

116TH CONGRESS
2D SESSION

H. R. 5842

To authorize the Administrator of the Environmental Protection Agency to award grants to entities to enable such entities to participate in decisions impacting the health and safety of their communities in connection with the release of certain hazardous air pollutants and the permitting of solid waste disposal facilities and hazardous waste facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2020

Mr. KENNEDY (for himself, Ms. BARRAGÁN, and Mr. RUIZ) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To authorize the Administrator of the Environmental Protection Agency to award grants to entities to enable such entities to participate in decisions impacting the health and safety of their communities in connection with the release of certain hazardous air pollutants and the permitting of solid waste disposal facilities and hazardous waste facilities, 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.**

2 This Act may be cited as the “Voices for Environ-
3 mental Justice Act”.

4 **SEC. 2. ENVIRONMENTAL JUSTICE COMMUNITY TECH-**
5 **NICAL ASSISTANCE GRANTS.**

6 Title III of the Clean Air Act (42 U.S.C. 7601 et
7 seq.) is amended by adding at the end the following new
8 section:

9 **“SEC. 330. ENVIRONMENTAL JUSTICE COMMUNITY TECH-**
10 **NICAL ASSISTANCE GRANTS.**

11 “(a) IN GENERAL.—The Administrator may award
12 grants to eligible entities to enable such entities to partici-
13 pate in decisions impacting the health and safety of their
14 communities in connection with an actual or potential re-
15 lease of a covered hazardous air pollutant.

16 “(b) TIMING.—

17 “(1) GUIDANCE.—Not later than 12 months
18 after the date of enactment of this section, the Ad-
19 ministrator shall publish guidance describing the
20 process for eligible entities to apply for a grant
21 under this section, including the required content
22 and form of applications, the manner in which appli-
23 cations must be submitted, and any applicable dead-
24 lines.

25 “(2) FIRST GRANT.—Not later than 180 days
26 after the issuance of guidance under paragraph (1),

1 the Administrator shall award the first grant under
2 this section.

3 “(c) ELIGIBLE ENTITY.—To be eligible for a grant
4 under this section, an applicant shall be a group of individ-
5 uals who reside in a community that—

6 “(1) is a population of color, a community of
7 color, an indigenous community, or a low-income
8 community; and

9 “(2) is in close proximity to the site of an ac-
10 tual or potential release of a covered hazardous air
11 pollutant.

12 “(d) USE OF FUNDS.—An eligible entity receiving a
13 grant under this section shall use the grant to participate
14 in decisions impacting the health and safety of the commu-
15 nity involved in connection with an actual or potential re-
16 lease of a covered hazardous air pollutant, including—

17 “(1) interpreting information with regard to the
18 nature of the hazard, cumulative impacts studies,
19 health impacts studies, remedial investigation and
20 feasibility studies, agency decisions, remedial design,
21 and operation and maintenance of necessary mon-
22 itors; and

23 “(2) performing additional air pollution moni-
24 toring.

25 “(e) LIMITATIONS ON AMOUNT; RENEWAL.—

1 “(1) AMOUNT.—

2 “(A) IN GENERAL.—The amount of a
3 grant under this section (excluding any renew-
4 als of the grant) may not exceed \$50,000 for
5 any grant recipient.

6 “(B) EXCEPTION.—The Administrator
7 may waive the limitation in subparagraph (A)
8 with respect to an applicant in any case where
9 the Administrator determines that such waiver
10 is necessary for the community involved to ob-
11 tain the necessary technical assistance.

12 “(2) RENEWAL.—Grants may be renewed for
13 each step in the regulatory, removal, or remediation
14 process in connection with a facility with the poten-
15 tial to release a covered hazardous air pollutant.

16 “(f) DEFINITIONS.—In this section:

17 “(1) The term ‘community of color’ means any
18 geographically distinct area the population of color
19 of which is higher than the average population of
20 color of the State in which the community is located.

21 “(2) The term ‘covered hazardous air pollutant’
22 means a hazardous air pollutant (as defined in sec-
23 tion 112 of the Clean Air Act) that—

24 “(A) is listed on the toxics release inven-
25 tory under section 313(c) of the Emergency

1 Planning and Community Right-To-Know Act
2 of 1986; or

3 “(B) is identified as carcinogenic by an as-
4 sessment under the Integrated Risk Informa-
5 tion System (IRIS) of the Environmental Pro-
6 tection Agency.

7 “(3) The term ‘indigenous community’ means—

8 “(A) a federally recognized Indian Tribe;

9 “(B) a State-recognized Indian Tribe;

10 “(C) an Alaska Native or Native Hawaiian
11 community or organization; and

12 “(D) any other community of indigenous
13 people, including communities in other coun-
14 tries.

15 “(4) The term ‘low income’ means an annual
16 household income equal to, or less than, the greater
17 of—

18 “(A) an amount equal to 80 percent of the
19 median income of the area in which the house-
20 hold is located, as reported by the Department
21 of Housing and Urban Development; and

22 “(B) 200 percent of the Federal poverty
23 line.

