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107TH CONGRESS
2^D SESSION

S. 1850

[Report No. 107-316]

To amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19 (legislative day, DECEMBER 18), 2001

Mr. CHAFEE (for himself, Mr. CARPER, Mr. SMITH of New Hampshire, Mr. JEFFORDS, Mr. INHOFE, Mr. REED, Mr. WARNER, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

OCTOBER 16, 2002

Reported by Mr. JEFFORDS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, 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.**

4 This Act may be cited as the “Underground Storage
 5 Tank Compliance Act of 2001”.

6 **SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.**

7 Section 9004 of the Solid Waste Disposal Act (42
 8 U.S.C. 6991e) is amended by adding at the end the fol-
 9 lowing:

10 “(f) TRUST FUND DISTRIBUTION.—

11 “(1) IN GENERAL.—

12 “(A) AMOUNT AND PERMITTED USES OF
 13 DISTRIBUTION.—The Administrator shall dis-
 14 tribute to States not less than 80 percent of the
 15 funds from the Trust Fund that are made
 16 available to the Administrator under section
 17 9013(2)(A) for each fiscal year for use in pay-
 18 ing the reasonable costs, incurred under a coop-
 19 erative agreement with any State, of—

20 “(i) actions taken by the State under
 21 section 9003(h)(7)(A);

22 “(ii) necessary administrative ex-
 23 penses, as determined by the Adminis-
 24 trator, that are directly related to correc-

1 tive action and compensation programs
2 under subsection (e)(1);

3 ~~“(iii) any corrective action and com-~~
4 ~~pen- sation program carried out under sub-~~
5 ~~section (e)(1) for a release from an under-~~
6 ~~ground storage tank regulated under this~~
7 ~~subtitle to the extent that, as determined~~
8 ~~by the State in accordance with guidelines~~
9 ~~developed jointly by the Administrator and~~
10 ~~the State, the financial resources of the~~
11 ~~owner or operator of the underground stor-~~
12 ~~age tank (including resources provided by~~
13 ~~a program in accordance with subsection~~
14 ~~(e)(1)) are not adequate to pay the cost of~~
15 ~~a corrective action without significantly im-~~
16 ~~pairing the ability of the owner or operator~~
17 ~~to continue in business;~~

18 ~~“(iv) enforcement by the State or a~~
19 ~~local government of—~~

20 ~~“(I) the State program approved~~
21 ~~under this section; or~~

22 ~~“(II) State or local requirements~~
23 ~~concerning underground storage tanks~~
24 ~~that are similar or identical to the re-~~
25 ~~quirements of this subtitle; or~~

1 “(v) State or local corrective actions
2 carried out under regulations promulgated
3 under section 9003(e)(4).

4 “(B) USE OF FUNDS FOR ENFORCE-
5 MENT.—In addition to the uses of funds au-
6 thorized under subparagraph (A), the Adminis-
7 trator may use funds from the Trust Fund that
8 are not distributed to States under subpara-
9 graph (A) for enforcement of any regulation
10 promulgated by the Administrator under this
11 subtitle.

12 “(C) PROHIBITED USES.—Except as pro-
13 vided in subparagraph (A)(iii), under any simi-
14 lar requirement of a State program approved
15 under this section, or in any similar State or
16 local provision as determined by the Adminis-
17 trator, funds provided to a State by the Admin-
18 istrator under subparagraph (A) shall not be
19 used by the State to provide financial assistance
20 to an owner or operator to meet any require-
21 ment relating to underground storage tanks
22 under part 280 of title 40, Code of Federal
23 Regulations (as in effect on the date of enact-
24 ment of this subsection).

25 “(2) ALLOCATION.—

1 “(A) PROCESS.—Subject to subparagraph
 2 (B), in the case of a State with which the Ad-
 3 ministrator has entered into a cooperative
 4 agreement under section 9003(h)(7)(A), the
 5 Administrator shall distribute funds from the
 6 Trust Fund to the State using the allocation
 7 process developed by the Administrator under
 8 the cooperative agreement.

9 “(B) REVISIONS TO PROCESS.—The Ad-
 10 ministrator may revise the allocation process re-
 11 ferred to in subparagraph (A) with respect to a
 12 State only after—

13 “(i) consulting with—

14 “(I) State agencies responsible
 15 for overseeing corrective action for re-
 16 leases from underground storage
 17 tanks;

18 “(II) owners; and

19 “(III) operators; and

20 “(ii) taking into consideration, at a
 21 minimum—

22 “(I) the total tax revenue con-
 23 tributed to the Trust Fund from all
 24 sources within the State;

1 “(H) the number of confirmed
2 releases from leaking underground
3 storage tanks in the State;

4 “(III) the number of petroleum
5 storage tanks in the State;

6 “(IV) the percentage of the popu-
7 lation of the State that uses ground-
8 water for any beneficial purpose;

9 “(V) the performance of the
10 State in implementing and enforcing
11 the program;

12 “(VI) the financial needs of the
13 State; and

14 “(VII) the ability of the State to
15 use the funds referred to in subpara-
16 graph (A) in any year.

17 “(3) DISTRIBUTIONS TO STATE AGENCIES.—

18 “(A) IN GENERAL.—Distributions from the
19 Trust Fund under this subsection shall be made
20 directly to a State agency that—

21 “(i) enters into a cooperative agree-
22 ment referred to in paragraph (2)(A); or

23 “(ii) is enforcing a State program ap-
24 proved under this section.

1 “(B) ADMINISTRATIVE EXPENSES.—A
 2 State agency that receives funds under this sub-
 3 section shall limit the proportion of those funds
 4 that are used to pay administrative expenses to
 5 such percentage as the State may establish by
 6 law.

7 “(4) COST RECOVERY PROHIBITION.—Funds
 8 from the Trust Fund provided by States to owners
 9 or operators for programs under subsection (c)(1)
 10 relating to releases from underground storage tanks
 11 shall not be subject to cost recovery by the Adminis-
 12 trator under section 9003(h)(6).”.

