

105TH CONGRESS
1ST SESSION

H. R. 688

IN THE SENATE OF THE UNITED STATES

APRIL 24, 1997

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

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 “Leaking Underground
 5 Storage Tank Trust Fund Amendments Act of 1997”.

6 **TITLE I—DISTRIBUTIONS FROM**
 7 **LEAKING UNDERGROUND**
 8 **STORAGE TANK TRUST FUND**

9 **SEC. 101. LEAKING UNDERGROUND STORAGE TANKS.**

10 (a) TRUST FUND DISTRIBUTION.—Section 9004 of
 11 the Solid Waste Disposal Act (42 U.S.C. 6991c) is amend-
 12 ed by adding at the end the following new subsection:

13 “(f) TRUST FUND DISTRIBUTION TO STATES.—

14 “(1) IN GENERAL.—(A) The Administrator
 15 shall distribute to States at least 85 percent of the
 16 funds appropriated to the Environmental Protection
 17 Agency from the Leaking Underground Storage
 18 Tank Trust Fund (in this subsection referred to as
 19 the ‘Trust Fund’) each fiscal year for the reasonable
 20 costs under cooperative agreements entered into with
 21 the Administrator for the following:

22 “(i) States’ actions under section
 23 9003(h)(7)(A).

1 “(ii) Necessary administrative expenses di-
2 rectly related to corrective action and com-
3 pensation programs under subsection (c)(1).

4 “(iii) Enforcement of a State or local pro-
5 gram approved under this section or enforce-
6 ment of this subtitle or similar State or local
7 provisions by a State or local government.

8 “(iv) State and local corrective actions pur-
9 suant to regulations promulgated under section
10 9003(c)(4).

11 “(v) Corrective action and compensation
12 programs under subsection (c)(1) for releases
13 from underground storage tanks regulated
14 under this subtitle in any instance, as deter-
15 mined by the State, in which the financial re-
16 sources of an owner or operator, excluding re-
17 sources provided by programs under subsection
18 (c)(1), are not adequate to pay for the cost of
19 a corrective action without significantly impair-
20 ing the ability of the owner or operator to con-
21 tinue in business.

22 “(B) Funds provided by the Administrator
23 under subparagraph (A) may not be used by States
24 for purposes of providing financial assistance to an
25 owner or operator in meeting the requirements re-

1 specting underground storage tanks contained in
2 section 280.21 of title 40 of the Code of Federal
3 Regulations (as in effect on the date of the enact-
4 ment of this subsection) or similar requirements in
5 State programs approved under this section or simi-
6 lar State or local provisions.

7 “(2) ALLOCATION.—

8 “(A) PROCESS.—In the case of a State
9 that the Administrator has entered into a coop-
10 erative agreement with under section
11 9003(h)(7)(A), the Administrator shall distrib-
12 ute funds from the Trust Fund to the State
13 using the allocation process developed by the
14 Administrator for such cooperative agreements.

15 “(B) REVISIONS TO PROCESS.—The Ad-
16 ministrator may revise such allocation process
17 only after—

18 “(i) consulting with State agencies re-
19 sponsible for overseeing corrective action
20 for releases from underground storage
21 tanks and with representatives of owners
22 and operators; and

23 “(ii) taking into consideration, at a
24 minimum, the total revenue received from
25 each State into the Trust Fund, the num-

1 ber of confirmed releases from leaking un-
2 derground storage tanks in each State, the
3 number of notified petroleum storage tanks
4 in each State, and the percent of the popu-
5 lation of each State using groundwater for
6 any beneficial purpose.

7 “(3) RECIPIENTS.—Distributions from the
8 Trust Fund under this subsection shall be made di-
9 rectly to the State agency entering into a cooperative
10 agreement or enforcing the State program.

11 “(4) COST RECOVERY PROHIBITION.—Funds
12 provided to States from the Trust Fund to owners
13 or operators for programs under subsection (c)(1)
14 for releases from underground storage tanks are not
15 subject to cost recovery by the Administrator under
16 section 9003(h)(6).”.

17 (b) TECHNICAL AMENDMENTS.—Subtitle I of the
18 Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is
19 amended as follows:

20 (1) Section 9001(3)(A) (42 U.S.C. 6991(3)(A))
21 is amended by striking out “sustances” and insert-
22 ing in lieu thereof “substances”.

23 (2) Section 9003(f)(1) (42 U.S.C. 6991b(f)(1))
24 is amended by striking out “subsection (c) and (d)”

1 and inserting in lieu thereof “subsections (c) and
2 (d)”.

3 (3) Section 9004(a) (42 U.S.C. 6991c(a)) is
4 amended by striking out “in 9001(2)(A)” and in-
5 serting in lieu thereof “in section 9001(2)(A)”.

6 (4) Section 9005 (42 U.S.C. 6991d) is amend-
7 ed—

8 (A) in subsection (a), by striking out
9 “study taking” and inserting in lieu thereof
10 “study, taking”;

11 (B) in subsection (b)(1), by striking out
12 “relevant” and inserting in lieu thereof “rel-
13 evant”; and

14 (C) in subsection (b)(4), by striking out
15 “Environmental” and inserting in lieu thereof
16 “Environmental”.

17 **TITLE II—EXTENSION OF TRUST** 18 **FUND PURPOSES**

19 **SEC. 201. EXTENSION OF TRUST FUND PURPOSES.**

20 Paragraph (1) of section 9508(c) of the Internal Rev-
21 enue Code of 1986 (relating to expenditures) is amended
22 by striking “to carry out section 9003(h)” and all that
23 follows and inserting “to carry out—

24 “(A) section 9003(h) of the Solid Waste
25 Disposal Act (as in effect on the date of the en-

1 actment of the Superfund Amendments and Re-
2 authorization Act of 1986), and

3 “(B) section 9004(f) of the Solid Waste
4 Disposal Act (as in effect on the date of the en-
5 actment of the Leaking Underground Storage
6 Tank Trust Fund Amendments Act of 1997).”

Passed the House of Representatives April 23, 1997.

Attest:

ROBIN H. CARLE,

Clerk.