

107TH CONGRESS  
1ST SESSION

# H. R. 1070

To amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern and to authorize assistance for research and development of innovative technologies for such purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2001

Mr. EHLERS (for himself, Mr. KIRK, and Mr. BARCIA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern and to authorize assistance for research and development of innovative technologies for such 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 “Great Lakes Legacy  
3 Act of 2001”.

4 **SEC. 2. GRANTS FOR THE REMEDIATION OF SEDIMENT**  
5 **CONTAMINATION IN AREAS OF CONCERN.**

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

9               “(12) GRANTS FOR REMEDIATION OF SEDI-  
10 MENT CONTAMINATION IN AREAS OF CONCERN.—

11               “(A) IN GENERAL.—In accordance with  
12 this paragraph, the Administrator, acting  
13 through the Great Lakes National Program Of-  
14 fice described in subsection (b) and in coordina-  
15 tion with the Office of Research and Develop-  
16 ment, may make grants to States, Indian tribes  
17 (as defined in section 518(h)), regional agen-  
18 cies, and local governments to carry out quali-  
19 fied projects.

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

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

1 “(ii) remediates contaminated sedi-  
2 ment; or

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

5 “(C) PRIORITY.—In selecting applicants to  
6 receive grants under this paragraph, the Ad-  
7 ministrator shall give priority to an applicant  
8 proposing to carry out a qualified project  
9 that—

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

12 “(ii) has been identified in a remedial  
13 action plan submitted pursuant to para-  
14 graph (3), and is ready to be implemented;  
15 or

16 “(iii) will use an innovative approach,  
17 technology, or technique for remediation.

18 “(D) LIMITATIONS.—The Administrator  
19 may not make a grant under this paragraph to  
20 carry out any of the following types of projects:

21 “(i) A project located in an area of  
22 concern that the Administrator determines  
23 is likely to suffer significant further or re-  
24 newed contamination from existing sources

1 of pollutants causing sediment contamina-  
2 tion.

3 “(ii) A project for which there has  
4 been no evaluation of the short-term and  
5 long-term effects on human health and the  
6 environment of implementing alternative  
7 remedial actions (including actions that in-  
8 volve active remediation of sediments and  
9 actions that do not involve active remedi-  
10 ation of sediments) in relation to the re-  
11 duction of risks to human health and the  
12 environment achieved by such remedial ac-  
13 tions.

14 “(iii) A project that, after having been  
15 subject to an evaluation described in clause  
16 (ii), the Administrator determines is likely  
17 to have greater adverse effects on human  
18 health and the environment than alter-  
19 native remedial actions.

20 “(E) NON-FEDERAL MATCHING REQUIRE-  
21 MENT.—

22 “(i) IN GENERAL.—The non-Federal  
23 share of the cost of any project assisted  
24 under this paragraph shall be not less than  
25 35 percent.

1           “(ii) IN-KIND CONTRIBUTIONS.—The  
2           non-Federal share of the cost of a project  
3           assisted under this paragraph may include  
4           the value of in-kind services contributed by  
5           a non-Federal source, including any in-  
6           kind service performed under a consent de-  
7           cree or administrative order, but not in-  
8           cluding any in-kind services performed  
9           under an enforcement order or judgment.

10          “(iii) OPERATION AND MAINTENANCE.—The non-Federal share of the  
11          cost of the operation and maintenance of  
12          any project assisted under this paragraph  
13          shall be 100 percent.

15          “(F) MAINTENANCE OF EFFORT.—No  
16          grant may be made under this paragraph in  
17          any fiscal year to carry out a project unless the  
18          grantee enters into such agreements with the  
19          Administrator as the Administrator may require  
20          to ensure that the grantee will maintain its ag-  
21          gregate expenditures from all other sources for  
22          remediation programs in the area of concern in  
23          which the project is located at or above the av-  
24          erage level of such expenditures in its 2 fiscal

1 years preceding the date on which the grant is  
2 made.

3 “(G) COORDINATION.—In making grants  
4 under this paragraph, the Administrator shall  
5 coordinate with the Secretary of the Army, and  
6 with the Governors of States in which projects  
7 assisted under this paragraph are located, to  
8 ensure that Federal and State assistance for re-  
9 mediation in areas of concern is used as effi-  
10 ciently as possible.

11 “(H) AUTHORIZATION OF APPROPRIA-  
12 TIONS.—

13 “(i) IN GENERAL.—In addition to  
14 other amounts authorized under this sec-  
15 tion, there is authorized to be appropriated  
16 to carry out this paragraph \$50,000,000  
17 for each of fiscal years 2002 through  
18 2006.

19 “(ii) AVAILABILITY.—Funds appro-  
20 priated under clause (i) shall remain avail-  
21 able until expended.”.

22 **SEC. 3. RESEARCH AND DEVELOPMENT PROGRAM.**

23 (a) IN GENERAL.—In coordination with other Fed-  
24 eral and local officials, the Administrator is authorized to  
25 conduct research on the development and use of innovative

1 approaches, technologies, and techniques for the remedi-  
2 ation of sediment contamination in areas of concern in the  
3 Great Lakes.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—In addition to amounts au-  
6 thorized under other laws, there is authorized to be  
7 appropriated to carry out this section \$2,000,000 for  
8 each of fiscal years 2002 through 2006.

9 (2) AVAILABILITY.—Funds appropriated under  
10 paragraph (1) shall remain available until expended.

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