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H. R. 1070

[Report No. 107-312]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2002

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

OCTOBER 15, 2002

Reported by Mr. JEFFORDS, with an amendment and an amendment to the
title

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

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”.

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

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

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

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

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

18 “(i) monitors or evaluates contami-
 19 nated sediment;

20 “(ii) subject to subparagraph (D), im-
 21 plements a plan to remediate contaminated
 22 sediment; or

23 “(iii) prevents further or renewed con-
 24 tamination of sediment.

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

4 “(i) constitutes remedial action for
5 contaminated sediment;

6 “(ii) has been identified in a Remedial
7 Action Plan submitted pursuant to para-
8 graph (3) and is ready to be implemented;
9 or

10 “(iii) will use an innovative approach,
11 technology, or technique that may provide
12 greater environmental benefits or equiva-
13 lent environmental benefits at a reduced
14 cost.

15 “(D) LIMITATION.—The Administrator
16 may not carry out a project under this para-
17 graph for remediation of contaminated sedi-
18 ments located in an area of concern—

19 “(i) if an evaluation of remedial alter-
20 natives for the area of concern has not
21 been conducted, including a review of the
22 short-term and long-term effects of the al-
23 ternatives on human health and the envi-
24 ronment; or

“(ii) if the Administrator determines that the area of concern is likely to suffer significant further or renewed contamination from existing sources of pollutants causing sediment contamination following completion of the project.

“(E) NON-FEDERAL MATCHING REQUIREMENT.—

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

“(ii) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of a project carried out under this paragraph may include the value of in-kind services contributed by a non-Federal sponsor, including any in-kind service performed under an administrative order on consent or judicial consent decree, but not including any in-kind services performed under a unilateral administrative order or court order.

“(iii) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of the operation and maintenance of a

1 project carried out under this paragraph
2 shall be 100 percent.

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

15 “(G) COORDINATION.—In carrying out
16 projects under this paragraph, the Adminis-
17 trator shall coordinate with the Secretary of the
18 Army, and with the Governors of States in
19 which the projects are located, to ensure that
20 Federal and State assistance for remediation in
21 areas of concern is used as efficiently as pos-
22 sible.

23 “(H) AUTHORIZATION OF APPROPRIA-
24 TIONS.—

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

7 “(ii) AVAILABILITY.—Funds appro-
 8 priated under clause (i) shall remain avail-
 9 able until expended.”.

10 **SEC. 3. RELATIONSHIP TO FEDERAL AND STATE AUTHORI-**
 11 **TIES.**

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

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

16 “(1) to affect”;

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

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

20 “(2) to affect any other Federal or State au-
 21 thority that is being used or may be used to facili-
 22 tate the cleanup and protection of the Great
 23 Lakes.”; and

24 (4) by aligning the remainder of the text of
 25 paragraph (1) (as designated by paragraph (1) of

1 this section) with paragraph (2) (as added by para-
2 graph (3) of this section).

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

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

11 (b) ~~AUTHORIZATION OF APPROPRIATIONS.~~—

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

16 (2) ~~AVAILABILITY.~~—Funds appropriated under
17 paragraph (1) shall remain available until expended.

18 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

19 (a) *SHORT TITLE.*—*This Act may be cited as the*
20 *“Great Lakes and Lake Champlain Program Act of 2002”.*

21 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
22 *Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—GREAT LAKES

Sec. 101. Short title.

Sec. 102. Report on remedial action plans.

*Sec. 103. Remediation of sediment contamination in areas of concern in the
Great Lakes.*

Sec. 104. Relationship to existing Federal and State laws and international agreements.

Sec. 105. Authorization of appropriations.

TITLE II—LAKE CHAMPLAIN

Sec. 201. Short title.

Sec. 202. Lake Champlain basin program.

Sec. 203. Lake Champlain watershed, Vermont and New York.

TITLE III—MISCELLANEOUS

Sec. 301. Phase II storm water program.

TITLE I—GREAT LAKES

SEC. 101. SHORT TITLE.

This title may be cited as the “Great Lakes Legacy Act of 2002”.

SEC. 102. REPORT ON REMEDIAL ACTION PLANS.

