Page 48, after line 23, insert the following new subsection:

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“(k) LIABILITY FOR RELEASES.—

“(1) IN GENERAL.—In addition to any other liability or requirement under Federal or State law, an owner or operator of a structure that releases coal combustion residuals shall be responsible for—

“(A) the costs of cleanup and restoration pursuant to plans prepared by the Administrator and other appropriate Federal officials under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and other applicable Federal laws;

“(B) reimbursement to Federal agencies for the costs of actions required by the release, including reviewing and approving restoration plans; and

“(C) in addition to amounts under subparagraph (A), payment of double the costs of cleanup and restoration, which amounts shall be divided among local jurisdictions affected by the
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release for area enhancement and other related purposes.

“(2) EXCEPTION.—If the costs of cleanup and restoration exceed $5,000,000, the Administrator and the Attorney General jointly may reduce the total liability of an owner or operator under this subsection to the extent they consider appropriate”.