13 **SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.**

14 Section 9005 of the Solid Waste Disposal Act (42
 15 U.S.C. 6991d) is amended—

16 (1) by redesignating subsections (a) and (b) as
 17 subsections (b) and (c), respectively; and

18 (2) by inserting before subsection (b) (as reded-
 19 ignated by paragraph (1)) the following:

20 “(a) INSPECTION REQUIREMENTS.—Not later than 2
 21 years after the date of enactment of the Underground
 22 Storage Tank Compliance Act of 2001, and at least once
 23 every 2 years thereafter, the Administrator or a State with
 24 a program approved under section 9004, as appropriate,
 25 shall require that all underground storage tanks regulated

1 under this subtitle be inspected for compliance with regula-
 2 tions promulgated under section 9003(e).”.

3 **SEC. 4. OPERATOR TRAINING.**

4 Subtitle I of the Solid Waste Disposal Act (42 U.S.C.
 5 6991 et seq.) is amended by striking section 9010 and
 6 inserting the following:

7 **~~“SEC. 9010. OPERATOR TRAINING.~~**

8 ~~“(a) GUIDELINES.—~~

9 ~~“(1) IN GENERAL.—Not later than 18 months~~
 10 ~~after the date of enactment of the Underground~~
 11 ~~Storage Tank Compliance Act of 2001, in coopera-~~
 12 ~~tion with States, owners, and operators, the Admin-~~
 13 ~~istrator shall publish in the Federal Register, after~~
 14 ~~public notice and opportunity for comment, guide-~~
 15 ~~lines that specify methods for training operators of~~
 16 ~~underground storage tanks.~~

17 ~~“(2) CONSIDERATIONS.—The guidelines de-~~
 18 ~~scribed in paragraph (1) shall take into account—~~

19 ~~“(A) State training programs in existence~~
 20 ~~as of the date of publication of the guidelines;~~

21 ~~“(B) training programs that are being em-~~
 22 ~~ployed by owners and operators as of the date~~
 23 ~~of enactment of this paragraph;~~

24 ~~“(C) the high turnover rate of operators;~~

1 “(D) the frequency of improvement in un-
2 derground storage tank equipment technology;

3 “(E) the nature of the businesses in which
4 the operators are engaged; and

5 “(F) such other factors as the Adminis-
6 trator determines to be necessary to carry out
7 this section.

8 “(b) STATE PROGRAMS.—

9 “(1) IN GENERAL.—Not later than 2 years
10 after the date on which the Administrator publishes
11 the guidelines under subsection (a)(1), each State
12 shall develop and implement a strategy for the train-
13 ing of operators of underground storage tanks that
14 is consistent with paragraph (2).

15 “(2) REQUIREMENTS.—A State strategy de-
16 scribed in paragraph (1) shall—

17 “(A) be consistent with subsection (a);

18 “(B) be developed in cooperation with own-
19 ers and operators; and

20 “(C) take into consideration training pro-
21 grams implemented by owners and operators as
22 of the date of enactment of this subsection.

23 “(3) FINANCIAL INCENTIVE.—The Adminis-
24 trator may award to a State that develops and im-
25 plements a strategy described in paragraph (1), in

1 addition to any funds that the State is entitled to
 2 receive under this subtitle, not more than \$50,000,
 3 to be used to carry out the strategy.”.

4 **SEC. 5. REMEDIATION OF MTBE CONTAMINATION.**

5 Section 9003(h) of the Solid Waste Disposal Act (42
 6 U.S.C. 6991b(h)) is amended—

7 (1) in paragraph (7)(A)—

8 (A) by striking “paragraphs (1) and (2) of
 9 this subsection” and inserting “paragraphs (1),
 10 (2), and (12)”; and

11 (B) by striking “, and including the au-
 12 thorities of paragraphs (4), (6), and (8) of this
 13 subsection” and inserting “and the authority
 14 under section 9011 and paragraphs (4), (6),
 15 and (8),”; and

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

17 “(12) REMEDIATION OF MTBE CONTAMINA-
 18 TION.—

19 “(A) IN GENERAL.—The Administrator
 20 and the States may use funds made available
 21 under section 9013(2)(B) to carry out correc-
 22 tive actions with respect to a release of methyl
 23 tertiary butyl ether that presents a threat to
 24 human health or welfare or the environment.

1 “(B) APPLICABLE AUTHORITY.—The Ad-
 2 ministrator or a State shall carry out subpara-
 3 graph (A)—

4 “(i) in accordance with paragraph (2);
 5 and

6 “(ii) in the case of a State, in accord-
 7 ance with a cooperative agreement entered
 8 into by the Administrator and the State
 9 under paragraph (7).”.

10 **SEC. 6. RELEASE PREVENTION, COMPLIANCE, AND EN-**
 11 **FORCEMENT.**

12 (a) **RELEASE PREVENTION AND COMPLIANCE.**—Sub-
 13 title I of the Solid Waste Disposal Act (42 U.S.C. 6991
 14 et seq.) (as amended by section 4) is amended by adding
 15 at the end the following:

16 **“SEC. 9011. RELEASE PREVENTION AND COMPLIANCE.**

17 “Funds made available under section 9013(2)(D)
 18 from the Trust Fund may be used to conduct inspections;
 19 issue orders; or bring actions under this subtitle—

20 “(1) by a State, in accordance with section
 21 9003(h)(7); acting under—

22 “(A) a program approved under section
 23 9004; or

24 “(B) any State requirement concerning the
 25 regulation of underground storage tanks that is

1 similar or identical to a requirement under this
 2 subtitle, as determined by the Administrator;
 3 and

4 “(2) by the Administrator, under this subtitle
 5 (including under a State program approved under
 6 section 9004).”.

7 (b) ~~GOVERNMENT-OWNED TANKS.~~—Section 9003 of
 8 the Solid Waste Disposal Act (42 U.S.C. 6991b) is amend-
 9 ed by adding at the end the following:

10 “(i) ~~GOVERNMENT-OWNED TANKS.~~—

11 “(1) ~~COMPLIANCE STRATEGY.~~—Not later than
 12 2 years after the date of enactment of this sub-
 13 section, each State shall submit to the Administrator
 14 a strategy to ensure compliance with regulations
 15 promulgated under subsection (c) of any under-
 16 ground storage tank that is—

17 “(A) regulated under this subtitle; and

18 “(B) owned or operated by the State gov-
 19 ernment or any local government.

