



June 13, 2017

TO: Members, Subcommittee on Environment
FROM: Committee Majority Staff
RE: Subcommittee on Environment Markup

I. INTRODUCTION

The Subcommittee on Environment will meet in open markup session on Thursday, June 15, 2017, at 10:00 a.m. in 2123 Rayburn House Office Building to consider the following:

- H.R. ____, Brownfields Enhancement Economic Redevelopment and Reauthorization Act of 2017;
- H.R. ____, Nuclear Waste Policy Amendments Act of 2017; and,
- H.R. 806, Ozone Standards Implementation Act of 2017;

II. EXPLANATION OF LEGISLATION

A. **H.R. ____, Brownfields Enhancement Economic Redevelopment and Reauthorization Act of 2017**

The bill amends the Comprehensive Environmental Redevelopment and Compensation Act (CERCLA) to reauthorize the Brownfields Program under section 104(k) of CERCLA, which has not been authorized since 2006. The legislation would increase the program authorization for the Brownfields Program and for State section 128(a) grants. The legislation would also make certain improvements to CERCLA and the brownfields law, such as clarifying that a state or local unit of government that takes title to contaminated property involuntarily, is not an owner or operator under CERCLA. The legislation also clarifies when petroleum sites may be considered brownfield sites and when a leaseholder may be an eligible entity under the Brownfields Program. The legislation expands eligibility for nonprofit organizations and for publicly owned properties purchased prior to January 11, 2002, it creates multipurpose brownfields grants, increases the limit for remediation grants, and allows for limited recovery of administrative costs. The legislation allows States to make grants to assist small communities, Indian tribes, and rural and disadvantaged areas to assess and remediate brownfields. The legislation also grants liability relief to persons who contribute to the assessment or remediation of a brownfield but who did not cause or contribute to the contamination.¹

¹ For more detailed information on this legislation, please see the memo from the legislative hearing held on April 4, 2017: <http://docs.house.gov/meetings/IF/IF18/20170404/105834/HHRG-115-IF18-20170404-SD020.pdf>

B. H.R. _____, Nuclear Waste Policy Amendments Act of 2017

The bill amends the Nuclear Waste Policy Act (NWPA) to update the Department of Energy's (DOE) nuclear waste management program and associated legislative changes to manage, store, and dispose of spent nuclear fuel (SNF) and high-level radioactive waste (HLW). The legislation would authorize a monitored retrievable storage (MRS) facility, also known as consolidated interim storage, and direct DOE to initiate an MRS program. The legislation also authorizes DOE to enter into an "MRS agreement" with a non-Federal entity to serve as an MRS facility, conditioned on certain requirements. The legislation provides for permanent land withdrawal for the repository, directs that the project is in the public interest for the purpose of securing water access, and updates procedures to consider the repository's pending construction authorization. The legislation clarifies when DOE takes title to SNF for the purposes of MRS. The legislation amends the NWPA to requalify the State of Nevada to enter into a benefits agreement with DOE and provides certain terms and conditions for such agreements. The legislation also allows certain covered units of local government to enter into benefits agreement with DOE. The legislation amends the NWPA to modify the assessment and collection of fees paid by contract holders into the Nuclear Waste Fund for the purposes of activities authorized by the Act and makes certain portions of the Nuclear Waste Fund available to DOE when determined criteria and requirements are met. The legislation requires the Environmental Protection Agency to update the standards and criteria for a permanent disposal repository. The legislation clarifies that the Office of Civilian Radioactive Waste Management is responsible for administering DOE's nuclear waste management program and provides the Director with a renewable, five-year fixed term.²

C. H.R. 806, Ozone Standards Implementation Act of 2017

H.R. 806 was introduced on Feb. 1, 2017, by Rep. Pete Olson (R-TX), together with Rep. Bill Flores (R-TX), Rep. Bob Latta (R-OH), Rep. Henry Cuellar (D-TX), Rep. Sanford Bishop (D-GA), Rep. Jim Costa (D-CA), Majority Whip Steve Scalise (R-LA), Majority Leader Kevin McCarthy (R-CA), and other original cosponsors. The legislation would provide additional time for States and localities to implement new ozone standards, and address other practical challenges under the National Ambient Air Quality Standards (NAAQS) program. The legislation seeks to facilitate more efficient implementation of ozone standards, and the NAAQS program generally.³

Key provisions of H.R. 806 would: phase in implementation of the 2015 ozone standards by extending the date for final designations from 2017 to 2025 and aligning permitting requirements. Provisions would revise the time for mandatory review of NAAQS from 5 to 10 years, while providing the Environmental Protection Agency (EPA) Administrator discretion to issue revised standards earlier. The legislation also authorizes the EPA Administrator to consider technological feasibility as a secondary consideration when establishing or revising NAAQS, and

² For more detailed information on this legislation, please see the memo from the legislative hearing held on April 26, 2017: <http://docs.house.gov/meetings/IF/IF18/20170426/105877/HHRG-115-IF18-20170426-SD010.pdf>

³ The legislation is substantially similar to HR 4775 passed by the House in the 114th Congress also entitled the "Ozone Standards Implementation Act of 2016." The bill passed the House on June 8, 2016 by a recorded vote of [234-177](#).

directs the EPA Administrator to obtain advice from the agency's scientific advisory committee regarding potential adverse effects prior to revising NAAQS, as required by Section 109 of the Clean Air Act. Provisions also direct the EPA Administrator to issue implementation regulations and guidance concurrently when revising NAAQS, including with respect to permitting requirements, and to ensure that for certain ozone and particulate matter nonattainment areas, States are not required to include economically infeasible measures in their implementation plans. The legislation revises the definition of exceptional events under Section 319 of the Clean Air Act to include droughts and extraordinary stagnation and directs EPA to submit two reports to Congress: (i) a report regarding the impacts of foreign emissions on NAAQS compliance and related matters and (ii) a report regarding ozone formation and effective control strategies.⁴

III. STAFF CONTACTS

If you have any questions regarding this hearing, please contact Jerry Couri, Andy Zach, Peter Spencer, Tina Richards, or Tom Hassenboehler of the Committee staff at (202) 225-2927.

⁴ For more detailed information on this legislation, please see the memo from the legislative hearing held on March 22, 2017: <http://docs.house.gov/meetings/IF/IF18/20170322/105754/HHRG-115-IF18-20170322-SD020.pdf>