

107TH CONGRESS
2D SESSION

H. R. 5100

To deem a certain memorandum of agreement issued by the Environmental Protection Agency and the Corps of Engineers to be a final rule.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2002

Mr. SMITH of New Jersey (for himself, Mr. LOBIONDO, Mr. SAXTON, and Mr. ANDREWS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To deem a certain memorandum of agreement issued by the Environmental Protection Agency and the Corps of Engineers to be a final rule.

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 “Clean Ocean Preserva-
5 tion Act of 2002”.

6 **SEC. 2. EFFECT OF MEMORANDUM OF AGREEMENT.**

7 (a) IN GENERAL.—The joint Memorandum of Agree-
8 ment, published in September of 2000 by the Environ-
9 mental Protection Agency and the Corps of Engineers es-

1 tablishing the maximum permissible level of poly-
2 chlorinated biphenyls (PCB's) in sediments to be used as
3 remediation material at the Historic Area Remediation
4 Site off the coast of New Jersey as 113 parts per billion,
5 as measured in worm tissue—

6 (1) is deemed to be a final rule of the Environ-
7 mental Protection Agency and the Corps of Engi-
8 neers; and

9 (2) is deemed to have been issued in accordance
10 with applicable requirements of subchapter II of
11 chapter 5 of title 5, United States Code.

12 (b) APPLICATION.—The rule issued under subsection
13 (a) applies on and after September 26, 2000.

14 (c) CONSTRUCTION.—Nothing in this Act shall be
15 construed to prevent the Administrator of the Environ-
16 mental Protection Agency or the Secretary of the Army
17 from promulgating a rule that establishes a lower con-
18 centration than 113 of PCB's in sediments to be used as
19 remediation material at the Historic Area Remediation
20 Site off the coast of New Jersey.

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