

# Union Calendar No. 183

113TH CONGRESS  
1ST SESSION

# H. R. 2279

**[Report No. 113–179, Part I]**

To amend the Solid Waste Disposal Act relating to review of regulations under such Act and to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to financial responsibility for classes of facilities.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2013

Mr. GARDNER introduced the following bill; which was referred to the Committee on Energy and 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

JULY 30, 2013

Reported from the Committee on Energy and Commerce with an amendment  
[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 30, 2013

Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 1, 2013

NOVEMBER 1, 2013

The Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 6, 2013]

# **A BILL**

To amend the Solid Waste Disposal Act relating to review of regulations under such Act and to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to financial responsibility for classes of facilities.

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 “Reducing Excessive*  
5 *Deadline Obligations Act of 2013”.*

6 **SEC. 2. REVIEW OF REGULATIONS UNDER THE SOLID**  
7 **WASTE DISPOSAL ACT.**

8 *Section 2002(b) of the Solid Waste Disposal Act (42*  
9 *U.S.C. 6912(b)) is amended to read as follows:*

10 *“(b) REVIEW OF REGULATIONS.—The Administrator*  
11 *shall review, and revise, as the Administrator determines*  
12 *appropriate, regulations promulgated under this Act.”.*

13 **SEC. 3. FINANCIAL RESPONSIBILITY FOR CLASSES OF FA-**  
14 **CILITIES UNDER CERCLA.**

15 *Section 108(b) of the Comprehensive Environmental*  
16 *Response, Compensation, and Liability Act of 1980 (42*  
17 *U.S.C. 9608(b)) is amended—*

18 *(1) in paragraph (1)—*

19 *(A) by striking “Not later than three years*  
20 *after the date of enactment of the Act, the Presi-*  
21 *dent shall” and inserting “The President shall,*  
22 *as appropriate,”; and*

23 *(B) by striking “first” after “for which re-*  
24 *quirements will be”; and*

25 *(2) in paragraph (2)—*

1           (A) by striking “Financial responsibility  
2           may be established” and inserting “Owners and  
3           operators may establish financial responsibility”;

4           (B) by striking “any one, or any combina-  
5           tion, of the following:” and inserting “forms of  
6           security, including”; and

7           (C) by striking “or qualification” and in-  
8           serting “and qualification”.

9   **SEC. 4. REPORT TO CONGRESS REGARDING FINANCIAL RE-**  
10                           **SPONSIBILITY REQUIREMENTS.**

11           Section 108(b) of the Comprehensive Environmental  
12   Response, Compensation, and Liability Act of 1980 (42  
13   U.S.C. 9608(b)) is further amended by adding at the end  
14   the following:

15           “(6) The President may not promulgate any financial  
16   responsibility requirement under this subsection without  
17   first submitting to Congress a report—

18                   “(A) describing each facility or class of facilities  
19           to be covered by such requirement;

20                   “(B) describing the development of such require-  
21           ment, why the facility or class of facilities proposed  
22           to be covered by such requirement present the highest  
23           level of risk of injury, and why the facility or class  
24           of facilities is not already covered by adequate finan-  
25           cial responsibility requirements;

1           “(C) describing the financial responsibility re-  
2           quirements promulgated by States or other Federal  
3           agencies for the facility or class of facilities to be cov-  
4           ered by the financial responsibility requirement pro-  
5           posed under this subsection and explaining why the  
6           requirement proposed under this subsection is nec-  
7           essary;

8           “(D) describing the exposure to the Fund for re-  
9           sponse costs resulting from the facility or class of fa-  
10          cilities proposed to be covered; and

11          “(E) describing the capacity of the financial and  
12          credit markets to provide instruments of financial re-  
13          sponsibility necessary to meet such requirement.

14 *The President shall update any report submitted under this*  
15 *paragraph to reflect any revision of the facilities or classes*  
16 *of facilities to be covered by a financial responsibility re-*  
17 *quirement that is the subject of such report.”.*

18 **SEC. 5. PREEMPTION OF FINANCIAL RESPONSIBILITY RE-**  
19 **QUIREMENTS.**

20           *Section 114(d) of the Comprehensive Environmental*  
21 *Response, Compensation, and Liability Act of 1980 (42*  
22 *U.S.C. 9614(d)) is amended to read as follows:*

23           “(d) No owner or operator of a vessel or facility who  
24           establishes and maintains evidence of financial responsi-  
25           bility associated with the production, transportation, treat-

1 *ment, storage, or disposal of hazardous substances pursuant*  
2 *to financial responsibility requirements under any State*  
3 *law or regulation, or any other Federal law or regulation,*  
4 *shall be required to establish or maintain evidence of finan-*  
5 *cial responsibility under this title, unless the President de-*  
6 *termines, after notice and opportunity for public comment,*  
7 *that in the event of a release of a hazardous substance that*  
8 *is not a federally permitted release or authorized by a State*  
9 *permit, such other Federal or State financial responsibility*  
10 *requirements are insufficient to cover likely response costs*  
11 *under section 104. If the President determines that such*  
12 *other Federal or State financial responsibility requirements*  
13 *are insufficient to cover likely response costs under section*  
14 *104 in the event of such a release, the President shall accept*  
15 *evidence of compliance with such other Federal or State fi-*  
16 *nancial responsibility requirements in lieu of compliance*  
17 *with any portion of the financial responsibility require-*  
18 *ments promulgated under this title to which they cor-*  
19 *respond.”.*

20 **SEC. 6. EXPLOSIVE RISKS PLANNING NOTIFICATION.**

21 *Not later than 180 days after the date of enactment*  
22 *of this Act, the owner or operator of each facility at which*  
23 *substances listed in appendix A to part 27 of title 6, Code*  
24 *of Federal Regulations, as flammables or explosives are*  
25 *present above the screening threshold listed therein shall no-*

1 *tify the State emergency response commission for the State*  
2 *in which such facility is located that such substances are*  
3 *present at such facility and of the amount of such sub-*  
4 *stances that are present at such facility.*

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113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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NOVEMBER 1, 2013

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