20 “(2) ~~FINANCIAL INCENTIVE.~~—The Adminis-
 21 trator may award to a State that develops and im-
 22 plements a strategy described in paragraph (1), in
 23 addition to any funds that the State is entitled to
 24 receive under this subtitle, not more than \$50,000,
 25 to be used to carry out the strategy.”.

1 ~~(e) INCENTIVES FOR PERFORMANCE.—Section 9006~~
 2 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is
 3 amended by adding at the end the following:

4 ~~“(e) INCENTIVES FOR PERFORMANCE.—In deter-~~
 5 mining the terms of, or whether to issue, a compliance
 6 order under subsection (a), or the amount of, or whether
 7 to impose, a civil penalty under subsection (d), the Admin-
 8 istrator, or a State under a program approved under sec-
 9 tion 9004, shall take into consideration whether an owner
 10 or operator has—

11 ~~“(1) a history of operating underground storage~~
 12 tanks of the owner or operator in accordance with—

13 ~~“(A) this subtitle; or~~

14 ~~“(B) a State program approved under sec-~~
 15 tion 9004; or

16 ~~“(2) implemented a program, consistent with~~
 17 guidelines published under section 9010, that pro-
 18 vides training to persons responsible for operating
 19 any underground storage tank of the owner or oper-
 20 ator.”.

21 ~~(d) AUTHORITY TO PROHIBIT CERTAIN DELIV-~~
 22 ERIES.—Section 9006 of the Solid Waste Disposal Act (42
 23 U.S.C. 6991e) (as amended by subsection (e)) is amended
 24 by adding at the end the following:

1 ~~“(f) AUTHORITY TO PROHIBIT CERTAIN DELIV-~~
 2 ~~ERIES.—~~

3 ~~“(1) IN GENERAL.—~~After the date on which the
 4 Administrator promulgates regulations under para-
 5 graph (2), the Administrator, or a State with a pro-
 6 gram approved under section 9004, may prohibit the
 7 delivery of regulated substances to underground
 8 storage tanks that are not in compliance with—

9 ~~“(A) a requirement or standard promul-~~
 10 ~~gated by the Administrator under section 9003;~~
 11 ~~or~~

12 ~~“(B) a requirement or standard of a State~~
 13 ~~program approved under section 9004.~~

14 ~~“(2) AUTHORITY.—~~Not later than 2 years after
 15 the date of enactment of this subsection, the Admin-
 16 istrator, after consultation with States, shall promul-
 17 gate regulations that specify—

18 ~~“(A) the circumstances under which the~~
 19 ~~authority provided by paragraph (1) may be~~
 20 ~~used;~~

21 ~~“(B) the process by which the authority~~
 22 ~~provided by paragraph (1) will be used consist-~~
 23 ~~ently and fairly; and~~

1 ~~“(C) such other factors as the Adminis-~~
 2 ~~trator, in cooperation with States, determines to~~
 3 ~~be necessary to carry out this subsection.”.~~

4 ~~(e) PUBLIC RECORD.—Section 9002 of the Solid~~
 5 ~~Waste Disposal Act (42 U.S.C. 6991a) is amended by add-~~
 6 ~~ing at the end the following:~~

7 ~~“(d) PUBLIC RECORD.—~~

8 ~~“(1) IN GENERAL.—The Administrator shall re-~~
 9 ~~quire each State and Indian tribe that receives funds~~
 10 ~~under this subtitle to maintain, update at least an-~~
 11 ~~nually, and make available to the public, in such~~
 12 ~~manner and form as the Administrator shall pre-~~
 13 ~~scribe (after consultation with States and Indian~~
 14 ~~tribes), a record of underground storage tanks regu-~~
 15 ~~lated under this subtitle.~~

16 ~~“(2) CONSIDERATIONS.—To the maximum ex-~~
 17 ~~tent practicable, the public record of a State or In-~~
 18 ~~dian tribe, respectively, shall include, for each~~
 19 ~~year—~~

20 ~~“(A) the number, sources, and causes of~~
 21 ~~underground storage tank releases in the State~~
 22 ~~or on tribal land;~~

23 ~~“(B) the record of compliance by under-~~
 24 ~~ground storage tanks in the State or on tribal~~
 25 ~~land with—~~

1 “(i) this subtitle; or

2 “(ii) an applicable State program ap-
3 proved under section 9004; and

4 “(C) data on the number of underground
5 storage tank equipment failures in the State or
6 on tribal land.

7 “(3) AVAILABILITY.—The Administrator shall
8 make the public record of each State and Indian
9 tribe under this section available to the public elec-
10 tronically.”.

11 **SEC. 7. FEDERAL FACILITIES.**

12 Section 9007 of the Solid Waste Disposal Act (42
13 U.S.C. 6991f) is amended by adding at the end the fol-
14 lowing:

15 “(c) REVIEW OF FEDERAL UNDERGROUND STORAGE
16 TANKS.—Not later than 1 year after the date of enact-
17 ment of this subsection, the Administrator, in cooperation
18 with each Federal agency that owns or operates 1 or more
19 underground storage tanks or that manages land on which
20 1 or more underground storage tanks are located, shall
21 review the status of compliance of those underground stor-
22 age tanks with this subtitle.

23 “(d) COMPLIANCE STRATEGIES.—Not later than 2
24 years after the date of enactment of this subsection, each
25 Federal agency described in subsection (c) shall submit

1 to the Administrator and to each State in which an under-
 2 ground storage tank described in subsection (c) is located;
 3 a strategy to ensure the compliance of those underground
 4 storage tanks with this subtitle.”.