Section 118(c)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(3)) is amended by adding at the end the following:

“(E) REPORT.—Not later than 1 year after the date of enactment of this subparagraph, the Administrator shall submit to Congress a report on such actions, time periods, and resources as are necessary to fulfill the duties of the Agency relating to oversight of Remedial Action Plans under—

“(i) this paragraph; and

“(ii) the Great Lakes Water Quality Agreement.”.

1 **SEC. 103. REMEDIATION OF SEDIMENT CONTAMINATION IN**
 2 **AREAS OF CONCERN IN THE GREAT LAKES.**

3 *Section 118(c) of the Federal Water Pollution Control*
 4 *Act (33 U.S.C. 1268(c)) is amended by adding at the end*
 5 *the following:*

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

8 “(A) *DEFINITION OF QUALIFIED*
 9 *PROJECT.—In this paragraph, the term ‘quali-*
 10 *fied project’ means a project, to be carried out in*
 11 *an area of concern located wholly or in part in*
 12 *the United States, to—*

13 “(i) *monitor or evaluate contaminated*
 14 *sediment, including conducting a site char-*
 15 *acterization;*

16 “(ii) *remediate contaminated sediment*
 17 *(including disposal of the contaminated*
 18 *sediment); or*

19 “(iii) *prevent further or renewed con-*
 20 *tamination of sediment.*

21 “(B) *PROJECTS.—The Administrator, act-*
 22 *ing through the Program Office and in coordina-*
 23 *tion with the Office of Research and Develop-*
 24 *ment of the Agency, may carry out qualified*
 25 *projects under this paragraph.*

1 “(C) *PRIORITY.*—*In carrying out this para-*
 2 *graph, the Administrator shall give priority to a*
 3 *qualified project that—*

4 “(i) *consists of remedial action for con-*
 5 *taminated sediment;*

6 “(ii) *has been identified in a Remedial*
 7 *Action Plan that is—*

8 “(I) *submitted under paragraph*
 9 *(3); and*

10 “(II) *ready to be implemented;*

11 “(iii) *will use an innovative approach,*
 12 *technology, or technique for remediation; or*

13 “(iv) *includes remediation to be com-*
 14 *menced not later than 1 year after the re-*
 15 *ceipt of funds for the project.*

16 “(D) *LIMITATIONS.*—*The Administrator*
 17 *may not carry out a qualified project described*
 18 *in clause (ii) or (iii) of subparagraph (A)—*

19 “(i) *that is located in an area of con-*
 20 *cern that the Administrator determines is*
 21 *likely to suffer significant further or re-*
 22 *newed sediment contamination from sources*
 23 *of pollutants after the completion of the*
 24 *qualified project; or*

1 “(ii) *at a site that has not had a thor-*
 2 *ough site characterization.*

3 “(E) *NON-FEDERAL MATCHING REQUIRE-*
 4 *MENT.—*

5 “(i) *IN GENERAL.—The non-Federal*
 6 *share of the cost of a qualified project car-*
 7 *ried out under this paragraph shall be not*
 8 *less than 35 percent.*

9 “(ii) *IN-KIND CONTRIBUTIONS.—The*
 10 *non-Federal share of the cost of a qualified*
 11 *project carried out under this paragraph*
 12 *may include the value of in-kind services*
 13 *contributed by a non-Federal sponsor.*

14 “(iii) *OPERATION AND MAINTENANCE.—The non-Federal share of the cost*
 15 *of the operation and maintenance of a*
 16 *qualified project carried out under this*
 17 *paragraph shall be 100 percent.*

18 “(F) *COORDINATION.—In carrying out*
 19 *qualified projects under this paragraph, the Ad-*
 20 *ministrator shall coordinate with the Secretary*
 21 *of the Army, and with the Governors of States in*
 22 *which qualified projects assisted under this para-*
 23 *graph are located, to ensure that Federal and*
 24

1 *State assistance for remediation in areas of con-*
2 *cern is used as efficiently as practicable.*

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

5 “(i) *IN GENERAL.—In addition to*
6 *other amounts authorized to be appro-*
7 *priated under this section, there is author-*
8 *ized to be appropriated to carry out this*
9 *paragraph \$50,000,000 for each of fiscal*
10 *years 2004 through 2008.*