24 “(5) The term ‘population of color’ means a
25 population of individuals who identify as—

- 1 “(A) Black;
 2 “(B) African American;
 3 “(C) Asian;
 4 “(D) Pacific Islander;
 5 “(E) another non-White race;
 6 “(F) Hispanic;
 7 “(G) Latino; or
 8 “(H) linguistically isolated.”.

9 **SEC. 3. ENVIRONMENTAL JUSTICE COMMUNITY SOLID**
 10 **WASTE DISPOSAL TECHNICAL ASSISTANCE**
 11 **GRANTS.**

12 (a) GRANTS.—Subtitle D of the Solid Waste Disposal
 13 Act (42 U.S.C. 6941 et seq.) is amended by adding at
 14 the end the following new section:

15 **“SEC. 4011. ENVIRONMENTAL JUSTICE COMMUNITY TECH-**
 16 **NICAL ASSISTANCE GRANTS.**

17 “(a) IN GENERAL.—The Administrator may award
 18 grants to eligible entities to enable such entities to partici-
 19 pate in decisions impacting the health and safety of their
 20 communities relating to the permitting or permit renewal
 21 of a solid waste disposal facility or hazardous waste facil-
 22 ity.

23 “(b) TIMING.—

24 “(1) GUIDANCE.—Not later than 12 months
 25 after the date of enactment of this section, the Ad-

1 administrator shall publish guidance describing the
2 process for eligible entities to apply for a grant
3 under this section, including the required content
4 and form of applications, the manner in which appli-
5 cations must be submitted, and any applicable dead-
6 lines.

7 “(2) FIRST GRANT.—Not later than 180 days
8 after the issuance of guidance under paragraph (1),
9 the Administrator shall award the first grant under
10 this section.

11 “(c) ELIGIBLE ENTITY.—To be eligible for a grant
12 under this section, an applicant shall be a group of individ-
13 uals who reside in a community that—

14 “(1) is a population of color, a community of
15 color, an indigenous community, or a low-income
16 community; and

17 “(2) is in close proximity to a facility described
18 in subsection (a) for which a decision relating to a
19 permit or permit renewal for such facility is re-
20 quired.

21 “(d) USE OF FUNDS.—An eligible entity receiving a
22 grant under this section shall use the grant to participate
23 in decisions impacting the health and safety of the commu-
24 nity involved that are related to the permitting or permit

1 renewal of a solid waste disposal facility or hazardous
2 waste facility, including—

3 “(1) interpreting information with regard to—

4 “(A) cumulative impacts studies;

5 “(B) health impacts studies;

6 “(C) relevant agency decisions; and

7 “(D) operation and maintenance of nec-
8 essary monitors; and

9 “(2) performing environmental monitoring.

10 “(e) LIMITATIONS ON AMOUNT; RENEWAL.—

11 “(1) AMOUNT.—

12 “(A) IN GENERAL.—The amount of a
13 grant under this section (excluding any renew-
14 als of the grant) may not exceed \$50,000 for
15 any grant recipient.

16 “(B) EXCEPTION.—The Administrator
17 may waive the limitation in subparagraph (A)
18 with respect to an applicant in any case where
19 the Administrator determines that such waiver
20 is necessary for the community involved to ob-
21 tain the necessary technical assistance.

22 “(2) RENEWAL.—Grants may be renewed for
23 each step in the process for the permitting or permit
24 renewal of a solid waste disposal facility or haz-
25 ardous waste facility.

1 “(f) DEFINITIONS.—In this section:

2 “(1) The term ‘community of color’ means any
3 geographically distinct area the population of color
4 of which is higher than the average population of
5 color of the State in which the community is located.

6 “(2) The term ‘indigenous community’ means—

7 “(A) a federally recognized Indian Tribe;

8 “(B) a State-recognized Indian Tribe;

9 “(C) an Alaska Native or Native Hawaiian
10 community or organization; and

11 “(D) any other community of indigenous
12 people, including communities in other coun-
13 tries.

14 “(3) The term ‘low income’ means an annual
15 household income equal to, or less than, the greater
16 of—

17 “(A) an amount equal to 80 percent of the
18 median income of the area in which the house-
19 hold is located, as reported by the Department
20 of Housing and Urban Development; and

21 “(B) 200 percent of the Federal poverty
22 line.

23 “(4) The term ‘population of color’ means a
24 population of individuals who identify as—

25 “(A) Black;

1 “(B) African American;
2 “(C) Asian;
3 “(D) Pacific Islander;
4 “(E) another non-White race;
5 “(F) Hispanic;
6 “(G) Latino; or
7 “(H) linguistically isolated.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 for the Solid Waste Disposal Act is amended by adding
10 after the item relating to section 4010 the following:

“Sec. 4011. Environmental justice community technical assistance grants.”.

11 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated to carry out
13 section 330 of the Clean Air Act (as added by section 2
14 of this Act) and section 4011 of the Solid Waste Disposal
15 Act (as added by section 3 of this Act) \$5,000,000 for
16 each of fiscal years 2021 through 2025.

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