

103D CONGRESS  
1ST SESSION

# S. 522

To authorize the Administrator of the Environmental Protection Agency to award grants to political subdivisions of States for environmental testing and characterization in enterprise zones, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 5 (legislative day, MARCH 3), 1993

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

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## A BILL

To authorize the Administrator of the Environmental Protection Agency to award grants to political subdivisions of States for environmental testing and characterization in enterprise zones, 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 “Enterprise Zone Envi-  
5 ronmental Restoration Act of 1993”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Environ-  
3           mental Protection Agency.

4           (2) IMPACTED SITE.—The term “impacted site”  
5           means—

6                   (A) an area that has been designated as an  
7                   enterprise zone pursuant to section 701 of the  
8                   Housing and Community Development Act of  
9                   1987 (42 U.S.C. 11501); or

10                   (B) an area that receives a similar des-  
11                   ignation under any other Federal law.

12           (3) SECRETARY.—The term “Secretary” means  
13           the Secretary of Housing and Urban Development.

14 **SEC. 3. GRANT PROGRAM.**

15           (a) IN GENERAL.—The Administrator, in consulta-  
16           tion with the Secretary, shall establish a grant program  
17           to award grants for environmental testing and character-  
18           ization on land owned by municipalities or other political  
19           subdivisions of States that the Administrator determines  
20           to be appropriate. Subject to the availability of funds, the  
21           Administrator shall award a grant to any municipality (or  
22           other political subdivision of a State that the Adminis-  
23           trator determines to be appropriate) that submits an ap-  
24           proved application concerning environmental testing and  
25           characterization for an impacted site.

1 (b) ADMINISTRATION OF GRANT PROGRAM.—The  
2 Administrator, in consultation with the Secretary, shall  
3 promulgate such regulations as are necessary to carry out  
4 the grant program established under subsection (a). In  
5 promulgating the regulations, the Administrator shall—

6 (1) determine which activities constitute envi-  
7 ronmental testing and characterization;

8 (2) establish a procedure for the submission  
9 and approval of an application for a grant; and

10 (3) establish criteria for approving a grant ap-  
11 plication, including, to the extent known, consider-  
12 ation of—

13 (A) the potential environmental and  
14 human health risks posed by the area to be  
15 characterized;

16 (B) the availability of other sources of  
17 funding to perform the environmental testing  
18 and characterization in the absence of funding  
19 from a grant under this Act;

20 (C) the economic benefits that would flow  
21 from the development of the area;

22 (D) the minimization of any economic ben-  
23 efit to parties liable for response actions at the  
24 area; and

1 (E) other factors that the Administrator  
2 determines to be appropriate.

3 (c) STATE GRANT PROGRAM.—The Administrator  
4 may, in consultation with the Secretary, authorize the  
5 Governor of a State to carry out a State grant program  
6 to award grants to carry out the purposes of this Act. The  
7 Administrator may promulgate such regulations as may  
8 be necessary to carry out this subsection.

9 (d) REPAYMENT.—

10 (1) IN GENERAL.—

11 (A) PAYMENT.—Subject to subparagraph  
12 (B), the recipient of a grant under this section  
13 must, as a condition to receiving a grant award  
14 under this section, enter into an agreement with  
15 the Administrator that states that the recipient  
16 of the grant shall pay to the Administrator the  
17 net proceeds resulting from any transfer, lease,  
18 development, or conveyance of all or part of the  
19 area that is the subject of the grant.

20 (B) TOTAL PAYMENT.—The total amount  
21 of payments made by a grant recipient under  
22 this subsection shall not exceed an amount  
23 equal to the sum of—

24 (i) the amount of the grant; and

1 (ii) any accrued interest (as deter-  
2 mined pursuant to paragraph (2)).

3 (2) INTEREST.—The interest payable under this  
4 section shall accrue at the same rate as is specified  
5 for interest earned pursuant to section 107(a) of the  
6 Comprehensive Environmental Response, Compensa-  
7 tion, and Liability Act of 1980 (42 U.S.C. 9607(a)).

8 (3) SCHEDULE FOR PAYMENT.—A payment re-  
9 quired under paragraph (1) from the net proceeds of  
10 any transfer, lease, development, or conveyance shall  
11 be paid not later than 30 days after the recipient of  
12 the grant receives the net proceeds.

13 (e) EVALUATION AND REPORT.—

14 (1) EVALUATION.—Not later than December  
15 31, 1994, the Administrator, in consultation with  
16 the Secretary, shall conduct an evaluation of the  
17 grant program under this section. The evaluation  
18 shall be based on information available at the time  
19 of the evaluation. The Administrator shall require  
20 that, as a condition to receiving a grant under this  
21 section, each grant recipient must submit data indi-  
22 cating the actual cost, benefits, sources, and use of  
23 all funds associated with the environmental testing  
24 and characterization of the area that is the subject  
25 of the grant award.

1           (2) REPORT.—On completion of the evaluation  
2 referred to in paragraph (1), but not later than De-  
3 cember 31, 1994, the Administrator shall submit a  
4 report to Congress that describes the findings and  
5 recommendations of the Administrator.

6 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

7           There are authorized to be appropriated such sums  
8 as may be necessary for each of the fiscal years 1993,  
9 1994, 1995, and 1996 to carry out the purposes of this  
10 Act.

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