

Union Calendar No. 351

107TH CONGRESS
2^D SESSION

H. R. 1070

[Report No. 107-587, Part I]

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.

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

JULY 18, 2002

Additional sponsors: Mr. CROWLEY, Mr. HOEKSTRA, Ms. KILPATRICK, Mr. ROGERS of Michigan, Ms. KAPTUR, Mr. DINGELL, Mr. KILDEE, Mrs. JONES of Ohio, Mr. PASCRELL, Mr. LATOURETTE, Mr. KUCINICH, Ms. RIVERS, Mr. KIND, Mr. CAMP, Mr. GREEN of Wisconsin, Ms. SCHAKOWSKY, Mr. BARRETT, Ms. CARSON of Indiana, and Mr. SMITH of Michigan

JULY 18, 2002

Reported from the Committee on Transportation and Infrastructure with amendments

[Strike out all after the enacting clause and insert the part printed in *italie*]

JULY 18, 2002

Referral to the Committee on Science extended for a period ending not later than July 18, 2002

JULY 18, 2002

Committee on Science discharged; committed to the Committee of the Whole
House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 15, 2001]

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Great Lakes Legacy Act*
5 *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 Control*
9 *Act (33 U.S.C. 1268(c)) is amended by adding at the end*
10 *the following:*

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

13 “(A) **IN GENERAL.—***In accordance with this*
14 *paragraph, the Administrator, acting through*
15 *the Great Lakes National Program Office and in*

1 *coordination with the Office of Research and De-*
2 *velopment, may carry out qualified projects.*

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

7 “(i) *monitors or evaluates contami-*
8 *nated sediment;*

9 “(ii) *subject to subparagraph (D), im-*
10 *plements a plan to remediate contaminated*
11 *sediment; or*

12 “(iii) *prevents further or renewed con-*
13 *tamination of sediment.*

14 “(C) *PRIORITY.*—*In selecting projects to*
15 *carry out under this paragraph, the Adminis-*
16 *trator shall give priority to a project that—*

17 “(i) *constitutes remedial action for*
18 *contaminated sediment;*

19 “(ii) *has been identified in a Remedial*
20 *Action Plan submitted pursuant to para-*
21 *graph (3) and is ready to be implemented;*
22 *or*

23 “(iii) *will use an innovative approach,*
24 *technology, or technique that may provide*

1 *greater environmental benefits or equivalent*
2 *environmental benefits at a reduced cost.*

3 “(D) *LIMITATION.*—*The Administrator may*
4 *not carry out a project under this paragraph for*
5 *remediation of contaminated sediments located*
6 *in an area of concern—*

7 “(i) *if an evaluation of remedial alter-*
8 *natives for the area of concern has not been*
9 *conducted, including a review of the short-*
10 *term and long-term effects of the alter-*
11 *natives on human health and the environ-*
12 *ment; or*

13 “(ii) *if the Administrator determines*
14 *that the area of concern is likely to suffer*
15 *significant further or renewed contamina-*
16 *tion from existing sources of pollutants*
17 *causing sediment contamination following*
18 *completion of the project.*

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

21 “(i) *IN GENERAL.*—*The non-Federal*
22 *share of the cost of a project carried out*
23 *under this paragraph shall be not less than*
24 *35 percent.*

1 “(ii) *IN-KIND CONTRIBUTIONS.*—*The*
2 *non-Federal share of the cost of a project*
3 *carried out under this paragraph may in-*
4 *clude the value of in-kind services contrib-*
5 *uted by a non-Federal sponsor, including*
6 *any in-kind service performed under an ad-*
7 *ministrative order on consent or judicial*
8 *consent decree, but not including any in-*
9 *kind services performed under a unilateral*
10 *administrative order or court order.*

11 “(iii) *OPERATION AND MAINTEN-*
12 *NANCE.*—*The non-Federal share of the cost*
13 *of the operation and maintenance of a*
14 *project carried out under this paragraph*
15 *shall be 100 percent.*

16 “(F) *MAINTENANCE OF EFFORT.*—*The Ad-*
17 *ministrator may not carry out a project under*
18 *this paragraph unless the non-Federal sponsor*
19 *enters into such agreements with the Adminis-*
20 *trator as the Administrator may require to en-*
21 *sure that the non-Federal sponsor will maintain*
22 *its aggregate expenditures from all other sources*
23 *for remediation programs in the area of concern*
24 *in which the project is located at or above the av-*
25 *erage level of such expenditures in its 2 fiscal*

1 years preceding the date on which the project is
2 initiated.

3 “(G) COORDINATION.—In carrying out
4 projects under this paragraph, the Administrator
5 shall coordinate with the Secretary of the Army,
6 and with the Governors of States in which the
7 projects are located, to ensure that Federal and
8 State assistance for remediation in areas of con-
9 cern is used as efficiently as possible.

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

12 “(i) IN GENERAL.—In addition to
13 other amounts authorized under this sec-
14 tion, there is authorized to be appropriated
15 to carry out this paragraph \$50,000,000 for
16 each of fiscal years 2003 through 2007.

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

20 **SEC. 3. RELATIONSHIP TO FEDERAL AND STATE AUTHORI-**
21 **TIES.**

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

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

1 “(1) to affect”;

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

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

5 “(2) to affect any other Federal or State author-
6 ity that is being used or may be used to facilitate the
7 cleanup and protection of the Great Lakes.”; and

8 (4) by aligning the remainder of the text of
9 paragraph (1) (as designated by paragraph (1) of this
10 section) with paragraph (2) (as added by paragraph
11 (3) of this section).

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

13 (a) *IN GENERAL.*—In coordination with other Federal
14 and local officials, the Administrator of the Environmental
15 Protection Agency is authorized to conduct research on the
16 development and use of innovative approaches, technologies,
17 and techniques for the remediation of sediment contamina-
18 tion in areas of concern in the Great Lakes.

19 (b) *AUTHORIZATION OF APPROPRIATIONS.*—

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

24 (2) *AVAILABILITY.*—Funds appropriated under
25 paragraph (1) shall remain available until expended.

Amend the title so as to read: “A bill 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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