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

14 “(13) *RESEARCH AND DEVELOPMENT PRO-*
15 *GRAM.—*

16 “(A) *IN GENERAL.—The Administrator, in*
17 *coordination with other Federal and local offi-*
18 *cials, shall conduct research on the development*
19 *and use of innovative approaches, technologies,*
20 *and techniques for the remediation of sediment*
21 *contamination in areas of concern in the Great*
22 *Lakes.*

23 “(B) *AUTHORIZATION OF APPROPRIA-*
24 *TIONS.—*

1 “(i) *IN GENERAL.*—*In addition to*
 2 *amounts authorized to be appropriated*
 3 *under other law, there is authorized to be*
 4 *appropriated to carry out this paragraph*
 5 *\$2,000,000 for each of fiscal years 2004*
 6 *through 2008.*

7 “(ii) *AVAILABILITY.*—*Funds appro-*
 8 *priated under clause (i) shall remain avail-*
 9 *able until expended.*

10 “(14) *PUBLIC INFORMATION PROGRAM.*—

11 “(A) *IN GENERAL.*—*The Administrator, act-*
 12 *ing through the Program Office and in coordina-*
 13 *tion with the Office of Research and Develop-*
 14 *ment of the Agency, States, Indian tribes, local*
 15 *governments, and other entities, may carry out*
 16 *a public information program to provide—*

17 “(i) *information relating to the reme-*
 18 *diation of contaminated sediment to the*
 19 *public in areas of concern that are—*

20 “(I) *located wholly within the*
 21 *United States; or*

22 “(II) *shared with Canada; and*

23 “(ii) *local coordination and organiza-*
 24 *tion in those areas.*

1 “(B) *AUTHORIZATION OF APPROPRIA-*
 2 *TIONS.—There is authorized to be appropriated*
 3 *to carry out this paragraph \$5,000,000 for each*
 4 *of fiscal years 2004 through 2008.”.*

5 **SEC. 104. RELATIONSHIP TO EXISTING FEDERAL AND**
 6 **STATE LAWS AND INTERNATIONAL AGREE-**
 7 **MENTS.**

8 *Section 118(g) of the Federal Water Pollution Control*
 9 *Act (33 U.S.C. 1268(g)) is amended by inserting “, includ-*
 10 *ing the cleanup and protection of the Great Lakes” after*
 11 *“Lakes”.*

12 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

13 *Section 118(h) of the Federal Water Pollution Control*
 14 *Act (33 U.S.C. 1268(h)) is amended by striking the first*
 15 *sentence and inserting the following: “There is authorized*
 16 *to be appropriated to carry out this section \$40,000,000 for*
 17 *each of fiscal years 2004 through 2008.”.*

18 **TITLE II—LAKE CHAMPLAIN**

19 **SEC. 201. SHORT TITLE.**

20 *This title may be cited as the “Daniel Patrick Moy-*
 21 *nihan Lake Champlain Basin Program Act of 2002”.*

22 **SEC. 202. LAKE CHAMPLAIN BASIN PROGRAM.**

23 *Title I of the Federal Water Pollution Control Act is*
 24 *amended by striking section 120 (33 U.S.C. 1270) and in-*
 25 *serting the following:*

1 **“SEC. 120. LAKE CHAMPLAIN BASIN PROGRAM.**

2 “(a) *DEFINITIONS.—In this section:*

3 “(1) *COMMITTEE.—The term ‘Committee’ means*
 4 *the steering committee of the program comprised of*
 5 *representatives of Federal, State, and local govern-*
 6 *ments and other persons, as specified in the Plan.*

7 “(2) *LAKE CHAMPLAIN BASIN.—*

8 “(A) *IN GENERAL.—The term ‘Lake Cham-*
 9 *plain basin’ means all water and land resources*
 10 *in the United States in the drainage basin of*
 11 *Lake Champlain.*

12 “(B) *INCLUSIONS.—The term ‘Lake Cham-*
 13 *plain basin’ includes—*

14 “(i) *Clinton, Essex, Franklin, Ham-*
 15 *ilton, Warren, and Washington counties in*
 16 *the State of New York; and*

17 “(ii) *Addison, Bennington, Caledonia,*
 18 *Chittenden, Franklin, Grand Isle, Lamoille,*
 19 *Orange, Orleans, Rutland, and Washington*
 20 *counties in the State of Vermont.*

