

103^D CONGRESS
1ST SESSION

S. 1183

To amend the Federal Water Pollution Control Act to provide for confined spoil disposal facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 30, 1993

Mr. METZENBAUM (for himself, Mr. GLENN, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. SIMON, and Mr. RIEGLE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to provide for confined spoil disposal 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Lakes Clean
5 Water Amendments Act of 1993”.

6 **SEC. 2. SEDIMENT MANAGEMENT.**

7 Section 118 of the Federal Water Pollution Control
8 Act (33 U.S.C. 1268) is amended—

1 (1) by redesignating subsections (d) through (h)
2 as subsections (g) through (k), respectively; and

3 (2) by inserting after subsection (c) the follow-
4 ing new subsection:

5 “(d) SEDIMENT MANAGEMENT.—

6 “(1) IN GENERAL.—After December 31, 1994,
7 it shall be unlawful to dump or otherwise dispose of
8 dredge spoil at any location in the waters of the
9 Great Lakes, other than at a confined spoil disposal
10 facility, unless—

11 “(A) the Administrator has concurred in
12 writing with the decision of the Secretary of the
13 Army (referred to in this subsection as the
14 ‘Secretary’) to allow the disposal (either with or
15 without conditions), if the concurrence is based
16 on a determination that the proposed disposal is
17 consistent with the guidelines developed pursu-
18 ant to paragraph (2); or

19 “(B) 45 days (or 90 days, in a case in
20 which the Administrator has requested an ex-
21 tension from the Secretary in writing) have
22 elapsed since the date on which the Adminis-
23 trator received from the Secretary all material
24 necessary to evaluate the proposed disposal,
25 and—

1 “(i) the Administrator has not issued
2 an opinion regarding the project; and

3 “(ii) the Secretary has found that the
4 disposal is consistent with the guidelines
5 developed pursuant to paragraph (2).

6 “(2) GUIDELINES FOR DISPOSAL OF SEDIMENT
7 MATERIAL.—

8 “(A) DEVELOPMENT OF GUIDELINES.—
9 Not later than December 31, 1994, the Admin-
10 istrator shall, after notice and opportunity for
11 public comment, and in consultation with the
12 Secretary and the Director of the Fish and
13 Wildlife Service, develop guidelines for the dis-
14 posal of sediment material in the open waters
15 of the Great Lakes.

16 “(B) REQUIREMENTS.—The guidelines
17 shall ensure that the sediment material will be
18 managed and disposed of in a manner that
19 will—

20 “(i) not degrade the aquatic and ter-
21 restrial environment, including the chemi-
22 cal, physical, and biological characteristics
23 of the substrate;

24 “(ii) not endanger human health or
25 welfare;

1 “(iii) be consistent with any approved
2 coastal zone management plan for the
3 State or States bordering the lake in which
4 the disposal occurs;

5 “(iv) protect municipal and private
6 water supply intake zones;

7 “(v) protect recognized commercial or
8 recreational fishing grounds and the
9 spawning, nursery, food supply, or migra-
10 tion areas on which fish are dependent;

11 “(vi) protect against excessive
12 resuspension or the spread of material to
13 areas outside the disposal area;

14 “(vii) ensure the protection and prop-
15 agation of a balanced, indigenous popu-
16 lation of fish, shellfish, and wildlife in the
17 area; and

18 “(viii) not cause a violation of any
19 water or sediment quality standard adopt-
20 ed pursuant to this Act.

21 “(C) REUSE AND DISPOSAL METHODS.—
22 The guidelines developed pursuant to this para-
23 graph shall take into consideration the environ-
24 mental impacts and benefits of alternative reuse
25 and disposal methods.

1 “(D) REVISIONS.—After providing notice
2 and opportunity for public comment, the Ad-
3 ministrator shall, as appropriate, revise the
4 guidelines to incorporate any Federal or State
5 guideline, criterion, or restriction related to
6 sediment disposal in the Great Lakes that takes
7 effect after the date of development of the ini-
8 tial guidelines.

9 “(3) ENFORCEMENT.—

10 “(A) PENALTIES.—Any person found to be
11 in violation of this subsection shall be subject
12 to—

13 “(i) a civil penalty in an amount not
14 to exceed the amount provided under sec-
15 tion 309(d) with respect to a civil penalty
16 assessed by a court; or

17 “(ii) an amount provided under sec-
18 tion 309(g) with respect to a civil penalty
19 assessed by the Administrator.

20 “(B) ASSESSMENT.—The assessment of a
21 civil penalty under this paragraph shall be con-
22 ducted in the same manner as is provided for
23 the assessment of a civil penalty under section
24 309.

1 “(4) ESTABLISHMENT OF CONFINED SPOIL DIS-
2 POSAL FACILITIES.—The Secretary may not estab-
3 lish, expand, or substantially modify any confined
4 spoil disposal facility in the waters of the Great
5 Lakes unless—

6 “(A) the Administrator has concurred in
7 writing with the decision of the Secretary to es-
8 tablish, expand, or modify the facility, and the
9 concurrence is based on—

10 “(i) a consideration of the environ-
11 mental and economic benefits of using a
12 confined spoil disposal facility to remove
13 contaminated sediment from the aquatic
14 habitat;

15 “(ii) a consideration of the potential
16 effects of the project on pollutant and sedi-
17 ment transport; and

18 “(iii) a determination that the facility
19 is consistent with the guidelines established
20 pursuant to paragraph (2); or

21 “(B) 45 days (or 90 days, in a case in
22 which the Administrator has requested an ex-
23 tension from the Secretary in writing) have
24 elapsed since the date on which the Adminis-
25 trator received from the Secretary all material

1 necessary to evaluate the proposed facility,
2 and—

3 “(i) the Administrator has not issued
4 an opinion regarding the proposed facility;
5 and

6 “(ii) the Secretary has—

7 “(I) provided an opportunity for
8 public review and comment; and

9 “(II) determined that the facility
10 is consistent with the guidelines estab-
11 lished pursuant to paragraph (2).

