

105TH CONGRESS
1ST SESSION

S. 1497

To release contributors of ordinary trash and minor amounts of hazardous substances from litigation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 1997

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

A BILL

To release contributors of ordinary trash and minor amounts of hazardous substances from litigation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Equity and Public Involvement in Superfund Act of
6 1997”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENHANCED COMMUNITY PARTICIPATION

Sec. 101. Definitions.

Sec. 102. Public participation generally.

Sec. 103. Improvement of public participation in the superfund decisionmaking process; local community advisory groups; technical assistance grants.

Sec. 104. Waste Site Information Offices.

Sec. 105. Technical outreach services for communities.

Sec. 106. Recruitment and training program.

Sec. 107. Priority site evaluation.

Sec. 108. Understandable presentation of materials.

Sec. 109. No impediment to response actions.

TITLE II—LIABILITY

Sec. 201. Liability exemptions and limitations.

Sec. 202. Expedited final settlement.

1 **TITLE I—ENHANCED** 2 **COMMUNITY PARTICIPATION**

3 **SEC. 101. DEFINITIONS.**

4 (a) IN GENERAL.—Section 117 of the Comprehensive
5 Environmental Response, Compensation, and Liability Act
6 of 1980 (42 U.S.C. 9617) is amended—

7 (1) by redesignating subsections (a) through (e)
8 as subsections (b) through (f), respectively; and

9 (2) by inserting after the section heading the
10 following:

11 “(a) DEFINITIONS.—In this section:

12 “(1) AFFECTED COMMUNITY.—The term ‘af-
13 fected community’ means a group of 2 or more indi-
14 viduals who may be affected by the release or threat-
15 ened release of a hazardous substance, pollutant, or
16 contaminant from a covered facility.

“(2) COVERED FACILITY.—The term ‘covered facility’ means a facility—

“(A) that has been listed or proposed for listing on the National Priorities List;

“(B) at which the President is undertaking a removal action that is expected to exceed—

“(i) in duration, 1 year; or

“(ii) in cost, the funding limit established under section 104(c)(1); or

“(C) with respect to which the Administrator of ATSDR has accepted a petition requesting a health assessment under section 104(i)(6)(B), and that is under investigation by the Administrator of the Environmental Protection Agency under subsection (a) or (b) of section 104.

“(3) WASTE SITE INFORMATION OFFICE.—The term ‘waste site information office’ means a waste site information office established under subsection (j).”.

(b) CONFORMING AMENDMENTS.—

(A) Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

1 (i) in section 111(a)(5) (42 U.S.C.
 2 9611), by striking “117(e)” and inserting
 3 “117(f)”;

4 (ii) in section 113(k)(2)(B) (42
 5 U.S.C. 9613)—

6 (I) in clause (iii), by striking
 7 “117(a)(2)” and inserting
 8 “117(b)(2)”; and

9 (II) in the third sentence, by
 10 striking “117(d)” and inserting
 11 “117(e)”.

12 (B) Section 2705(e) of title 10, United
 13 States Code, is amended—

14 (i) by striking “117(e)” and inserting
 15 “117(f)”; and

16 (ii) by striking “(42 U.S.C. 9617(e))”
 17 and inserting “(42 U.S.C. 9617(f))”.

18 **SEC. 102. PUBLIC PARTICIPATION GENERALLY.**

19 Section 117 of the Comprehensive Environmental Re-
 20 sponse, Compensation, and Liability Act of 1980 (42
 21 U.S.C. 9617) (as amended by section 101(b)) is amend-
 22 ed—

23 (1) in subsection (b)(2), by inserting “, ade-
 24 quate notice,” after “oral comments”;

1 (2) in the first sentence of subsection (e), by
2 striking “major”; and

3 (3) by striking subsection (f) and inserting the
4 following:

5 “(f) AVAILABILITY OF RECORDS.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), throughout all phases of a response ac-
8 tion at a facility and without the need to file a re-
9 quest under section 552 of title 5, United States
10 Code, the President shall make available to the af-
11 fected community (including the recipient of a tech-
12 nical assistance grant (if a grant has been awarded
13 under subsection (i)) or a community advisory group
14 (if a community advisory group has been estab-
15 lished)), for inspection and, subject to reasonable
16 fees, for copying, all records in the administrative
17 record established by the President under section
18 113(k).

19 “(2) EXEMPT RECORDS.—Paragraph (1) shall
20 not apply to—

21 “(A) a record that is exempt from disclo-
22 sure under section 552 of title 5, United States
23 Code;

24 “(B) a record that would be subject to the
25 prohibition on disclosure under section

1 104(e)(7) if the record were obtained under sec-
2 tion 104; or

3 “(C) a record that is exchanged between
4 parties to a dispute under this Act for the pur-
5 pose of settling the dispute.”.

6 **SEC. 103. IMPROVEMENT OF PUBLIC PARTICIPATION IN**
7 **THE SUPERFUND DECISIONMAKING PROC-**
8 **ESS; LOCAL COMMUNITY ADVISORY GROUPS;**
9 **TECHNICAL ASSISTANCE GRANTS.**

10 Section 117 of the Comprehensive Environmental Re-
11 sponse, Compensation, and Liability Act of 1980 (42
12 U.S.C. 9617) (as amended by section 101(b)(1)) is
13 amended by adding at the end the following:

14 “(g) IMPROVEMENT OF PUBLIC PARTICIPATION IN
15 DECISIONMAKING PROCESS.—

16 “(1) VIEWS AND PREFERENCES.—

17 “(A) SOLICITATION.—To the extent prac-
18 ticable, in addition to the solicitation of public
19 comments on a proposed remedial action plan
20 under subsection (b)(2), the President, during
21 the response action process (including a re-
22 sponse under subsection (h)(4)(A)), shall—

23 “(i) disseminate information to the
24 local community, in particular, information
25 concerning the effects of the facility on

1 human health, including the effects on chil-
2 dren and other highly susceptible or highly
3 exposed populations;

4 “(ii) solicit information from the local
5 community;

6 “(iii) consider the views of the local
7 community; and

8 “(iv) include, in any administrative
9 record established under section 113(k),
10 the views of the local community and the
11 response of the Administrator to any sig-
12 nificant comments, criticisms, or new data
13 submitted in a written or oral presentation.

