

112TH CONGRESS
2D SESSION

S. 3649

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide assistance for natural disaster response at Superfund sites, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2012

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

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide assistance for natural disaster response at Superfund sites, 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 “Superfund Emergency
5 Response Act of 2012”.

1 **SEC. 2. DISASTER RESPONSE AT SITES ON THE NATIONAL**
2 **PRIORITIES LIST.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, the Administrator of the Environmental Pro-
5 tection Agency (referred to in this section as the “Admin-
6 istrator”) may carry out any assessment, monitoring, re-
7 mediation, repair, or construction activity that the Admin-
8 istrator determines to be necessary at a site that—

9 (1) is proposed to be listed on, is listed on, or
10 has been deleted from, the National Priorities List
11 under the Comprehensive Environmental Response,
12 Compensation, and Liability Act of 1980 (42 U.S.C.
13 9601 et seq.); and

14 (2) is located in an area that the President has
15 declared a major disaster in accordance with section
16 401 of the Robert T. Stafford Disaster Relief and
17 Emergency Assistance Act (42 U.S.C. 5170).

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$10,000,000 for each of fiscal years 2013 through 2018.

21 **SEC. 3. DISASTER ASSESSMENTS.**

22 Title I of the Comprehensive Environmental Re-
23 sponse, Compensation, and Liability Act of 1980 (42
24 U.S.C. 9601 et seq.) is amended by adding at the end
25 the following:

1 **“SEC. 129. SITE ASSESSMENTS AFTER A MAJOR DISASTER.**

2 “(a) IN GENERAL.—The Governor or Senator of a
3 State may request that the Administrator carry out an
4 assessment and submit a report on the impacts, if any,
5 of a major disaster (as defined in section 102 of the Rob-
6 ert T. Stafford Disaster Relief and Emergency Assistance
7 Act (42 U.S.C. 5122)) on any site that is—

8 “(1) proposed to be listed on or listed on the
9 National Priorities List; and

10 “(2) located in an area that the President has
11 declared a major disaster in accordance with section
12 401 of the Robert T. Stafford Disaster Relief and
13 Emergency Assistance Act (42 U.S.C. 5170).

14 “(b) RESPONSE.—

15 “(1) IN GENERAL.—Not later than 15 days
16 after the date on which a request described in sub-
17 section (a) is submitted, the Administrator shall—

18 “(A) determine whether to carry out the
19 assessment; and

20 “(B) inform the Governor or Senator, as
21 applicable, of the determination.

22 “(2) PRELIMINARY ASSESSMENT.—

23 “(A) IN GENERAL.—If the Administrator
24 determines to carry out an assessment under
25 this section, the assessment shall include—

1 “(i) an evaluation of whether the
2 major disaster resulted in the release of
3 any contaminants into the ambient envi-
4 ronment that threaten public health and
5 the environment;

6 “(ii) an assessment of any actions
7 necessary to mitigate a toxic release, repair
8 any damage, or provide monitoring in re-
9 sponse to damage associated with the
10 major disaster, along with an estimate of
11 the cost to complete those actions;

12 “(iii) a list of any actions already
13 taken by Administrator, including actions
14 in coordination with State and local gov-
15 ernments, to prevent, mitigate, or reme-
16 diate any damage resulting from the major
17 disaster at the site; and

18 “(iv) any information needed to alert
19 the public to any threat, or potential
20 threat, to public health and the environ-
21 ment relating to the release of contami-
22 nants at the site as a result of a major dis-
23 aster.

24 “(B) PUBLIC NOTICE.—Not later than 30
25 days after the date on which the Administrator

1 determines to carry out an assessment de-
 2 scribed in subsection (a), the Administrator
 3 shall—

4 “(i) complete the assessment; and

5 “(ii) publish the results of the assess-
 6 ment on a publicly accessible Internet site.

7 “(3) AMENDED ASSESSMENT.—The Adminis-
 8 trator may amend or update any assessment carried
 9 out under this section during the 1-year period fol-
 10 lowing the date on which the Administrator deter-
 11 mines to carry out the assessment.”.

12 **SEC. 4. STUDY OF SITES ON THE NATIONAL PRIORITIES**

13 **LIST AND EXTREME WEATHER.**

14 Title III of the Comprehensive Environmental Re-
 15 sponse, Compensation, and Liability Act of 1980 (42
 16 U.S.C. 9651 et seq.) is amended by adding at the end
 17 the following:

18 **“SEC. 313. STUDY ON SITES ON THE NATIONAL PRIORITIES**

19 **LIST AND EXTREME WEATHER.**

20 “(a) DEFINITION OF EXTREME WEATHER EVENT.—

21 In this section, the term ‘extreme weather event’ means—

22 “(1) severe and unseasonable weather;

23 “(2) heavy precipitation;

24 “(3) a hurricane;

25 “(4) a storm surge;

1 “(5) a tornado or other windstorm, including a
2 derecho;

3 “(6) extreme heat and cold; and

4 “(7) any other event that qualifies as a ‘major
5 disaster’ under section 102 of the Robert T. Staf-
6 ford Disaster Relief and Emergency Assistance Act
7 (42 U.S.C. 5122).

8 “(b) STUDY.—Not later than 2 years after the date
9 of enactment of this section, the Administrator shall carry
10 out a study and submit to Congress a report that in-
11 cludes—

12 “(1) an assessment of the existing vulnerability
13 of each property that, due to an extreme weather
14 event, is proposed to be listed, listed, or removed
15 from the National Priorities List, particularly in re-
16 lation to the potential for contaminants to leach or
17 enter into the ambient environment and threaten
18 public health;

19 “(2) an evaluation of the quantity of properties
20 proposed to be listed or listed on the National Prior-
21 ities List in areas that are prone to flooding as a re-
22 sult of an extreme weather event, including an esti-
23 mate of the cost necessary to remediate each site so
24 that the site can be removed from the National Pri-
25 orities List; and

1 “(3) any recommendations of the Administrator
2 relating to—

3 “(A) emergency response protocols in the
4 event of an extreme weather event to prevent
5 any release of contaminants into the ambient
6 environment, including coordination between
7 the regional office, appropriate State and local
8 officials, and any relevant community advisory
9 groups;

10 “(B) strategies the Administrator deter-
11 mines necessary to improve the resiliency of as-
12 sessments, monitoring, or construction carried
13 out on properties on the National Priorities
14 List as extreme weather events become more
15 common; and

16 “(C) additional policies necessary to en-
17 hance the resiliency of properties on the Na-
18 tional Priorities List as a result of extreme
19 weather events, including any modifications of
20 existing Federal law.”.

○