5 **SEC. 8. TANKS UNDER THE JURISDICTION OF INDIAN**
 6 **TRIBES.**

7 Subtitle I of the Solid Waste Disposal Act (42 U.S.C.
 8 6991 et seq.) is amended by inserting after section 9011
 9 (as added by section 6(a)) the following:

10 **“SEC. 9012. TANKS UNDER THE JURISDICTION OF INDIAN**
 11 **TRIBES.**

12 “The Administrator, in coordination with Indian
 13 tribes, shall—

14 “(1) not later than 1 year after the date of en-
 15 actment of this section, develop and implement a
 16 strategy—

17 “(A) giving priority to releases that
 18 present the greatest threat to human health or
 19 the environment, to take necessary corrective
 20 action in response to releases from leaking un-
 21 derground storage tanks located wholly within
 22 the boundaries of—

23 “(i) an Indian reservation; or

24 “(ii) any other area under the juris-
 25 diction of an Indian tribe; and

1 “(B) to implement and enforce require-
 2 ments concerning underground storage tanks
 3 located wholly within the boundaries of—

4 “(i) an Indian reservation; or

5 “(ii) any other area under the juris-
 6 diction of an Indian tribe; and

7 “(2) not later than 2 years after the date of en-
 8 actment of this section and every 2 years thereafter,
 9 submit to Congress a report that summarizes the
 10 status of implementation and enforcement of the
 11 leaking underground storage tank program in areas
 12 located wholly within—

13 “(A) the boundaries of Indian reservations;
 14 and

15 “(B) any other areas under the jurisdiction
 16 of an Indian tribe.”.

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

18 Subtitle I of the Solid Waste Disposal Act (42 U.S.C.
 19 6991 et seq.) (as amended by section 8) is amended by
 20 adding at the end the following:

21 **“SEC. 9013. AUTHORIZATION OF APPROPRIATIONS.**

22 “‘There are authorized to be appropriated to the
 23 Administrator—

1 “(1) to carry out subtitle I (except sections
2 9003(h), 9005(a), and 9011) \$25,000,000 for each
3 of fiscal years 2003 through 2007; and

4 “(2) from the Trust Fund, notwithstanding sec-
5 tion 9508(e)(1) of the Internal Revenue Code of
6 1986—

7 “(A) to carry out section 9003(h) (except
8 section 9003(h)(12)) \$100,000,000 for each of
9 fiscal years 2003 through 2007;

10 “(B) to carry out section 9003(h)(12),
11 \$200,000,000 for fiscal year 2003, to remain
12 available until expended;

13 “(C) to carry out section 9005(a)—

14 “(i) \$35,000,000 for each of fiscal
15 years 2003 and 2004; and

16 “(ii) \$20,000,000 for each of fiscal
17 years 2005 through 2008; and

18 “(D) to carry out section 9011—

19 “(i) \$50,000,000 for fiscal year 2003;

20 and

21 “(ii) \$30,000,000 for each of fiscal
22 years 2004 through 2008.”.

23 **SEC. 10. CONFORMING AMENDMENTS.**

24 (a) IN GENERAL.—Section 9001 of the Solid Waste
25 Disposal Act (42 U.S.C. 6991) is amended—

(1) by striking “For the purposes of this subtitle—” and inserting “In this subtitle.”;

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4), (3), (8), (5), (2), and (6), respectively;

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

“(1) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).”; and

(4) by inserting after paragraph (8) (as redesignated by paragraph (2)) the following:

“(9) TRUST FUND.—The term ‘Trust Fund’ means the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 9003(f) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)) is amended—

(A) in paragraph (1), by striking “9001(2)(B)” and inserting “9001(7)(B)”; and

(B) in paragraphs (2) and (3), by striking “9001(2)(A)” each place it appears and inserting “9001(7)(A)”.

1 (2) Section 9003(h) of the Solid Waste Dis-
 2 posal Act (42 U.S.C. 6991b(h)) is amended in para-
 3 graphs (1), (2)(C), (7)(A), and (11) by striking
 4 “Leaking Underground Storage Tank Trust Fund”
 5 each place it appears and inserting “Trust Fund”.

6 (3) Section 9009 of the Solid Waste Disposal
 7 Act (42 U.S.C. 6991h) is amended—

8 (A) in subsection (a), by striking
 9 “9001(2)(B)” and inserting “9001(7)(B)”; and
 10 (B) in subsection (d), by striking “section
 11 9001(1) (A) and (B)” and inserting “subpara-
 12 graphs (A) and (B) of section 9001(10)”.

13 **SEC. 11. TECHNICAL AMENDMENTS.**

14 (a) Section 9001(4)(A) of the Solid Waste Disposal
 15 Act (42 U.S.C. 6991(4)(A)) (as amended by section
 16 9(a)(2)) is amended by striking “sustances” and inserting
 17 “substances”.

18 (b) Section 9003(f)(1) of the Solid Waste Disposal
 19 Act (42 U.S.C. 6991b(f)(1)) is amended by striking “sub-
 20 section (e) and (d) of this section” and inserting “sub-
 21 sections (e) and (d)”.

22 (c) Section 9004(a) of the Solid Waste Disposal Act
 23 (42 U.S.C. 6991e(a)) is amended by striking “in 9001(2)
 24 (A) or (B) or both” and inserting “in subparagraph (A)
 25 or (B) of section 9001(7)”.

1 (d) Section 9005 of the Solid Waste Disposal Act (42
 2 U.S.C. 6991d) (as amended by section 3) is amended—
 3 (1) in subsection (b), by striking “study tak-
 4 ing” and inserting “study, taking”;
 5 (2) in subsection (c)(1), by striking “relevent”
 6 and inserting “relevant”; and
 7 (3) in subsection (c)(4), by striking
 8 “Environmental” and inserting “Environmental”.

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Underground Storage*
 11 *Tank Compliance Act of 2002”.*

12 **SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.**

13 *Section 9004 of the Solid Waste Disposal Act (42*
 14 *U.S.C. 6991c) is amended by adding at the end the fol-*
 15 *lowing:*

16 “(f) *TRUST FUND DISTRIBUTION.*—

17 “(1) *IN GENERAL.*—

18 “(A) *AMOUNT AND PERMITTED USES OF*
 19 *DISTRIBUTION.*—*The Administrator shall dis-*
 20 *tribute to States not less than 80 percent of the*
 21 *funds from the Trust Fund that are made avail-*
 22 *able to the Administrator under section*
 23 *9014(2)(A) for each fiscal year for use in paying*
 24 *the reasonable costs, incurred under a coopera-*
 25 *tive agreement with any State, of—*

1 “(i) actions taken by the State under
2 section 9003(h)(7)(A);

3 “(ii) necessary administrative ex-
4 penses, as determined by the Administrator,
5 that are directly related to corrective action
6 and compensation programs under sub-
7 section (c)(1);

8 “(iii) any corrective action and com-
9 pensation program carried out under sub-
10 section (c)(1) for a release from an under-
11 ground storage tank regulated under this
12 subtitle to the extent that, as determined by
13 the State in accordance with guidelines de-
14 veloped jointly by the Administrator and
15 the State, the financial resources of the
16 owner or operator of the underground stor-
17 age tank (including resources provided by a
18 program in accordance with subsection
19 (c)(1)) are not adequate to pay the cost of
20 a corrective action without significantly im-
21 pairing the ability of the owner or operator
22 to continue in business;

23 “(iv) enforcement by the State or a
24 local government of State or local regula-

tions pertaining to underground storage tanks regulated under this subtitle; or

“(v) State or local corrective actions carried out under regulations promulgated under section 9003(c)(4).

