

George W. Bush Presidential Library

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Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 01/11/2002 [H.R. 2869] [2]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Letter	[Letter on passage of brownfields legislation] - To: Mr. Mitchell Daniels - From: Christine Todd Whitman	1	12/27/2001	P5;
002	Letter	[Letter on H.R. 2869] - To: The Honorable Mitchell Daniels - From: Daniel J. Bryant	1	12/28/2001	P5;
003	Letter	[Letter on passage of brownfields legislation] - To: Mr. Mitchell Daniels - From: Christine Todd Whitman	1	12/27/2001	P5;
004	Letter	[Letter on H.R. 2869] - To: The Honorable Mitchell Daniels - From: Daniel J. Bryant	1	12/28/2001	P5;
005	Letter	[Letter on passage of brownfields legislation] - To: Mr. Mitchell Daniels - From: Christine Todd Whitman	1	12/27/2001	P5;
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01/11/2002 [H.R. 2869] [2]

FRC ID:

782

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
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Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

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017	Statement	Statement by The President	1	N.D.	P5;

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 8, 2002

02 JAN 9 AM 11:45

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill - H.R. 2869 - Small Business Liability Relief and Brownfields
Revitalization Act
Sponsors - Rep. Gillmor (R) OH and nine cosponsors

Last Day for Action

January 18, 2002 - Friday

Purpose

Amends the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to: (1) provide liability relief to small businesses; and (2) promote the cleanup and reuse of abandoned industrial sites known as "brownfields".

Agency Recommendations

Office of Management and Budget

Approval

Environmental Protection Agency (EPA)
Department of Justice
Department of Agriculture
Council on Environmental Quality
Small Business Administration
Department of Energy
Department of Labor
Department of Health and Human Services
Department of Commerce
Department of the Interior
Department of the Treasury

Approval
Approval
Approval (Informally)
Approval (Informally)
Approval (Informally)
No objection (Informally)
No objection (Informally)
Defers to EPA (Informally)
No comment (Informally)
No comment (Informally)
No comment (Informally)

Discussion

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, also known as "Superfund") establishes liability and provides for the cleanup of inactive hazardous waste disposal sites. H.R. 2869 is comprised of two bipartisan bills to amend CERCLA. Title I of H.R. 2869 would modify the liability of small businesses who have disposed of small amounts of waste. Title II would provide protection from liability for certain landowners associated with abandoned industrial sites known as brownfields and authorize increased funding for brownfield cleanup. The major provisions of H.R. 2869 are described below.

Title I - Small Business Liability Protection

Pursuant to CERCLA's joint and several liability scheme, a large polluter can sue a small polluter for a significant portion of the cost of cleaning up a Superfund site at which both parties have disposed of wastes. H.R. 2869 would amend CERCLA to: (1) provide liability relief to small businesses that have contributed minimal amounts of wastes to a site; (2) shift the burden of proof to the party bringing the suit; and (3) require the suing party to pay the defendant's legal costs if the defendant is found not liable, pursuant to the liability exemptions provided under this Act.

Specifically, except as described below, H.R. 2869 would exempt from liability businesses that had disposed of less than 110 gallons of liquid hazardous waste or 200 pounds of solid hazardous materials before April 1, 2001, at a site listed on the Superfund National Priorities List. The enrolled bill also would exempt: (1) businesses that employ no more than 100 full-time workers; and (2) owners, operators, or lessees of residential property that disposed of only municipal solid waste at a Superfund site. Municipal solid waste is defined as food, yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass, metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

The exemptions described above would not apply if the President determines that: (1) the subject hazardous material or hazardous waste "contributed significantly, or could contribute significantly" to the cost of the cleanup; or (2) the small business has failed to comply with an information request or administrative subpoena issued by the President under this Act, or has impeded, or is impeding the cleanup. (Presidential authorities under CERCLA are delegated to the EPA Administrator.) These determinations would not be judicially reviewable. Exemptions also would not apply to persons convicted of criminal violations related to hazardous waste disposal.

In addition, H.R. 2869, under prescribed conditions, would allow the President to reduce settlement costs for potentially responsible parties who can demonstrate an inability or a limited ability to pay environmental response costs. These settlement decisions would not be subject to judicial review.

Title II - Brownfields Revitalization and Environmental Restoration

Brownfield sites generally are abandoned or underutilized industrial or commercial properties which may contain hazardous substances. There are approximately 450,000 of these sites nationwide. The redevelopment of brownfields has been hindered by CERCLA liability provisions, which hold a property owner liable for the entire cost of a cleanup even if the property owner purchased the site after the contamination had occurred or was otherwise innocent of causing the contamination.

H.R. 2869 would address this problem by modifying CERCLA to provide liability relief for contiguous property owners and prospective purchasers under prescribed conditions. Specifically, relief would be provided for contiguous property owners who own property that is contaminated solely due to a release from another property, provided that the property owner did not cause or contribute to the release, is not affiliated with the responsible party, has taken reasonable steps to stop or prevent the release, and fully cooperates with regard to environmental response actions. Under similar conditions, liability relief would be provided to prospective purchasers of brownfield sites who acquire property after the date of enactment of this Act and who make all appropriate inquiries prior to purchase.

In addition, the existing CERCLA innocent landowner provision would be clarified with regard to the liability of landowners who had no reason to know that a property was contaminated at the time of purchase, despite having made all appropriate inquiries into prior ownership and use. Within two years after the enactment of this Act, EPA, through regulation, would be required to establish standards and practices that would enable a property owner to establish that he/she had no reason to know of prior contamination of the property.

H.R. 2869 also would authorize appropriations to assess and clean up brownfields. Specifically, it would require EPA to establish a program to provide grants to States, Tribes, and local governments to inventory, characterize, assess, and conduct planning related to brownfield sites, and the President would be required to establish a grant program to remediate such sites. Appropriations of \$200 million would be authorized in each of FYs 2002-2006 for these grant programs. (EPA's current brownfields program is funded at \$98 million in FY 2002.) An additional appropriation of \$50 million in each of FYs 2002-2006 would be authorized for grants to States and Tribes to establish a new cleanup program or enhance an existing program. With respect to these grants, the enrolled bill was modified to make clear that the Davis-Bacon Act continues to apply. Davis-Bacon mandates that workers engaged in construction work be paid the prevailing wage for similar work in the location and consequently results in higher costs than if this requirement did not exist.

H.R. 2869 also would provide finality for brownfield cleanups conducted under a State program by precluding Federal enforcement except: (1) at the State's request; (2) if the contamination has migrated or will migrate across a State line or onto Federal property; (3) if EPA determines the existence of an imminent and substantial endangerment to public health or welfare or the environment; or (4) if significant new information about the site condition or contamination is discovered. The President would be required to report to Congress on the basis for an enforcement action within 90 days of the action.