12 “(5) EVALUATION AND IDENTIFICATION OF FA-
13 CILITIES.—

14 “(A) EVALUATION.—Not later than De-
15 cember 31, 1994, the Administrator shall, with
16 respect to each confined spoil disposal facility
17 located in the waters of the Great Lakes, evalu-
18 ate the existing and projected integrity of the
19 facility.

20 “(B) IDENTIFICATION.—Not later than
21 December 31, 1994, the Administrator, in con-
22 sultation with the Secretary, shall identify each
23 confined spoil disposal facility located in the
24 waters of the Great Lakes that is at risk of
25 causing an exceedance of water or sediment

1 quality standards or interfere with the protec-
2 tion and propagation of a balanced, indigenous
3 population of fish, shellfish, and wildlife.

4 “(6) MANAGEMENT PLANS.—

5 “(A) IN GENERAL.—Not later than Octo-
6 ber 1, 1994, the Administrator, in cooperation
7 with the Secretary and the Director of the Fish
8 and Wildlife Service, an appropriate official of
9 each host State, and local sponsors shall de-
10 velop and implement a management plan for
11 each confined spoil disposal facility located in
12 the waters of the Great Lakes.

13 “(B) PUBLIC COMMENT.—In developing a
14 plan, the Administrator shall provide an oppor-
15 tunity for public comment on the scope and
16 content of the plan.

17 “(C) REQUIREMENTS.—Each plan shall in-
18 clude—

19 “(i) a baseline assessment of condi-
20 tions at the site;

21 “(ii) a program for monitoring the
22 site;

23 “(iii) special management conditions
24 or practices that are necessary for the pro-

1 tection of human health, wildlife, and the
2 environment;

3 “(iv) a consideration of the quantity
4 of material to be disposed of at the site,
5 and the presence, nature, and
6 bioavailability of contaminants in the ma-
7 terial;

8 “(v) a program for reducing to a min-
9 imum the volume and toxicity of sediment
10 disposed of at the site;

11 “(vi) a schedule of the anticipated use
12 of the site over the long term, including
13 the anticipated closure date for the site, if
14 applicable, and any post-closure manage-
15 ment of the site that will be implemented
16 pursuant to clause (iii);

17 “(vii) any restrictions on public access
18 or access by wildlife to confined spoil dis-
19 posal facilities that are necessary for envi-
20 ronmental, safety, and health reasons;

21 “(viii) a schedule for the review and
22 revision of the plan, that shall include pro-
23 visions for review and revision not later
24 than 5 years after the date of adoption of
25 the plan, and every 5 years thereafter;

1 “(ix) an allocation of the costs of im-
2 plementing the plan, including the share of
3 the Environmental Protection Agency, the
4 Department of the Army, each host State,
5 local sponsors, and any other party that
6 the Administrator, in cooperation with the
7 officials and entities referred to in sub-
8 paragraph (A), determines appropriate.

9 “(7) REMEDIATION PLANS.—

10 “(A) IN GENERAL.—Not later than De-
11 cember 31, 1996, the Secretary shall, in con-
12 sultation with the Administrator, the Director
13 of the Fish and Wildlife Service, the appro-
14 priate official of each host State, and local
15 sponsors—

16 “(i) develop a confined spoil disposal
17 facility remediation plan for each confined
18 spoil disposal facility identified in para-
19 graph (5)(B); and

20 “(ii) submit each remediation plan to
21 the Administrator.

22 “(B) REQUIREMENTS.—The remediation
23 plan shall include a schedule of engineered im-
24 provements, closure or post-closure require-
25 ments, or restrictions of the facility, or other

1 measures to ensure that the facility will not ex-
2 ceed water or sediment quality standards or
3 interfere with the protection and propagation of
4 a balanced indigenous population of fish, shell-
5 fish, and wildlife.

6 “(C) RESTRICTION OR CLOSURE OF FACIL-
7 ITY.—Any confined spoil disposal facility reme-
8 diation plan that recommends restriction or clo-
9 sure of the confined spoil disposal facility
10 shall—

11 “(i) identify appropriate alternative
12 disposal options, including the estimated
13 costs and environmental benefits and im-
14 pacts of the alternatives; and

15 “(ii) include a schedule for initiating
16 the alternatives and allocating costs, if ap-
17 plicable.

18 “(D) APPROVAL OF PLAN.—Not later than
19 90 days after receipt of a confined spoil dis-
20 posal facility remediation plan, the Adminis-
21 trator, in consultation with the Director of the
22 Fish and Wildlife Service, shall make a deter-
23 mination whether to approve the plan.

24 “(E) COSTS.—Costs associated with imple-
25 menting any approved confined spoil disposal

1 facility remediation plan shall be allocated in a
2 manner consistent with the confined spoil dis-
3 posal facility project authorization.

4 “(F) DESIGN AND CONSTRUCTION.—

5 “(i) IN GENERAL.—The Secretary
6 may design, engineer, and construct com-
7 ponents of any confined spoil disposal facil-
8 ity remediation plan in a manner consist-
9 ent with this section.

