

106TH CONGRESS
1ST SESSION

H. R. 2726

To establish standards for cleanup of dry cleaning solvents under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. BARTON of Texas (for himself, Mr. DELAY, Mr. TERRY, Mr. BARRETT of Nebraska, Mr. BEREUTER, and Mrs. CHRISTENSEN) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, 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

A BILL

To establish standards for cleanup of dry cleaning solvents 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.**

4 This Act may be cited as the “Small Business Reme-
5 diation Act of 1999”.

1 **SEC. 2. FINDINGS AND INTENT OF CONGRESS.**

2 (a) DECLARATION.—Congress declares that the pub-
3 lic should be protected from the risk of spilled or waste
4 solvents and other chemicals in the soil, surface water,
5 groundwater, and other environmental media.

6 (b) FINDINGS.—Congress finds that—

7 (1) the remediation requirements for spilled or
8 waste solvents are often inconsistent, conflicting,
9 and may impose a burden that bears little relation-
10 ship to the potential harm to human health or the
11 environment; and

12 (2) these requirements pose a special burden on
13 small businesses and landowners.

14 (c) INTENT.—Congress intends that standards be set
15 for remediation that, with an adequate margin of safety,
16 will protect public health from significant risk from spilled
17 or waste solvents, and below which level remediation will
18 be permitted but not required.

19 (d) RECOGNITION.—Congress recognizes that the
20 Environmental Protection Agency has issued a Soil
21 Screening Guidance Document setting limits below which
22 dry cleaning solvents in the soil, including soils affecting
23 groundwater, will require no further action or study and
24 several States have adopted remediation cutoff levels
25 based on this range.

1 (e) RESOLUTION.—Congress resolves that it would be
2 in the public interest to set a maximum level of remedi-
3 ation for dry cleaning solvents in the soil, surface water,
4 groundwater, and other environmental media based on the
5 most recent Soil Screening Guidance Document.

6 **SEC. 3. STANDARD FOR CLEANUP.**

7 (a) GENERAL RULE.—The maximum level of remedi-
8 ation for a dry cleaning solvent in the soil, surface water,
9 groundwater, and other environmental media (other than
10 for groundwater or surface water actually used as a drink-
11 ing water source) that any person may require of a dry
12 cleaner shall be equal to the soil screening level for inhala-
13 tion for that dry cleaning solvent determined in accord-
14 ance with the Soil Screening Guidance Document.

15 (b) DEFAULT MAXIMUM REMEDIATION LEVEL.—
16 Until a maximum remediation level is determined for a
17 facility in accordance with subsection (a), the maximum
18 level of remediation of that facility for a dry cleaning sol-
19 vent in the soil, surface water, groundwater, and other en-
20 vironmental media (other than for groundwater or surface
21 water actually used as a drinking water source) that any
22 person may require of a dry cleaner shall be equal to the
23 generic soil screening level for inhalation for that dry
24 cleaning solvent as set forth in the Soil Screening Guid-
25 ance Document.

1 (c) APPLICABILITY TO CERCLA.—The applicable or
2 relevant and appropriate requirements for dry cleaning
3 solvents under the Comprehensive Environmental Re-
4 sponse, Compensation, and Liability Act of 1980 shall be
5 the remediation standards established by subsections (a)
6 and (b).

7 (d) CHANGES TO STANDARDS.—The Administrator
8 of the Environmental Protection Agency may, by rule,
9 change the standards of subsections (a) and (b) in accord-
10 ance with the provisions of any revised Soil Screening
11 Guidance Document published after the date of enactment
12 of this Act if necessary to protect human health or the
13 environment.

14 **SEC. 4. NONPREEMPTION.**

15 Nothing in this Act—

16 (1) shall preempt or otherwise prevent the Fed-
17 eral Government or a State government from reme-
18 diating soil, surface water, groundwater, or other en-
19 vironmental media to a level other than the max-
20 imum remediation level determined in accordance
21 with section 3 if the government determines, on a
22 site-by-site basis, that a more stringent standard is
23 necessary to protect human health or the environ-
24 ment; or

1 (2) shall alter or affect the Federal drinking
2 water standards for public consumption under title
3 XIV of the Public Health Service Act.

4 **SEC. 5. DEFINITIONS.**

5 For purposes of this Act, the following definitions
6 apply:

7 (1) DRY CLEANER.—The term “dry cleaner”
8 means a person who was or is engaged in dry clean-
9 ing or in supplying goods or equipment to such a
10 person or the owner of land on or a facility in which
11 a person was or is conducting dry cleaning.

12 (2) PERSON.—The term “person” includes a
13 governmental entity.

14 (3) SOIL SCREENING GUIDANCE DOCUMENT.—
15 The term “Soil Screening Guidance Document”
16 means the Soil Screening Guidance: User’s Guide
17 (EPA/540/R-96/018) and the Soil Screening Guid-
18 ance: Technical Background Document (EPA/540/
19 R-95/128) developed by the Environmental Protec-
20 tion Agency.

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