To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a brownfield cleanup loan program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLEANUP OF BROWNFIELDS.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new title at the end thereof:

“TITLE VI—CLEANUP OF BROWNFIELDS
SEC. 601. DEFINITION OF BROWNFIELD SITE.

"As used in this title, the term ‘brownfield site’ means a parcel of land that contains, or contained abandoned or underused commercial or industrial facilities, the expansion or redevelopment of which is complicated by the presence or potential presence of hazardous substances.

SEC. 602. BROWNFIELD CLEANUP ASSISTANCE PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to provide loans for the environmental assessment and remediation of eligible brownfield sites.

“(b) ELIGIBLE BROWNFIELD SITES.—Any brownfield site shall be eligible for assistance under this title unless the site is one of the following:

“(1) Any facility that is the subject of ongoing removal action under title I of this Act.

“(2) Any facility included, or proposed for inclusion, in the National Priorities List maintained by the Administrator under title I of this Act.

“(3) Any facility with respect to which an administrative order on consent or judicial consent decree requiring cleanup has been entered into by the United States under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or
title XIV of the Public Health Service Act, commonly known as the Safe Drinking Water Act (42 U.S.C. 300f and following).

“(4) Any facility owned or operated by a department, agency, or instrumentality of the United States.

“(c) Assistance for Site Characterization and Assessment.—Upon the approval of an application made by any person, and with the consent of the State and local government having jurisdiction over one or more eligible brownfield sites, the Administrator may make loans under this subsection to the applicant to be used for the site characterization and assessment of such site or sites. Site characterizations and assessments shall be performed in accordance with generally accepted good commercial and customary standards and practices under section 101(39)(B) of this Act.

“(d) Assistance for Environmental Remediation.—Upon the approval of an application made by any person, and with the consent of the State and local government having jurisdiction over one or more eligible brownfield sites, the Administrator may make loans under this subsection to such applicant to be used for response action (excluding site characterization and assessment) at one or more eligible brownfield sites. Such response action
shall be for purposes of making such site or sites available for manufacturing, business, or other commercial or residential purposes.

“(e) SUNSET.—No amount shall be available from the Hazardous Substance Superfund for purposes of this title.

“(f) PROHIBITION.—No portion of any assistance provided under this section to an eligible applicant may be used for payment of penalties or fines.

“(g) AUDITS.—The Inspector General of the Environmental Protection Agency shall audit all loans made under this section to ensure that all funds are used for the purposes set forth in this section.

“(h) AGREEMENTS.—Each loan made under this section shall be subject to an agreement which requires the following:

“(1) The agreement shall require the applicant to comply with all applicable Federal and State laws and regulations.

“(2) The agreement shall require that the applicant shall use the loan exclusively for purposes specified in subsection (c) or (d), as the case may be.
“(3) The agreement shall provide for repayment of the loan within a specified period, not to exceed 10 years.

“(4) The agreement shall contain such other terms and conditions that the Administrator determines necessary to carry out the purposes of this title.

“(i) LEVERAGING.—The recipient of any assistance under this section may use the assistance for part of a project at an eligible brownfield site or sites which receives funding from other sources, except that such assistance may only be used for the purposes described in subsection (c) or (d), as the case may be.

“SEC. 603. APPLICATIONS FOR ASSISTANCE.

“(a) IN GENERAL.—Any person may submit an application to the Administrator for a loan under this title for one or more eligible brownfield sites. An application may be submitted to the Administrator through any Regional Office of the Environmental Protection Agency. The application shall be in such form as the Administrator determines appropriate.

“(b) APPLICATION REQUIREMENTS.—An application for assistance under this title shall, at a minimum, include each of the following:
“(1) An identification of each eligible brownfield site for which assistance is sought and a description of the redevelopment plan for the area or areas in which each such site is located. Such description shall include a description of the nature and extent of any known or suspected environmental contamination within the area.

“(2) An analysis that demonstrates the potential of the loan to stimulate economic development on completion of any necessary response action. Such analysis shall include a projection of the number of jobs expected to be created at the site after remediation and redevelopment and, to the extent feasible, a description of the type and skill level of such jobs and a projection of the increases in revenues accruing to the local, State and Federal government from such jobs.

“(c) APPROVAL.—After the first 12 months after the enactment of this title, the Administrator shall make annual evaluations of all applications received during the prior calendar year and make loans under this title to those States and municipalities submitting applications during such prior year which the Administrator determines have the highest rankings under the ranking criteria established by the Administrator. For the first 12
7 months after the enactment of this title, at the end of each 6-month period after the enactment of this title, the Administrator shall make loans under this title to those applicants submitting applications before the end of such 6-month period which the Administrator determines have the highest rankings under the ranking criteria established by the Administrator.

“(d) RANKING CRITERIA.—In determining whether to provide assistance under this title to any applicant, the Administrator shall establish a ranking system for applications. The ranking system shall include the following criteria:

“(1) The extent to which the assistance will stimulate the availability of other funds for response action and subsequent redevelopment of the area in which the eligible brownfield sites are located.

“(2) The potential of the development plan for the area in which the eligible brownfield sites are located to stimulate economic development of the area on completion of the response action such as the following:

“(A) The relative increase in the estimated fair market value of the area as a result of the response action.
“(B) The potential of the assistance to create new, or expand existing, business and employment opportunities (particularly full-time employment opportunities) upon completion of the response action.

“(C) The estimated additional tax revenues expected to be generated by economic redevelopment in the area in which the brownfield site is located.

“(3) The estimated extent to which the assistance would facilitate the identification of, or reduction of, health and environmental risks.

“(4) The extent to which the site characterization and assessment or the remediation and subsequent development of the eligible brownfield site or sites involves the active participation and support of the local community.

“(5) Such other factors as the Administrator considers relevant to carry out the purposes of this title.”.