14 “(B) PROCEDURE.—To solicit the views
15 and concerns of the community, the Adminis-
16 trator may conduct, as appropriate—

17 “(i) face-to-face community surveys
18 for purposes including the identification of
19 the location of private drinking water
20 wells, historic and current or potential use
21 of water, and other environmental re-
22 sources in the community;

23 “(ii) public meetings; and

24 “(iii) other appropriate participatory
25 activities.

1 “(C) PUBLIC MEETINGS.—The Adminis-
 2 trator shall give particular consideration to pro-
 3 viding the opportunity for public meetings in
 4 advance of significant decision points in the re-
 5 sponse action process.

6 “(D) CONSULTATION.—In determining
 7 which of the procedures set forth in subpara-
 8 graph (B) may be appropriate, the Adminis-
 9 trator shall consult with a community advisory
 10 group, if 1 has been established under sub-
 11 section (h), and members of the affected com-
 12 munity.

13 “(E) NOTIFICATION.—The President shall
 14 notify the local community and local govern-
 15 ment concerning—

16 “(i) the schedule for commencement
 17 of construction activities at a covered facil-
 18 ity and the location and availability of con-
 19 struction plans;

20 “(ii) the results of the any review
 21 under section 121(c) and any modifications
 22 to the selected response made as a result
 23 of the review; and

1 “(iii) the execution of and any revi-
2 sion to institutional controls being used as
3 part of a remedial action.

4 “(2) MEETINGS BETWEEN LEAD AGENCY AND
5 POTENTIALLY RESPONSIBLE PARTIES.—The Presi-
6 dent, on a regular basis, shall inform local govern-
7 ment officials, Indian tribes, a local community advi-
8 sory group (if any) and, to the extent practicable, in-
9 terested members of the affected community of the
10 progress and substance of technical meetings be-
11 tween the lead agency and potentially responsible
12 parties regarding a covered facility.

13 “(3) REMEDIAL ACTION ALTERNATIVES.—A
14 member of the local community may propose a reme-
15 dial action alternative in the same manner as any
16 other interested party may propose a remedial action
17 alternative.

18 “(h) COMMUNITY ADVISORY GROUPS.—

19 “(1) NOTICE.—The President shall, to the ex-
20 tent practicable, provide notice of an opportunity to
21 form a community advisory group to members of the
22 affected community, particularly persons that are
23 immediately proximate to or that may be or may
24 have been affected by a release or threatened re-
25 lease.

1 “(2) ESTABLISHMENT.—The President shall as-
 2 sist in the establishment of a community advisory
 3 group for a covered facility to achieve direct, regu-
 4 lar, and meaningful communication among members
 5 of the local community throughout the response ac-
 6 tion process—

7 “(A) at the request of at least 20 individ-
 8 uals residing in, or at least 10 percent of the
 9 population of, the area in which the facility is
 10 located;

11 “(B) if there is no request under subpara-
 12 graph (A), at the request of any local govern-
 13 ment with jurisdiction over the facility; or

14 “(C) if the President determines that a
 15 community advisory group would be helpful to
 16 achieve the purposes of this Act.

17 “(3) RESPONSIBILITIES OF A COMMUNITY ADVI-
 18 SORY GROUP.—A community advisory group shall—

19 “(A) solicit the views of the local commu-
 20 nity on various issues affecting the development
 21 and implementation of response actions at the
 22 facility;

23 “(B) serve as a conduit for information be-
 24 tween the local community and other entities
 25 represented on the community advisory group;

1 “(C) present the views of the local commu-
2 nity throughout the response process; and

3 “(D) provide the local community reason-
4 able notice of and opportunities to participate
5 in the meetings and other activities of the com-
6 munity advisory group.

7 “(4) RESPONSIBILITIES OF THE PRESIDENT.—

8 “(A) CONSULTATION.—The President
9 shall—

10 “(i) consult with the community advi-
11 sory group in developing and implementing
12 the response action for a covered facility,
13 including consultation with respect to—

14 “(I) sampling, analysis, and mon-
15 itoring plans and results;

16 “(II) assumptions regarding rea-
17 sonably anticipated future land uses;

18 “(III) potential remedial alter-
19 natives;

20 “(IV) selection and implementa-
21 tion of removal and remedial actions
22 (including operation and maintenance
23 activities) and reviews performed
24 under section 121(c); and

25 “(V) use of institutional controls;

1 “(ii) encourage the Administrator of
2 ATSDR, in cooperation with State, Indian
3 tribe, and local public health officials, to
4 consult with the community advisory group
5 regarding health assessments;

6 “(iii) keep the community advisory
7 group informed of progress in the develop-
8 ment and implementation of the response
9 action; and

10 “(iv) on request, provide to any per-
11 son the hazard ranking score of any facil-
12 ity that has been scored under the hazard-
13 ous ranking system, and the preliminary
14 assessment and site inspection for the fa-
15 cility.

16 “(B) CONSIDERATION OF COMMENTS.—

17 The President shall consider comments, infor-
18 mation, and recommendations that the commu-
19 nity advisory group provides in a timely man-
20 ner.

21 “(C) CONSENSUS.—The community advi-
22 sory group shall attempt to achieve consensus
23 among its members before providing comments
24 and recommendations to the President. If con-
25 sensus cannot be reached, the community advi-

sory group shall report or allow presentation of
divergent views.

“(5) COMPOSITION OF COMMUNITY ADVISORY
GROUPS.—

“(A) MEMBERS.—

“(i) MEMBERS.—The President shall,
to the extent practicable, ensure that the
membership of a community advisory
group reflects the composition of the af-
fected community and a diversity of inter-
ests.

“(ii) REPRESENTED GROUPS.—A
community advisory group for a covered
facility shall include at least 1 representa-
tive of the recipients of a technical assist-
ance grant, if any has been awarded with
respect to the facility, and shall include, to
the extent practicable, a person from each
of the following groups:

“(I) Persons who reside or own
residential property near the facility.

“(II) Persons who, although they
may not reside or own property near
the facility, may be affected by the fa-
cility contamination.

1 “(III) Local public health practi-
2 tioners or medical practitioners (par-
3 ticularly those who are practicing in
4 the affected community).

5 “(IV) Local Indian communities
6 that may be affected by the facility
7 contamination.

8 “(V) Local citizen, civic, environ-
9 mental, or public interest groups.

10 “(VI) Members of the local busi-
11 ness community.

12 “(VII) Employees at the facility
13 during facility operation.

14 “(B) LOCAL RESIDENTS.—Local residents
15 shall, to the extent practicable, comprise a ma-
16 jority of the voting membership of a community
17 advisory group.

