

109TH CONGRESS
2^D SESSION

S. 2298

To facilitate remediation of perchlorate contamination in water sources in the State of California, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2006

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

A BILL

To facilitate remediation of perchlorate contamination in water sources in the State of California, 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 “California Perchlorate
5 Contamination Remediation Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) because finite water sources in the United
9 States are stretched by regional drought conditions
10 and increasing demand for water supplies, there is

1 increased need for safe and dependable supplies of
2 fresh water for drinking and agricultural purposes;

3 (2) perchlorate, a naturally occurring and man-
4 made compound with commercial and national de-
5 fense applications, is used primarily in military mu-
6 nitions and rocket fuels, and also in fireworks, road
7 flares, blasting agents, and automobile airbags;

8 (3) perchlorate has been detected in fresh water
9 sources intended for drinking water and agricultural
10 use in 35 States and the District of Columbia;

11 (4)(A) perchlorate has been detected in the food
12 supply of the United States; and

13 (B) many fruits and vegetables, including let-
14 tuce, wheat, tomato, cucumber, and cantaloupe, con-
15 tain at least trace levels of perchlorate, as do wine,
16 whiskey, soy milk, dairy milk, and human breast
17 milk; and

18 (5) if ingested in sufficient concentration and
19 for adequate duration, perchlorate may interfere
20 with thyroid metabolism, the effects of which may
21 impair normal development of the brain in fetuses,
22 newborns, and children.

23 (b) PURPOSES.—The purposes of this Act are—

1 (1) to provide grants for remediation of per-
2 chlorate contamination of water sources and supplies
3 (including wellheads) in the State;

4 (2) to provide grants for research and develop-
5 ment of perchlorate remediation technologies; and

6 (3) to express the sense of Congress that the
7 Administrator should establish a national drinking
8 water standard for perchlorate.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

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

14 (2) CALIFORNIA WATER AUTHORITY.—The
15 term “California water authority” means a public
16 water district, public water utility, public water plan-
17 ning agency, municipality, or Indian tribe that is—

18 (A) located in a region identified under
19 section 4(b)(3)(B); and

20 (B) in operation as of the date of enact-
21 ment of this Act.

22 (3) FUND.—The term “Fund” means the Cali-
23 fornia Perchlorate Cleanup Fund established by sec-
24 tion 4(a)(1).

1 (4) STATE.—The term “State” means the State
2 of California.

3 **SEC. 4. CALIFORNIA PERCHLORATE REMEDIATION**
4 **GRANTS.**

5 (a) PERCHLORATE CLEANUP FUND.—

6 (1) ESTABLISHMENT.—There is established in
7 the Treasury of the United States a fund, to be
8 known as the “California Perchlorate Cleanup
9 Fund”, consisting of—

10 (A) any amount appropriated to the Fund
11 under section 7; and

12 (B) any interest earned on investment of
13 amounts in the Fund under paragraph (3).

14 (2) EXPENDITURES FROM FUND.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), on receipt of a request by the Ad-
17 ministrator, the Secretary of the Treasury shall
18 transfer to the Administrator such amounts as
19 the Administrator determines to be necessary to
20 provide grants under subsections (b) and (c).

21 (B) ADMINISTRATIVE EXPENSES.—An
22 amount not to exceed 0.4 percent of the
23 amounts in the Fund may be used to pay the
24 administrative expenses necessary to carry out
25 this subsection.

1 (3) INVESTMENT OF AMOUNTS.—

2 (A) IN GENERAL.—The Secretary of the
3 Treasury shall invest such portion of the Fund
4 as is not, in the judgment of the Secretary of
5 the Treasury, required to meet current with-
6 drawals.

7 (B) INTEREST-BEARING OBLIGATIONS.—
8 Investments may be made only in interest-bear-
9 ing obligations of the United States.

10 (C) ACQUISITION OF OBLIGATIONS.—For
11 the purpose of investments under subparagraph
12 (A), obligations may be acquired—

13 (i) on original issue at the issue price;

14 or

15 (ii) by purchase of outstanding obliga-
16 tions at the market price.

17 (D) SALE OF OBLIGATIONS.—Any obliga-
18 tion acquired by the Fund may be sold by the
19 Secretary of the Treasury at the market price.

20 (E) CREDITS TO FUND.—The interest on,
21 and the proceeds from the sale or redemption
22 of, any obligations held in the Fund shall be
23 credited to and form a part of the Fund.

24 (b) CLEANUP GRANTS.—

1 (1) IN GENERAL.—Subject to paragraph (3),
2 the Administrator shall provide grants to California
3 water authorities, the total amount of which shall
4 not exceed \$50,000,000, to pay the Federal share of
5 the cost of activities relating to cleanup of water
6 sources and supplies (including wellheads) in the
7 State that are contaminated by perchlorate.

8 (2) FEDERAL SHARE.—The Federal share of
9 the cost of an activity described in paragraph (1)
10 shall not exceed 50 percent.

11 (3) ELIGIBILITY; PRIORITY.—

12 (A) ELIGIBILITY.—A California water au-
13 thority that the Administrator determines to be
14 responsible for perchlorate contamination shall
15 not be eligible to receive a grant under this sub-
16 section.

17 (B) PRIORITY.—

18 (i) ACTIVITIES.—In providing grants
19 under this subsection, the Administrator
20 shall give priority to an activity for the re-
21 mediation of—

22 (I) drinking water contaminated
23 with perchlorate;

24 (II) a water source with a high
25 concentration of perchlorate; or

1 (III) a water source that serves a
 2 large population that is directly af-
 3 fected by perchlorate contamination.

4 (ii) LOCATIONS.—In providing grants
 5 under this subsection, the Administrator
 6 shall give priority to an activity described
 7 in clause (i) that is carried out in 1 or
 8 more of the following regions in the State:

9 (I) The Santa Clara Valley.

10 (II) Regions within the natural
 11 watershed of the Santa Ana River, in-
 12 cluding areas in Riverside and San
 13 Bernardino Counties.

14 (III) The San Gabriel Valley.

15 (IV) Sacramento County.

16 (V) Any other region that has a
 17 damaged water source as a result of
 18 perchlorate contamination, as deter-
 19 mined by the Administrator.

20 (c) RESEARCH AND DEVELOPMENT GRANTS.—

21 (1) IN GENERAL.—The Administrator shall pro-
 22 vide grants, the total amount of which shall not ex-
 23 ceed \$8,000,000, to qualified non-Federal entities
 24 (as determined by the Administrator) for use in car-

1 rying out research and development of perchlorate
2 remediation technologies.

3 (2) MAXIMUM AMOUNT OF GRANT.—The
4 amount of a grant provided under paragraph (1)
5 shall not exceed \$1,000,000.

6 **SEC. 5. EFFECT OF ACT.**

7 Nothing in this Act affects any authority or program
8 of a Federal or State agency in existence on the date of
9 enactment of this Act.

10 **SEC. 6. SENSE OF CONGRESS.**

11 It is the sense of Congress that the Administrator
12 should establish a national drinking water standard for
13 perchlorate that reflects all routes of exposure to per-
14 chlorate as soon as practicable after the date of enactment
15 of this Act.

16 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to carry out
18 this Act \$58,000,000, to remain available until expended.

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