

113TH CONGRESS  
1ST SESSION

# H. R. 2279

To amend the Solid Waste Disposal Act relating to review of regulations under such Act and to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to financial responsibility for classes of facilities.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2013

Mr. GARDNER introduced the following bill; which was referred to the Committee on Energy and 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

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## A BILL

To amend the Solid Waste Disposal Act relating to review of regulations under such Act and to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to financial responsibility for classes of facilities.

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 “Reducing Excessive  
5 Deadline Obligations Act of 2013”.

1 **SEC. 2. REVIEW OF REGULATIONS UNDER THE SOLID**  
2 **WASTE DISPOSAL ACT.**

3 Section 2002(b) of the Solid Waste Disposal Act (42  
4 U.S.C. 6912(b)) is amended to read as follows:

5 “(b) REVIEW OF REGULATIONS.—The Administrator  
6 shall review, and revise, as the Administrator determines  
7 appropriate, regulations promulgated under this Act.”.

8 **SEC. 3. FINANCIAL RESPONSIBILITY FOR CLASSES OF FA-**  
9 **CILITIES UNDER CERCLA.**

10 Section 108(b) of the Comprehensive Environmental  
11 Response, Compensation, and Liability Act of 1980 (42  
12 U.S.C. 9608(b)) is amended—

13 (1) in paragraph (1)—

14 (A) by striking “Not later than three years  
15 after the date of enactment of the Act, the  
16 President shall” and inserting “The President  
17 shall, as appropriate,”; and

18 (B) by striking “first” after “for which re-  
19 quirements will be”; and

20 (2) in paragraph (2)—

21 (A) by striking “any one, or any combina-  
22 tion, of the following:” and inserting “forms of  
23 security, including”; and

24 (B) by striking “or qualification” and in-  
25 serting “and qualification”.

1 **SEC. 4. REPORT TO CONGRESS REGARDING FINANCIAL RE-**  
2 **SPONSIBILITY REQUIREMENTS.**

3 Section 108(b) of the Comprehensive Environmental  
4 Response, Compensation, and Liability Act of 1980 (42  
5 U.S.C. 9608(b)) is further amended by adding at the end  
6 the following:

7 “(6) The President may not promulgate any financial  
8 responsibility requirement under this subsection without  
9 first submitting to Congress a report—

10 “(A) describing each facility or class of facilities  
11 to be covered by such requirement;

12 “(B) describing the development of such re-  
13 quirement, why the facility or class of facilities pro-  
14 posed to be covered by such requirement present the  
15 highest level of risk of injury, and why the facility  
16 or class of facilities is not already covered by ade-  
17 quate financial responsibility requirements;

18 “(C) describing the financial responsibility re-  
19 quirements promulgated by States or other Federal  
20 agencies for the facility or class of facilities to be  
21 covered by the financial responsibility requirement  
22 proposed under this subsection and explaining why  
23 the requirement proposed under this subsection is  
24 necessary;

1           “(D) describing the exposure to the Fund for  
2           response costs resulting from the facility or class of  
3           facilities proposed to be covered; and

4           “(E) describing the capacity of the financial  
5           and credit markets to provide instruments of finan-  
6           cial responsibility necessary to meet such require-  
7           ment.

8 The President shall update any report submitted under  
9 this paragraph to reflect any revision of the facilities or  
10 classes of facilities to be covered by a financial responsi-  
11 bility requirement that is the subject of such report.”.

12 **SEC. 5. PREEMPTION OF FINANCIAL RESPONSIBILITY RE-**  
13 **QUIREMENTS.**

14           Section 114(d) of the Comprehensive Environmental  
15 Response, Compensation, and Liability Act of 1980 (42  
16 U.S.C. 9614(d)) is amended to read as follows:

17           “(d) No owner or operator of a vessel or facility who  
18 establishes and maintains evidence of financial responsi-  
19 bility associated with the production, transportation,  
20 treatment, storage, or disposal of hazardous substances  
21 pursuant to financial responsibility requirements under  
22 any State law or regulation, or any other Federal law or  
23 regulation, shall be required to establish or maintain evi-  
24 dence of financial responsibility under this title, unless the  
25 President determines, after notice and opportunity for

1 public comment, that in the event of a release, such other  
2 Federal or State financial responsibility requirements are  
3 insufficient to cover likely response costs under section  
4 104. Except as provided in this subsection, evidence of  
5 compliance with such other Federal or State financial re-  
6 sponsibility requirements shall be accepted by the Presi-  
7 dent in lieu of compliance with any requirement for finan-  
8 cial responsibility promulgated under this title.”.

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