18 “(C) NUMBER OF VOTING MEMBERS.—The
19 President shall, to the extent practicable, en-
20 sure that the voting membership of the commu-
21 nity advisory group does not exceed 20 individ-
22 uals.

23 “(D) COMPENSATION.—A member of a
24 community advisory group shall serve without
25 compensation.

1 “(E) NONVOTING MEMBERS.—The Presi-
 2 dent shall provide opportunities for representa-
 3 tives of the following entities to participate (as
 4 nonvoting members), as appropriate, in commu-
 5 nity advisory group meetings for purposes in-
 6 cluding providing information and technical ex-
 7 pertise:

8 “(i) The Administrator.

9 “(ii) Other Federal agencies.

10 “(iii) Affected States.

11 “(iv) Affected Indian tribes.

12 “(v) Representatives of affected local
 13 governments (such as city or county gov-
 14 ernments or local emergency planning com-
 15 mittees, and any other governmental unit
 16 that regulates land use or land use plan-
 17 ning in the vicinity of the facility).

18 “(vii) Facility owners.

19 “(viii) Potentially responsible parties.

20 “(6) TECHNICAL ASSISTANCE GRANTS.—The
 21 President may award a technical assistance grant
 22 under subsection (i) to a community advisory group.

23 “(7) ADMINISTRATIVE SUPPORT.—The Presi-
 24 dent, to the extent practicable, may provide adminis-

1 trative services and support services to the commu-
2 nity advisory group.

3 “(8) FEDERAL ADVISORY COMMITTEE ACT.—
4 The Federal Advisory Committee Act (5 U.S.C.
5 App.) shall not apply to a community advisory
6 group, to a citizen advisory group (designated by the
7 President to serve the functions of a community ad-
8 visory group, or to a Department of Defense restora-
9 tion advisory board, Department of Energy Site Spe-
10 cific advisory board, or an ATSDR citizen advisory
11 panel.

12 “(9) OTHER PUBLIC INVOLVEMENT.—The ex-
13 istence of a community advisory group shall not di-
14 minish any other obligation of the President to con-
15 sider the views of any person in selecting response
16 actions under this Act. Nothing in this section af-
17 fects the status of any community advisory group
18 formed before the date of enactment of this sub-
19 section. Nothing in this section affects the status,
20 decisions, or future formation of any Department of
21 Defense Restoration Advisory Board, or Department
22 of Energy Site Specific Advisory Board, and no com-
23 munity advisory group need be established for a fa-
24 cility if any such Board has been established for the
25 facility.

1 “(i) TECHNICAL ASSISTANCE GRANTS.—

2 “(1) AUTHORITY.—

3 “(A) IN GENERAL.—The President may
4 make technical assistance grants available to
5 members of an affected community for a cov-
6 ered facility in accordance with this subsection.

7 “(B) ACCESSIBILITY OF APPLICATION
8 PROCESS.—To ensure that the application proc-
9 ess for a technical assistance grant is accessible
10 to all affected citizen groups, the President
11 shall periodically review the process and the ap-
12 plication and, based on the review, implement
13 appropriate changes to improve access.

14 “(C) NOTICE OF AVAILABILITY OF
15 GRANTS.—The President shall solicit the assist-
16 ance of a waste site information office in notify-
17 ing the affected community (including an In-
18 dian tribe) of the availability of a technical as-
19 sistance grant for a covered facility as soon as
20 practicable after the President has begun a re-
21 sponse action at the covered facility.

22 “(2) SPECIAL RULES.—

23 “(A) NO MATCHING CONTRIBUTION.—No
24 matching contribution shall be required for a
25 technical assistance grant.

1 “(B) ADVANCE PAYMENTS.—The Presi-
2 dent may disburse the grant to a recipient in
3 advance of the recipient’s making expenditures
4 to be covered by the grant. In the event that
5 the President advances funds, funds shall be
6 advanced in amounts that do not exceed the
7 greater of \$5,000 or 10 percent of the grant
8 amount.

9 “(3) LIMIT PER FACILITY.—

10 “(A) IN GENERAL.—The Administrator
11 may award not more than 1 technical assistance
12 grant at 1 time with respect to a single covered
13 facility.

14 “(B) EXTENSION.—The Administrator
15 may extend a project period established in a
16 grant to facilitate public participation at all
17 stages of a response action.

18 “(4) FUNDING AMOUNT.—

19 “(A) LIMIT.—Except as provided in sub-
20 paragraph (B), the amount of a technical as-
21 sistance grant may not exceed \$50,000 for a
22 single grant recipient.

23 “(B) WAIVER OF LIMIT.—The President
24 may waive the limit on the amount of a tech-

1 nical assistance grant under subparagraph (A)
 2 if a waiver is necessary—

3 “(i) to carry out the purposes of this
 4 Act; or

5 “(ii) to reflect—

6 “(I) the complexity of the re-
 7 sponse action;

8 “(II) the nature and extent of
 9 contamination at the facility;

10 “(III) the level of facility activity;

11 “(IV) projected total needs as re-
 12 quested by the grant recipient;

13 “(V) the sizes and distances be-
 14 tween the affected communities; or

15 “(VI) the ability of the grant re-
 16 cipient to identify and raise funds
 17 from other non-Federal sources.

18 “(5) CONSIDERATIONS.—In determining how to
 19 structure payment of the amount of a technical as-
 20 sistance grant, whether to extend a grant project pe-
 21 riod under subparagraph (3)(B), or whether to grant
 22 a waiver under paragraph (4)(B), the Administrator
 23 may consider factors such as the geographical size of
 24 the facility and the distances between affected com-
 25 munities.

1 “(6) USE OF TECHNICAL ASSISTANCE
2 GRANTS.—

3 “(A) IN GENERAL.—A technical assistance
4 grant recipient may use a grant—

5 “(i) to hire experts to assist the recip-
6 ient in interpreting information and pre-
7 senting the recipient’s views with regard to
8 a response action at the facility (including
9 any aspect of a response action identified
10 in subsection (h)(4)(A));

11 “(ii) to publish newsletters or other-
12 wise disseminate information to other
13 members of the local community; or

14 “(iii) to provide funding for training
15 for interested affected citizens to enable
16 the citizens to more effectively participate
17 in the response process.