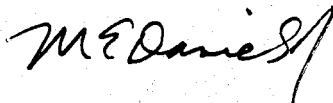
Finally, H.R. 2869, under prescribed conditions, would allow the President to defer final listing of an eligible property on the Superfund National Priorities List.

Conclusion and Recommendations

EPA recommends approval of H.R. 2869, stating that "passage of brownfields legislation has been a top environmental priority for the Administration."

Justice recommends approval of the enrolled bill, noting that it "would promote the cleanup of Superfund sites and reduce litigation by drawing a bright line between large contributors of toxic waste and small businesses that dispose of only small amounts of waste or ordinary trash."

We join EPA, Justice, and other concerned agencies in recommending the approval of H.R. 2869, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



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Approval

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Department of Justice
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Council on Environmental Quality
Small Business Administration
Department of Energy
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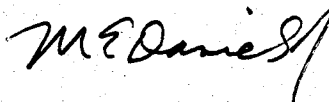
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Council on Environmental Quality	Approval (Informally)
Small Business Administration	Approval (Informally)
Department of Energy	No objection (Informally)
Department of Labor	No objection (Informally)
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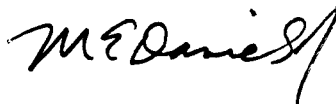
Finally, H.R. 2869, under prescribed conditions, would allow the President to defer final listing of an eligible property on the Superfund National Priorities List.

Conclusion and Recommendations

EPA recommends approval of H.R. 2869, stating that "passage of brownfields legislation has been a top environmental priority for the Administration."

Justice recommends approval of the enrolled bill, noting that it "would promote the cleanup of Superfund sites and reduce litigation by drawing a bright line between large contributors of toxic waste and small businesses that dispose of only small amounts of waste or ordinary trash."

We join EPA, Justice, and other concerned agencies in recommending the approval of H.R. 2869, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

262.45
1

 *** TX REPORT ***

TRANSMISSION OK

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CONNECTION ID		
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PGS. SENT	7	
RESULT	OK	

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AM

Subject: ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND
BROWNFIELDS REVITALIZATION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☐
DANIELS	☐	☒	RICE	☐	☒
FLEISCHER	☒	☐	RIDGE	☐	☒
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS DIRECTLY TO BETH ROSSMAN, EXTENSION 54790
 (FAX 53790), BY 10:00 AM TOMORROW AND SEND A COPY TO THE STAFF SECRETARY.

WHITE HOUSE STAFFING MEMORANDUMDate: **1-9-02**ACTION / CONCURRENCE / COMMENT DUE BY: **1-10-02 10:00 AM**

ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND
Subject: BROWNFIELDS REVITALIZATION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 8, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill - H.R. 2869 - Small Business Liability Relief and Brownfields
Revitalization Act
Sponsors - Rep. Gillmor (R) OH and nine cosponsors

Last Day for Action

January 18, 2002 - Friday

Purpose

Amends the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to: (1) provide liability relief to small businesses; and (2) promote the cleanup and reuse of abandoned industrial sites known as "brownfields".

Agency Recommendations

Office of Management and Budget

Approval

Environmental Protection Agency (EPA)

Approval

Department of Justice

Approval

Department of Agriculture

Approval (Informally)

Council on Environmental Quality

Approval (Informally)

Small Business Administration

Approval (Informally)

Department of Energy

No objection (Informally)

Department of Labor

No objection (Informally)

Department of Health and Human Services

Defers to EPA (Informally)

Department of Commerce

No comment (Informally)

Department of the Interior

No comment (Informally)

Department of the Treasury

No comment (Informally)

Discussion

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, also known as "Superfund") establishes liability and provides for the cleanup of inactive hazardous waste disposal sites. H.R. 2869 is comprised of two bipartisan bills to amend CERCLA. Title I of H.R. 2869 would modify the liability of small businesses who have disposed of small amounts of waste. Title II would provide protection from liability for certain landowners associated with abandoned industrial sites known as brownfields and authorize increased funding for brownfield cleanup. The major provisions of H.R. 2869 are described below.

Title I - Small Business Liability Protection

Pursuant to CERCLA's joint and several liability scheme, a large polluter can sue a small polluter for a significant portion of the cost of cleaning up a Superfund site at which both parties have disposed of wastes. H.R. 2869 would amend CERCLA to: (1) provide liability relief to small businesses that have contributed minimal amounts of wastes to a site; (2) shift the burden of proof to the party bringing the suit; and (3) require the suing party to pay the defendant's legal costs if the defendant is found not liable, pursuant to the liability exemptions provided under this Act.

Specifically, except as described below, H.R. 2869 would exempt from liability businesses that had disposed of less than 110 gallons of liquid hazardous waste or 200 pounds of solid hazardous materials before April 1, 2001, at a site listed on the Superfund National Priorities List. The enrolled bill also would exempt: (1) businesses that employ no more than 100 full-time workers; and (2) owners, operators, or lessees of residential property that disposed of only municipal solid waste at a Superfund site. Municipal solid waste is defined as food, yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass, metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

The exemptions described above would not apply if the President determines that: (1) the subject hazardous material or hazardous waste "contributed significantly, or could contribute significantly" to the cost of the cleanup; or (2) the small business has failed to comply with an information request or administrative subpoena issued by the President under this Act, or has impeded, or is impeding the cleanup. (Presidential authorities under CERCLA are delegated to the EPA Administrator.) These determinations would not be judicially reviewable. Exemptions also would not apply to persons convicted of criminal violations related to hazardous waste disposal.

In addition, H.R. 2869, under prescribed conditions, would allow the President to reduce settlement costs for potentially responsible parties who can demonstrate an inability or a limited ability to pay environmental response costs. These settlement decisions would not be subject to judicial review.

Title II - Brownfields Revitalization and Environmental Restoration

Brownfield sites generally are abandoned or underutilized industrial or commercial properties which may contain hazardous substances. There are approximately 450,000 of these sites nationwide. The redevelopment of brownfields has been hindered by CERCLA liability provisions, which hold a property owner liable for the entire cost of a cleanup even if the property owner purchased the site after the contamination had occurred or was otherwise innocent of causing the contamination.

H.R. 2869 would address this problem by modifying CERCLA to provide liability relief for contiguous property owners and prospective purchasers under prescribed conditions. Specifically, relief would be provided for contiguous property owners who own property that is contaminated solely due to a release from another property, provided that the property owner did not cause or contribute to the release, is not affiliated with the responsible party, has taken reasonable steps to stop or prevent the release, and fully cooperates with regard to environmental response actions. Under similar conditions, liability relief would be provided to prospective purchasers of brownfield sites who acquire property after the date of enactment of this Act and who make all appropriate inquiries prior to purchase.