10 “(ii) DEADLINE.—If, by January 1,
11 1999, a confined spoil disposal facility re-
12 mediation plan has not been undertaken
13 for a confined spoil disposal facility identi-
14 fied under paragraph (5)(B), the Adminis-
15 trator shall terminate the use of the facil-
16 ity and shall develop a post-closure remedi-
17 ation plan to be implemented jointly by the
18 Administrator, the Secretary, and the host
19 State.

20 “(8) DREDGING AND DISPOSAL OPERATIONS.—

21 The Secretary shall continue dredging and disposal
22 operations in the Great Lakes basin to maintain
23 navigational channels to authorized depths in a man-
24 ner that is consistent with this section.

1 “(9) OTHER CONSIDERATIONS.—Nothing in
2 this section shall prohibit the Administrator from
3 considering other relevant environmental laws, regu-
4 lations, or such other criteria as the Administrator
5 determines to be appropriate, in making a decision
6 to concur or decline to concur with respect to the
7 applying any provision of this section in cooperation
8 with another person or entity.

9 “(10) PERMIT REQUIREMENT.—

10 “(A) REQUIREMENT.—Beginning on Octo-
11 ber 1, 1994, any person who disposes of dredge
12 spoil at a confined spoil disposal facility shall
13 obtain a permit from the Secretary, who shall
14 issue the permit with the concurrence with the
15 Administrator.

16 “(B) PERMITS.—

17 “(i) CONDITIONS.—A permit issued
18 under this paragraph shall specify such
19 conditions as are necessary to ensure that
20 disposal will be consistent with the man-
21 agement plan for a confined spoil disposal
22 facility.

23 “(ii) MONITORING.—A permit issued
24 under this paragraph shall contain such
25 provisions for monitoring and assessment

1 as are necessary to determine compliance
2 with the permit.

3 “(C) TERM.—

4 “(i) IN GENERAL.—Subject to clause
5 (ii), a permit issued under this paragraph
6 shall be issued for the term of the disposal
7 activity specified pursuant to subparagraph
8 (B)(i).

9 “(ii) LIMITATION.—No permit shall
10 be issued for a period exceeding 5 years.

11 “(11) AUTHORIZATION OF APPROPRIATIONS.—

12 There are authorized to be appropriated such sums
13 as are necessary to carry out this subsection.”.

14 **SEC. 3. SEDIMENT REDUCTION.**

15 (a) IN GENERAL.—Section 118 of the Federal Water
16 Pollution Control Act (33 U.S.C. 1268), as amended by
17 section 2, is further amended by inserting after subsection
18 (d) the following new subsection:

19 “(e) SEDIMENT REDUCTION.—

20 “(1) GREAT LAKES TRIBUTARY SEDIMENT
21 TRANSPORT MODELS.—

22 “(A) MODELS.—For each major river sys-
23 tem or set of major river systems depositing
24 sediment into a Great Lakes federally author-
25 ized commercial harbor, channel maintenance

1 project site, or area of concern, the Secretary of
2 the Army (referred to in this subsection as the
3 ‘Secretary’), in cooperation with the Adminis-
4 trator, shall develop a tributary sediment trans-
5 port model that shall—

6 “(i) measure stream discharge rates,
7 total suspended solids loadings, and
8 bedload transport within the tributary and
9 harbor;

10 “(ii) measure additional parameters,
11 such as nitrates, phosphates, persistent
12 toxic substances, and heavy metals, using a
13 protocol approved by the Administrator, on
14 a river-by-river basis in accordance with
15 any agreement between the Secretary, the
16 Administrator, the host State, and any rel-
17 evant non-Federal entity;

18 “(iii) estimate the percentage of total
19 sediment loadings into the harbors, chan-
20 nels, and areas of concern originating from
21 each subwatershed of the river system; and

22 “(iv) characterize the physical nature
23 of the sediment materials.

24 “(B) COORDINATION WITH OTHER ENTI-
25 TIES.—In developing the tributary sediment

1 transport models, the Secretary shall cooperate,
2 consult, and coordinate with—

3 “(i) the Administrator;

4 “(ii) the Governors of the Great
5 Lakes States;

6 “(iii) the Chief of the Soil Conserva-
7 tion Service of the Department of Agri-
8 culture;

9 “(iv) the Director of the United
10 States Geological Survey of the Depart-
11 ment of the Interior;

12 “(v) the Director of the United States
13 Fish and Wildlife Service of the Depart-
14 ment of the Interior; and

15 “(vi) the heads of such other Federal
16 agencies as the Administrator determines
17 to be appropriate.

18 “(C) OTHER CONSIDERATIONS.—In devel-
19 oping the tributary sediment transport models,
20 the Secretary shall—

21 “(i) coordinate tributary sediment
22 transport modeling efforts with the efforts
23 of the Administrator to produce com-
24 prehensive Lakewide Management Plans,

1 Remedial Action Plans, mass balance mod-
2 els, and water quality models;

3 “(ii) build upon data and monitoring
4 infrastructure generated in earlier studies
5 and programs; and

6 “(iii) complete models for 30 major
7 river systems within the 5-year period be-
8 ginning on the date of enactment of this
9 clause.