18 “(B) LIMITATION ON USE FOR TRAIN-
19 ING.—A technical assistance grant recipient
20 may use not more than 10 percent of the
21 amount of a technical assistance grant, or
22 \$5,000, whichever is less, for training under
23 subparagraph (A)(iii).

24 “(7) GRANT GUIDELINES.—Not later than 180
25 days after the date of enactment of this paragraph,

1 the President shall ensure that any guidelines con-
 2 cerning the management of technical assistance
 3 grants by grant recipients conform with this sec-
 4 tion.”.

5 **SEC. 104. WASTE SITE INFORMATION OFFICES.**

6 Section 117 of the Comprehensive Environmental Re-
 7 sponse, Compensation, and Liability Act of 1980 (42
 8 U.S.C. 9617) (as amended by section 103) is amended by
 9 adding at the end the following:

10 “(j) WASTE SITE INFORMATION OFFICES.—

11 “(1) ESTABLISHMENT.—

12 “(A) IN GENERAL.—Subject to subpara-
 13 graph (B), not later than 18 months after the
 14 date of enactment of this subsection, a State or
 15 Indian tribe with a facility on the National Pri-
 16 orities List within the State or Indian tribe’s
 17 borders or reservation boundaries, respectively,
 18 may establish a waste site information office to
 19 perform the functions set forth in paragraph
 20 (3).

21 “(B) EXISTING OFFICES.—A State or In-
 22 dian tribe may designate an office in existence
 23 before the date of enactment of this subsection
 24 to perform the functions of a waste site infor-
 25 mation office.

1 “(C) EPA ROLE.—If the State or Indian
2 tribe notifies the Administrator that the State
3 or Indian tribe does not intend to establish a
4 waste site information office, or if the Adminis-
5 trator determines that the State or Indian tribe
6 has not established, within 18 months after the
7 date of enactment of this subsection, an office
8 to perform the functions of a waste site infor-
9 mation office, the Administrator shall establish
10 an office within the Environmental Protection
11 Agency to perform the functions.

12 “(2) FUNDING.—

13 “(A) IN GENERAL.—Funding for the oper-
14 ation of waste site information offices, or State,
15 Indian tribe, or Environmental Protection
16 Agency offices that perform similar functions,
17 collectively, shall not exceed \$12,500,000 for a
18 fiscal year.

19 “(B) STATE OR TRIBAL GRANTS.—Each
20 State or Indian tribe that has a waste site in-
21 formation office, or each State, Indian tribe, or
22 Environmental Protection Agency office per-
23 forming the functions of a waste site informa-
24 tion office, shall receive not less than \$100,000

1 for a fiscal year for the performance of those
 2 functions.

3 “(C) FORMULA.—

4 “(i) IN GENERAL.—The Administrator
 5 shall publish guidelines establishing a for-
 6 mula for determining the amount of fund-
 7 ing for each waste site information office.

8 “(ii) FACTORS.—The formula shall in-
 9 clude factors such as the number of facili-
 10 ties listed on the National Priorities List
 11 and the number of other covered facilities
 12 within the State’s borders or Indian tribe’s
 13 reservation boundaries.

14 “(3) FUNCTIONS.—

15 “(A) IN GENERAL.—A waste site informa-
 16 tion office shall, to the extent practicable—

17 “(i) assist the Administrator in—

18 “(I) informing the public regard-
 19 ing the existence of the waste site in-
 20 formation office and its services and
 21 making available the information de-
 22 scribed in clause (ii); and

23 “(II) notifying the public of pub-
 24 lic meetings and other opportunities
 25 to participate under this Act and the

1 rights of the public under this Act;
2 and

3 “(ii) serve as a clearinghouse, and
4 maintain records, as appropriate, for waste
5 site information, including—

6 “(I) information relating to the
7 operation of Federal, State, and tribal
8 hazardous substance and waste laws
9 with respect to the State or Indian
10 tribe;

11 “(II) information relating to each
12 covered facility in the State or tribal
13 reservation, to the extent information
14 becomes available, including—

15 “(aa) the location, charac-
16 teristics, and name of owner and
17 operator of the covered facility;

18 “(bb) the hazardous sub-
19 stances, pollutants, and contami-
20 nants at the facility;

21 “(cc) the response actions
22 being taken, including records of
23 any institutional controls that are
24 included in the response actions;

1 “(dd) use of institutional
2 controls;

3 “(ee) any health studies gen-
4 erated in connection with the cov-
5 ered facility;

6 “(ff) the status of the re-
7 sponse actions at the covered fa-
8 cility;

9 “(gg) the results of a review
10 under section 121(c); and

11 “(hh) the locations of the
12 administrative record created for
13 the facility, if any, under section
14 113(k);

15 “(III) a description of the Ad-
16 ministrator’s process for identifying
17 covered facilities and possible response
18 actions under this Act;

19 “(IV) on request, the hazard
20 ranking score of any facility for which
21 a hazardous ranking score has been
22 prepared and that is within the waste
23 site information office’s area of re-
24 sponsibility and the preliminary as-

1 sessment or site inspection for the fa-
2 cility; and

3 “(V) identification of resources,
4 including—

5 “(aa) technical assistance
6 grants under subsection (h);

7 “(bb) opportunities for
8 forming a community advisory
9 group under subsection (g);

10 “(cc) opportunities to peti-
11 tion the Administrator of
12 ATSDR to perform a health as-
13 sessment or other related health
14 activity under section
15 104(i)(6)(B); and

16 “(dd) additional technical
17 resources, including information
18 about how to access national
19 databases containing toxi-
20 cological, health, or other perti-
21 nent information.

22 “(B) REPORT.—

23 “(i) IN GENERAL.—Each waste site
24 information office shall annually submit to
25 the Administrator a report documenting

1 how the funds under paragraph (2) were
 2 used to carry out the functions established
 3 by this subsection.

4 “(ii) VERIFICATION BY INSPECTOR
 5 GENERAL.—The Inspector General of the
 6 Environmental Protection Agency shall pe-
 7 riodically review the programs carried out
 8 under this subsection.

9 “(iii) TERMINATION OF GRANT.—The
 10 Administrator shall terminate the grant
 11 if—

12 “(I) the Administrator is unable
 13 to verify a certification; or

14 “(II) the Administrator deter-
 15 mines that the grant is not being used
 16 in a manner that is consistent with
 17 the functions under paragraph (3).”.

