

108TH CONGRESS  
2D SESSION

# H. R. 4421

Making appropriations for the Environmental Protection Agency for the fiscal year ending September 30, 2005, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Mr. OBEY introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on Ways and Means, 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

Making appropriations for the Environmental Protection Agency for the fiscal year ending September 30, 2005, 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       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       Environmental Protection Agency for the fiscal year end-  
6       ing September 30, 2005, and for other purposes, namely:

## 1 ENVIRONMENTAL PROTECTION AGENCY

## 2 SCIENCE AND TECHNOLOGY

3 For science and technology, including research and  
4 development activities, which shall include research and  
5 development activities under the Comprehensive Environ-  
6 mental Response, Compensation, and Liability Act of  
7 1980, as amended; necessary expenses for personnel and  
8 related costs and travel expenses, including uniforms, or  
9 allowances therefor, as authorized by 5 U.S.C. 5901–  
10 5902; services as authorized by 5 U.S.C. 3109, but at  
11 rates for individuals not to exceed the per diem rate equiv-  
12 alent to the maximum rate payable for senior level posi-  
13 tions under 5 U.S.C. 5376; procurement of laboratory  
14 equipment and supplies; other operating expenses in sup-  
15 port of research and development; construction, alteration,  
16 repair, rehabilitation, and renovation of facilities, not to  
17 exceed \$85,000 per project, \$797,000,000, which shall re-  
18 main available until September 30, 2006.

## 19 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

20 For environmental programs and management, in-  
21 cluding necessary expenses, not otherwise provided for, for  
22 personnel and related costs and travel expenses, including  
23 uniforms, or allowances therefor, as authorized by 5  
24 U.S.C. 5901–5902; services as authorized by 5 U.S.C.  
25 3109, but at rates for individuals not to exceed the per

1 diem rate equivalent to the maximum rate payable for sen-  
2 ior level positions under 5 U.S.C. 5376; hire of passenger  
3 motor vehicles; hire, maintenance, and operation of air-  
4 craft; purchase of reprints; library memberships in soci-  
5 eties or associations which issue publications to members  
6 only or at a price to members lower than to subscribers  
7 who are not members; construction, alteration, repair, re-  
8 habilitation, and renovation of facilities, not to exceed  
9 \$85,000 per project; and not to exceed \$9,000 for official  
10 reception and representation expenses, \$2,391,000,000,  
11 which shall remain available until September 30, 2006, in-  
12 cluding administrative costs of the Brownfields program  
13 under the Small Business Liability Relief and Brownfields  
14 Revitalization Act of 2002.

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector  
17 General in carrying out the provisions of the Inspector  
18 General Act of 1978, as amended, and for construction,  
19 alteration, repair, rehabilitation, and renovation of facili-  
20 ties, not to exceed \$85,000 per project, \$37,997,000, to  
21 remain available until September 30, 2006.

22 BUILDINGS AND FACILITIES

23 For construction, repair, improvement, extension, al-  
24 teration, and purchase of fixed equipment or facilities of,

1 or for use by, the Environmental Protection Agency,  
2 \$42,918,000, to remain available until expended.

3 HAZARDOUS SUBSTANCE SUPERFUND

4 (INCLUDING TRANSFERS OF FUNDS)

5 For necessary expenses to carry out the Comprehen-  
6 sive Environmental Response, Compensation, and Liabil-  
7 ity Act of 1980 (CERCLA), as amended, including sec-  
8 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.  
9 9611), and for construction, alteration, repair, rehabilita-  
10 tion, and renovation of facilities, not to exceed \$85,000  
11 per project; \$1,381,416,000, to remain available until ex-  
12 pended, consisting of such sums as are available in the  
13 Trust Fund upon the date of enactment of this Act as  
14 authorized by section 517(a) of the Superfund Amend-  
15 ments and Reauthorization Act of 1986 (SARA) and up  
16 to \$1,381,416,000 as a payment from general revenues  
17 to the Hazardous Substance Superfund for purposes as  
18 authorized by section 517(b) of SARA, as amended: *Pro-*  
19 *vided*, That funds appropriated under this heading may  
20 be allocated to other Federal agencies in accordance with  
21 section 111(a) of CERCLA: *Provided further*, That of the  
22 funds appropriated under this heading, \$13,214,000 shall  
23 be transferred to the “Office of Inspector General” appro-  
24 priation to remain available until September 30, 2006,  
25 and \$36,097,000 shall be transferred to the “Science and

1 technology’ appropriation to remain available until Sep-  
2 tember 30, 2006.

