

107TH CONGRESS  
2D SESSION

# **H. R. 1070**

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## **AN ACT**

To amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes.



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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 Legacy  
5   Act of 2002”.

6   **SEC. 2. REMEDIATION OF SEDIMENT CONTAMINATION IN**  
7                   **AREAS OF CONCERN IN THE GREAT LAKES.**

8       Section 118(c) of the Federal Water Pollution Con-  
9   trol Act (33 U.S.C. 1268(c)) is amended by adding at the  
10   end the following:

11               “(12) REMEDIATION OF SEDIMENT CONTAMINA-  
12   TION IN AREAS OF CONCERN.—

13               “(A) IN GENERAL.—In accordance with  
14   this paragraph, the Administrator, acting  
15   through the Great Lakes National Program Of-  
16   fice and in coordination with the Office of Re-  
17   search and Development, may carry out quali-  
18   fied projects.

19               “(B) QUALIFIED PROJECT.—In this para-  
20   graph, a qualified project is a project to be car-  
21   ried out in an area of concern located wholly or  
22   in part in the United States that—

23               “(i) monitors or evaluates contami-  
24   nated sediment;

1                     “(ii) subject to subparagraph (D), im-  
2                     plements a plan to remediate contaminated  
3                     sediment; or

4                     “(iii) prevents further or renewed con-  
5                     tamination of sediment.

6                     “(C) PRIORITY.—In selecting projects to  
7                     carry out under this paragraph, the Adminis-  
8                     trator shall give priority to a project that—

9                     “(i) constitutes remedial action for  
10                     contaminated sediment;

11                     “(ii) has been identified in a Remedial  
12                     Action Plan submitted pursuant to para-  
13                     graph (3) and is ready to be implemented;  
14                     or

15                     “(iii) will use an innovative approach,  
16                     technology, or technique that may provide  
17                     greater environmental benefits or equiva-  
18                     lent environmental benefits at a reduced  
19                     cost.

20                     “(D) LIMITATION.—The Administrator  
21                     may not carry out a project under this para-  
22                     graph for remediation of contaminated sedi-  
23                     ments located in an area of concern—

24                     “(i) if an evaluation of remedial alter-  
25                     natives for the area of concern has not

1 been conducted, including a review of the  
2 short-term and long-term effects of the al-  
3 ternatives on human health and the envi-  
4 ronment; or

11                           “(E) NON-FEDERAL MATCHING REQUIRE-  
12                           MENT.—

1 kind services performed under a unilateral  
2 administrative order or court order.

“(F) MAINTENANCE OF EFFORT.—The Administrator may not carry out a project under this paragraph unless the non-Federal sponsor enters into such agreements with the Administrator as the Administrator may require to ensure that the non-Federal sponsor will maintain its aggregate expenditures from all other sources for remediation programs in the area of concern in which the project is located at or above the average level of such expenditures in its 2 fiscal years preceding the date on which the project is initiated.

20                         “(G) COORDINATION.—In carrying out  
21                         projects under this paragraph, the Adminis-  
22                         trator shall coordinate with the Secretary of the  
23                         Army, and with the Governors of States in  
24                         which the projects are located, to ensure that  
25                         Federal and State assistance for remediation in

1                   areas of concern is used as efficiently as pos-  
2                   sible.

3                   “(H) AUTHORIZATION OF APPROPRIA-  
4                   TIONS.—

5                   “(i) IN GENERAL.—In addition to  
6                   other amounts authorized under this sec-  
7                   tion, there is authorized to be appropriated  
8                   to carry out this paragraph \$50,000,000  
9                   for each of fiscal years 2003 through  
10                   2007.

11                   “(ii) AVAILABILITY.—Funds appro-  
12                   priated under clause (i) shall remain avail-  
13                   able until expended.”.

14 **SEC. 3. RELATIONSHIP TO FEDERAL AND STATE AUTHORI-**  
15 **TIES.**

16                   Section 118(g) of the Federal Water Pollution Con-  
17                   trol Act (33 U.S.C. 1268) is amended—

18                   (1) by striking “construed to affect” and insert-  
19                   ing the following: “construed—

20                   “(1) to affect”;

21                   (2) by striking the period at the end and insert-  
22                   ing “; or”;

23                   (3) by adding at the end the following:

24                   “(2) to affect any other Federal or State au-  
25                   thority that is being used or may be used to facili-

1 state the cleanup and protection of the Great  
2 Lakes.”; and

3 (4) by aligning the remainder of the text of  
4 paragraph (1) (as designated by paragraph (1) of  
5 this section) with paragraph (2) (as added by para-  
6 graph (3) of this section).

7 **SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.**

8 (a) IN GENERAL.—In coordination with other Fed-  
9 eral and local officials, the Administrator of the Environ-  
10 mental Protection Agency is authorized to conduct re-  
11 search on the development and use of innovative ap-  
12 proaches, technologies, and techniques for the remediation  
13 of sediment contamination in areas of concern in the  
14 Great Lakes.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—In addition to amounts au-  
17 thorized under other laws, there is authorized to be  
18 appropriated to carry out this section \$2,000,000 for  
19 each of fiscal years 2003 through 2007.

Passed the House of Representatives September 4, 2002.

Attest:

*Clerk.*