“(B) *USE OF FUNDS FOR ENFORCEMENT.*—

In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

“(C) *PROHIBITED USES.*—*Except as provided in subparagraph (A)(iii), under any similar requirement of a State program approved under this section, or in any similar State or local provision as determined by the Administrator, funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).*

1 “(2) *ALLOCATION.*—

2 “(A) *PROCESS.*—Subject to subparagraph
3 (B), in the case of a State with which the Ad-
4 ministrator has entered into a cooperative agree-
5 ment under section 9003(h)(7)(A), the Adminis-
6 trator shall distribute funds from the Trust Fund
7 to the State using the allocation process devel-
8 oped by the Administrator.

9 “(B) *REVISIONS TO PROCESS.*—The Admin-
10 istrator may revise the allocation process referred
11 to in subparagraph (A) with respect to a State
12 only after—

13 “(i) consulting with—

14 “(I) State agencies responsible for
15 overseeing corrective action for releases
16 from underground storage tanks;

17 “(II) owners; and

18 “(III) operators; and

19 “(ii) taking into consideration, at a
20 minimum—

21 “(I) the total tax revenue contrib-
22 uted to the Trust Fund from all
23 sources within the State;

1 “(II) the number of confirmed re-
2 leases from federally regulated under-
3 ground storage tanks in the State;

4 “(III) the number of federally reg-
5 ulated underground storage tanks in
6 the State;

7 “(IV) the percentage of the popu-
8 lation of the State that uses ground-
9 water for any beneficial purpose;

10 “(V) the performance of the State
11 in implementing and enforcing the
12 program;

13 “(VI) the financial needs of the
14 State; and

15 “(VII) the ability of the State to
16 use the funds referred to in subpara-
17 graph (A) in any year.

18 “(3) DISTRIBUTIONS TO STATE AGENCIES.—Dis-
19 tributions from the Trust Fund under this subsection
20 shall be made directly to a State agency that—

21 “(A) enters into a cooperative agreement re-
22 ferred to in paragraph (2)(A); or

23 “(B) is enforcing a State program approved
24 under this section.

1 “(4) *COST RECOVERY PROHIBITION.—Funds*
 2 *from the Trust Fund provided by States to owners or*
 3 *operators under paragraph (1)(A)(iii) shall not be*
 4 *subject to cost recovery by the Administrator under*
 5 *section 9003(h)(6).”.*

6 **SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.**

7 *Section 9005 of the Solid Waste Disposal Act (42*
 8 *U.S.C. 6991d) is amended—*

9 *(1) by redesignating subsections (a) and (b) as*
 10 *subsections (b) and (c), respectively; and*

11 *(2) by inserting before subsection (b) (as redesign-*
 12 *ated by paragraph (1)) the following:*

13 “(a) *INSPECTION REQUIREMENTS.—Not later than 2*
 14 *years after the date of enactment of the Underground Stor-*
 15 *age Tank Compliance Act of 2002, and at least once every*
 16 *2 years thereafter, the Administrator or a State with a pro-*
 17 *gram approved under section 9004, as appropriate, shall*
 18 *require that all underground storage tanks regulated under*
 19 *this subtitle undergo onsite inspections for compliance with*
 20 *regulations promulgated under section 9003(c).”.*

21 **SEC. 4. OPERATOR TRAINING.**

22 *Subtitle I of the Solid Waste Disposal Act (42 U.S.C.*
 23 *6991 et seq.) is amended by striking section 9010 and in-*
 24 *serting the following:*

1 **“SEC. 9010. OPERATOR TRAINING.**

2 “(a) *GUIDELINES.*—

3 “(1) *IN GENERAL.*—Not later than 2 years after
 4 the date of enactment of the Underground Storage
 5 Tank Compliance Act of 2002, in cooperation with
 6 States, owners, and operators, the Administrator shall
 7 publish in the Federal Register, after public notice
 8 and opportunity for comment, guidelines that specify
 9 methods for training operators of underground storage
 10 tanks.

11 “(2) *CONSIDERATIONS.*—The guidelines described
 12 in paragraph (1) shall take into account—

13 “(A) State training programs in existence
 14 as of the date of publication of the guidelines;

15 “(B) training programs that are being em-
 16 ployed by owners and operators as of the date of
 17 enactment of this paragraph;

18 “(C) the high turnover rate of operators;

19 “(D) the frequency of improvement in un-
 20 derground storage tank equipment technology;

21 “(E) the nature of the businesses in which
 22 the operators are engaged; and

23 “(F) such other factors as the Administrator
 24 determines to be necessary to carry out this sec-
 25 tion.

26 “(b) *STATE PROGRAMS.*—

1 “(1) *IN GENERAL.*—Not later than 2 years after
 2 the date on which the Administrator publishes the
 3 guidelines under subsection (a)(1), each State shall
 4 develop and implement a strategy for the training of
 5 operators of underground storage tanks that is con-
 6 sistent with paragraph (2).

7 “(2) *REQUIREMENTS.*—A State strategy de-
 8 scribed in paragraph (1) shall—

9 “(A) be consistent with subsection (a);

10 “(B) be developed in cooperation with own-
 11 ers and operators; and

12 “(C) take into consideration training pro-
 13 grams implemented by owners and operators as
 14 of the date of enactment of this subsection.

15 “(3) *FINANCIAL INCENTIVE.*—The Administrator
 16 may award to a State that develops and implements
 17 a strategy described in paragraph (1), in addition to
 18 any funds that the State is entitled to receive under
 19 this subtitle, not more than \$50,000, to be used to
 20 carry out the strategy.”.