18 **SEC. 105. TECHNICAL OUTREACH SERVICES FOR COMMU-**
 19 **NITIES.**

20 Section 311(d)(2) of the Comprehensive Environ-
 21 mental Response, Compensation, and Liability Act of
 22 1980 (42 U.S.C. 9660(d)(2)) is amended—

23 (1) by striking “shall include, but not be limited
 24 to, the conduct of research” and inserting the follow-
 25 ing: “shall include—

1 “(A) the conduct of research”;

2 (2) by striking the period at the end and insert-
3 ing “; and”; and

4 (3) adding at the end the following:

5 “(B) the conduct of a program to provide
6 to affected communities educational and tech-
7 nical assistance to and information regarding
8 the effects or potential effects of the contamina-
9 tion on human health and the environment.”.

10 **SEC. 106. RECRUITMENT AND TRAINING PROGRAM.**

11 Section 117 of the Comprehensive Environmental Re-
12 sponse, Compensation, and Liability Act of 1980 (42
13 U.S.C. 9617) (as amended by section 104) is amended by
14 adding at the end the following:

15 “(k) RECRUITMENT AND TRAINING PROGRAM.—

16 “(1) IN GENERAL.—The Administrator, in con-
17 sultation with the National Institute of Environ-
18 mental Health Science, shall conduct a program to
19 assist in the recruitment and training of individuals
20 in an affected community for employment in re-
21 sponse actions conducted at the facility concerned.

22 “(2) RECRUITMENT, TRAINING, AND EMPLOY-
23 MENT.—The Administrator shall encourage a person
24 conducting a response action under this Act to have

1 contractors of the person train in remediation skills
 2 and employ persons from the affected community.”.

3 **SEC. 107. PRIORITY SITE EVALUATION.**

4 Section 117 of the Comprehensive Environmental Re-
 5 sponse, Compensation, and Liability Act of 1980 (42
 6 U.S.C. 9617) (as amended by section 106) is amended by
 7 adding at the end the following:

8 “(1) PRIORITY SITE EVALUATION.—

9 “(1) EVALUATION.—The Administrator shall
 10 solicit the assistance of the waste site information
 11 office in identifying 3 facilities in the area covered
 12 by each regional office of the Administrator in major
 13 urban areas, or other areas with minority popu-
 14 lations and low-income populations (such as within
 15 Indian country, Indian reservations, and poor rural
 16 communities) that are likely to warrant inclusion on
 17 the National Priorities List.

18 “(2) PRIORITY.—Not later than 2 years after
 19 the date of enactment of this subsection, a facility
 20 identified under paragraph (1) shall be accorded a
 21 priority in evaluation for listing on the National Pri-
 22 orities List and scoring and shall be evaluated for
 23 listing on the National Priorities List.”.

1 **SEC. 108. UNDERSTANDABLE PRESENTATION OF MATE-**
 2 **RIALS.**

3 Section 117 of the Comprehensive Environmental Re-
 4 sponse, Compensation, and Liability Act of 1980 (42
 5 U.S.C. 9617) (as amended by section 107) is amended by
 6 adding at the end the following:

7 “(m) PRESENTATION OF MATERIALS.—The Presi-
 8 dent shall ensure that information prepared for or distrib-
 9 uted to the public under this section shall be provided or
 10 summarized in a manner that may be easily understood
 11 by the community, considering any unique cultural needs
 12 of the community.”.

13 **SEC. 109. NO IMPEDIMENT TO RESPONSE ACTIONS.**

14 Section 117 of the Comprehensive Environmental Re-
 15 sponse, Compensation, and Liability Act of 1980 (42
 16 U.S.C. 9617) (as amended by section 109) is amended by
 17 adding at the end the following:

18 “(n) NO IMPEDIMENT TO RESPONSE ACTIONS.—
 19 Nothing in this section shall impede or delay the ability
 20 of the Environmental Protection Agency to conduct a re-
 21 sponse action necessary to protect human health and the
 22 environment.”.

23 **TITLE II—LIABILITY**

24 **SEC. 201. LIABILITY EXEMPTIONS AND LIMITATIONS.**

25 (a) LIABILITY EXEMPTIONS.—Section 107 of the
 26 Comprehensive Environmental Response, Compensation,

1 and Liability Act of 1980 (42 U.S.C. 9607) is amended
2 by adding at the end the following:

3 “(o) LIABILITY EXEMPTIONS.—

4 “(1) CONTIGUOUS PROPERTIES.—

5 “(A) NOT CONSIDERED TO BE AN OWNER
6 OR OPERATOR.—A person that owns or operates
7 real property that is contiguous to or otherwise
8 similarly situated with respect to a facility at
9 which there has been a release or threatened re-
10 lease of a hazardous substance, that is or may
11 be contaminated by the release, shall not be
12 considered to be an owner or operator under
13 paragraph (1) or (2) of subsection (a) solely by
14 reason of the contamination if—

15 “(i) the person did not cause, contrib-
16 ute, or consent to the release or threatened
17 release;

18 “(ii) the person is not associated with
19 any other person that is potentially liable
20 for any response costs at the facility at
21 which there has been a release or threat-
22 ened release of a hazardous substance,
23 through any familial relationship, or any
24 contractual, corporate, or financial rela-
25 tionship;

1 “(iii) the person exercised appropriate
2 care with respect to hazardous substances
3 from the facility, in light of all relevant
4 facts and circumstances;

5 “(iv) the person is in compliance with
6 any land use or activity restrictions on the
7 property established or relied on in connec-
8 tion with a response action at the facility,
9 including informing other persons that the
10 person allows to occupy or use the property
11 of the restrictions and taking prompt ac-
12 tion to correct any noncompliance by such
13 persons; and

14 “(v) the person provides full coopera-
15 tion, assistance, and access to the persons
16 that are authorized to conduct response ac-
17 tions at the facility, including the coopera-
18 tion and access necessary for the installa-
19 tion, preservation of integrity, operation,
20 and maintenance of any complete or par-
21 tial response action at the facility.

22 “(B) ASSURANCES.—The President may
23 issue an assurance that no enforcement action
24 under this Act will be initiated against a person
25 described in paragraph (1).