10 “(2) SEDIMENT LOAD REDUCTION.—

11 “(A) ANALYTICAL METHOD.—Not later
12 than 18 months after the date of enactment of
13 this subparagraph, the Secretary, with the writ-
14 ten concurrence of the Administrator, shall—

15 “(i) develop an analytical method to
16 project the effectiveness and efficiency of
17 sediment source reduction approaches and
18 scenarios in reducing upstream sediment
19 loadings into, and transport within, spe-
20 cific Great Lakes federally authorized com-
21 mercial harbors, channel maintenance
22 project sites, and areas of concern of the
23 Great Lakes;

24 “(ii) for each model developed under
25 paragraph (1), use the method described in

1 clause (i) to conduct sediment load reduc-
2 tion analyses to estimate the potential ef-
3 fectiveness and efficiency of upstream sedi-
4 ment source reduction approaches and sce-
5 narios to reduce sedimentation in Great
6 Lakes federally authorized commercial har-
7 bors, channel maintenance sites, and areas
8 of concern of the Great Lakes; and

9 “(iii) provide sediment load and trans-
10 port reduction analysis information to the
11 States, upon request, regarding river sys-
12 tems within the jurisdiction of the State.

13 “(B) COORDINATION WITH OTHER ENTI-
14 TIES.—In developing the analytical method de-
15 scribed in subparagraph (A), the Secretary shall
16 work in cooperation, consultation, and coordina-
17 tion with—

18 “(i) the Administrator;

19 “(ii) the Governors of the Great
20 Lakes States;

21 “(iii) the Chief of the Soil Conserva-
22 tion Service of the Department of Agri-
23 culture;

1 “(iv) the Director of the United
2 States Geological Survey of the Depart-
3 ment of the Interior;

4 “(v) the Director of the United States
5 Fish and Wildlife Service of the Depart-
6 ment of the Interior; and

7 “(vi) the heads of such other Federal
8 agencies as the Administrator determines
9 to be appropriate.

10 “(C) DEVELOPMENT AND APPLICATION.—
11 In developing and using the analytical methods
12 described in subparagraph (A), the Secretary
13 shall consider only sediment reduction ap-
14 proaches and scenarios that are consistent
15 with—

16 “(i) the guidance issued pursuant to
17 section 6217(g) of the Omnibus Budget
18 Reconciliation Act of 1990 (16 U.S.C.
19 1455b(g)), if applicable;

20 “(ii) relevant State coastal zone man-
21 agement programs approved pursuant to
22 section 306 of the Coastal Zone Manage-
23 ment Act of 1972 (16 U.S.C. 1455);

1 “(iii) relevant State nonpoint source
2 pollution control programs approved in a
3 manner consistent with section 319; and

4 “(iv) recommendations of any relevant
5 Remedial Action Plans and programs and
6 measures contained in Annex 3 of the
7 Great Lakes Water Quality Agreement and
8 the supplement to the Annex.

9 “(D) TECHNICAL SUPPORT.—The Sec-
10 retary shall encourage and provide technical
11 support for Federal, State, and local efforts to
12 reduce sedimentation in harbors through im-
13 proved upstream land management practices,
14 consistent with—

15 “(i) State coastal zone management
16 programs approved pursuant to section
17 306 of the Coastal Zone Management Act
18 of 1972 (16 U.S.C. 1455); and

19 “(ii) State nonpoint source pollution
20 control programs pursuant to section 319.

21 “(3) LOAD REDUCTION GRANTS.—

22 “(A) IN GENERAL.—The Secretary of the
23 Army shall in cooperation with the Adminis-
24 trator, and within three months of the date of
25 appropriation transfer funds appropriated pur-

1 suant to paragraph (4) of this Act to the Envi-
2 ronmental Protection Agency for the purpose of
3 making grants to States pursuant to section
4 319 of the Federal Water Pollution Control Act
5 (33 U.S.C. 1329) for specific projects to reduce
6 the erosion that contributes to the sedimenta-
7 tion of federally authorized commercial harbors,
8 channel maintenance project sites, and areas of
9 concern.

10 “(B) GRANT REQUESTS.—A State or a
11 group of States, on the initiative of the State
12 or group of States or at the request of a reme-
13 dial action planning committee, local govern-
14 ment, port authority, or any other govern-
15 mental, public, or private entity, may submit a
16 proposal for funding for a project pursuant to
17 this paragraph.

18 “(C) GRANT CONDITIONS.—A grant under
19 this paragraph shall—

20 “(i) be awarded only for a project con-
21 ducted by a State (or a group of States)
22 that is consistent with any applicable ap-
23 proved coastal zone management plan and
24 is incorporated in the nonpoint source pol-
25 lution control program of the State (or,

1 with respect to a project conducted by each
2 recipient State, under applicable provisions
3 of section 319);

4 “(ii) conform with the guidance issued
5 pursuant to section 6217(g) of the Omni-
6 bus Budget Reconciliation Act of 1990 (16
7 U.S.C. 1455b(g));

8 “(iii) be consistent with the rec-
9 ommendations of any relevant Remedial
10 Action Plans and Lakewide Management
11 Plans;

12 “(iv) be administered by agencies des-
13 ignated in the nonpoint source manage-
14 ment program of the State;

15 “(v) improve water quality; and

16 “(vi) have the potential to reduce pro-
17 jected dredging costs, including environ-
18 mental dredging, in an amount comparable
19 to the cost of the erosion control project,
20 within the lifetime of the dredging project.

21 “(D) STATE GRANTS.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), to carry out a project under this para-
24 graph, a State may award grants from
25 funds made available under this paragraph

1 for the implementation of an erosion con-
2 trol measure.