In addition, the existing CERCLA innocent landowner provision would be clarified with regard to the liability of landowners who had no reason to know that a property was contaminated at the time of purchase, despite having made all appropriate inquiries into prior ownership and use. Within two years after the enactment of this Act, EPA, through regulation, would be required to establish standards and practices that would enable a property owner to establish that he/she had no reason to know of prior contamination of the property.

H.R. 2869 also would authorize appropriations to assess and clean up brownfields. Specifically, it would require EPA to establish a program to provide grants to States, Tribes, and local governments to inventory, characterize, assess, and conduct planning related to brownfield sites, and the President would be required to establish a grant program to remediate such sites. Appropriations of \$200 million would be authorized in each of FYs 2002-2006 for these grant programs. (EPA's current brownfields program is funded at \$98 million in FY 2002.) An additional appropriation of \$50 million in each of FYs 2002-2006 would be authorized for grants to States and Tribes to establish a new cleanup program or enhance an existing program. With respect to these grants, the enrolled bill was modified to make clear that the Davis-Bacon Act continues to apply. Davis-Bacon mandates that workers engaged in construction work be paid the prevailing wage for similar work in the location and consequently results in higher costs than if this requirement did not exist.

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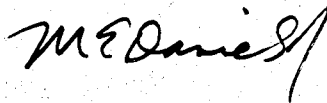
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Mitchell E. Daniels, Jr.
Director

Enclosures

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on passage of brownfields legislation] - To: Mr. Mitchell Daniels - From: Christine Todd Whitman	1	12/27/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/11/2002 [H.R. 2869] [2]

FRC ID:

782

OA Num.:

733

NARA Num.:

1459

FOIA IDs and Segments:**RESTRICTION CODES**

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on H.R. 2869] - To: The Honorable Mitchell Daniels - From: Daniel J. Bryant	1	12/28/2001	P5;

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SERIES:

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FOLDER TITLE:

01/11/2002 [H.R. 2869] [2]

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 *** TX REPORT ***

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SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AM

ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND
 Subject: BROWNFIELDS REVITALIZATION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☐
DANIELS	☐	☒	RICE	☐	☒
FLEISCHER	☒	☐	RIDGE	☐	☒
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AM

ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND
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CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
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 THANK YOU.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 8, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill - H.R. 2869 - Small Business Liability Relief and Brownfields
Revitalization Act
Sponsors - Rep. Gillmor (R) OH and nine cosponsors

Last Day for Action

January 18, 2002 - Friday

Purpose

Amends the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to: (1) provide liability relief to small businesses; and (2) promote the cleanup and reuse of abandoned industrial sites known as "brownfields".

Agency Recommendations

Office of Management and Budget	Approval
Environmental Protection Agency (EPA)	Approval
Department of Justice	Approval
Department of Agriculture	Approval (Informally)
Council on Environmental Quality	Approval (Informally)
Small Business Administration	Approval (Informally)
Department of Energy	No objection (Informally)
Department of Labor	No objection (Informally)
Department of Health and Human Services	Defers to EPA (Informally)
Department of Commerce	No comment (Informally)
Department of the Interior	No comment (Informally)
Department of the Treasury	No comment (Informally)

Discussion

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, also known as "Superfund") establishes liability and provides for the cleanup of inactive hazardous waste disposal sites. H.R. 2869 is comprised of two bipartisan bills to amend CERCLA. Title I of H.R. 2869 would modify the liability of small businesses who have disposed of small amounts of waste. Title II would provide protection from liability for certain landowners associated with abandoned industrial sites known as brownfields and authorize increased funding for brownfield cleanup. The major provisions of H.R. 2869 are described below.

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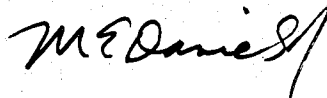
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Mitchell E. Daniels, Jr.
Director

Enclosures

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
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SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/11/2002 [H.R. 2869] [2]

FRC ID:

782

OA Num.:

733

NARA Num.:

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FOIA IDs and Segments:

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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on H.R. 2869] - To: The Honorable Mitchell Daniels - From: Daniel J. Bryant	1	12/28/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/11/2002 [H.R. 2869] [2]

FRC ID:

782

OA Num.:

733

NARA Num.:

1459

FOIA IDs and Segments:**RESTRICTION CODES**

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

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- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

 *** TX REPORT ***

TRANSMISSION OK

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 CONNECTION ID
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 PGS. SENT 7
 RESULT OK

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AM

Subject: ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND
BROWNFIELDS REVITALIZATION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☐
DANIELS	☐	☒	RICE	☐	☒
FLEISCHER	☒	☐	RIDGE	☐	☒
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS DIRECTLY TO BETH ROSSMAN, EXTENSION 54790
 (FAX 53790), BY 10:00 AM TOMORROW AND SEND A COPY TO THE STAFF SECRETARY.

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AMSubject: ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND
BROWNFIELDS REVITALIZATION ACT

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BOLTEN	☒	☐	JOHNSON	☒	☐
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HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

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THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 8, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill - H.R. 2869 - Small Business Liability Relief and Brownfields
Revitalization Act
Sponsors - Rep. Gillmor (R) OH and nine cosponsors

Last Day for Action

January 18, 2002 - Friday

Purpose

Amends the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to: (1) provide liability relief to small businesses; and (2) promote the cleanup and reuse of abandoned industrial sites known as "brownfields".

Agency Recommendations

Office of Management and Budget

Approval

Environmental Protection Agency (EPA)

Approval

Department of Justice

Approval

Department of Agriculture

Approval (Informally)

Council on Environmental Quality

Approval (Informally)

Small Business Administration

Approval (Informally)

Department of Energy

No objection (Informally)

Department of Labor

No objection (Informally)

Department of Health and Human Services

Defers to EPA (Informally)

Department of Commerce

No comment (Informally)

Department of the Interior

No comment (Informally)

Department of the Treasury

No comment (Informally)

Discussion

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, also known as "Superfund") establishes liability and provides for the cleanup of inactive hazardous waste disposal sites. H.R. 2869 is comprised of two bipartisan bills to amend CERCLA. Title I of H.R. 2869 would modify the liability of small businesses who have disposed of small amounts of waste. Title II would provide protection from liability for certain landowners associated with abandoned industrial sites known as brownfields and authorize increased funding for brownfield cleanup. The major provisions of H.R. 2869 are described below.

Title I - Small Business Liability Protection

Pursuant to CERCLA's joint and several liability scheme, a large polluter can sue a small polluter for a significant portion of the cost of cleaning up a Superfund site at which both parties have disposed of wastes. H.R. 2869 would amend CERCLA to: (1) provide liability relief to small businesses that have contributed minimal amounts of wastes to a site; (2) shift the burden of proof to the party bringing the suit; and (3) require the suing party to pay the defendant's legal costs if the defendant is found not liable, pursuant to the liability exemptions provided under this Act.