1 “(2) DE MICROMIS EXEMPTION.—

2 “(A) Notwithstanding paragraphs (1)
3 through (4) of subsection (a), a person shall not
4 be liable to the United States or any other per-
5 son (including liability for contribution) under
6 this Act for any response costs incurred with
7 respect to a facility if—

8 “(i) liability is based solely on para-
9 graph (3) or (4) of subsection (a);

10 “(ii) the total of materials containing
11 a hazardous substance that the person ar-
12 ranged for disposal or treatment of, ar-
13 ranged with a transporter for transport for
14 disposal or treatment, of, or accepted for
15 transport for disposal or treatment, at the
16 facility, was less than 110 gallons of liquid
17 materials or less than 200 pounds of solid
18 materials (or such other amount as the
19 Administrator may determine on a site-
20 specific basis); and

21 “(iii) the acts upon which liability is
22 based took place wholly before July 1,
23 1997.

24 “(B) EXCEPTION.—Subparagraph (A)
25 shall not apply in a case in which the President

determines that the material containing hazardous substances referred to in subparagraph (A) contributed significantly or could contribute significantly, either individually or in the aggregate, to the cost of the response action with respect to the facility.

“(3) MUNICIPAL SOLID WASTE EXEMPTION.—

Notwithstanding paragraphs (1) through (4) of subsection (a), a person shall not be liable to the United States or any other person (including liability for contribution) under this Act for any response costs incurred with respect to a facility, to the extent that—

“(A) liability is based on paragraph (3) or (4) of subsection (a); and

“(B) the person is—

“(i) an owner, operator, or lessee of residential property from which all of the person’s municipal solid waste was generated;

“(ii) a business entity that, during the taxable year preceding the date of transmittal of written notification that the business is a potentially responsible party, employs not more than 100 individuals; or

1 “(iii) a small nonprofit organization
2 from which all of the person’s municipal
3 solid waste was generated.

4 (b) LIABILITY LIMITATIONS.—Section 107 of the
5 Comprehensive Environmental Response, Liability, and
6 Compensation Act of 1980 (42 U.S.C. 9607) (as amended
7 by subsection (a)) is amended by adding at the end the
8 following:

9 “(p) LIABILITY LIMITATIONS.—

10 “(1) IN GENERAL.—A municipality that is lia-
11 ble for response costs under paragraph (1) or (2) of
12 subsection (a) on the basis of ownership or operation
13 of a municipal landfill that is listed on the National
14 Priority List on or before January 1, 1997, shall be
15 eligible for a settlement of that liability.

16 “(2) SETTLEMENT AMOUNT.—

17 “(A) IN GENERAL.—The President shall
18 offer a settlement to a party with respect to li-
19 ability described in paragraph (1) on the basis
20 of a payment or other obligation equivalent in
21 value to not more than 20 percent of the total
22 response costs in connection with the facility.

23 “(B) INCREASED AMOUNT.—The President
24 may increase the percentage under subpara-

1 graph (A) to not more than 35 percent if the
2 President determines that—

3 “(i) the municipality committed spe-
4 cific acts that exacerbated environmental
5 contamination or exposure with respect to
6 the facility; or

7 “(ii) the municipality, during the pe-
8 riod of ownership or operation of the facil-
9 ity, received operating revenues substan-
10 tially in excess of the sum of the waste sys-
11 tem operating costs plus 20 percent of
12 total estimated response costs in connec-
13 tion with the facility.

14 “(3) PERFORMANCE OF RESPONSE ACTIONS.—
15 As a condition of a settlement with a municipality
16 under this subsection, the President may require
17 that the municipality perform or participate in the
18 performance of the response actions at the facility.

19 “(4) OWNERSHIP OR OPERATION BY 2 OR MORE
20 MUNICIPALITIES.—A combination of 2 or more mu-
21 nicipalities that jointly own or operate a facility shall
22 be considered to be a single owner or operator for
23 the purpose of calculating a settlement offer under
24 this subsection.

1 “(5) CONDITIONS.—The limitation on settle-
 2 ment amount under paragraph (2) shall not apply
 3 on or after the date that is 2 years after the date
 4 of enactment of this subsection unless the municipal-
 5 ity institutes or participates in a qualified household
 6 hazardous waste collection program before the date
 7 that is 2 years after the date of enactment of this
 8 subsection.

9 “(6) EXCEPTIONS.—The President may decline
 10 to offer a settlement under this subsection with re-
 11 spect to a facility if the President determines that—

12 “(A) there is no waste except municipal
 13 solid waste or municipal sewage sludge at the
 14 facility; or

15 “(B) all known potentially responsible par-
 16 ties are insolvent, defunct, or eligible for a set-
 17 tlement under this subsection or section
 18 122(g).”.

19 (c) COSTS AND FEES.—Section 107 of the Com-
 20 prehensive Environmental Response, Liability, and Com-
 21 pensation Act of 1980 (42 U.S.C. 9607) (as amended by
 22 subsection (b)) is amended by adding at the end the fol-
 23 lowing:

24 “(q) COSTS AND FEES.—A person that commences
 25 an action for recovery of response costs or for contribution

1 against a person that is not liable, or that has entered
 2 into an expedited settlement under section 107(p) or
 3 122(g), shall be liable to the defendant for all reasonable
 4 costs of defending the action, including all reasonable at-
 5 torney’s fees and expert witness fees.”.

6 **SEC. 202. EXPEDITED FINAL SETTLEMENT.**

7 (a) PARTIES ELIGIBLE.—Section 122(g) of the Com-
 8 prehensive Environment Response, Liability, and Com-
 9 pensation Act of 1980 (42 U.S.C. 9622(g)) is amended—

10 (1) by striking the subsection heading and in-
 11 serting the following:

12 “(g) EXPEDITED FINAL SETTLEMENT.—”;

13 (2) in paragraph (1)—

14 (A) by redesignating subparagraph (B) as
 15 subparagraph (C);

16 (B) by striking “(1)” and all that follows
 17 through subparagraph (A) and inserting the fol-
 18 lowing:

19 “(1) PARTIES ELIGIBLE.—

20 “(A) IN GENERAL.—The President shall,
 21 as expeditiously as practicable, notify of eligi-
 22 bility for a settlement, and offer to reach a final
 23 administrative or judicial settlement with, each
 24 potentially responsible party that, in the judg-
 25 ment of the President, meets 1 or more of the

1 conditions stated in subparagraphs (B), (C),
2 (D), and (E).