### 3 LEAKING UNDERGROUND STORAGE TANK PROGRAM

4 For necessary expenses to carry out leaking under-  
5 ground storage tank cleanup activities authorized by sec-  
6 tion 205 of the Superfund Amendments and Reauthoriza-  
7 tion Act of 1986, and for construction, alteration, repair,  
8 rehabilitation, and renovation of facilities, not to exceed  
9 \$85,000 per project, \$76,000,000, to remain available  
10 until expended.

### 11 OIL SPILL RESPONSE

12 For expenses necessary to carry out the Environ-  
13 mental Protection Agency’s responsibilities under the Oil  
14 Pollution Act of 1990, \$16,425,000, to be derived from  
15 the Oil Spill Liability trust fund, to remain available until  
16 expended.

### 17 STATE AND TRIBAL ASSISTANCE GRANTS

18 For environmental programs and infrastructure as-  
19 sistance, including capitalization grants for state revolving  
20 funds and performance partnership grants,  
21 \$4,100,000,000, to remain available until expended, of  
22 which \$1,400,000,000 shall be for making capitalization  
23 grants for the Clean Water State Revolving Funds under  
24 title VI of the Federal Water Pollution Control Act, as  
25 amended (the “Act”), of which up to \$75,000,000 shall

1 be available for loans, including interest free loans as au-  
2 thorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-  
3 municipal, interstate, or State agencies or nonprofit enti-  
4 ties for projects that provide treatment for or that mini-  
5 mize sewage or storm water discharges using one or more  
6 approaches which include, but are not limited to, decen-  
7 tralized or distributed storm water controls, decentralized  
8 wastewater treatment, low-impact development practices,  
9 conservation easements, stream buffers, or wetlands res-  
10 toration; \$900,000,000 shall be for capitalization grants  
11 for the Drinking Water State Revolving Funds under sec-  
12 tion 1452 of the Safe Drinking Water Act, as amended,  
13 except that, notwithstanding section 1452(n) of the Safe  
14 Drinking Water Act, as amended, none of the funds made  
15 available under this heading in this Act, or in previous  
16 appropriations Acts, shall be reserved by the Adminis-  
17 trator for health effects studies on drinking water con-  
18 taminants; \$50,000,000 shall be for architectural, engi-  
19 neering, planning, design, construction and related activi-  
20 ties in connection with the construction of high priority  
21 water and wastewater facilities in the area of the United  
22 States-Mexico Border, after consultation with the appro-  
23 priate border commission; \$43,000,000 shall be for grants  
24 to the state of Alaska to address drinking water and waste  
25 infrastructure needs of rural and Alaska Native Villages;

1 \$3,500,000 shall be for the remediation of above ground  
2 leaking fuel tanks pursuant to Public Law 106–554;  
3 \$325,000,000 shall be for making grants for the construc-  
4 tion of drinking water, wastewater and storm water infra-  
5 structure and for water quality protection provided that  
6 each grantee shall contribute not less than 45 percent of  
7 the cost of the project unless the grantee is approved for  
8 a waiver by the Agency; \$6,600,000 for grants for con-  
9 struction of alternative decentralized wastewater facilities  
10 under the National Decentralized Wastewater Demonstra-  
11 tion program: \$120,500,000 shall be to carry out section  
12 104(k) of the Comprehensive Environmental Response,  
13 Compensation, and Liability Act of 1980 (CERCLA), as  
14 amended, including grants, interagency agreements, and  
15 associated program support costs; and the remainder shall  
16 be for grants, including associated program support costs,  
17 to States, federally recognized tribes, interstate agencies,  
18 tribal consortia, and air pollution control agencies for  
19 multi-media or single media pollution prevention, control  
20 and abatement and related activities, including activities  
21 pursuant to the provisions set forth under this heading  
22 in Public Law 104–134, for making grants under section  
23 103 of the Clean Air Act for particulate matter monitoring  
24 and data collection activities, and for making competitive  
25 grants to states, federally recognized tribes, local govern-

