

Calendar No. 434

111TH CONGRESS
2^D SESSION

S. 3374

[Report No. 111–210]

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a grant program to revitalize brownfield sites for the purpose of locating renewable electricity generation facilities on those sites.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2010

Mr. LAUTENBERG (for himself, Mrs. BOXER, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JUNE 18, 2010

Reported by Mrs. BOXER, with amendments and an amendment to the title
[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a grant program to revitalize brownfield sites for the purpose of locating renewable electricity generation facilities on those sites.

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.**

2 This Act may be cited as the “Cleanfields Investment
3 Act”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to establish a program to
6 fund grants—

7 (1) to inventory, characterize, assess, and con-
8 duct planning relating to brownfield sites for the
9 purpose of locating renewable electricity generation
10 facilities *or renewable energy manufacturing facilities*
11 on those brownfield sites; or

12 (2) for use in remediating brownfield sites for
13 the purpose of locating renewable electricity genera-
14 tion facilities *and renewable energy manufacturing*
15 *facilities* on those brownfield sites.

16 **SEC. 3. DEFINITION.**

17 Section 101 of the Comprehensive Environmental Re-
18 sponse, Compensation, and Liability Act of 1980 (42
19 U.S.C. 9601) is amended by adding at the end the fol-
20 lowing:

21 ~~“(42) RENEWABLE ELECTRICITY GENERATION~~
22 ~~FACILITY.—The term ‘renewable electricity genera-~~
23 ~~tion facility’ means a facility that generates renew-~~
24 ~~able electricity from wind energy, solar energy, or~~
25 ~~geothermal energy.~~

1 “(42) *RENEWABLE ELECTRICITY GENERATION*
 2 *FACILITY.*—*The term ‘renewable electricity generation*
 3 *facility’ means a facility that generates renewable*
 4 *electricity from wind energy, solar energy, or geo-*
 5 *thermal energy.*

6 “(43) *RENEWABLE ENERGY MANUFACTURING FA-*
 7 *CILITY.*—*The term ‘renewable energy manufacturing*
 8 *facility’ means a facility that manufactures compo-*
 9 *nents or systems for use in generating renewable elec-*
 10 *tricity from wind energy, solar energy, or geothermal*
 11 *energy.’’.*

12 **SEC. 4. RENEWABLE ELECTRICITY BROWNFIELD SITE**
 13 **FUNDING.**

14 Section 104(k) of the Comprehensive Environmental
 15 Response, Compensation, and Liability Act of 1980 (42
 16 U.S.C. 9604(k)) is amended—

17 (1) by redesignating paragraph (12) as para-
 18 graph (13);

19 (2) by inserting after paragraph (11) the fol-
 20 lowing:

21 “(12) *RENEWABLE ELECTRICITY BROWNFIELD*
 22 *SITE FUNDING.*—

23 “(A) *IN GENERAL.*—The Administrator
 24 shall establish a program to provide grants to—

“(i) eligible entities, to be used for capitalization of revolving loan funds to provide assistance in accordance with subparagraph (B); and

“(ii) eligible entities or nonprofit organizations, as determined by the Administrator in accordance with subparagraph (C), to be used directly—

“(I) to inventory, characterize, assess, and conduct planning relating to 1 or more brownfield sites for the purpose of locating a renewable electricity generation facility *or a renewable energy manufacturing facility* on those brownfield sites; or

“(II) for remediation of 1 or more brownfield sites for the purpose of locating a renewable electricity generation facility *or a renewable energy manufacturing facility* on those brownfield sites.

“(B) USE OF LOAN AND GRANT FUNDS PROVIDED BY ELIGIBLE ENTITIES.—An eligible entity that receives a grant under subparagraph (A)(i) shall use the grant to provide assistance

1 for a purpose described in subparagraph (A)(ii)
2 in the form of 1 or more—

3 “(i) loans to an eligible entity, site
4 owner, site developer, or other person; or

5 “(ii) grants to an eligible entity or
6 other nonprofit organization, where war-
7 ranted, as determined in accordance with
8 subparagraph (C) by the eligible entity
9 that is providing the assistance.

10 “(C) CONSIDERATIONS.—

11 “(i) IN GENERAL.—Not later than 90
12 days after the date of enactment of the
13 Cleanfields Investment Act, the Adminis-
14 trator shall issue guidance describing the
15 considerations to be used in determining
16 whether a grant under subparagraph (A) is
17 warranted for a purpose described in sub-
18 paragraph (A)(ii).

19 “(ii) USE OF GUIDANCE.—The guid-
20 ance issued under clause (i) shall be used
21 by the Administrator or an eligible entity,
22 as the case may be, to determine whether
23 a grant under subparagraph (A) is war-
24 ranted.

25 “(D) RANKING CRITERIA.—

1 “(i) IN GENERAL.—The Administrator
 2 shall issue ranking criteria to be used in
 3 determining whether a grant under sub-
 4 paragraph (A) is warranted for a purpose
 5 described in subparagraph (A)(ii).

6 “(ii) USE OF RANKING CRITERIA.—
 7 The ranking criteria issued under clause
 8 (i) shall be used by the Administrator or
 9 an eligible entity, as the case may be, to
 10 determine whether a grant under subpara-
 11 graph (A) is warranted.

12 “(E) IMPLEMENTATION.—Paragraphs (4),
 13 (5)(A), (5)(B), and (6) through (11) shall apply
 14 to the implementation of this paragraph.”; and
 15 (3) in paragraph (13) (as so redesignated), by
 16 adding at the end the following:

17 ~~“(C) AUTHORIZATION OF APPROPRIATIONS~~
 18 ~~FOR RENEWABLE ELECTRICITY GENERATION~~
 19 ~~FACILITY BROWNFIELDS FUNDING.—There is~~

20 *“(C) AUTHORIZATION OF APPROPRIATIONS*
 21 *FOR RENEWABLE ELECTRICITY GENERATION FA-*
 22 *CILITY AND RENEWABLE ENERGY MANUFAC-*
 23 *TURING FACILITY BROWNFIELDS FUNDING.—*
 24 *There is* authorized to be appropriated to the
 25 Administrator, to fund grants to inventory,

1 characterize, assess, and conduct planning re-
2 lating to brownfield sites for the purpose of lo-
3 cating renewable electricity generation facilities
4 *or renewable energy manufacturing facilities* on
5 those brownfield sites, or for remediation of
6 brownfield sites for the purpose of locating re-
7 newable electricity generation facilities *or re-*
8 *newable energy manufacturing facilities* on those
9 brownfield sites, \$50,000,000 for each of fiscal
10 years 2011 through 2016.”.

11 Amend the title so as to read “To amend the Comprehen-
12 sive Environmental Response, Compensation, and Liabil-
13 ity Act of 1980 to establish a grant program to revitalize
14 brownfield sites for the purpose of locating renewable elec-
15 tricity generation facilities and renewable energy manufac-
16 turing facilities on those sites.”.

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