21 “(3) *PLAN.—The term ‘Plan’ means the plan en-*
 22 *titled ‘Opportunities for Action: An Evolving Plan for*
 23 *the Future of the Lake Champlain Basin’, approved*
 24 *by Lake Champlain Steering Committee on January*
 25 *30, 2002, that describes the actions necessary to pro-*
 26 *tect and enhance the environmental integrity and the*

1 *social and economic benefits of the Lake Champlain*
 2 *basin.*

3 “(4) *PROGRAM.*—*The term ‘program’ means the*
 4 *Lake Champlain Basin Program established by sub-*
 5 *section (b)(1).*

6 “(b) *ESTABLISHMENT.*—

7 “(1) *IN GENERAL.*—*There is established a pro-*
 8 *gram to be known as the ‘Lake Champlain Basin*
 9 *Program’.*

10 “(2) *PURPOSES.*—*The purposes of the program*
 11 *are—*

12 “(A) *to protect and enhance the environ-*
 13 *mental integrity and social and economic bene-*
 14 *fits of the Lake Champlain basin; and*

15 “(B) *to achieve the environmental goals de-*
 16 *scribed in the Plan, including—*

17 “(i) *the reduction of phosphorous in-*
 18 *puts to Lake Champlain from point sources*
 19 *and nonpoint sources so as to—*

20 “(I) *promote a healthy and di-*
 21 *verse ecosystem; and*

22 “(II) *provide for sustainable*
 23 *human use and enjoyment of Lake*
 24 *Champlain;*

1 “(ii) the reduction of toxic contamination,
2 such as contamination by mercury
3 and polychlorinated biphenyls, to protect
4 public health and the ecosystem of the Lake
5 Champlain basin;

6 “(iii) the control of the introduction,
7 spread, and impacts of nonnative nuisance
8 species to preserve the integrity of the eco-
9 system of the Lake Champlain basin;

10 “(iv) the minimization of risks to hu-
11 mans from water-related health hazards in
12 the Lake Champlain basin, including
13 through the protection of sources of drinking
14 water in the Lake Champlain basin;

15 “(v) the restoration and maintenance
16 of a healthy and diverse community of fish
17 and wildlife in the Lake Champlain basin;

18 “(vi) the protection and restoration of
19 wetland, streams, and riparian habitat in
20 the Lake Champlain basin, including func-
21 tions and values provided by those areas;

22 “(vii) the management of Lake Cham-
23 plain, including shorelines and tributaries
24 of Lake Champlain, to achieve—

1 “(I) the protection of natural and
2 cultural resources of Lake Champlain;
3 and

4 “(II) the maintenance of rec-
5 reational uses of Lake Champlain;

6 “(viii) the protection of recreation and
7 cultural heritage resources of the Lake
8 Champlain basin;

9 “(ix) the continuance of the Lake
10 Champlain long-term water quality and bi-
11 ological monitoring program; and

12 “(x) the promotion of healthy and di-
13 verse economic activity and sustainable de-
14 velopment principles in the Lake Cham-
15 plain basin.

16 “(c) *IMPLEMENTATION*.—The Committee, in consulta-
17 tion with appropriate heads of Federal agencies, shall im-
18 plement the program.

19 “(d) *REVISION OF PLAN*.—At least once every 5 years,
20 the Committee shall review and, as necessary, revise the
21 Plan.

22 “(e) *GRANTS*.—

23 “(1) *IN GENERAL*.—Subject to paragraph (2), the
24 Administrator may, in consultation with the Com-
25 mittee, make grants, for the purpose of implementing

1 *the management strategies contained in the Plan,*
 2 *to—*

3 “(A) *State, interstate, and regional water*
 4 *pollution control agencies; and*

5 “(B) *public or nonprofit agencies, institu-*
 6 *tions, and organizations.*

7 “(2) *COST SHARING.—The Federal share of the*
 8 *cost of any activity carried out using funds from a*
 9 *grant provided under this subsection shall not exceed*
 10 *75 percent.*

11 “(3) *ADDITIONAL REQUIREMENTS.—The Admin-*
 12 *istrator may establish such additional requirements*
 13 *for the administration of grants provided under this*
 14 *subsection as the Administrator determines to be ap-*
 15 *propriate.*