3 “(ii) LIMITATION.—The amount of a
4 grant under this subparagraph may not ex-
5 ceed 75 percent of the cost erosion control
6 measure.

7 “(E) AMOUNT OF GRANT AWARD.—

8 “(i) IN GENERAL.—A grant under
9 this paragraph shall be in such amount
10 and subject to such conditions as the Sec-
11 retary, with the concurrence of the Admin-
12 istrator, shall determine.

13 “(ii) FEDERAL SHARE.—The Federal
14 share of a grant made under this para-
15 graph shall be 75 percent of the cost of the
16 project.

17 “(iii) STATE SHARE.—The State
18 share of a grant made under this sub-
19 section shall be provided from non-Federal
20 sources.

21 “(4) AUTHORIZATION OF APPROPRIATIONS.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), there are authorized to be appro-
24 priated to the Department of the Army to carry

1 out this subsection, \$10,000,000 for each of fis-
2 cal years 1994 through 1999.

3 “(B) LIMITATION.—Not less than 40 per-
4 cent of the amounts made available under sub-
5 paragraph (A) shall be reserved to carry out
6 paragraph (3).”.

7 (b) REMEDIAL ACTION PLANNING COMMITTEE.—
8 Section 118(a)(3) of such Act (33 U.S.C. 1268(a)(3)) is
9 amended—

10 (1) in subparagraph (I), by striking “and” at
11 the end;

12 (2) in subparagraph (J), by striking the period
13 at the end and inserting “; and”; and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 “(K) ‘Remedial action planning committee’
17 means a committee that is involved in the devel-
18 opment of a Remedial Action Plan.”.

19 **SEC. 4. SEDIMENT CLEANUP.**

20 Section 118(c)(7) of the Federal Water Pollution
21 Control Act (33 U.S.C. 1268(c)(7)) is amended by adding
22 at the end the following new subparagraphs:

23 “(D)(i) The Program Office shall conduct
24 5 full-scale demonstration projects of promising
25 technologies to remedy contaminated sediments

1 at such sites as the Program Office determines
2 are appropriate.

3 “(ii) In selecting the sites for the dem-
4 onstration projects, the Program Office shall
5 give priority consideration to the sites referred
6 to in subparagraph (A).

7 “(iii) The Program Office shall—

8 “(I) not later than December 31,
9 1995, complete engineering plans for the
10 full-scale demonstration projects to be con-
11 ducted under this subparagraph; and

12 “(II) not later than December 31,
13 1998, complete the full-scale demonstra-
14 tion projects to be conducted under this
15 subparagraph.

16 “(E)(i)(I) The Program Office shall con-
17 duct chemical, physical, and biological assess-
18 ments of contaminated sediments at each area
19 of concern.

20 “(II) Based on the assessments, the Pro-
21 gram Office shall make recommendations on
22 technologies to remedy contaminated sediments
23 at each area.

24 “(III) In conducting the assessments, the
25 Program Office shall incorporate previous find-

1 ings that are relevant to the assessments and
2 avoid duplication of previous or ongoing efforts.

3 “(ii) If, after conducting assessments
4 under clause (i), the Program Office determines
5 that not 1 of the technologies already dem-
6 onstrated pursuant to subparagraph (B)(i) is
7 appropriate or cost-effective to remedy contami-
8 nated sediments at an area of concern, the Pro-
9 gram Office shall conduct additional pilot scale
10 demonstration projects of promising tech-
11 nologies to remedy contaminated sediments at
12 the area of concern.

13 “(iii) The Program Office shall—

14 “(I) not later than December 31,
15 1999, complete assessments of contami-
16 nated sediments to be conducted under
17 clause (i);

18 “(II) not later than December 31,
19 1999, transmit to Congress (as part of a
20 comprehensive report required by para-
21 graph (10)) recommendations made under
22 clause (i) on technologies to remedy con-
23 taminated sediments for those areas of
24 concern for which the Program Office has
25 sufficient information to make the rec-

1 ommendations and a description of pilot
2 scale demonstration projects to be con-
3 ducted under clause (ii), including the loca-
4 tions of the projects and engineering plans
5 for the projects; and

6 “(III) not later than December 31,
7 2001, complete all pilot scale demonstra-
8 tion projects to be conducted under clause
9 (ii) and transmit to Congress (as part of a
10 comprehensive report required by para-
11 graph (10)) a final report containing find-
12 ings on activities conducted under this sub-
13 paragraph and recommendations for reme-
14 diation of contaminated sediments at each
15 area of concern.

16 “(F) The Program Office shall convene an
17 interagency team including representatives from
18 the Army Corps of Engineers, the Fish and
19 Wildlife Service, the Department of Energy,
20 and the Department of Commerce to assist in
21 and promote the dissemination of information
22 on technologies to remedy contaminated sedi-
23 ments at areas of concern, including the dis-
24 semination of the information to Federal and
25 State departments and agencies.”.

1 **SEC. 5. POLLUTION PREVENTION**

2 (a) IN GENERAL.—Section 118 of the Federal Water
3 Pollution Control Act (33 U.S.C. 1268), as amended by
4 section 3(a), is further amended by inserting after sub-
5 section (e) the following new subsection:

6 “(f) GREAT LAKES POLLUTION PREVENTION DEM-
7 ONSTRATION PROGRAM.—

8 “(1) ESTABLISHMENT.—The Administrator, in
9 coordination with the Director of the National Insti-
10 tute of Standards and Technology and appropriate
11 officials of the Great Lakes States, shall establish a
12 multimedia Great Lakes Pollution Prevention Dem-
13 onstration Program to increase the use of moderniz-
14 ing industrial source reduction practices (as defined
15 in section 6603(5) of the Pollution Prevention Act of
16 1990 (42 U.S.C. 13102(5)) through demonstrations
17 in the Great Lakes region.

