

Tim F. B...

AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish conditions for the closure of the Pueblo Chemical Depot and Chemical Agent-Destruction Pilot Plant in Colorado.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

H. R. 4350

To auth
act
con
men
stre

AMENDMENT N^o 4568

By: *Bennet*

To: *Amend. No. 3867*

Referr

6
Page(s)

ary
ry
rt-
nel
es.
d

GPO: 2018 33-682 (mac)

AMENDMENT intended to be proposed by Mr. BENNET (for himself and Mr. HICKENLOOPER) to the amendment (No. 3867) proposed by Mr. REED

Viz:

- 1 At the end of title XXVII, add the following:
- 2 **SEC. 2703. CONDITIONS ON CLOSURE OF PUEBLO CHEM-**
- 3 **ICAL DEPOT AND CHEMICAL AGENT-DE-**
- 4 **STRUCTION PILOT PLANT, COLORADO.**
- 5 (a) SUBMISSION OF FINAL CLOSURE AND DISPOSAL
- 6 PLANS.—
- 7 (1) PLANS REQUIRED.—Not later than 180
- 8 days after the date of the enactment of this Act, the

1 Secretary of the Army shall submit to the Commit-
2 tees on Armed Services of the Senate and the House
3 of Representatives—

4 (A) a plan for the closure of the portion of
5 Pueblo Chemical Depot, Colorado, not pre-
6 viously declared surplus to the Department of
7 the Army upon the completion of the chemical
8 demilitarization mission of the Chemical Agent-
9 Destruction Pilot Plant at Pueblo Chemical
10 Depot; and

11 (B) a plan for the disposal of all remaining
12 land, buildings, facilities, and equipment at
13 Pueblo Chemical Depot not previously declared
14 surplus to the Department of the Army.

15 (2) LOCAL REDEVELOPMENT AUTHORITY
16 ROLE.—In preparing the disposal plan required by
17 paragraph (1)(B), the Secretary of the Army shall
18 take into account the future role of the Local Rede-
19 velopment Authority.

20 (b) LOCAL REDEVELOPMENT AUTHORITY ELIGI-
21 BILITY FOR ASSISTANCE.—The Secretary of Defense, act-
22 ing through the Office of Local Defense Community Co-
23 operation, may make grants, conclude cooperative agree-
24 ments, and supplement other Federal funds to assist the
25 Local Redevelopment Authority in planning community

1 adjustments and economic diversification required by the
2 closure of Pueblo Chemical Depot and the Chemical
3 Agent-Destruction Pilot Plant if the Secretary determines
4 that the closure is likely to have a direct and significantly
5 adverse consequence on nearby communities.

6 (c) GENERAL CLOSURE, REALIGNMENT, AND DIS-
7 POSAL PROHIBITION.—

8 (1) PROHIBITION; CERTAIN RECIPIENT EX-
9 CEPTED.—During the period specified in paragraph
10 (2), the Secretary of the Army shall take no ac-
11 tion—

12 (A) to close or realign the portion of Pueb-
13 lo Chemical Depot not previously declared sur-
14 plus to the Department of the Army, which con-
15 tains the Chemical Agent-Destruction Pilot
16 Plant; or

17 (B) to dispose of any land, building, facil-
18 ity, or equipment that is surplus to the Depart-
19 ment of the Army and that comprises any por-
20 tion of the Chemical Agent-Destruction Pilot
21 Plant other than to the Local Redevelopment
22 Authority.

23 (2) DURATION.—The prohibition under para-
24 graph (1) shall apply until a final closure and dis-
25 posal decision is made the Secretary of the Army for

1 the portion of the Pueblo Chemical Depot not pre-
2 viously declared surplus to the Department of the
3 Army, following submission of the closure and dis-
4 posal plans required by subsection (a).

5 (d) PROHIBITION ON DEMOLITION OR DISPOSAL RE-
6 LATED TO CHEMICAL AGENT-DESTRUCTION PILOT
7 PLANT.—

8 (1) PROHIBITION; CERTAIN RECIPIENT EX-
9 CEPTED.—During the period specified in paragraph
10 (4), the Secretary of the Army may not—

11 (A) demolish any building, facility, or
12 equipment described in paragraph (2) that com-
13 prises any portion of the Chemical Agent-De-
14 struction Pilot Plant; or

15 (B) dispose of any such building, facility,
16 or equipment that is surplus to the Department
17 of the Army other than to the Local Redevelop-
18 ment Authority.

19 (2) COVERED BUILDINGS, FACILITIES, AND
20 EQUIPMENT.—The prohibition under paragraph (1)
21 shall apply to the following:

22 (A) Any building, facility, or equipment
23 that is surplus to the Department of the Army
24 and that is located outside of a Hazardous
25 Waste Management Unit, where chemical muni-

1 tions were present, but where contamination did
2 not occur, that is considered by the Secretary
3 of the Army as clean, safe, and acceptable for
4 reuse by the public after a risk assessment by
5 the Secretary.

6 (B) Any building, facility, or equipment
7 that is surplus to the Department of the Army
8 and that is located outside of a Hazardous
9 Waste Management Unit, that was not con-
10 taminated by chemical munitions and that was
11 without the potential to be contaminated, such
12 as office buildings, parts warehouses, or utility
13 infrastructure, that is considered by the Sec-
14 retary of the Army as suitable for reuse by the
15 public.

16 (3) EXCEPTION.—The prohibition under para-
17 graph (1) shall not apply to any building, facility, or
18 equipment otherwise described in paragraph (2) for
19 which the Local Redevelopment Authority provides
20 to the Secretary of the Army a written determina-
21 tion specifying that the building, facility, or equip-
22 ment is not needed for community adjustment and
23 economic diversification following the closure of the
24 Chemical Agent-Destruction Pilot Plant.

1 (4) DURATION.—The prohibition under para-
 2 graph (1) shall apply until Hazardous Waste Permit
 3 Number CO-20-09-02-01 is modified or replaced
 4 with a new permit under the Solid Waste Disposal
 5 Act (42 U.S.C. 6901 et seq.) (commonly known as
 6 the “Resource Conservation and Recovery Act of
 7 1976”) issued by the State of Colorado, after the
 8 public notice and comment process has been con-
 9 cluded.

10 (e) LOCAL REDEVELOPMENT AUTHORITY DE-
 11 FINED.—In this section, the term “Local Redevelopment
 12 Authority” means the Local Redevelopment Authority for
 13 Pueblo Chemical Depot, as recognized by the Office of
 14 Local Defense Community Cooperation of the Department
 15 of Defense.