3 “(B) DE MINIMIS CONTRIBUTION.—The
4 condition stated in this subparagraph is that
5 the potentially responsible party’s liability is for
6 response costs based on paragraph (3) or (4) of
7 subsection (a) and the party’s contribution of
8 hazardous substances at a facility is de
9 minimis. For the purposes of this subpara-
10 graph, a potentially responsible party’s con-
11 tribution shall be considered to be de minimis
12 only if the President determines that both of
13 the following criteria are met:

14 “(i) The amount of material contain-
15 ing a hazardous substance contributed by
16 the potentially responsible party to the fa-
17 cility is minimal relative to the total
18 amount of material containing hazardous
19 substances at the facility. The amount of a
20 potentially responsible party’s contribution
21 shall be presumed to be minimal if the
22 amount is 1 percent or less of the total
23 amount of materials containing hazardous
24 substances at the facility, unless the Ad-

1 administrator identifies a different threshold
2 based on site-specific factors.

3 “(ii) The material containing a haz-
4 ardous substance contributed by the poten-
5 tially responsible party does not present
6 toxic or other hazardous effects that are
7 significantly greater than the toxic or other
8 hazardous effects of other material con-
9 taining hazardous substances at the facil-
10 ity.”;

11 (C) in subparagraph (C) (as redesignated
12 by subparagraph (A))—

13 (i) by redesignating clauses (i)
14 through (iii) as subclauses (I) through
15 (III), respectively, and adjusting the mar-
16 gins appropriately;

17 (ii) by striking “(C) The potentially
18 responsible party” and inserting the follow-
19 ing:

20 “(C) OWNERS OF REAL PROPERTY.—

21 “(i) IN GENERAL.—The condition
22 stated in this subparagraph is that the po-
23 tentially responsible party”; and

24 (iii) by striking “This subparagraph
25 (B)” and inserting the following:

1 “(ii) APPLICABILITY.—Clause (i)”;

2 and

3 (D) by adding at the end the following:

4 “(D) CONTRIBUTION OF MUNICIPAL SOLID
5 WASTE AND MUNICIPAL SEWAGE SLUDGE.—

6 “(i) IN GENERAL.—The condition
7 stated in this subparagraph is that the li-
8 ability of the potentially responsible party
9 is for response costs based on paragraph
10 (3) or (4) of section 107(a) and on the po-
11 tentially responsible party’s having ar-
12 ranged for disposal or treatment of, ar-
13 ranged with a transporter for transport for
14 disposal or treatment of, or accepted for
15 transport for disposal or treatment of, mu-
16 nicipal solid waste or municipal sewage
17 sludge at a facility listed on the National
18 Priorities List.

19 “(ii) SETTLEMENT AMOUNT.—

20 “(I) IN GENERAL.—The Presi-
21 dent shall offer a settlement to a
22 party referred to in clause (i) with re-
23 spect to liability under paragraph (3)
24 or (4) of section 107(a) on the basis
25 of a payment of \$3.05 per ton of mu-

1 municipal solid waste or municipal sew-
 2 age sludge that the President esti-
 3 mates is attributable to the party.

4 “(II) FACILITY-SPECIFIC AD-
 5 JUSTMENT.—The President may ad-
 6 just the \$3.05 amount in subclause
 7 (I), on a facility-specific basis, to not
 8 more than \$3.25 per ton, if the Presi-
 9 dent determines that any of the fol-
 10 lowing factors is present at a facility:

11 “(aa) A shallow aquifer
 12 underlies the facility.

13 “(bb) The facility is located
 14 in an area of high rainfall or cold
 15 ambient air temperature.

16 “(cc) The ground water af-
 17 fected by the facility is classified
 18 as drinking water.

19 “(dd) Low-permeability
 20 cover material (such as clay) is
 21 unavailable at the facility.

22 “(III) REVISION.—

23 “(aa) IN GENERAL.—The
 24 President may revise the \$3.05
 25 and \$3.25 settlement amounts

1 under subclauses (I) and (II) by
2 regulation.

3 “(bb) BASIS.—A revised set-
4 tlement amount under item (aa)
5 shall reflect the estimated per-ton
6 cost of closure and post-closure
7 activities at a representative fa-
8 cility containing only municipal
9 solid waste.

10 “(iii) CONDITIONS.—The provisions
11 for settlement described in this subpara-
12 graph shall not apply with respect to a fa-
13 cility where there is no waste except mu-
14 nicipal solid waste or municipal sewage
15 sludge.

16 “(iv) MUNICIPAL SEWAGE SLUDGE
17 CONTAINING CERTAIN RESIDUE.—The
18 President may decline to offer a settlement
19 under this subsection to a person that ar-
20 ranged for disposal or treatment of, ar-
21 ranged with a transporter for transport for
22 disposal or treatment of, or accepted for
23 transport for disposal or treatment, munic-
24 ipal sewage sludge, if the President deter-
25 mines that the municipal sewage sludge

1 contributed or could contribute signifi-
2 cantly to the cost of the response action at
3 the facility.

4 “(v) ADJUSTMENT FOR INFLATION.—
5 The Administrator may by guidance peri-
6 odically adjust the settlement amounts
7 under clause (ii) to reflect changes in the
8 Consumer Price Index (or other appro-
9 priate index, as determined by the Admin-
10 istrator).

11 “(vi) MUNICIPAL OWNERS AND OPER-
12 ATORS.—A municipality that arranged for
13 disposal or treatment of, arranged with a
14 transporter for transport for disposal or
15 treatment of, or accepted for transport for
16 disposal or treatment, municipal solid
17 waste or municipal sewage sludge at a fa-
18 cility and is a municipality that is also po-
19 tentially liable under paragraph (1) or (2)
20 of section 107(a) at the facility shall be eli-
21 gible for settlement under this subpara-
22 graph and section 107(p). The settlement
23 amount shall be equal to the settlement
24 amount under clause (ii) with respect to its
25 contribution of municipal solid waste or

1 municipal sewage sludge, plus the amount
 2 provided in section 107(p) as to the liabil-
 3 ity of the municipality under paragraph (1)
 4 or (2) of section 107(a).

5 “(E) REDUCTION IN SETTLEMENT
 6 AMOUNT BASED ON LIMITED ABILITY TO PAY.—

7 “(i) IN GENERAL.—The condition
 8 stated in this subparagraph is that the po-
 9 tentially responsible party—

10 “(I) is—

11 “(aa) a natural person;

12 “(bb) a small business; or

13 “(cc) a municipality; and

14 “(II) demonstrates to the Presi-
 15 dent an inability or a limited ability to
 16 pay response costs.