18 “(2) REGISTRY OF TECHNOLOGIES.—The Ad-
19 ministrator, in consultation with the appropriate of-
20 ficials of State technical assistance offices and the
21 Director of the National Institute of Standards and
22 Technology, shall maintain a registry of modernizing
23 toxic use and waste reduction technologies requiring
24 demonstration.

25 “(3) PARTICIPATION.—Any person with a per-
26 mit to discharge to waters of the Great Lakes sys-

1 tem under section 402 may participate in the dem-
2 onstration program through—

3 “(A) the institution of a source reduction
4 practice from the registry developed under
5 paragraph (2); or

6 “(B) the institution of any other innovative
7 source reduction practice that the Adminis-
8 trator determines—

9 “(i) has the potential to significantly
10 reduce pollutant discharges to water and
11 other environmental media without signifi-
12 cantly increasing pollutant discharges to
13 any environmental medium; and

14 “(ii) should be demonstrated.

15 “(4) REQUIREMENTS.—Any participant in the
16 demonstration program—

17 “(A) shall be exempt from the requirement
18 under section 308 to pay a fee for the develop-
19 ment of revised effluent guidelines; and

20 “(B) may be granted an additional year to
21 comply with any new or revised effluent stand-
22 ards issued under this Act if, in the judgment
23 of the Administrator, the extension is necessary
24 and appropriate.

1 “(5) POLLUTION PREVENTION EXTENSION
2 SERVICE.—The Administrator, in cooperation with
3 the Director of the National Institute of Standards
4 and Technology and appropriate officials of State
5 technical assistance offices, shall establish a Pollu-
6 tion Prevention Extension Service to provide an ac-
7 tive outreach effort to advise, inform, and encourage
8 pollution prevention by industrial discharges to the
9 Great Lakes system.

10 “(6) GREAT LAKES POLLUTION PREVENTION
11 CLEARINGHOUSE.—

12 “(A) ESTABLISHMENT.—The Adminis-
13 trator shall establish a Great Lakes Pollution
14 Prevention Clearinghouse.

15 “(B) USE.—The Clearinghouse shall uti-
16 lize the results of—

17 “(i) research from the Environmental
18 Protection Agency Risk Reduction Engi-
19 neering Laboratory; and

20 “(ii) demonstrations conducted pursu-
21 ant to subsection (f),

22 to provide information to municipal and indus-
23 trial dischargers and sources of nonpoint pollu-
24 tion within the Great Lakes region on source

1 reduction methods, measures, techniques, and
2 technologies.

3 “(C) COOPERATION WITH CANADA.—The
4 Administrator shall, to the maximum extent
5 practicable, cooperate with appropriate officials
6 of the Government of Canada with respect to
7 the collection and dissemination of information
8 pursuant to this section.

9 “(7) POLLUTION PREVENTION FOR CITIES PRO-
10 GRAM.—

11 “(A) APPLICATION FOR TECHNICAL AS-
12 SISTANCE.— A municipality located within the
13 Great Lakes basin boundaries may apply for
14 technical and financial assistance from the Ad-
15 ministrator to implement source reduction of
16 toxic pollutants in urban runoff, wastewater,
17 and stormwater.

18 “(B) ELIGIBILITY.—To be eligible for as-
19 sistance under this paragraph, a municipality
20 shall apply to the Administrator with a state-
21 ment—

22 “(i) stating pollutant reduction goals;
23 and

1 “(ii) documenting stakeholder interest
2 in implementing voluntary pollutant reduc-
3 tion measures.

4 “(C) ASSISTANCE.—The Administrator
5 shall, for each municipality with an approved
6 application statement—

7 “(i) provide technical assistance in the
8 development of a municipal source reduc-
9 tion action plan; and

10 “(ii) authorize the expenditure of
11 State revolving fund monies pursuant to
12 section 602(a) for the implementation of
13 an approved source reduction plan.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) REVOLVING FUNDS.—Section 601(a) of the
16 Federal Water Pollution Control Act (33 U.S.C.
17 1381(a)) is amended—

18 (A) by striking “and” at the end of para-
19 graph (2);

20 (B) by inserting before the period at the
21 end the following: “, and (4) for implementing
22 a source reduction action plan that has been
23 approved by the Administrator pursuant to sec-
24 tion 118(f)(7)”.

1 (2) PROJECTS ELIGIBLE FOR ASSISTANCE.—
2 The first sentence of section 603(c) of such Act (33
3 U.S.C. 1383(c)) is amended—

4 (A) by striking “and” at the end of para-
5 graph (2);

6 (B) by inserting before the period at the
7 end the following: “, and (4) for carrying out
8 the activities related to the Great Lakes de-
9 scribed in subsection (e), including implement-
10 ing a source reduction action plan that has
11 been approved by the Administrator pursuant
12 to section 118(f)(7)”.

