S. 3649

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide assistance for natural disaster response at Superfund sites, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2012

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

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide assistance for natural disaster response at Superfund sites, and for other purposes.

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 “Superfund Emergency Response Act of 2012”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SEC. 2. DISASTER RESPONSE AT SITES ON THE NATIONAL PRIORITIES LIST.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) may carry out any assessment, monitoring, remediation, repair, or construction activity that the Administrator determines to be necessary at a site that—

(1) is proposed to be listed on, is listed on, or has been deleted from, the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(2) is located in an area that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2013 through 2018.

SEC. 3. DISASTER ASSESSMENTS.

Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:
"SEC. 129. SITE ASSESSMENTS AFTER A MAJOR DISASTER.

(a) In General.—The Governor or Senator of a State may request that the Administrator carry out an assessment and submit a report on the impacts, if any, of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on any site that is—

(1) proposed to be listed on or listed on the National Priorities List; and

(2) located in an area that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) Response.—

(1) In General.—Not later than 15 days after the date on which a request described in subsection (a) is submitted, the Administrator shall—

(A) determine whether to carry out the assessment; and

(B) inform the Governor or Senator, as applicable, of the determination.

(2) Preliminary Assessment.—

(A) In General.—If the Administrator determines to carry out an assessment under this section, the assessment shall include—
“(i) an evaluation of whether the major disaster resulted in the release of any contaminants into the ambient environment that threaten public health and the environment;

“(ii) an assessment of any actions necessary to mitigate a toxic release, repair any damage, or provide monitoring in response to damage associated with the major disaster, along with an estimate of the cost to complete those actions;

“(iii) a list of any actions already taken by Administrator, including actions in coordination with State and local governments, to prevent, mitigate, or remediate any damage resulting from the major disaster at the site; and

“(iv) any information needed to alert the public to any threat, or potential threat, to public health and the environment relating to the release of contaminants at the site as a result of a major disaster.

“(B) PUBLIC NOTICE.—Not later than 30 days after the date on which the Administrator
determines to carry out an assessment described in subsection (a), the Administrator shall—

“(i) complete the assessment; and

“(ii) publish the results of the assessment on a publicly accessible Internet site.

“(3) Amended assessment.—The Administrator may amend or update any assessment carried out under this section during the 1-year period following the date on which the Administrator determines to carry out the assessment.”.

SEC. 4. STUDY OF SITES ON THE NATIONAL PRIORITIES LIST AND EXTREME WEATHER.

Title III of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9651 et seq.) is amended by adding at the end the following:

“SEC. 313. STUDY ON SITES ON THE NATIONAL PRIORITIES LIST AND EXTREME WEATHER.

“(a) Definition of Extreme Weather Event.—In this section, the term ‘extreme weather event’ means—

“(1) severe and unseasonable weather;

“(2) heavy precipitation;

“(3) a hurricane;

“(4) a storm surge;
“(5) a tornado or other windstorm, including a
derecho;
“(6) extreme heat and cold; and
“(7) any other event that qualifies as a ‘major
disaster’ under section 102 of the Robert T. Staff-
ford Disaster Relief and Emergency Assistance Act
(42 U.S.C. 5122).
“(b) STUDY.—Not later than 2 years after the date
of enactment of this section, the Administrator shall carry
out a study and submit to Congress a report that in-
cludes—
“(1) an assessment of the existing vulnerability
of each property that, due to an extreme weather
event, is proposed to be listed, listed, or removed
from the National Priorities List, particularly in re-
lation to the potential for contaminants to leach or
enter into the ambient environment and threaten
public health;
“(2) an evaluation of the quantity of properties
proposed to be listed or listed on the National Prior-
ities List in areas that are prone to flooding as a re-
sult of an extreme weather event, including an esti-
mate of the cost necessary to remediate each site so
that the site can be removed from the National Pri-
orities List; and
“(3) any recommendations of the Administrator relating to—

“(A) emergency response protocols in the event of an extreme weather event to prevent any release of contaminants into the ambient environment, including coordination between the regional office, appropriate State and local officials, and any relevant community advisory groups;

“(B) strategies the Administrator determines necessary to improve the resiliency of assessments, monitoring, or construction carried out on proprieties on the National Priorities List as extreme weather events become more common; and

“(C) additional policies necessary to enhance the resiliency of properties on the National Priorities List as a result of extreme weather events, including any modifications of existing Federal law.”.