To provide supplemental appropriations for the cleanup of legacy pollution, including National Priority List sites, certain abandoned coal mining sites, and formerly used defense sites, to replace lead drinking water service lines, to provide grants under certain programs, and to amend the Clean Air Act to prohibit the issuance of new major source air pollution permits in overburdened communities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Booker introduced the following bill; which was read twice and referred to the Committee on ____________________

A BILL

To provide supplemental appropriations for the cleanup of legacy pollution, including National Priority List sites, certain abandoned coal mining sites, and formerly used defense sites, to replace lead drinking water service lines, to provide grants under certain programs, and to amend the Clean Air Act to prohibit the issuance of new major source air pollution permits in overburdened communities, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
1 SECTION 1. SHORT TITLE.

This Act may be cited as the “Environmental Justice Legacy Pollution Cleanup Act of 2020”.

2 SEC. 2. SUPPLEMENTAL APPROPRIATIONS FOR ENVIRONMENTAL CLEANUP AND REMEDIATION OF THREATS TO PUBLIC HEALTH.

(a) In General.—The following amounts are appropriated, out of amounts in the Treasury not otherwise appropriated, for fiscal year 2020, to remain available until expended:

(1) For the Department of the Interior, $10,000,000,000 to provide grants to States and Indian Tribes for abandoned mine land and water reclamation projects under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), which shall be distributed to States and Indian Tribes that have a State or Tribal program approved under section 405 of that Act (30 U.S.C. 1235) or are referred to in section 402(g)(8)(B) of that Act (30 U.S.C. 1232(g)(8)(B)), and have not made a certification under section 411(a) of that Act (30 U.S.C. 1240a(a)) in which the Secretary of the Interior has concurred: Provided, That such amount shall be allocated based on the proportion of the quantity of coal historically produced in each applicable State or from the land of each applicable In-
That the total amount of grants provided under this paragraph to each eligible State and Indian Tribe shall be not less than $20,000,000, to the extent that the amount needed for reclamation projects described in this paragraph in the State or on the land of the Indian Tribe is not less than $20,000,000.

(2) For the Environmental Protection Agency—

(A) $10,000,000,000 for remedial actions at sites on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B));

(B) $20,000,000,000 for capitalization grants to State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for States to provide forgivable loans to replace lead service lines and take other actions necessary to address threats to public health as a result of heightened exposure to lead in drinking water without requiring a contribution to the cost of the replacement of
those lead services lines by any individual home-
owner;

(C) $1,000,000,000 for the Diesel Emissions Reduction Program under sections 792 and 793 of the Energy Policy Act of 2005 (42 U.S.C. 16132, 16133);

(D) $1,000,000,000 to carry out Brownfields projects authorized by section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)); and

(E) $1,000,000,000 for grants to States and Indian Tribes under section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)).

(3) For the Department of Housing and Urban Development—

(A) $30,000,000,000 for grants to States and units of local government under section 1011 of the Residential Lead-Based Paint Hazard Reduction Act (42 U.S.C. 4852) to evaluate and reduce lead-based paint hazards and other housing-related health and safety hazards in low-income housing; and
(B) $1,000,000,000 for grants under the Healthy Homes Production Grant Program for Tribal Housing, as authorized under sections 501 and 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1, 1701z–2), to identify and address housing-related health and safety hazards in Tribal communities.

(4) For the Corps of Engineers—

(A) $10,000,000,000 for environmental restoration of formerly used defense sites under section 2701 of title 10, United States Code; and

(B) $3,000,000,000 for the Formerly Utilized Sites Remedial Action Program of the Corps of Engineers.

(5) For the Department of Agriculture, $10,000,000,000 to provide grants to private nonprofit organizations under section 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e) for the purpose of providing subgrants to eligible individuals (as defined in subsection (a) of that section) in accordance with that section: Provided, That a private nonprofit organization that receives such a grant shall give priority to
the provision of subgrants to eligible individuals (as
so defined) who do not have access to a functioning
sanitary sewage disposal system.

