

105TH CONGRESS
1ST SESSION

S. 1386

To facilitate the remediation of contaminated sediments in the waters of
the United States.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 1997

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

A BILL

To facilitate the remediation of contaminated sediments in
the waters of the United States.

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. REMEDIATION OF CONTAMINATED SEDIMENTS.**

4 (a) IN GENERAL.—Title I of the Comprehensive En-
5 vironmental Response, Compensation, and Liability Act of
6 1980 (42 U.S.C. 9601 et seq.) is amended by adding at
7 the end the following:

8 **“SEC. 127. REMEDIATION OF CONTAMINATED SEDIMENTS.**

9 “(a) SEDIMENT QUALITY CRITERIA.—

1 “(1) ESTABLISHMENT.—Not later than Janu-
2 ary 1, 2001, after consultation with the States and
3 Indian tribes, the Administrator shall establish final
4 numerical sediment quality criteria for the 10 toxic,
5 persistent, or bioaccumulative substances that the
6 Administrator determines are most likely to ad-
7 versely affect human health and the environment.

8 “(2) REVIEW.—Every 3 years after the date on
9 which criteria are established under paragraph (1)—

10 “(A) the Administrator shall review the list
11 of substances compiled under paragraph (1);

12 “(B) after consultation with the States and
13 Indian tribes, add or remove substances from
14 the list based on the risks of adverse effects to
15 human health and the environment (including
16 the risks of adverse developmental, reproduc-
17 tive, and transgenerational effects); and

18 “(C) not later than 3 years after the date
19 on which a substance is added to the list under
20 subparagraph (B), establish final numerical
21 sediment quality criteria for the substance.

22 “(b) REVISION OF HAZARD RANKING SYSTEM.—

23 “(1) IN GENERAL.—Not later than 30 months
24 after the date of enactment of this section, the Ad-
25 ministrator shall revise the hazard ranking system

1 referred to in section 105(a)(8)(A) to ensure that
 2 the hazard ranking system more accurately assesses
 3 the risks to human health and the environment from
 4 aquatic sites with contaminated sediments (as that
 5 term is applied for the purposes of section 118(c)(7)
 6 of the Federal Water Pollution Control Act (33
 7 U.S.C. 1268(c)(7))).

8 “(2) SCOPE OF ASSESSMENT.—To ensure more
 9 accurate assessments of health and environmental
 10 risks at aquatic sites with contaminated sediments,
 11 the assessment referred to in paragraph (1) shall
 12 not—

13 “(A) include consideration of the costs of
 14 carrying out response actions; or

15 “(B) require identification of the source of
 16 a release.

17 “(3) TRANSITION PROVISION.—The hazard
 18 ranking system in effect on the date of enactment of
 19 this section shall continue in effect until the effective
 20 date of the revised hazard ranking system required
 21 by this subsection.

22 “(c) EXPENDITURE OF FUNDS FOR RESPONSE AC-
 23 TIONS.—

24 “(1) IN GENERAL.—Notwithstanding any other
 25 provision of law, for each fiscal year, the Adminis-

trator may expend up to \$300,000,000 of funds appropriated out of the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 for the purposes of carrying out response actions and other corrective actions at facilities containing contaminated sediments (as that term is applied for the purposes of section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7))).

“(2) PRIORITIES.—In expending funds under paragraph (1), the Administrator shall give priority to facilities, a release from which has adversely affected or could adversely affect human health or the environment, in the following order:

“(A) A facility in a watershed with respect to which—

“(i) a program has been or is being implemented that has significantly reduced or is significantly reducing or preventing the deposition into sediment of a persistent and bioaccumulative toxic substance from the watershed; and

“(ii) a State or local government having jurisdiction over a portion of the water-

1 shed contributes 25 percent or more of the
2 response costs.

3 “(B) A facility in a watershed with respect
4 to which only subparagraph (A)(i) applies.

5 “(C) A facility in a watershed with respect
6 to which only subparagraph (A)(ii) applies.

7 “(D) A facility in a watershed with respect
8 to which subparagraph (A) does not apply.

9 “(d) HAZARD RANKING SYSTEM SCORING PACK-
10 AGE.—

11 “(1) IDENTIFICATION OF FACILITIES.—From
12 the comprehensive national survey of data regarding
13 aquatic sediment quality conducted under section
14 503(a) of the Water Resources Development Act of
15 1992 (33 U.S.C. 1271(a)), the Administrator shall
16 identify the 20 facilities containing contaminated
17 sediments (as that term is applied for the purposes
18 of section 118(c)(7) of the Federal Water Pollution
19 Control Act (33 U.S.C. 1268(c)(7))) that are most
20 likely to adversely affect human health and the envi-
21 ronment and that have not been the subject of any
22 Federal or State response action or other corrective
23 action.

24 “(2) SCORING PACKAGE.—After identifying the
25 facilities under paragraph (1), the Administrator,

1 not later than 3 years after the date of enactment
2 of this section, shall—

3 “(A) prepare a comprehensive scoring
4 package under the hazard ranking system re-
5 ferred to in section 105(a)(8)(A) for each facil-
6 ity, unless a State or remedial action planning
7 committee objects to the conduct of the assess-
8 ment necessary for the scoring in an area or
9 watershed under the jurisdiction of the State or
10 committee; and

11 “(B) report to Congress the results of each
12 scoring package prepared under subparagraph
13 (A).”.

14 (b) CRITERIA FOR DETERMINING PRIORITIES AMONG
15 RELEASES.—Section 105(a)(8)(A) of the Comprehensive
16 Environmental Response, Compensation, and Liability Act
17 of 1980 (42 U.S.C. 9605(a)(8)(A)) is amended by insert-
18 ing before the semicolon at the end the following: “, except
19 that criteria and priorities under this paragraph shall not
20 be based on the extent to which the President is able to
21 identify 1 or more potentially responsible parties or 1 or
22 more specific sources of a release”.

23 (c) INCLUSION IN REPORT ON MONITORING OF
24 AQUATIC SEDIMENT QUALITY.—Section 503(b)(2) of the
25 Water Resources Development Act of 1992 (33 U.S.C.

1 1271(b)(2)) is amended by adding at the end the follow-
 2 ing: “Each report shall include information on all facilities
 3 containing contaminated sediments that are listed on the
 4 National Priorities List under section 105(a)(8)(B) of the
 5 Comprehensive Environmental Response, Compensation,
 6 and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)).”.

7 (d) REPORT ON HAZARD RANKING SYSTEM.—

8 (1) IN GENERAL.—Not later than 1 year after
 9 the date of enactment of this Act, the Administrator
 10 shall submit to Congress a report assessing the ex-
 11 tent to which the hazard ranking system referred to
 12 in section 105(a)(8)(A) of the Comprehensive Envi-
 13 ronmental Response, Compensation, and Liability
 14 Act of 1980 (42 U.S.C. 9605(a)(8)(A)) (as revised
 15 in 1990) has achieved the objectives specified in
 16 paragraphs (1) and (2) of section 105(c) of that Act
 17 (42 U.S.C. 9605(c)).

18 (2) CONTENTS.—The report shall include a
 19 comprehensive assessment of the number and type of
 20 aquatic facilities that have been scored under the
 21 hazard ranking system (as revised in 1990) and the
 22 level of risk that the facilities pose to human health
 23 and the environment.

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