Specifically, except as described below, H.R. 2869 would exempt from liability businesses that had disposed of less than 110 gallons of liquid hazardous waste or 200 pounds of solid hazardous materials before April 1, 2001, at a site listed on the Superfund National Priorities List. The enrolled bill also would exempt: (1) businesses that employ no more than 100 full-time workers; and (2) owners, operators, or lessees of residential property that disposed of only municipal solid waste at a Superfund site. Municipal solid waste is defined as food, yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass, metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

The exemptions described above would not apply if the President determines that: (1) the subject hazardous material or hazardous waste "contributed significantly, or could contribute significantly" to the cost of the cleanup; or (2) the small business has failed to comply with an information request or administrative subpoena issued by the President under this Act, or has impeded, or is impeding the cleanup. (Presidential authorities under CERCLA are delegated to the EPA Administrator.) These determinations would not be judicially reviewable. Exemptions also would not apply to persons convicted of criminal violations related to hazardous waste disposal.

In addition, H.R. 2869, under prescribed conditions, would allow the President to reduce settlement costs for potentially responsible parties who can demonstrate an inability or a limited ability to pay environmental response costs. These settlement decisions would not be subject to judicial review.

Title II - Brownfields Revitalization and Environmental Restoration

Brownfield sites generally are abandoned or underutilized industrial or commercial properties which may contain hazardous substances. There are approximately 450,000 of these sites nationwide. The redevelopment of brownfields has been hindered by CERCLA liability provisions, which hold a property owner liable for the entire cost of a cleanup even if the property owner purchased the site after the contamination had occurred or was otherwise innocent of causing the contamination.

H.R. 2869 would address this problem by modifying CERCLA to provide liability relief for contiguous property owners and prospective purchasers under prescribed conditions. Specifically, relief would be provided for contiguous property owners who own property that is contaminated solely due to a release from another property, provided that the property owner did not cause or contribute to the release, is not affiliated with the responsible party, has taken reasonable steps to stop or prevent the release, and fully cooperates with regard to environmental response actions. Under similar conditions, liability relief would be provided to prospective purchasers of brownfield sites who acquire property after the date of enactment of this Act and who make all appropriate inquiries prior to purchase.

In addition, the existing CERCLA innocent landowner provision would be clarified with regard to the liability of landowners who had no reason to know that a property was contaminated at the time of purchase, despite having made all appropriate inquiries into prior ownership and use. Within two years after the enactment of this Act, EPA, through regulation, would be required to establish standards and practices that would enable a property owner to establish that he/she had no reason to know of prior contamination of the property.

H.R. 2869 also would authorize appropriations to assess and clean up brownfields. Specifically, it would require EPA to establish a program to provide grants to States, Tribes, and local governments to inventory, characterize, assess, and conduct planning related to brownfield sites, and the President would be required to establish a grant program to remediate such sites. Appropriations of \$200 million would be authorized in each of FYs 2002-2006 for these grant programs. (EPA's current brownfields program is funded at \$98 million in FY 2002.) An additional appropriation of \$50 million in each of FYs 2002-2006 would be authorized for grants to States and Tribes to establish a new cleanup program or enhance an existing program. With respect to these grants, the enrolled bill was modified to make clear that the Davis-Bacon Act continues to apply. Davis-Bacon mandates that workers engaged in construction work be paid the prevailing wage for similar work in the location and consequently results in higher costs than if this requirement did not exist.

H.R. 2869 also would provide finality for brownfield cleanups conducted under a State program by precluding Federal enforcement except: (1) at the State's request; (2) if the contamination has migrated or will migrate across a State line or onto Federal property; (3) if EPA determines the existence of an imminent and substantial endangerment to public health or welfare or the environment; or (4) if significant new information about the site condition or contamination is discovered. The President would be required to report to Congress on the basis for an enforcement action within 90 days of the action.

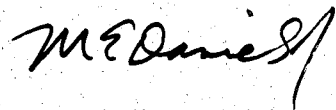
Finally, H.R. 2869, under prescribed conditions, would allow the President to defer final listing of an eligible property on the Superfund National Priorities List.

Conclusion and Recommendations

EPA recommends approval of H.R. 2869, stating that "passage of brownfields legislation has been a top environmental priority for the Administration."

Justice recommends approval of the enrolled bill, noting that it "would promote the cleanup of Superfund sites and reduce litigation by drawing a bright line between large contributors of toxic waste and small businesses that dispose of only small amounts of waste or ordinary trash."

We join EPA, Justice, and other concerned agencies in recommending the approval of H.R. 2869, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on passage of brownfields legislation] - To: Mr. Mitchell Daniels - From: Christine Todd Whitman	1	12/27/2001	P5;

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/11/2002 [H.R. 2869] [2]

FRC ID:

782

FOIA IDs and Segments:

OA Num.:

733

NARA Num.:

1459

RESTRICTION CODES

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
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SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/11/2002 [H.R. 2869] [2]

FRC ID:

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FOIA IDs and Segments:

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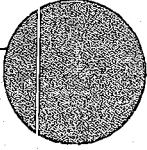
Records Not Subject to FOIA

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 *** TX REPORT ***

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 CONNECTION ID CEQ
 ST. TIME 01/09 13:44
 USAGE T 03'03
 PGS. SENT 7
 RESULT OK

SS/ RM NO. 

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AM

ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND
 Subject: BROWNFIELDS REVITALIZATION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON 	☒	☐	MIERS	☐	☐
DANIELS	☐	☒	RICE	☐	☒
FLEISCHER	☒	☐	RIDGE	☐	☒
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Jim Tulce 53458
 PLEASE FORWARD YOUR COMMENTS DIRECTLY TO ~~BETH ROSSMAN~~, EXTENSION 54790-
 (FAX 53790), BY 10:00 AM TOMORROW AND SEND A COPY TO THE STAFF SECRETARY.

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AMSubject: ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND BROWNFIELDS REVITALIZATION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☐
DANIELS	☐	☒	RICE	☐	☒
FLEISCHER	☒	☐	RIDGE	☐	☒
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS DIRECTLY TO *Jim Tulce* *53458* ~~BETH ROSSMAN~~, EXTENSION ~~54790~~
 (FAX ~~53790~~), BY 10:00 AM TOMORROW AND SEND A COPY TO THE STAFF SECRETARY.
 THANK YOU. *56148*

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 8, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill - H.R. 2869 - Small Business Liability Relief and Brownfields
Revitalization Act
Sponsors - Rep. Gillmor (R) OH and nine cosponsors

Last Day for Action

January 18, 2002 - Friday

Purpose

Amends the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to: (1) provide liability relief to small businesses; and (2) promote the cleanup and reuse of abandoned industrial sites known as "brownfields".