17 “(ii) COSTS BORNE BY THE UNITED
 18 STATES.—Where the United States enters
 19 into a settlement under section 122 with a
 20 party that agrees to perform work at the
 21 same facility that is the subject of a settle-
 22 ment under clause (i), the United States
 23 shall contribute the difference between—

24 “(I) the aggregate share that the
 25 Administrator determines, on the

1 basis of information presented, to be
2 specifically attributable to parties with
3 a limited ability to pay response costs;
4 and

5 “(II) the share actually assumed
6 by those parties in any settlements
7 with the United States under clause
8 (i).

9 “(iii) SMALL BUSINESSES.—

10 “(I) DEFINITION OF SMALL
11 BUSINESS.—In this subparagraph, the
12 term ‘small business’ means a busi-
13 ness entity that—

14 “(aa) together with its par-
15 ents, subsidiaries, and other af-
16 filiates, had an average of not
17 more than 50 full-time equivalent
18 employees and an average of not
19 more than \$3,000,000 in annual
20 gross revenues, as reported to the
21 Internal Revenue Service, during
22 the 3 years preceding the date on
23 which the business entity first re-
24 ceived notice from the President

1 of its potential liability under this
2 Act; and

3 “(bb) is not associated with
4 any other person potentially re-
5 sponsible for response costs at
6 the facility through any familial
7 relationship, or any contractual,
8 corporate, or financial relation-
9 ship other than that arising from
10 an arrangement for disposal or
11 treatment, or for transport for
12 disposal or treatment of hazard-
13 ous substances.

14 “(iv) DEFINITION OF AFFILIATE.—In
15 this subparagraph, the term ‘affiliate’ has
16 the meaning given the term ‘small business
17 concern’ in regulations promulgated by the
18 Small Business Administration in accord-
19 ance with the Small Business Act (15
20 U.S.C. 631 et seq.).

21 “(v) OTHER POTENTIALLY RESPON-
22 SIBLE PARTIES.—This subparagraph does
23 not affect the President’s authority to
24 evaluate the ability to pay of a potentially
25 responsible party other than a natural per-

1 son, small business, or municipality, or to
 2 enter into a settlement with such other
 3 party based on that party's ability to pay.

4 “(F) BASIS OF DETERMINATION.—If the
 5 President determines that a potentially respon-
 6 sible party is not eligible for settlement under
 7 this subsection, the President shall state the
 8 reasons for the determination in writing to any
 9 potentially responsible party that requests a
 10 settlement under this paragraph. A determina-
 11 tion by the President under this paragraph
 12 shall not be subject to judicial review.”.

13 (b) SETTLEMENT OFFERS.—Section 122 of the Com-
 14 prehensive Environment Response, Liability, and Com-
 15 pensation Act of 1980 (42 U.S.C. 9622) is amended—

16 (1) in subsection (g)—

17 (A) by redesignating paragraph (6) as
 18 paragraph (10); and

19 (B) by inserting after paragraph (5) the
 20 following:

21 “(6) SETTLEMENT OFFERS.—

22 “(A) IN GENERAL.—As soon as practicable
 23 after receipt of sufficient information, the Ad-
 24 ministrator shall submit a written settlement
 25 offer to each person that the Administrator de-

1 termines, based on information available to the
2 Administrator at the time at which the deter-
3 mination is made, to be eligible for a settlement
4 under paragraph (1).

5 “(B) INFORMATION.—At the time at which
6 the Administrator submits an offer under para-
7 graph (1), the Administrator shall, at the re-
8 quest of the recipient of the offer, make avail-
9 able to the recipient any information available
10 under section 552 of title 5, United States
11 Code, on which the Administrator bases the set-
12 tlement offer, and if the settlement offer is
13 based in whole or in part on information not
14 available under that section, so inform the re-
15 cipient.

16 “(7) LITIGATION MORATORIUM.—

17 “(A) IN GENERAL.—No person eligible for
18 an expedited settlement under paragraph (1)
19 shall be named as a defendant in any action
20 under this Act for recovery of response costs
21 (including an action for contribution) during
22 the period beginning on the date on which the
23 person receives from the President written no-
24 tice of its potential liability and notice that it

1 is a party that may qualify for an expedited set-
2 tlement, and ending on the earlier of—

3 “(i) the date that is 90 days after the
4 date on which the President tenders a
5 written settlement offer to the person; or

6 “(ii) the date that is 1 year after the
7 date specified in subparagraph (A).

8 “(B) TOLLING OF PERIOD OF LIMITA-
9 TION.—The period of limitation under section
10 113(g) applicable to a claim against a person
11 described in subparagraph (A) for response
12 costs or contribution shall be tolled during the
13 period described in subparagraph (A).

14 “(C) STAY OF LITIGATION.—If, before the
15 date of enactment of this paragraph, a person
16 described in subparagraph (A) has been named
17 as a defendant in an action for recovery of re-
18 sponse costs or contribution, the court shall,
19 unless a stay would result in manifest injustice,
20 stay the action as to that claim until the end
21 of the period described in subparagraph (A).

22 “(8) NOTICE OF SETTLEMENT.—After a settle-
23 ment under this subsection becomes final with any
24 person with respect to a facility, the President shall
25 promptly notify potentially responsible parties at the

1 facility that have not resolved their liability to the
2 United States of the settlement.”; and

3 (2) by adding at the end the following:

4 “(n) EXCEPTIONS.—Subsection (g) and subsections
5 (o) and (p) of section 107 shall not apply in a case in
6 which the President determines that the person has failed
7 to comply with any request for information or administra-
8 tive subpoena issued by the President under this Act, or
9 has impeded or is impeding the performance of a response
10 action with respect to the facility.

11 “(o) WAIVER OF CLAIMS.—The President may re-
12 quire, as a condition of settlement under this subsection
13 or section 107(p), that a potentially responsible party
14 waive some or all of the claims (including a claim for con-
15 tribution under section 113) that the party may have
16 against other potentially responsible parties for all re-
17 sponse costs incurred at the facility.

18 “(p) RELATIONSHIP TO LIABILITY UNDER OTHER
19 LAW.—Nothing in this section affects the obligation of
20 any person to comply with any other Federal, State, or
21 local law (including requirements under the Solid Waste
22 Disposal Act (42 U.S.C. 6901 et seq.).”.

23 (c) REGULATIONS.—The Administrator of the Envi-
24 ronmental Protection Agency has the authority, under sec-
25 tion 115 of the Comprehensive Environmental Response,

1 Compensation, and Liability Act of 1980 (42 U.S.C.
2 9615), to promulgate additional regulations concerning
3 the amendments made by this section.

○