in sediments to be used as remediation material at the Site; and

(B) analyses conducted in accordance with applicable Federal procedures.

(3) SITE.—The term “Site” means the Historic Area Remediation Site off the coast of the State of New Jersey.

(b) ESTABLISHMENT OF FINAL CRITERION.—

(1) IN GENERAL.—The effects level is established as the final criterion for making decisions relating to the placement of sediments as remediation material at the Site.

(2) ARITHMETIC CONCENTRATION.—The arithmetic mean concentration (calculated without use of statistical confidence intervals) reported for the analyses of worm tissue replicates exposed to tested sediments proposed for use as remediation material
at the Site shall not exceed the final criterion established by paragraph (1).

(c) SEDIMENT RULE.—The Administrator, in accordance with the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.), may promulgate a rule relating to sediments to be used as remediation material at the Site only if the rule is at least as protective of human health and the environment as the final criterion established by subsection (b)(1).