Agency Recommendations

Office of Management and Budget

Approval

Environmental Protection Agency (EPA)
Department of Justice
Department of Agriculture
Council on Environmental Quality
Small Business Administration
Department of Energy
Department of Labor
Department of Health and Human Services
Department of Commerce
Department of the Interior
Department of the Treasury

Approval
Approval
Approval (Informally)
Approval (Informally)
Approval (Informally)
No objection (Informally)
No objection (Informally)
Defers to EPA (Informally)
No comment (Informally)
No comment (Informally)
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Discussion

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, also known as "Superfund") establishes liability and provides for the cleanup of inactive hazardous waste disposal sites. H.R. 2869 is comprised of two bipartisan bills to amend CERCLA. Title I of H.R. 2869 would modify the liability of small businesses who have disposed of small amounts of waste. Title II would provide protection from liability for certain landowners associated with abandoned industrial sites known as brownfields and authorize increased funding for brownfield cleanup. The major provisions of H.R. 2869 are described below.

Title I - Small Business Liability Protection

Pursuant to CERCLA's joint and several liability scheme, a large polluter can sue a small polluter for a significant portion of the cost of cleaning up a Superfund site at which both parties have disposed of wastes. H.R. 2869 would amend CERCLA to: (1) provide liability relief to small businesses that have contributed minimal amounts of wastes to a site; (2) shift the burden of proof to the party bringing the suit; and (3) require the suing party to pay the defendant's legal costs if the defendant is found not liable, pursuant to the liability exemptions provided under this Act.

Specifically, except as described below, H.R. 2869 would exempt from liability businesses that had disposed of less than 110 gallons of liquid hazardous waste or 200 pounds of solid hazardous materials before April 1, 2001, at a site listed on the Superfund National Priorities List. The enrolled bill also would exempt: (1) businesses that employ no more than 100 full-time workers; and (2) owners, operators, or lessees of residential property that disposed of only municipal solid waste at a Superfund site. Municipal solid waste is defined as food, yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass, metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

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In addition, H.R. 2869, under prescribed conditions, would allow the President to reduce settlement costs for potentially responsible parties who can demonstrate an inability or a limited ability to pay environmental response costs. These settlement decisions would not be subject to judicial review.

Title II - Brownfields Revitalization and Environmental Restoration

Brownfield sites generally are abandoned or underutilized industrial or commercial properties which may contain hazardous substances. There are approximately 450,000 of these sites nationwide. The redevelopment of brownfields has been hindered by CERCLA liability provisions, which hold a property owner liable for the entire cost of a cleanup even if the property owner purchased the site after the contamination had occurred or was otherwise innocent of causing the contamination.

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In addition, the existing CERCLA innocent landowner provision would be clarified with regard to the liability of landowners who had no reason to know that a property was contaminated at the time of purchase, despite having made all appropriate inquiries into prior ownership and use. Within two years after the enactment of this Act, EPA, through regulation, would be required to establish standards and practices that would enable a property owner to establish that he/she had no reason to know of prior contamination of the property.

H.R. 2869 also would authorize appropriations to assess and clean up brownfields. Specifically, it would require EPA to establish a program to provide grants to States, Tribes, and local governments to inventory, characterize, assess, and conduct planning related to brownfield sites, and the President would be required to establish a grant program to remediate such sites. Appropriations of \$200 million would be authorized in each of FYs 2002-2006 for these grant programs. (EPA's current brownfields program is funded at \$98 million in FY 2002.) An additional appropriation of \$50 million in each of FYs 2002-2006 would be authorized for grants to States and Tribes to establish a new cleanup program or enhance an existing program. With respect to these grants, the enrolled bill was modified to make clear that the Davis-Bacon Act continues to apply. Davis-Bacon mandates that workers engaged in construction work be paid the prevailing wage for similar work in the location and consequently results in higher costs than if this requirement did not exist.

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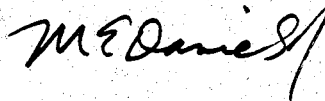
Finally, H.R. 2869, under prescribed conditions, would allow the President to defer final listing of an eligible property on the Superfund National Priorities List.

Conclusion and Recommendations

EPA recommends approval of H.R. 2869, stating that "passage of brownfields legislation has been a top environmental priority for the Administration."

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We join EPA, Justice, and other concerned agencies in recommending the approval of H.R. 2869, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on passage of brownfields legislation] - To: Mr. Mitchell Daniels - From: Christine Todd Whitman	1	12/27/2001	P5;

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/11/2002 [H.R. 2869] [2]

FRC ID:

782

FOIA IDs and Segments:

OA Num.:

733

NARA Num.:

1459

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Records Not Subject to FOIA

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WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02

ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AM

ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND
 Subject: BROWNFIELDS REVITALIZATION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☐
DANIELS	☐	☒	RICE	☐	☒
FLEISCHER	☒	☐	RIDGE	☐	☒
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS DIRECTLY TO BETH ROSSMAN, EXTENSION 54790
 (FAX 53790), BY 10:00 AM TOMORROW AND SEND A COPY TO THE STAFF SECRETARY.
 THANK YOU.

RESPONSE:

Sh AH

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 8, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill - H.R. 2869 - Small Business Liability Relief and Brownfields
Revitalization Act
Sponsors - Rep. Gillmor (R) OH and nine cosponsors

Last Day for Action

January 18, 2002 - Friday

Purpose

Amends the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to: (1) provide liability relief to small businesses; and (2) promote the cleanup and reuse of abandoned industrial sites known as "brownfields".

Agency Recommendations

Office of Management and Budget

Approval

Environmental Protection Agency (EPA)

Approval

Department of Justice

Approval

Department of Agriculture

Approval (Informally)

Council on Environmental Quality

Approval (Informally)

Small Business Administration

Approval (Informally)

Department of Energy

No objection (Informally)

Department of Labor

No objection (Informally)

Department of Health and Human Services

Defers to EPA (Informally)

Department of Commerce

No comment (Informally)

Department of the Interior

No comment (Informally)

Department of the Treasury

No comment (Informally)

Discussion

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, also known as "Superfund") establishes liability and provides for the cleanup of inactive hazardous waste disposal sites. H.R. 2869 is comprised of two bipartisan bills to amend CERCLA. Title I of H.R. 2869 would modify the liability of small businesses who have disposed of small amounts of waste. Title II would provide protection from liability for certain landowners associated with abandoned industrial sites known as brownfields and authorize increased funding for brownfield cleanup. The major provisions of H.R. 2869 are described below.

Title I - Small Business Liability Protection

Pursuant to CERCLA's joint and several liability scheme, a large polluter can sue a small polluter for a significant portion of the cost of cleaning up a Superfund site at which both parties have disposed of wastes. H.R. 2869 would amend CERCLA to: (1) provide liability relief to small businesses that have contributed minimal amounts of wastes to a site; (2) shift the burden of proof to the party bringing the suit; and (3) require the suing party to pay the defendant's legal costs if the defendant is found not liable, pursuant to the liability exemptions provided under this Act.