13 **SEC. 6. RESEARCH.**

14 Subsection (g) of section 118 of the Federal Water
15 Pollution Control Act (33 U.S.C. 1268) (as redesignated
16 by section 2(1)) is amended to read as follows:

17 “(g) GREAT LAKES RESEARCH COUNCIL.—

18 “(1) DEFINITIONS.—As used in this subsection:

19 “(A) COUNCIL.—The term ‘Council’ means
20 the Great Lakes Research Council established
21 under paragraph (2);

22 “(B) GREAT LAKES.—The term ‘Great
23 Lakes’ means—

1 “(i) Lake Erie, Lake Huron, Lake
2 Michigan, Lake Ontario, and Lake Supe-
3 rior;

4 “(ii) the connecting waters of the
5 lakes listed in clause (i), including the St.
6 Mary’s River, the St. Clair River, Lake St.
7 Clair, the Detroit River, and the Niagara
8 River; and

9 “(iii) the St. Lawrence River.

10 “(C) GREAT LAKES RESEARCH.—The term
11 ‘Great Lakes research’ means the application of
12 scientific or engineering expertise to explain,
13 understand, and predict the physical, chemical,
14 biological, and socioeconomic processes, and
15 their interactions, in the Great Lakes eco-
16 system.

17 “(2) ESTABLISHMENT.—There is established a
18 Great Lakes Research Council.

19 “(3) DUTIES OF THE COUNCIL.—The Council
20 shall—

21 “(A) not later than 1 year after the date
22 of enactment of this subparagraph, prepare and
23 provide to Congress and other interested par-
24 ties, a report that—

1 “(i) promotes the coordination of Fed-
2 eral research activities to avoid unneces-
3 sary duplication and ensure greater effec-
4 tiveness in achieving the protection of the
5 ecosystem of the Great Lakes and the
6 goals of the Great Lakes Water Quality
7 Agreement;

8 “(ii) assesses the research activities
9 needed to fulfill the Great Lakes Water
10 Quality Agreement goals;

11 “(iii) assesses Federal expertise and
12 capabilities existing on the date of enact-
13 ment of this clause in activities needed to
14 fulfill the Great Lakes Water Quality
15 Agreement goals, including an inventory of
16 existing Federal Great Lakes research pro-
17 grams, projects, facilities, and personnel;

18 “(iv) recommends long-term and
19 short-term research priorities for Federal
20 research on the Great Lakes, based on a
21 comparison of the assessment conducted
22 under clauses (i) and (ii), and existing on
23 the date of enactment of this clause; and

24 “(v) describes coordination efforts
25 with Canada;

1 “(B) identify topics for, and participate in,
2 meetings, workshops, symposia, and conferences
3 on Great Lakes research issues;

4 “(C) make recommendations for the uni-
5 form collection and storage of data for enhanc-
6 ing research and management protocols relating
7 to the protection and restoration of the phys-
8 ical, biological, and chemical integrity of the
9 Great Lakes ecosystem;

10 “(D) consider and make recommendations
11 with respect to the establishment of a com-
12 prehensive, multimedia database for the Great
13 Lakes ecosystem; and

14 “(E) participate in any ongoing coordina-
15 tion efforts, such as the Council of Great Lakes
16 Research Managers of the International Joint
17 Commission.

18 “(4) MEMBERSHIP OF THE COUNCIL.—

19 “(A) IN GENERAL.—The Council shall be
20 comprised of 1 research manager with extensive
21 knowledge, scientific expertise, and experience
22 in the Great Lakes ecosystem from each of the
23 following organizations:

24 “(i) The Environmental Protection
25 Agency.

1 “(ii) The National Oceanic and At-
2 mospheric Administration.

3 “(iii) The Coast Guard.

4 “(iv) The Fish and Wildlife Service.

5 “(v) The United States Geological
6 Survey.

7 “(vi) Any other relevant Federal de-
8 partment, agency, or instrumentality, as
9 determined by the Council membership.

10 “(B) EX OFFICIO MEMBERS.—Any other
11 person who is not a Federal employee may
12 serve as a nonvoting ex officio member of the
13 Council, at the request of the Council.

14 “(C) PARTICIPATION BY CERTAIN OFFI-
15 CIALS.—The Council shall request appropriate
16 officials of each State that borders the Great
17 Lakes, the International Joint Commission, the
18 Government of Canada, and the governments of
19 each province that borders on the Great Lakes
20 to serve as nonvoting ex-officio members of the
21 Council.

22 “(5) CHAIRPERSON.—The members of the
23 Council shall elect a Chairperson from among the
24 members of the Council listed under clauses (i), (ii),
25 and (iv) of paragraph (4)(A).

1 “(6) TRAVEL EXPENSES.—Each member of the
2 Council who is not an employee of the Federal Gov-
3 ernment shall be allowed travel expenses, including
4 per diem in lieu of subsistence, at rates authorized
5 for employees under subchapter I of chapter 57 of
6 title 5, United States Code, while away from the
7 home or regular place of business of the member in
8 the performance of services for the Council.

9 “(7) INTERAGENCY COOPERATION.—The head
10 of each department, agency, or other instrumentality
11 of the Federal Government that is represented on
12 the Council—

13 “(A) may, upon written request of the
14 Chairperson, make available, on a reimbursable
15 basis or otherwise, personnel, services, or facili-
16 ties as may be necessary to assist the Council
17 in achieving the purposes of this subsection;
18 and

19 “(B) shall, upon written request from the
20 Chairperson, furnish data or other information
21 necessary to achieve the purposes of this sub-
22 section.

23 “(8) EFFECT ON OTHER LAWS.—Nothing in
24 this subsection is intended to amend, restrict, or
25 otherwise alter the authority of any Federal depart-

1 ment, agency, or instrumentality, under any law, to
2 undertake Great Lakes research activities.”.