1 ments and local educational authorities for the purpose of  
2 retrofitting school bus fleets with the latest available envi-  
3 ronmental technology: *Provided*, That for fiscal year 2005  
4 and thereafter, State authority under section 302(a) of  
5 Public Law 104–182 shall remain in effect: *Provided fur-*  
6 *ther*, That notwithstanding section 603(d)(7) of the Act,  
7 the limitation on the amounts in a State water pollution  
8 control revolving fund that may be used by a State to ad-  
9 minister the fund shall not apply to amounts included as  
10 principal in loans made by such fund in fiscal year 2005  
11 and prior years where such amounts represent costs of ad-  
12 ministering the fund to the extent that such amounts are  
13 or were deemed reasonable by the Administrator, ac-  
14 counted for separately from other assets in the fund, and  
15 used for eligible purposes of the fund, including adminis-  
16 tration: *Provided further*, That for fiscal year 2005, and  
17 notwithstanding section 518(f) of the Act, the Adminis-  
18 trator is authorized to use the amounts appropriated for  
19 any fiscal year under section 319 of that Act to make  
20 grants to Indian tribes pursuant to sections 319(h) and  
21 518(e) of that Act: *Provided further*, That for fiscal year  
22 2005, notwithstanding the limitation on amounts in sec-  
23 tion 518(e) of the Act, up to a total of 1½ percent of  
24 the funds appropriated for State Revolving Funds under  
25 title VI of that Act may be reserved by the Administrator

1 for grants under section 518(c) of such Act: *Provided fur-*  
2 *ther*, That no funds provided by this legislation to address  
3 the water, wastewater and other critical infrastructure  
4 needs of the colonias in the United States along the  
5 United States-Mexico border shall be made available to a  
6 county or municipal government unless that government  
7 has established an enforceable local ordinance, or other  
8 zoning rule, which prevents in that jurisdiction the devel-  
9 opment or construction of any additional colonia areas, or  
10 the development within an existing colonia the construc-  
11 tion of any new home, business, or other structure which  
12 lacks water, wastewater, or other necessary infrastructure.

13 ADMINISTRATIVE PROVISIONS

14 For fiscal year 2005, notwithstanding 31 U.S.C.  
15 6303(1) and 6305(1), the Administrator of the Environ-  
16 mental Protection Agency, in carrying out the Agency's  
17 function to implement directly Federal environmental pro-  
18 grams required or authorized by law in the absence of an  
19 acceptable tribal program, may award cooperative agree-  
20 ments to federally-recognized Indian tribes or Intertribal  
21 consortia, if authorized by their member tribes, to assist  
22 the Administrator in implementing Federal environmental  
23 programs for Indian tribes required or authorized by law,  
24 except that no such cooperative agreements may be award-

1 ed from funds designated for State financial assistance  
2 agreements.

3       The Administrator of the Environmental Protection  
4 Agency is authorized to collect and obligate pesticide reg-  
5 istration service fees in accordance with section 33 of the  
6 Federal Insecticide, Fungicide, and Rodenticide Act, as  
7 amended.

8       Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), ap-  
9 propriated funds for fiscal year 2005 may be used to  
10 award grants or loans under section 104(k) of CERCLA  
11 to eligible entities that satisfy all of the elements set forth  
12 in CERCLA section 101(40) to qualify as a bona fide pro-  
13 spective purchaser except that the date of acquisition of  
14 the property was prior to the date of enactment of the  
15 Small Business Liability Relief and Brownfield Revitaliza-  
16 tion Act of 2001.

17       In the case of taxpayers with adjusted gross income  
18 in excess of \$1,000,000 for calendar year 2004, the  
19 amount of the tax reduction resulting from enactment of  
20 the Jobs and Growth Tax Relief Reconciliation Act of  
21 2003 (Public Law 108–27) and enactment of the Eco-  
22 nomic Growth and Tax Relief Reconciliation Act of 2001  
23 (Public Law 107–16) shall be reduced by 4.0 percent.

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