Specifically, except as described below, H.R. 2869 would exempt from liability businesses that had disposed of less than 110 gallons of liquid hazardous waste or 200 pounds of solid hazardous materials before April 1, 2001, at a site listed on the Superfund National Priorities List. The enrolled bill also would exempt: (1) businesses that employ no more than 100 full-time workers; and (2) owners, operators, or lessees of residential property that disposed of only municipal solid waste at a Superfund site. Municipal solid waste is defined as food, yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass, metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

The exemptions described above would not apply if the President determines that: (1) the subject hazardous material or hazardous waste "contributed significantly, or could contribute significantly" to the cost of the cleanup; or (2) the small business has failed to comply with an information request or administrative subpoena issued by the President under this Act, or has impeded, or is impeding the cleanup. (Presidential authorities under CERCLA are delegated to the EPA Administrator.) These determinations would not be judicially reviewable. Exemptions also would not apply to persons convicted of criminal violations related to hazardous waste disposal.

In addition, H.R. 2869, under prescribed conditions, would allow the President to reduce settlement costs for potentially responsible parties who can demonstrate an inability or a limited ability to pay environmental response costs. These settlement decisions would not be subject to judicial review.

Title II - Brownfields Revitalization and Environmental Restoration

Brownfield sites generally are abandoned or underutilized industrial or commercial properties which may contain hazardous substances. There are approximately 450,000 of these sites nationwide. The redevelopment of brownfields has been hindered by CERCLA liability provisions, which hold a property owner liable for the entire cost of a cleanup even if the property owner purchased the site after the contamination had occurred or was otherwise innocent of causing the contamination.

H.R. 2869 would address this problem by modifying CERCLA to provide liability relief for contiguous property owners and prospective purchasers under prescribed conditions. Specifically, relief would be provided for contiguous property owners who own property that is contaminated solely due to a release from another property, provided that the property owner did not cause or contribute to the release, is not affiliated with the responsible party, has taken reasonable steps to stop or prevent the release, and fully cooperates with regard to environmental response actions. Under similar conditions, liability relief would be provided to prospective purchasers of brownfield sites who acquire property after the date of enactment of this Act and who make all appropriate inquiries prior to purchase.

In addition, the existing CERCLA innocent landowner provision would be clarified with regard to the liability of landowners who had no reason to know that a property was contaminated at the time of purchase, despite having made all appropriate inquiries into prior ownership and use. Within two years after the enactment of this Act, EPA, through regulation, would be required to establish standards and practices that would enable a property owner to establish that he/she had no reason to know of prior contamination of the property.

H.R. 2869 also would authorize appropriations to assess and clean up brownfields. Specifically, it would require EPA to establish a program to provide grants to States, Tribes, and local governments to inventory, characterize, assess, and conduct planning related to brownfield sites, and the President would be required to establish a grant program to remediate such sites. Appropriations of \$200 million would be authorized in each of FYs 2002-2006 for these grant programs. (EPA's current brownfields program is funded at \$98 million in FY 2002.) An additional appropriation of \$50 million in each of FYs 2002-2006 would be authorized for grants to States and Tribes to establish a new cleanup program or enhance an existing program. With respect to these grants, the enrolled bill was modified to make clear that the Davis-Bacon Act continues to apply. Davis-Bacon mandates that workers engaged in construction work be paid the prevailing wage for similar work in the location and consequently results in higher costs than if this requirement did not exist.

H.R. 2869 also would provide finality for brownfield cleanups conducted under a State program by precluding Federal enforcement except: (1) at the State's request; (2) if the contamination has migrated or will migrate across a State line or onto Federal property; (3) if EPA determines the existence of an imminent and substantial endangerment to public health or welfare or the environment; or (4) if significant new information about the site condition or contamination is discovered. The President would be required to report to Congress on the basis for an enforcement action within 90 days of the action.

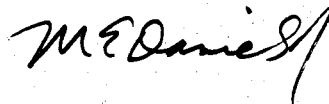
Finally, H.R. 2869, under prescribed conditions, would allow the President to defer final listing of an eligible property on the Superfund National Priorities List.

Conclusion and Recommendations

EPA recommends approval of H.R. 2869, stating that "passage of brownfields legislation has been a top environmental priority for the Administration."

Justice recommends approval of the enrolled bill, noting that it "would promote the cleanup of Superfund sites and reduce litigation by drawing a bright line between large contributors of toxic waste and small businesses that dispose of only small amounts of waste or ordinary trash."

We join EPA, Justice, and other concerned agencies in recommending the approval of H.R. 2869, which passed the House by voice vote and the Senate by unanimous consent.



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BOLTEN	☒	☐	JOHNSON	☒	☐
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CONNAUGHTON	☒	☐	MIERS	☐	☐
DANIELS	☐	☒	RICE	☐	☒
FLEISCHER	☒	☐	RIDGE	☐	☒
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

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RESPONSE:

↓ called jim -

NC

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 8, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill - H.R. 2869 - Small Business Liability Relief and Brownfields
Revitalization Act
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Last Day for Action

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Approval

Department of Agriculture

Approval (Informally)

Council on Environmental Quality

Approval (Informally)

Small Business Administration

Approval (Informally)

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Department of Labor

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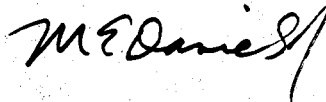
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

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Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on H.R. 2869] - To: The Honorable Mitchell Daniels - From: Daniel J. Bryant	1	12/28/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/11/2002 [H.R. 2869] [2]

FRC ID:

782

FOIA IDs and Segments:

OA Num.:

733

NARA Num.:

1459

RESTRICTION CODES

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WHITE HOUSE STAFFING MEMORANDUM

BRAD

Date: 1-9-02

ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AM

Subject: ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND
BROWNFIELDS REVITALIZATION ACT

02 JAN 9 PM 3:53

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☐
DANIELS	☐	☒	RICE	☐	☒
FLEISCHER	☒	☐	RIDGE	☐	☒
GERSON	☐	☐	ROVE	☒	☐
GONZALES →	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS DIRECTLY TO ~~BETH ROSSMAN~~, EXTENSION 54790
(FAX 53790), BY 10:00 AM TOMORROW AND SEND A COPY TO THE STAFF SECRETARY.
THANK YOU.

