

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1070

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2002

Received; read twice and referred to the Committee on Environment and  
Public Works

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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.

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

5           “(ii) if the Administrator determines  
6           that the area of concern is likely to suffer  
7           significant further or renewed contamina-  
8           tion from existing sources of pollutants  
9           causing sediment contamination following  
10          completion of the project.

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

13           “(i) IN GENERAL.—The non-Federal  
14           share of the cost of a project carried out  
15           under this paragraph shall be not less than  
16           35 percent.

17           “(ii) IN-KIND CONTRIBUTIONS.—The  
18           non-Federal share of the cost of a project  
19           carried out under this paragraph may in-  
20           clude the value of in-kind services contrib-  
21           uted by a non-Federal sponsor, including  
22           any in-kind service performed under an ad-  
23           ministrative order on consent or judicial  
24           consent decree, but not including any in-

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

3 “(iii) OPERATION AND MAINTENANCE.—The non-Federal share of the  
4 cost of the operation and maintenance of a  
5 project carried out under this paragraph  
6 shall be 100 percent.

7  
8 “(F) MAINTENANCE OF EFFORT.—The  
9 Administrator may not carry out a project  
10 under this paragraph unless the non-Federal  
11 sponsor enters into such agreements with the  
12 Administrator as the Administrator may require  
13 to ensure that the non-Federal sponsor will  
14 maintain its aggregate expenditures from all  
15 other sources for remediation programs in the  
16 area of concern in which the project is located  
17 at or above the average level of such expendi-  
18 tures in its 2 fiscal years preceding the date on  
19 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 possible.  
2

3 “(H) AUTHORIZATION OF APPROPRIATIONS.—  
4

5 “(i) IN GENERAL.—In addition to  
6 other amounts authorized under this section,  
7 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 appropriated  
12 under clause (i) shall remain available  
13 until expended.”.

14 **SEC. 3. RELATIONSHIP TO FEDERAL AND STATE AUTHORITIES.**  
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16 Section 118(g) of the Federal Water Pollution Control Act (33 U.S.C. 1268) is amended—  
17

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

20 “(1) to affect”;

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

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

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

1       tate 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.

1           (2) AVAILABILITY.—Funds appropriated under  
2           paragraph (1) shall remain available until expended.  
          Passed the House of Representatives September 4,  
2002.

Attest:

JEFF TRANDAHL,  
*Clerk.*

By MARTHA C. MORRISON,  
*Deputy Clerk.*