

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5470

To establish the HARS-specific PCB effects level, expressed in a certain Memorandum of Agreement issued by the Environmental Protection Agency and the Corps of Engineers, as a final criterion.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2002

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

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## A BILL

To establish the HARS-specific PCB effects level, expressed in a certain Memorandum of Agreement issued by the Environmental Protection Agency and the Corps of Engineers, as a final criterion.

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”.

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

2 (a) IN GENERAL.—The joint Memorandum of Agree-  
3 ment signed in September of 2000 by the Environmental  
4 Protection Agency and the Army Corps of Engineers es-  
5 tablished an effects level of 113 parts per billion, of poly-  
6 chlorinated biphenyls (PCBs) detected in the tissue of  
7 worms tested in sediments to be used as remediation mate-  
8 rial at the Historic Area Remediation Site (HARS) off the  
9 coast of New Jersey. (This HARS-specific effects level for  
10 PCBs is hereby established as final criterion for making  
11 decisions regarding placement of sediments as remediation  
12 material at the HARS. The arithmetic mean concentra-  
13 tion, without use of statistical confidence intervals, re-  
14 ported for the analyses of the worm tissue replicates ex-  
15 posed to the tested sediments shall not exceed the cri-  
16 terion.

17 (b) MINIMUM LEVEL.—The Administrator of the En-  
18 vironmental Protection Agency, using the rulemaking au-  
19 thority provided pursuant to the Marine Protection, Re-  
20 search, and Sanctuaries Act of 1972, may only promulgate  
21 a rule, with regard to sediments to be used as remediation  
22 material at the Historic Area Remediation Site off the  
23 coast of New Jersey, that is equal or more protective of  
24 human health and the environment than the 113 PCB cri-  
25 terion.

1           (c) APPLICATION.—The criterion established in sub-  
2 section (a) shall be effective as of the date of enactment  
3 of this Act.

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