21 **SEC. 5. REMEDIATION OF MTBE CONTAMINATION.**

22 Section 9003(h) of the Solid Waste Disposal Act (42
 23 U.S.C. 6991b(h)) is amended—

24 (1) in paragraph (7)(A)—

(A) by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraphs (1), (2), and (12)”; and

(B) by striking “, and including the authorities of paragraphs (4), (6), and (8) of this subsection” and inserting “and the authority under sections 9005(a) and 9011 and paragraphs (4), (6), and (8),”; and
(2) by adding at the end the following:

“(12) *REMEDIATION OF MTBE CONTAMINATION.*—

“(A) *IN GENERAL.*—The Administrator and the States may use funds made available under section 9014(2)(B) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health or welfare or the environment.

“(B) *APPLICABLE AUTHORITY.*—The Administrator or a State shall carry out subparagraph (A)—

“(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

1 “(ii) in the case of a State, in accord-
 2 ance with a cooperative agreement entered
 3 into by the Administrator and the State
 4 under paragraph (7).”.

5 **SEC. 6. RELEASE PREVENTION, COMPLIANCE, AND EN-**
 6 **FORCEMENT.**

7 (a) *RELEASE PREVENTION AND COMPLIANCE.*—Sub-
 8 *title I of the Solid Waste Disposal Act (42 U.S.C. 6991 et*
 9 *seq.) (as amended by section 4) is amended by adding at*
 10 *the end the following:*

11 **“SEC. 9011. USE OF FUNDS FOR RELEASE PREVENTION AND**
 12 **COMPLIANCE.**

13 *“Funds made available under section 9014(2)(D) from*
 14 *the Trust Fund may be used to conduct inspections, issue*
 15 *orders, or bring actions under this subtitle—*

16 *“(1) by a State, in accordance with a grant or*
 17 *cooperative agreement with the Administrator, of*
 18 *State regulations pertaining to underground storage*
 19 *tanks regulated under this subtitle; and*

20 *“(2) by the Administrator, under this subtitle*
 21 *(including under a State program approved under*
 22 *section 9004).”.*

23 (b) *GOVERNMENT-OWNED TANKS.*—Section 9003 of the
 24 *Solid Waste Disposal Act (42 U.S.C. 6991b) is amended*
 25 *by adding at the end the following:*

1 “(i) *GOVERNMENT-OWNED TANKS.*—

2 “(1) *IMPLEMENTATION REPORT.*—

3 “(A) *IN GENERAL.*—*Not later than 2 years*
 4 *after the date of enactment of this subsection,*
 5 *each State shall submit to the Administrator an*
 6 *implementation report that—*

7 “(i) *lists each underground storage*
 8 *tank described in subparagraph (B) in the*
 9 *State that, as of the date of submission of*
 10 *the report, is not in compliance with this*
 11 *subtitle; and*

12 “(ii) *describes the actions that have*
 13 *been and will be taken to ensure compliance*
 14 *by the underground storage tank listed*
 15 *under clause (i) with this subtitle.*

16 “(B) *UNDERGROUND STORAGE TANK.*—*An*
 17 *underground storage tank described in this sub-*
 18 *paragraph is an underground storage tank that*
 19 *is—*

20 “(i) *regulated under this subtitle; and*

21 “(ii) *owned or operated by the State*
 22 *government or any local government.*

23 “(C) *PUBLIC AVAILABILITY.*—*The Adminis-*
 24 *trator shall make each report received under sub-*

1 *paragraph (A) available to the public on the*
 2 *Internet.*

3 “(2) *FINANCIAL INCENTIVE.*—*The Administrator*
 4 *may award to a State that develops an implementa-*
 5 *tion report described in paragraph (1), in addition to*
 6 *any funds that the State is entitled to receive under*
 7 *this subtitle, not more than \$50,000, to be used to*
 8 *carry out the implementation report.*

9 “(3) *NOT A SAFE HARBOR.*—*This subsection does*
 10 *not relieve any person from any obligation or require-*
 11 *ment under this subtitle.”.*

12 “(c) *INCENTIVES FOR PERFORMANCE.*—*Section 9006 of*
 13 *the Solid Waste Disposal Act (42 U.S.C. 6991e) is amended*
 14 *by adding at the end the following:*

15 “(e) *INCENTIVES FOR PERFORMANCE.*—*In deter-*
 16 *mining the terms of a compliance order under subsection*
 17 *(a), or the amount of a civil penalty under subsection (d),*
 18 *the Administrator, or a State under a program approved*
 19 *under section 9004, may take into consideration whether*
 20 *an owner or operator—*

21 “(1) *has a history of operating underground*
 22 *storage tanks of the owner or operator in accordance*
 23 *with—*

24 “(A) *this subtitle; or*

1 “(B) a State program approved under sec-
2 tion 9004;

3 “(2) has repeatedly violated—

4 “(A) this subtitle; or

5 “(B) a State program approved under sec-
6 tion 9004; or

7 “(3) has implemented a program, consistent with
8 guidelines published under section 9010, that provides
9 training to persons responsible for operating any un-
10 derground storage tank of the owner or operator.”.

11 (d) *AUTHORITY TO PROHIBIT CERTAIN DELIV-*
12 *ERIES.*—Section 9006 of the Solid Waste Disposal Act (42
13 *U.S.C. 6991e*) (as amended by subsection (c)) is amended
14 *by adding at the end the following:*

15 “(f) *AUTHORITY TO PROHIBIT CERTAIN DELIV-*
16 *ERIES.*—

17 “(1) *IN GENERAL.*—Subject to paragraph (2), be-
18 ginning 180 days after the date of enactment of this
19 subsection, the Administrator or a State may prohibit
20 the delivery of regulated substances to underground
21 storage tanks that are not in compliance with—

22 “(A) a requirement or standard promul-
23 gated by the Administrator under section 9003;
24 or

1 “(B) a requirement or standard of a State
2 program approved under section 9004.

3 “(2) LIMITATIONS.—

4 “(A) SPECIFIED GEOGRAPHIC AREAS.—Sub-
5 ject to subparagraph (B), under paragraph (1),
6 the Administrator or a State shall not prohibit
7 a delivery if the prohibition would jeopardize the
8 availability of, or access to, fuel in any specified
9 geographic area.

