

111TH CONGRESS  
1ST SESSION

# H. R. 3518

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide grants for the revitalization of waterfront brownfields, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Ms. SLAUGHTER (for herself, Mr. BLUMENAUER, Mr. CARNAHAN, Mr. CONYERS, Mr. HIGGINS, Mr. HINCHEY, Ms. KAPTUR, Mr. KENNEDY, Mr. KING of New York, Mr. MCHUGH, Mr. PASCRELL, Mr. RYAN of Ohio, Ms. SCHWARTZ, Mr. SERRANO, Mr. SESTAK, Mr. SIRES, Ms. SUTTON, Mr. THOMPSON of California, Mr. WU, Mrs. CHRISTENSEN, Mr. LANGEVIN, Ms. PINGREE of Maine, Mr. TONKO, Mr. CARNEY, Mrs. DAHLKEMPER, Mr. MCGOVERN, Mr. KILDEE, Mr. WELCH, and Mr. ARCURI) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide grants for the revitalization of waterfront brownfields, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Waterfront Brown-  
3 fields Revitalization Act”.

4 **SEC. 2. WATERFRONT BROWNFIELDS GRANT.**

5 Section 104(k) of the Comprehensive Environmental  
6 Response, Compensation, and Liability Act of 1980 (42  
7 U.S.C. 9604(k)) is amended—

8 (1) by redesignating paragraphs (4) through  
9 (12) as paragraphs (5) through (13), respectively;

10 (2) in paragraph (3)(A) by striking “para-  
11 graphs (4) and (5)” and inserting “paragraphs (5)  
12 and (6)”;

13 (3) by inserting after paragraph (3) the fol-  
14 lowing:

15 “(4) GRANTS FOR WATERFRONT BROWNFIELDS  
16 REVITALIZATION.—

17 “(A) IN GENERAL.—Subject to paragraphs  
18 (5) and (6), the President shall establish a pro-  
19 gram to provide grants to eligible entities or  
20 nonprofit organizations to be used at one or  
21 more waterfront brownfields sites.

22 “(B) USE OF FUNDS.—Such grants may  
23 be used for reuse planning, site characterization  
24 and assessment, or remediation at waterfront  
25 brownfields sites, including the integration of  
26 activities related to the design and implementa-

1           tion of water quality improvements, low impact  
2           development approaches, green infrastructure,  
3           remediation and management of sediments, or  
4           flood damage prevention associated with  
5           brownfields remediation and reuse.

6           “(C) WATERFRONT BROWNFIELDS SITE  
7           DEFINED.—In this section, the term ‘waterfront  
8           brownfields site’ means a brownfields site any  
9           part of which is adjacent to a body of water.”;

10          (4) in paragraph (5)(A) (as redesignated by  
11          paragraph (1) of this section) by inserting after  
12          clause (ii) the following:

13                 “(iii) WATERFRONT BROWNFIELDS  
14                 REVITALIZATION.—A grant made to an eli-  
15                 gible entity or nonprofit organization  
16                 under paragraph (4) may not exceed  
17                 \$500,000.”;

18          (5) in paragraph (7)(A) (as redesignated by  
19          paragraph (1) of this section) by inserting “water-  
20          front brownfields revitalization,” after “community  
21          involvement,”; and

22          (6) by striking paragraph (13) (as redesignated  
23          by paragraph (1) of this section) and inserting the  
24          following:

25                 “(13) FUNDING.—

1           “(A) AUTHORIZATION OF APPROPRIA-  
2           TIONS.—There is authorized to be appropriated  
3           to carry out this subsection \$220,000,000 for  
4           each of fiscal years 2010 through 2014.

5           “(B) USE OF CERTAIN FUNDS.—Of the  
6           amounts made available under subparagraph  
7           (A) for a fiscal year \$55,000,000, or, if the  
8           amount made available is less than  
9           \$220,000,000, 25 percent of the amount made  
10          available, shall be used for site characterization,  
11          assessment, and remediation of facilities de-  
12          scribed in section 101(39)(D)(ii)(II).

13          “(C) WATERFRONT BROWNFIELDS REVI-  
14          TALIZATION.—There are authorized to be ap-  
15          propriated such sums as may be necessary for  
16          waterfront brownfields revitalization grants  
17          under paragraph (4).”.

18 **SEC. 3. TASK FORCE.**

19          (a) ESTABLISHMENT.—The Administrator of the En-  
20          vironmental Protection Agency shall establish and serve  
21          as chairperson of a task force on waterfront brownfields  
22          revitalization.

23          (b) MEMBERSHIP.—Members of the task force shall  
24          include representatives who have expertise in waterfronts

1 or brownfields revitalization, including representatives  
2 from the following:

3 (1) The Environmental Protection Agency.

4 (2) The National Oceanographic and Atmos-  
5 pheric Administration.

6 (3) The Army Corps of Engineers.

7 (4) The Department of Transportation.

8 (5) The Department of Housing and Urban De-  
9 velopment.

10 (6) The Economic Development Administration.

11 (7) The United States Fish and Wildlife Serv-  
12 ice.

13 (8) State and local governments.

14 (9) Community-based organizations and other  
15 interested parties.

16 (10) Any additional entities the Administrator  
17 chooses to include.

18 (c) DUTIES.—The task force shall identify—

19 (1) current and potential funding and technical  
20 assistance resources for waterfront brownfields revi-  
21 talization;

22 (2) barriers to and solutions for waterfront  
23 brownfields revitalization; and

24 (3) methods to coordinate interagency efforts  
25 for waterfront brownfields revitalization.

1 (d) REPORT.—Not later than 3 years after the date  
2 of enactment of this Act, the Administrator shall submit  
3 to the appropriate committees of Congress a report detail-  
4 ing the findings of the task force on improving waterfront  
5 brownfields revitalization.

6 **SEC. 4. ANNUAL REPORT.**

7 (a) IN GENERAL.—The Administrator of the Envi-  
8 ronmental Protection Agency shall submit to the Com-  
9 mittee on Energy and Commerce and the Committee on  
10 Transportation and Infrastructure of the House of Rep-  
11 resentatives an annual report on the implementation of the  
12 brownfield site characterization and assessment grant pro-  
13 gram authorized by section 104(k) of the Comprehensive  
14 Environmental Response, Compensation, and Liability Act  
15 of 1980 (42 U.S.C. 9604(k)).

16 (b) COMMITTEE HEARINGS ON ANNUAL REPORT.—

17 (1) IN GENERAL.—During each year, the Com-  
18 mittee on Energy and Commerce and the Committee  
19 on Transportation and Infrastructure of the House  
20 of Representatives shall each hold a hearing on the  
21 annual report submitted by the Administrator under  
22 subsection (a).

23 (2) EXERCISE OF RULEMAKING AUTHORITY.—

24 The provisions of paragraph (1) are enacted—

1           (A) as an exercise of the rulemaking power  
2 of the House of Representatives, and, as such,  
3 they shall be considered as part of the rules of  
4 the House, and such rules shall supersede any  
5 other rule of the House only to the extent that  
6 rule is inconsistent therewith; and

7           (B) with full recognition of the constitu-  
8 tional right of the House to change such rules  
9 (so far as relating to the procedure in the  
10 House) at any time, in the same manner, and  
11 to the same extent as in the case of any other  
12 rule of the House.

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