3 **SEC. 7. LAKEWIDE MANAGEMENT PLANS.**

4 Paragraph (4) of section 118(c) of the Federal Water
5 Pollution Control Act (33 U.S.C. 1268(c)(4)) is amended
6 to read as follows:

7 “(4) LAKEWIDE MANAGEMENT PLANS.—

8 “(A)(i) Not later than January 1, 1995,
9 the Administration shall publish in the Federal
10 Register the final Lakewide Management Plan
11 for Lake Michigan and Lake Superior.

12 “(ii) Not later than January 1, 1998, the
13 Administrator shall publish in the Federal Reg-
14 ister proposed Lakewide Management Plans for
15 Lake Erie, Lake Huron, and Lake Ontario.

16 “(B) Each Lakewide Management Plan
17 shall be consistent with the requirements of
18 Annex 2 of the Great Lakes Water Quality
19 Agreement, and shall—

20 “(i) include an assessment of the envi-
21 ronmental condition of the lake, including
22 water and sediment quality and natural re-
23 sources;

24 “(ii) identify—

1 “(I) the toxic pollutants that ex-
2 ceed water or sediment quality stand-
3 ards in the lake, describing the load-
4 ings of the pollutants to the lake, in-
5 cluding conventional, non-conven-
6 tional, and toxic pollutants; and

7 “(II) the point and nonpoint
8 sources of the pollutants;

9 “(iii) provide a comprehensive protec-
10 tion plan recommending specific actions to
11 restore and maintain the chemical, phys-
12 ical, and biological integrity of the lake, in-
13 cluding—

14 “(I) the specific measures to pro-
15 tect and maintain high quality waters;
16 and

17 “(II) an identification of the re-
18 duction in loadings of pollutants iden-
19 tified in clause (ii) to ensure the res-
20 toration and attainment of water and
21 sediment quality standards, and the
22 protection and propagation of a bal-
23 anced indigenous population of fish,
24 shellfish, and wildlife and recreation
25 in and on the water; and

1 “(iv) provide a schedule for imple-
2 menting recommended actions, including
3 the identification of the agencies and
4 sources responsible for implementing the
5 loading reductions, and the funding
6 sources to support the implementation.

7 “(C) Each Lakewide Management Plan
8 shall be developed in cooperation with—

9 “(i) the State or States bordering the
10 lake, including the public in the State or
11 States;

12 “(ii) appropriate representatives of
13 Canada; and

14 “(iii) the Great Lakes Policy Commit-
15 tee.”.

16 **SEC. 8. ENFORCEMENT.**

17 Section 601 of the Federal Water Pollution Control
18 Act (33 U.S.C. 1381) is amended by adding at the end
19 the following new subsection:

20 “(c) ADDITIONAL CAPITALIZATION FUNDS.—

21 “(1) IN GENERAL.—Notwithstanding any other
22 provision of law, an amount equal to the amount of
23 any penalty collected from an enforcement action
24 pursuant to section 309 involving a discharge into
25 the Great Lakes System shall be deposited into the

1 revolving loan fund, established pursuant to this
2 title, of the State in which the discharge occurred.

3 “(2) USE OF FUNDS.—Funds deposited in a
4 State revolving loan fund pursuant to this subsection
5 shall, to the extent practicable, be used to support
6 implementation of plans, programs, and projects to
7 benefit the water quality of the Great Lakes.

8 “(3) NATURE OF FUNDS.—Funds deposited in
9 a State revolving loan fund pursuant to this sub-
10 section shall—

11 “(A) not be applied to Environmental Pro-
12 tection Agency base program responsibilities;
13 and

14 “(B) supplement funds made available to
15 the Environmental Protection Agency funds
16 pursuant to this Act or funds that are other-
17 wise made available to the Agency.”.

18 **SEC. 9. HEALTH EFFECTS STUDY.**

19 Subsection 118(e)(3)(A) of the Federal Water Pollu-
20 tion Control Act is amended by inserting after “September
21 30, 1994” the following: “and again, not later than Sep-
22 tember 30, 1997,”.

23 Subsection 118(e)(3)(B) of the Federal Water Pollu-
24 tion Control Act is amended by striking “\$3,000,000” and

1 inserting , “\$5,000,000”; and, striking “and” and adding
 2 at the end of the paragraph, “1995, 1996, and 1997”.

3 **SEC. 10. CONFORMING AMENDMENT.**

4 Section 403(a) of the Marine, Research and Sanc-
 5 tuaries Act is amended—

6 (1) by striking “118(d)” and inserting
 7 “118(g)”; and

8 (2) by striking “(33 U.S.C. 1268(d))”.

9 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 118(k) of the Federal Water Pollution Con-
 11 trol Act (33 U.S.C. 1268) (as redesignated by section
 12 2(1)) is amended by striking the first sentence and insert-
 13 ing the following new sentence: “In addition to any
 14 amounts otherwise made available to the Environmental
 15 Protection Agency to carry out this section, there are au-
 16 thorized to be appropriated to the Environmental Protec-
 17 tion Agency \$25,000,000 for fiscal year 1994, and
 18 \$30,000,000 for each of fiscal years 1995 through 2000,
 19 for the operation and activities of the Program Office
 20 under this section, and such other sums as may be nec-
 21 essary to carry out this section.”.

○

S 1183 IS—2

S 1183 IS—3

S 1183 IS—4