10 “(B) APPLICABILITY OF LIMITATION.—The
11 limitation under subparagraph (A) shall apply
12 only during the 180-day period following the
13 date of a determination by the Administrator
14 that exercising the authority of paragraph (1) is
15 limited by subparagraph (A).

16 “(C) GUIDELINES.—Not later than 18
17 months after the date of enactment of this sub-
18 section, the Administrator shall issue guidelines
19 that define the term ‘specified geographic area’
20 for the purpose of subparagraph (A).

21 “(3) AUTHORITY TO ISSUE GUIDELINES.—Sub-
22 ject to paragraph (2)(C), the Administrator, after
23 consultation with States, may issue guidelines for
24 carrying out this subsection.

1 “(4) *ENFORCEMENT, COMPLIANCE, AND PEN-*
 2 *ALTIES.—The Administrator may use the authority*
 3 *under the enforcement, compliance, or penalty provi-*
 4 *sions of this subtitle to carry out this subsection.*

5 “(5) *EFFECT ON STATE AUTHORITY.—Nothing in*
 6 *this subsection affects the authority of a State to pro-*
 7 *hibit the delivery of a regulated substance to an un-*
 8 *derground storage tank.”.*

9 “(e) *PUBLIC RECORD.—Section 9002 of the Solid Waste*
 10 *Disposal Act (42 U.S.C. 6991a) is amended by adding at*
 11 *the end the following:*

12 “(d) *PUBLIC RECORD.—*

13 “(1) *IN GENERAL.—The Administrator shall re-*
 14 *quire each State and Indian tribe that receives Fed-*
 15 *eral funds to carry out this subtitle to maintain, up-*
 16 *date at least annually, and make available to the*
 17 *public, in such manner and form as the Adminis-*
 18 *trator shall prescribe (after consultation with States*
 19 *and Indian tribes), a record of underground storage*
 20 *tanks regulated under this subtitle.*

21 “(2) *CONSIDERATIONS.—To the maximum extent*
 22 *practicable, the public record of a State or Indian*
 23 *tribe, respectively, shall include, for each year—*

1 “(A) the number, sources, and causes of un-
 2 derground storage tank releases in the State or
 3 tribal area;

4 “(B) the record of compliance by under-
 5 ground storage tanks in the State or tribal area
 6 with—

7 “(i) this subtitle; or

8 “(ii) an applicable State program ap-
 9 proved under section 9004; and

10 “(C) data on the number of underground
 11 storage tank equipment failures in the State or
 12 tribal area.

13 “(3) AVAILABILITY.—The Administrator shall
 14 make the public record of each State and Indian tribe
 15 under this section available to the public electroni-
 16 cally.”.

17 **SEC. 7. FEDERAL FACILITIES.**

18 Section 9007 of the Solid Waste Disposal Act (42
 19 U.S.C. 6991f) is amended by adding at the end the fol-
 20 lowing:

21 “(c) REVIEW OF, AND REPORT ON, FEDERAL UNDER-
 22 GROUND STORAGE TANKS.—

23 “(1) REVIEW.—Not later than 1 year after the
 24 date of enactment of this subsection, the Adminis-
 25 trator, in cooperation with each Federal agency that

owns or operates 1 or more underground storage tanks or that manages land on which 1 or more underground storage tanks are located, shall review the status of compliance of those underground storage tanks with this subtitle.

“(2) *IMPLEMENTATION REPORT.*—

“(A) *IN GENERAL.*—Not later than 2 years after the date of enactment of this subsection, each Federal agency described in paragraph (1) shall submit to the Administrator and to each State in which an underground storage tank described in paragraph (1) is located an implementation report that—

“(i) lists each underground storage tank described in paragraph (1) that, as of the date of submission of the report, is not in compliance with this subtitle; and

“(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank with this subtitle.

“(B) *PUBLIC AVAILABILITY.*—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

1 “(3) *NOT A SAFE HARBOR.*—*This subsection does*
 2 *not relieve any person from any obligation or require-*
 3 *ment under this subtitle.*

4 “(d) *APPLICABILITY OF CERTAIN REQUIREMENTS.*—
 5 *Section 6001(a) shall apply to each department, agency,*
 6 *and instrumentality covered by subsection (a).”.*

7 **SEC. 8. TANKS UNDER THE JURISDICTION OF INDIAN**
 8 **TRIBES.**

9 *Subtitle I of the Solid Waste Disposal Act (42 U.S.C.*
 10 *6991 et seq.) (as amended by section 6(a)) is amended by*
 11 *adding at the end the following:*

12 **“SEC. 9012. TANKS UNDER THE JURISDICTION OF INDIAN**
 13 **TRIBES.**

14 “(a) *IN GENERAL.*—*The Administrator, in coordina-*
 15 *tion with Indian tribes, shall—*

16 “(1) *not later than 1 year after the date of enact-*
 17 *ment of this section, develop and implement a*
 18 *strategy—*

19 “(A) *giving priority to releases that present*
 20 *the greatest threat to human health or the envi-*
 21 *ronment, to take necessary corrective action in*
 22 *response to releases from leaking underground*
 23 *storage tanks located wholly within the bound-*
 24 *aries of—*

25 “(i) *an Indian reservation; or*

1 “(ii) any other area under the jurisdic-
2 tion of an Indian tribe; and

3 “(B) to implement and enforce requirements
4 concerning underground storage tanks located
5 wholly within the boundaries of—

6 “(i) an Indian reservation; or

7 “(ii) any other area under the jurisdic-
8 tion of an Indian tribe;

9 “(2) not later than 2 years after the date of en-
10 actment of this section and every 2 years thereafter,
11 submit to Congress a report that summarizes the sta-
12 tus of implementation and enforcement of the under-
13 ground storage tank program in areas located wholly
14 within—

15 “(A) the boundaries of Indian reservations;
16 and

17 “(B) any other areas under the jurisdiction
18 of an Indian tribe; and

19 “(3) make the report described in paragraph (2)
20 available to the public on the Internet.

21 “(b) NOT A SAFE HARBOR.—This section does not re-
22 lieve any person from any obligation or requirement under
23 this subtitle.