16 “(f) *COORDINATION OF FEDERAL PROGRAMS.—*

17 “(1) *AGRICULTURE.—The Secretary of Agri-*
 18 *culture shall support the implementation of the pro-*
 19 *gram by providing financial and technical assistance*
 20 *relating to best management practices for controlling*
 21 *nonpoint source pollution, particularly with respect*
 22 *to preventing pollution from agricultural activities.*

23 “(2) *INTERIOR.—*

24 “(A) *GEOLOGICAL SURVEY.—The Secretary*
 25 *of the Interior, acting through the United States*

1 *Geological Survey, shall support the implementa-*
2 *tion of the program by providing financial, sci-*
3 *entific, and technical assistance and applicable*
4 *watershed research, such as—*

5 *“(i) stream flow monitoring;*

6 *“(ii) water quality monitoring;*

7 *“(iii) evaluation of effectiveness of best*
8 *management practices;*

9 *“(iv) research on the transport and*
10 *final destination of toxic chemicals in the*
11 *environment; and*

12 *“(v) development of an integrated geo-*
13 *graphic information system for the Lake*
14 *Champlain basin.*

15 *“(B) FISH AND WILDLIFE.—The Secretary*
16 *of the Interior, acting through the Director of the*
17 *United States Fish and Wildlife Service and in*
18 *cooperation with the Committee, shall support*
19 *the implementation of the program by—*

20 *“(i) supporting the protection and res-*
21 *toration of wetland, streams, aquatic, and*
22 *riparian habitat;*

23 *“(ii) supporting restoration of inter-*
24 *jurisdictional fisheries and declining aquat-*

1 *ic species in the Lake Champlain watershed*
2 *through—*

3 *“(I) propagation of fish in hatch-*
4 *eries; and*

5 *“(II) continued advancement in*
6 *fish culture and aquatic species man-*
7 *agement technology;*

8 *“(iii) supporting the control and man-*
9 *agement of aquatic nuisance species that*
10 *have adverse effects on—*

11 *“(I) fisheries; or*

12 *“(II) the form, function, or struc-*
13 *ture of the ecosystem of the Lake*
14 *Champlain basin;*

15 *“(iv) providing financial and technical*
16 *assistance in accordance with the Fish and*
17 *Wildlife Coordination Act (16 U.S.C. 661 et*
18 *seq.) to private landowners seeking to im-*
19 *prove fish and wildlife habitat, a goal of*
20 *which is—*

21 *“(I) restoration of full function to*
22 *degraded habitat;*

23 *“(II) enhancement of specific*
24 *habitat functions; or*

1 “(III) establishment of valuable
2 fish and wildlife habitat that did not
3 previously exist on a particular parcel
4 of real property; and

5 “(v) taking other appropriate action to
6 assist in implementation of the Plan.

7 “(C) NATIONAL PARKS.—The Secretary of
8 the Interior, acting through the Director of the
9 National Park Service, shall support the imple-
10 mentation of the program by providing, through
11 the use of funds in the National Recreation and
12 Preservation Appropriation account of the Na-
13 tional Park Service, financial and technical as-
14 sistance for programs concerning cultural herit-
15 age, natural resources, recreational resources, or
16 other programs consistent with the mission of the
17 National Park Service that are associated with
18 the Lake Champlain basin, as identified in the
19 Plan.

20 “(3) COMMERCE.—The Secretary of Commerce,
21 acting through the Under Secretary for Oceans and
22 Atmosphere, shall support the implementation of the
23 program by providing financial and technical assist-
24 ance, through the national sea grant program of the
25 Department of Commerce, for—

1 “(A) research;

2 “(B) management of fisheries and other
3 aquatic resources;

4 “(C) related watershed programs; and

5 “(D) other appropriate action to assist in
6 implementation of the Plan.

7 “(g) *NO EFFECT ON OTHER AUTHORITY.*—Nothing in
8 this section affects the authority of—

9 “(1) any Federal or State agency; or

10 “(2) any international entity relating to Lake
11 Champlain established by an international agreement
12 to which the United States is a party.

13 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—There is
14 authorized to be appropriated to carry out this section
15 \$11,000,000 for each of fiscal years 2003 through 2007, of
16 which—

17 “(1) \$5,000,000 shall be made available to the
18 Administrator;

19 “(2) \$3,000,000 shall be made available to the
20 Secretary of the Interior;

21 “(3) \$1,000,000 shall be made available to the
22 Secretary of Commerce; and

23 “(4) \$2,000,000 shall be made available to the
24 Secretary of Agriculture.”.