Jim Jukes X53458

fax 5 6148
6148

- No comments

RESPONSE:

- Per BRAD Berendson

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02

ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AM

ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND
 Subject: BROWNFIELDS REVITALIZATION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
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DANIELS	☐	☒	RICE	☐	☒
FLEISCHER	☒	☐	RIDGE	☐	☒
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS DIRECTLY TO ~~SENATOR~~ *Jim Jones* EXTENSION ~~54786~~ *53458*
 (FAX ~~53458~~) BY 10:00 AM TOMORROW AND SEND A COPY TO THE STAFF SECRETARY.
 THANK YOU. *56148*

RESPONSE:

CEA has no comment. (BPA)

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AM

ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND
 Subject: BROWNFIELDS REVITALIZATION ACT

02 JAN 9 PM 02

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
CALIO	☒	☐	LINDSEY	☒	☐
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HAGIN	☐	☐	CLERK	☐	☒
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 THANK YOU.

Jed 2/12

53458

5-6148-fax

OK

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 8, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill - H.R. 2869 - Small Business Liability Relief and Brownfields
Revitalization Act
Sponsors - Rep. Gillmor (R) OH and nine cosponsors

Last Day for Action

January 18, 2002 - Friday

Purpose

Amends the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to: (1) provide liability relief to small businesses; and (2) promote the cleanup and reuse of abandoned industrial sites known as "brownfields".

Agency Recommendations

Office of Management and Budget

Approval

Environmental Protection Agency (EPA)
Department of Justice
Department of Agriculture
Council on Environmental Quality
Small Business Administration
Department of Energy
Department of Labor
Department of Health and Human Services
Department of Commerce
Department of the Interior
Department of the Treasury

Approval
Approval
Approval (Informally)
Approval (Informally)
Approval (Informally)
No objection (Informally)
No objection (Informally)
Defers to EPA (Informally)
No comment (Informally)
No comment (Informally)
No comment (Informally)

Discussion

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, also known as "Superfund") establishes liability and provides for the cleanup of inactive hazardous waste disposal sites. H.R. 2869 is comprised of two bipartisan bills to amend CERCLA. Title I of H.R. 2869 would modify the liability of small businesses who have disposed of small amounts of waste. Title II would provide protection from liability for certain landowners associated with abandoned industrial sites known as brownfields and authorize increased funding for brownfield cleanup. The major provisions of H.R. 2869 are described below.

Title I - Small Business Liability Protection

Pursuant to CERCLA's joint and several liability scheme, a large polluter can sue a small polluter for a significant portion of the cost of cleaning up a Superfund site at which both parties have disposed of wastes. H.R. 2869 would amend CERCLA to: (1) provide liability relief to small businesses that have contributed minimal amounts of wastes to a site; (2) shift the burden of proof to the party bringing the suit; and (3) require the suing party to pay the defendant's legal costs if the defendant is found not liable, pursuant to the liability exemptions provided under this Act.

Specifically, except as described below, H.R. 2869 would exempt from liability businesses that had disposed of less than 110 gallons of liquid hazardous waste or 200 pounds of solid hazardous materials before April 1, 2001, at a site listed on the Superfund National Priorities List. The enrolled bill also would exempt: (1) businesses that employ no more than 100 full-time workers; and (2) owners, operators, or lessees of residential property that disposed of only municipal solid waste at a Superfund site. Municipal solid waste is defined as food, yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass, metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

The exemptions described above would not apply if the President determines that: (1) the subject hazardous material or hazardous waste "contributed significantly, or could contribute significantly" to the cost of the cleanup; or (2) the small business has failed to comply with an information request or administrative subpoena issued by the President under this Act, or has impeded, or is impeding the cleanup. (Presidential authorities under CERCLA are delegated to the EPA Administrator.) These determinations would not be judicially reviewable. Exemptions also would not apply to persons convicted of criminal violations related to hazardous waste disposal.

In addition, H.R. 2869, under prescribed conditions, would allow the President to reduce settlement costs for potentially responsible parties who can demonstrate an inability or a limited ability to pay environmental response costs. These settlement decisions would not be subject to judicial review.

Title II - Brownfields Revitalization and Environmental Restoration

Brownfield sites generally are abandoned or underutilized industrial or commercial properties which may contain hazardous substances. There are approximately 450,000 of these sites nationwide. The redevelopment of brownfields has been hindered by CERCLA liability provisions, which hold a property owner liable for the entire cost of a cleanup even if the property owner purchased the site after the contamination had occurred or was otherwise innocent of causing the contamination.

H.R. 2869 would address this problem by modifying CERCLA to provide liability relief for contiguous property owners and prospective purchasers under prescribed conditions. Specifically, relief would be provided for contiguous property owners who own property that is contaminated solely due to a release from another property, provided that the property owner did not cause or contribute to the release, is not affiliated with the responsible party, has taken reasonable steps to stop or prevent the release, and fully cooperates with regard to environmental response actions. Under similar conditions, liability relief would be provided to prospective purchasers of brownfield sites who acquire property after the date of enactment of this Act and who make all appropriate inquiries prior to purchase.

In addition, the existing CERCLA innocent landowner provision would be clarified with regard to the liability of landowners who had no reason to know that a property was contaminated at the time of purchase, despite having made all appropriate inquiries into prior ownership and use. Within two years after the enactment of this Act, EPA, through regulation, would be required to establish standards and practices that would enable a property owner to establish that he/she had no reason to know of prior contamination of the property.

H.R. 2869 also would authorize appropriations to assess and clean up brownfields. Specifically, it would require EPA to establish a program to provide grants to States, Tribes, and local governments to inventory, characterize, assess, and conduct planning related to brownfield sites, and the President would be required to establish a grant program to remediate such sites. Appropriations of \$200 million would be authorized in each of FYs 2002-2006 for these grant programs. (EPA's current brownfields program is funded at \$98 million in FY 2002.) An additional appropriation of \$50 million in each of FYs 2002-2006 would be authorized for grants to States and Tribes to establish a new cleanup program or enhance an existing program. With respect to these grants, the enrolled bill was modified to make clear that the Davis-Bacon Act continues to apply. Davis-Bacon mandates that workers engaged in construction work be paid the prevailing wage for similar work in the location and consequently results in higher costs than if this requirement did not exist.

H.R. 2869 also would provide finality for brownfield cleanups conducted under a State program by precluding Federal enforcement except: (1) at the State's request; (2) if the contamination has migrated or will migrate across a State line or onto Federal property; (3) if EPA determines the existence of an imminent and substantial endangerment to public health or welfare or the environment; or (4) if significant new information about the site condition or contamination is discovered. The President would be required to report to Congress on the basis for an enforcement action within 90 days of the action.

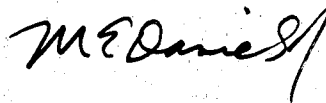
Finally, H.R. 2869, under prescribed conditions, would allow the President to defer final listing of an eligible property on the Superfund National Priorities List.

Conclusion and Recommendations

EPA recommends approval of H.R. 2869, stating that "passage of brownfields legislation has been a top environmental priority for the Administration."