(6) For the Indian Health Service,
$3,000,000,000 for the sanitation facilities program
established under section 7 of the Act of August 5,
1954 (68 Stat. 674, chapter 658; 42 U.S.C. 2004a),
to provide safe drinking water and adequate sewer
systems in the homes of Indians and Alaska Natives.

(b) Waiver of Matching Funds Require-
ments.—Notwithstanding any other provision of law, in-
cluding section 104(k)(10)(B)(iii) of the Comprehensive
Environmental Response, Compensation, and Liability Act
of 1980 (42 U.S.C. 9604(k)(10)(B)(iii)) and section
16133(c)(3)), no matching funds requirement or matching
funds incentive shall apply to amounts made available
under subsection (a).

(c) Emergency Designation.—

(1) In general.—The amounts provided by
this section are designated as an emergency require-
ment pursuant to section 4(g) of the Statutory Pay-
As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) Designation in Senate.—In the Senate,
this section is designated as an emergency require-
ment pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SEC. 3. AVOIDING CUMULATIVE IMPACTS ON OVERBURDENED COMMUNITIES.

(a) DEFINITIONS.—Section 501 of the Clean Air Act (42 U.S.C. 7661) is amended—

(1) in the matter preceding paragraph (1), by striking “As used in this title—” and inserting “In this title:”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) OVERBURDENED CENSUS TRACT.—The term ‘overburdened census tract’ means a census tract that—

“(A) has been identified within the National Air Toxics Assessment published by the Administrator as having a greater than 100 in 1,000,000 total cancer risk; or

“(B) has been determined to have an annual mean concentration of PM$_{2.5}$ of greater than 8 micrograms per cubic meter, as deter-
mined over the most recent 3-year period for which data are available.”.

(b) PERMIT PROGRAMS.—Section 502 of the Clean Air Act (42 U.S.C. 7661a) is amended—

(1) in subsection (a), in the first sentence, by striking “parts (C) or (D)” and inserting “part (C) or (D)”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking “The Administrator” and inserting “Except for the requirements described in paragraphs (11) and (12), the Administrator”; and

(ii) in the second sentence, by striking “These” and inserting “For the requirements described in paragraphs (11) and (12), the Administrator shall promulgate the regulations required by those paragraphs as soon as practicable after the date of enactment of the Environmental Justice Legacy Pollution Cleanup Act of 2020. Those”;
(B) in paragraph (3)(B)(i), by striking “subparagraphs (ii) through (v) of this sub-
paragraph” and inserting “clauses (ii) through (v)”;

(C) in paragraph (10), in the matter before the proviso, by striking “total emissions:”
and inserting “total emissions):”;

(D) by adding at the end the following:

“(11) After the date of enactment of the Environ-
mental Justice Legacy Pollution Cleanup Act of 2020, no permit shall be granted by a permitting au-
thority for a proposed major source that would be
located in an overburdened census tract.

“(12) After January 1, 2025, no permit for a
major source in an overburdened census tract shall
be renewed.”.

(c) List of Overburdened Census Tracts.—

(1) In General.—Title V of the Clean Air Act
(42 U.S.C. 7661 et seq.) is amended by adding at
the end the following:

“SEC. 508. LIST OF OVERBURDENED CENSUS TRACTS.

“(a) In General.—Not later than 30 days after the
date of enactment of this Act, the Administrator shall
publish in the Federal Register a list of overburdened cen-
sus tracts.
“(b) UPDATE.—On an annual basis, the Administrator shall update the list under subsection (a) based on the most recently available modeling and monitoring data.”.

(2) CLERICAL AMENDMENT.—The table of contents for title V of the Clean Air Act (69 Stat. 322, chapter 360; 104 Stat. 2635) is amended by adding after the item relating to section 507 the following:

“Sec. 508. List of overburdened census tracts.”.