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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To encourage Federal agencies to enter into or amend cooperative agreements with States for removal and remedial actions to address PFAS contamination in drinking water, surface water, ground water, sediment, and soil, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. UPTON introduced the following bill; which was referred to the Committee
on _____

A BILL

To encourage Federal agencies to enter into or amend cooperative agreements with States for removal and remedial actions to address PFAS contamination in drinking water, surface water, ground water, sediment, and soil, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “PFAS Federal Facility
5 Accountability Act of 2018”.

1 **SEC. 2. COOPERATIVE AGREEMENTS WITH STATES FOR RE-**
2 **MOVAL AND REMEDIAL ACTIONS TO AD-**
3 **DRESS CONTAMINATION FROM PFAS.**

4 (a) DEFINITIONS.—In this Act:

5 (1) FACILITY.—The term “facility” has the
6 meaning given such term in section 101 of the Com-
7 prehensive Environmental Response, Compensation,
8 and Liability Act of 1980 (42 U.S.C. 9601).

9 (2) FEDERAL FACILITY.—The term “Federal
10 facility” means a facility that is owned or operated
11 by the Federal Government.

12 (3) FORMER FEDERAL FACILITY.—The term
13 “former Federal facility” means a facility that has
14 been, but is no longer, owned or operated by the
15 Federal Government.

16 (4) FULLY FLUORINATED CARBON ATOM.—The
17 term “fully fluorinated carbon atom” means a car-
18 bon atom on which all the hydrogen substituents
19 have been replaced by fluorine.

20 (5) PERFLUORINATED COMPOUND.—The term
21 “perfluorinated compound” means a perfluoroalkyl
22 substance, or a polyfluoroalkyl substance, that—

23 (A) is manmade; and

24 (B) contains at least 1 fully fluorinated
25 carbon atom.

1 (6) STATE.—The term “State” has the mean-
2 ing given such term in section 101 of the Com-
3 prehensive Environmental Response, Compensation,
4 and Liability Act of 1980 (42 U.S.C. 9601).

5 (b) COOPERATIVE AGREEMENT.—

6 (1) IN GENERAL.—On request by the Governor
7 or chief executive of a State, a Federal department
8 or agency shall enter into a cooperative agreement,
9 or amend an existing cooperative agreement, with
10 such State pursuant to which the Federal depart-
11 ment or agency will conduct testing, monitoring, re-
12 moval, and remedial actions to address contamina-
13 tion or suspected contamination of drinking water,
14 surface water, ground water, sediment, or soil from
15 a perfluorinated compound released at—

16 (A) a Federal facility; or

17 (B) a former Federal facility during the
18 period in which the former Federal facility was
19 owned or operated by the Federal Government.

20 (2) MINIMUM STANDARDS.—A cooperative
21 agreement entered into or amended under paragraph
22 (1) shall require that the drinking water, surface
23 water, ground water, sediment, or soil with respect
24 to which the cooperative agreement applies meet or
25 exceed each of the following with respect to

1 perfluorinated compounds, if applicable and appro-
2 priate:

3 (A) A State standard, requirement, cri-
4 teria, or limitation, in effect in the State, for
5 drinking water, surface water, ground water,
6 sediment, or soil, identified pursuant to section
7 121(d)(2)(A)(ii) of the Comprehensive Environ-
8 mental Response, Compensation, and Liability
9 Act of 1980 (42 U.S.C. 9621(d)(2)(A)(ii)).

10 (B) A health advisory level published pur-
11 suant to section 1412(b)(1)(F) of the Safe
12 Drinking Water Act (42 U.S.C. 300g-
13 1(b)(1)(F)).

14 (C) Any Federal standard, requirement,
15 criterion, or limit, including a standard, re-
16 quirement, criterion, or limit issued under—

17 (i) the Toxic Substances Control Act
18 (15 U.S.C. 2601 et seq.);

19 (ii) the Safe Drinking Water Act (42
20 U.S.C. 300f et seq.);

21 (iii) the Clean Air Act (42 U.S.C.
22 7401 et seq.);

23 (iv) the Federal Water Pollution Con-
24 trol Act (33 U.S.C. 1251 et seq.);

1 (v) the Marine Protection, Research,
2 and Sanctuaries Act of 1972 (commonly
3 known as the “Ocean Dumping Act”) (33
4 U.S.C. 1401 et seq.); or

5 (vi) the Solid Waste Disposal Act (42
6 U.S.C. 6901 et seq.).

7 (3) REIMBURSEMENT.—

8 (A) IN GENERAL.—In carrying out a coop-
9 erative agreement entered into or amended
10 under paragraph (1), the Federal department
11 or agency may enter into an agreement that
12 provides for reimbursement to the State for
13 services of the State to assist the Federal de-
14 partment or agency in carrying out the coopera-
15 tive agreement.

16 (B) LIMITATION.—An agreement with a
17 State under subparagraph (A) may not provide
18 for reimbursement to the State for enforcement
19 activities.

20 (c) REPORT REQUIREMENT.—

21 (1) IN GENERAL.—If a Federal department or
22 agency fails to enter into, or amend, a cooperative
23 agreement pursuant to a request by a Governor or
24 chief executive of a State under subsection (b) by
25 the date is 1 year after the date of such request, the

1 President shall submit a report described in para-
2 graph (2) to—

3 (A) the Committee on Environment and
4 Public Works of the Senate;

5 (B) the Committee on Energy and Com-
6 merce of the House of Representatives;

7 (C) each Senator from a State affected by
8 the perfluorinated compound contamination at
9 issue; and

10 (D) each member of the House of Rep-
11 resentatives that represents a district affected
12 by the perfluorinated compound contamination
13 at issue.

14 (2) REPORT DESCRIBED.—The report referred
15 to in paragraph (1) shall include—

16 (A) a detailed explanation of why a cooper-
17 ative agreement has not been entered into or
18 amended, as applicable; and

19 (B) a projected timeline for entering into
20 or amending a cooperative agreement, as appli-
21 cable.

22 **SEC. 3. DETERMINATION.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Administrator of the Environmental Pro-
25 tection Agency shall make a determination whether to des-

1 ignate perfluorinated compounds, for which the risks are
2 well characterized, as hazardous substances under the
3 Comprehensive Environmental Response, Compensation,
4 and Liability Act of 1980 (42 U.S.C. 9601 et seq.).