24 “(c) STATE AUTHORITY.—Nothing in this section ap-
25 plies to any underground storage tank that is located in

1 *an area under the jurisdiction of a State, or that is subject*
 2 *to regulation by a State, as of the date of enactment of this*
 3 *section.”.*

4 **SEC. 9. STATE AUTHORITY.**

5 *Subtitle I of the Solid Waste Disposal Act (42 U.S.C.*
 6 *6991 et seq.) (as amended by section 8) is amended by add-*
 7 *ing at the end the following:*

8 **“SEC. 9013. STATE AUTHORITY.**

9 *“Nothing in this subtitle precludes a State from estab-*
 10 *lishing any requirement that is more stringent than a re-*
 11 *quirement under this subtitle.”.*

12 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

13 *Subtitle I of the Solid Waste Disposal Act (42 U.S.C.*
 14 *6991 et seq.) (as amended by section 9) is amended by add-*
 15 *ing at the end the following:*

16 **“SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.**

17 *“There are authorized to be appropriated to the*
 18 *Administrator—*

19 *“(1) to carry out subtitle I (except sections*
 20 *9003(h), 9005(a), and 9011) \$25,000,000 for each of*
 21 *fiscal years 2003 through 2007; and*

22 *“(2) from the Trust Fund, notwithstanding sec-*
 23 *tion 9508(c)(1) of the Internal Revenue Code of*
 24 *1986—*

1 “(A) to carry out section 9003(h) (except
2 section 9003(h)(12)) \$150,000,000 for each of fis-
3 cal years 2003 through 2007;

4 “(B) to carry out section 9003(h)(12),
5 \$125,000,000 for each of fiscal years 2003
6 through 2007;

7 “(C) to carry out section 9005(a)—

8 “(i) \$35,000,000 for each of fiscal
9 years 2003 and 2004; and

10 “(ii) \$20,000,000 for each of fiscal
11 years 2005 through 2008; and

12 “(D) to carry out section 9011—

13 “(i) \$50,000,000 for fiscal year 2003;
14 and

15 “(ii) \$30,000,000 for each of fiscal
16 years 2004 through 2008.”.

17 **SEC. 11. CONFORMING AMENDMENTS.**

18 (a) *DEFINITIONS.*—Section 9001 of the Solid Waste
19 *Disposal Act* (42 U.S.C. 6991) is amended—

20 (1) by striking “For the purposes of this sub-
21 title—” and inserting “In this subtitle.”;

22 (2) by redesignating paragraphs (1), (2), (3),
23 (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4),
24 (3), (8), (5), (2), and (6), respectively, and reordering
25 the paragraphs so as to appear in numerical order;

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

“(1) *INDIAN TRIBE*.—

“(A) *IN GENERAL*.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for special programs and services provided by the United States to Indians because of their status as Indians.

“(B) *INCLUSIONS*.—The term ‘Indian tribe’ includes an Alaska Native village, as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).”; and

(4) by inserting after paragraph (8) (as redesignated by paragraph (2)) the following:

“(9) *TRUST FUND*.—The term ‘Trust Fund’ means the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.”.

(b) *CONFORMING AMENDMENTS*.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended in the table of contents—

1 (A) in the item relating to section 9002, by
 2 inserting “and public records” after “Notifica-
 3 tion”; and

4 (B) by striking the item relating to section
 5 9010 and inserting the following:

“Sec. 9010. Operator training.

“Sec. 9011. Use of funds for release prevention and compliance.

“Sec. 9012. Tanks under the jurisdiction of Indian tribes.

“Sec. 9013. State authority.

“Sec. 9014. Authorization of appropriations.”.

6 (2) Section 9002 of the Solid Waste Disposal Act
 7 (42 U.S.C. 6991a) is amended in the section heading
 8 by inserting “AND PUBLIC RECORDS” after “NOTIFI-
 9 CATION”.

10 (3) Section 9003(f) of the Solid Waste Disposal
 11 Act (42 U.S.C. 6991b(f)) is amended—

12 (A) in paragraph (1), by striking
 13 “9001(2)(B)” and inserting “9001(7)(B)”; and
 14 (B) in paragraphs (2) and (3), by striking
 15 “9001(2)(A)” each place it appears and insert-
 16 ing “9001(7)(A)”.

17 (4) Section 9003(h) of the Solid Waste Disposal
 18 Act (42 U.S.C. 6991b(h)) is amended in paragraphs
 19 (1), (2)(C), (7)(A), and (11) by striking “Leaking
 20 Underground Storage Tank Trust Fund” each place
 21 it appears and inserting “Trust Fund”.

22 (5) Section 9009 of the Solid Waste Disposal Act
 23 (42 U.S.C. 6991h) is amended—

1 (A) in subsection (a), by striking
 2 “9001(2)(B)” and inserting “9001(7)(B)”; and
 3 (B) in subsection (d), by striking “section
 4 9001(1) (A) and (B)” and inserting “subpara-
 5 graphs (A) and (B) of section 9001(10)”.

6 **SEC. 12. TECHNICAL AMENDMENTS.**

7 (a) Section 9001(4)(A) of the Solid Waste Disposal Act
 8 (42 U.S.C. 6991(4)(A)) (as amended by section 11(a)(2))
 9 is amended by striking “sustances” and inserting “sub-
 10 stances”.

11 (b) Section 9003(f)(1) of the Solid Waste Disposal Act
 12 (42 U.S.C. 6991b(f)(1)) is amended by striking “subsection
 13 (c) and (d) of this section” and inserting “subsections (c)
 14 and (d)”.

15 (c) Section 9004(a) of the Solid Waste Disposal Act
 16 (42 U.S.C. 6991c(a)) is amended by striking “in 9001(2)
 17 (A) or (B) or both” and inserting “in subparagraph (A)
 18 or (B) of section 9001(7)”.

19 (d) Section 9005 of the Solid Waste Disposal Act (42
 20 U.S.C. 6991d) (as amended by section 3) is amended—

21 (1) in subsection (b), by striking “study taking”
 22 and inserting “study, taking”;

23 (2) in subsection (c)(1), by striking “relevent”
 24 and inserting “relevant”; and

- 1 (3) in subsection (c)(4), by striking
- 2 “*Environmental*” and inserting “*Environmental*”.

Calendar No. 732

107TH CONGRESS
2^D SESSION

S. 1850

[Report No. 107-316]

A BILL

To amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

OCTOBER 16, 2002

Reported with an amendment