Justice recommends approval of the enrolled bill, noting that it "would promote the cleanup of Superfund sites and reduce litigation by drawing a bright line between large contributors of toxic waste and small businesses that dispose of only small amounts of waste or ordinary trash."

We join EPA, Justice, and other concerned agencies in recommending the approval of H.R. 2869, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on brownfields legislation] - To: Mr. Mitchell Daniels - From: Christine Todd Whitman	1	12/27/2001	P5;

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SERIES:

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FOLDER TITLE:

01/11/2002 [H.R. 2869] [2]

FRC ID:

782

OA Num.:

733

NARA Num.:

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FOIA IDs and Segments:

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WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AM

ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND
 Subject: BROWNFIELDS REVITALIZATION ACT

	ACTION	FYI		ACTION	FYI
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CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☐
DANIELS	☐	☒	RICE	☐	☒
FLEISCHER	☒	☐	RIDGE	☐	☒
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

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 (FAX 53790), BY 10:00 AM TOMORROW AND SEND A COPY TO THE STAFF SECRETARY.
 THANK YOU.

RESPONSE:

Regulation Officer (Howard) - sb

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 8, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill - H.R. 2869 - Small Business Liability Relief and Brownfields
Revitalization Act
Sponsors - Rep. Gillmor (R) OH and nine cosponsors

Last Day for Action

January 18, 2002 - Friday

Purpose

Amends the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to: (1) provide liability relief to small businesses; and (2) promote the cleanup and reuse of abandoned industrial sites known as "brownfields".

Agency Recommendations

Office of Management and Budget

Approval

Environmental Protection Agency (EPA)

Approval

Department of Justice

Approval

Department of Agriculture

Approval (Informally)

Council on Environmental Quality

Approval (Informally)

Small Business Administration

Approval (Informally)

Department of Energy

No objection (Informally)

Department of Labor

No objection (Informally)

Department of Health and Human Services

Defers to EPA (Informally)

Department of Commerce

No comment (Informally)

Department of the Interior

No comment (Informally)

Department of the Treasury

No comment (Informally)

Discussion

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, also known as "Superfund") establishes liability and provides for the cleanup of inactive hazardous waste disposal sites. H.R. 2869 is comprised of two bipartisan bills to amend CERCLA. Title I of H.R. 2869 would modify the liability of small businesses who have disposed of small amounts of waste. Title II would provide protection from liability for certain landowners associated with abandoned industrial sites known as brownfields and authorize increased funding for brownfield cleanup. The major provisions of H.R. 2869 are described below.

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In addition, the existing CERCLA innocent landowner provision would be clarified with regard to the liability of landowners who had no reason to know that a property was contaminated at the time of purchase, despite having made all appropriate inquiries into prior ownership and use. Within two years after the enactment of this Act, EPA, through regulation, would be required to establish standards and practices that would enable a property owner to establish that he/she had no reason to know of prior contamination of the property.

H.R. 2869 also would authorize appropriations to assess and clean up brownfields. Specifically, it would require EPA to establish a program to provide grants to States, Tribes, and local governments to inventory, characterize, assess, and conduct planning related to brownfield sites, and the President would be required to establish a grant program to remediate such sites. Appropriations of \$200 million would be authorized in each of FYs 2002-2006 for these grant programs. (EPA's current brownfields program is funded at \$98 million in FY 2002.) An additional appropriation of \$50 million in each of FYs 2002-2006 would be authorized for grants to States and Tribes to establish a new cleanup program or enhance an existing program. With respect to these grants, the enrolled bill was modified to make clear that the Davis-Bacon Act continues to apply. Davis-Bacon mandates that workers engaged in construction work be paid the prevailing wage for similar work in the location and consequently results in higher costs than if this requirement did not exist.

H.R. 2869 also would provide finality for brownfield cleanups conducted under a State program by precluding Federal enforcement except: (1) at the State's request; (2) if the contamination has migrated or will migrate across a State line or onto Federal property; (3) if EPA determines the existence of an imminent and substantial endangerment to public health or welfare or the environment; or (4) if significant new information about the site condition or contamination is discovered. The President would be required to report to Congress on the basis for an enforcement action within 90 days of the action.

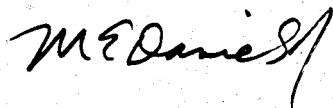
Finally, H.R. 2869, under prescribed conditions, would allow the President to defer final listing of an eligible property on the Superfund National Priorities List.

Conclusion and Recommendations

EPA recommends approval of H.R. 2869, stating that "passage of brownfields legislation has been a top environmental priority for the Administration."

Justice recommends approval of the enrolled bill, noting that it "would promote the cleanup of Superfund sites and reduce litigation by drawing a bright line between large contributors of toxic waste and small businesses that dispose of only small amounts of waste or ordinary trash."

We join EPA, Justice, and other concerned agencies in recommending the approval of H.R. 2869, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on brownfields legislation] - To: Mr. Mitchell Daniels - From: Christine Todd Whitman	1	12/27/2001	P5;

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/11/2002 [H.R. 2869] [2]

FRC ID:

782

OA Num.:

733

NARA Num.:

1459

FOIA IDs and Segments:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter on H.R. 2869] - To: The Honorable Mitchell Daniels - From: Daniel J. Bryant	1	12/28/2001	P5;

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THE WHITE HOUSE
OFFICE OF HOMELAND SECURITY

FACSIMILE TRANSMITTAL SHEET

TO: <u>Bess Rossman /</u> <u>Staff Secretary</u>	FROM: <u>Carl Buchholz</u>
ORGANIZATION:	SENDER'S FAX NUMBER
FAX NUMBER: <u>5.3729 /</u> <u>6.2215</u>	SENDER'S PHONE NUMBER
PHONE NUMBER:	DATE AND TIME
RE:	TOTAL NO. OF PAGES INCLUDING COVER: <u>2</u>
☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE	

NOTES/COMMENTS:

WASHINGTON, DC

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 10:00 AMSubject: ENROLLED BILL - H.R. 2869 - SMALL BUSINESS LIABILITY RELIEF AND BROWNFIELDS REVITALIZATION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☐
DANIELS	☐	☒	RICE	☐	☒
FLEISCHER	☒	☐	RIDGE	☒	☒
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS DIRECTLY TO BETH ROSSMAN, EXTENSION 54790 (FAX 53790), BY 10:00 AM TOMORROW AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

No Comment

CB 1/10/02

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-10-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-10-02 6:00 PMSIGNING STATEMENT FOR H.R. 2869, THE SMALL BUSINESS LIABILITY RELIEF
Subject: AND BROWNFIELDS REVITALIZATION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☐	☐
FLEISCHER	☒	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO THE STAFF SECRETARY, EXTENSION 62702, BY 6:00 PM TODAY AND SEND A COPY TO JIM JUKES, OMB. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Statement	Statement by The President	1	N.D.	P5;

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