1 **SEC. 203. LAKE CHAMPLAIN WATERSHED, VERMONT AND**
 2 **NEW YORK.**

3 *Section 542 of the Water Resources Development Act*
 4 *of 2000 (114 Stat. 2671) is amended—*

5 *(1) in subsection (a)—*

6 *(A) by striking “(a)” and all that follows*
 7 *through “(A) the land areas” and inserting the*
 8 *following:*

9 *“(a) DEFINITION OF LAKE CHAMPLAIN WATER-*
 10 *SHED.—In this section, the term ‘Lake Champlain water-*
 11 *shed’ means—*

12 *“(1) the land areas”;*

13 *(B) by striking “(B)(i) the” and inserting*
 14 *the following:*

15 *“(2)(A) the”;*

16 *(C) by striking “(ii) the” and inserting the*
 17 *following:*

18 *“(B) the”;*

19 *(D) in paragraph (2)(A) (as redesignated*
 20 *by subparagraph (B)), by inserting “Hamilton,”*
 21 *after “Franklin,”; and*

22 *(E) in paragraph (2)(B) (as redesignated*
 23 *by subparagraph (C)), by striking “clause (i)”*
 24 *and inserting “subparagraph (A)”;*

(2) in subsections (b) through (e), by striking “critical restoration” each place it appears and inserting “ecosystem restoration”;

(3) in subsection (b)—

(A) in the subsection heading, by striking “CRITICAL RESTORATION PROJECTS” and inserting “ECOSYSTEM RESTORATION PROGRAM”;

(B) in paragraph (1), by striking “participate in” and inserting “provide design and construction assistance to non-Federal interests for”; and

(C) in paragraph (2)—

(i) by striking “A” and inserting “An”; and

(ii) in subparagraph (E), by inserting before the period at the end the following: “, including remote sensing and the development of a geographic information system for the Lake Champlain basin by the Cold Regions Research and Engineering Laboratory”;

(4) in subsection (c)—

(A) by striking “assistance for a” and inserting “design and construction assistance for an”; and

1 (B) in paragraph (2), by inserting “eco-
2 system restoration or” after “form of”;

3 (5) in subsection (d)—

4 (A) by striking “(d)” and all that follows
5 through “(A) IN GENERAL.—A” and inserting
6 the following:

7 “(d) CRITERIA FOR ELIGIBILITY.—

8 “(1) IN GENERAL.—An”; and

9 (B) by striking “(B) SPECIAL” and insert-
10 ing the following:

11 “(2) SPECIAL”; and

12 (6) in subsection (e)—

13 (A) in paragraph (1)—

14 (i) by striking “to a” and inserting “to
15 an”;

16 (ii) by striking “project,” and insert-
17 ing “project (which assistance may include
18 the provision of funds through the Lake
19 Champlain Basin Program),”; and

20 (iii) by striking “agreement that shall
21 require the non-Federal interest” and in-
22 serting the following: “agreement that is in
23 accordance with section 221 of the Flood
24 Control Act of 1970 (42 U.S.C. 1962d–5b)

1 and under which the non-Federal interest
2 agrees”;

3 (B) in paragraph (2)(C), by striking “50”
4 and inserting “100”; and

5 (C) by adding at the end the following:

6 “(3) CREDIT FOR AGRICULTURAL CONSERVA-
7 TION.—Funds provided to a non-Federal interest
8 under the conservation reserve enhancement program
9 of the Department of Agriculture announced on May
10 27, 1998 (63 Fed. Reg. 28965), or the wetlands re-
11 serve program under subchapter C of chapter 1 of
12 subtitle D of title XII of the Food Security Act of
13 1985 (16 U.S.C. 3837 et seq.), for use in carrying out
14 a project under the Plan shall be credited toward the
15 non-Federal share of the cost of the project if the Sec-
16 retary of Agriculture certifies that those funds may be
17 used for the purpose of the project under the Plan.”.

18 **TITLE III—MISCELLANEOUS**

19 **SEC. 301. PHASE II STORM WATER PROGRAM.**

20 Notwithstanding any other provision of law, for fiscal
21 year 2003, funds made available to carry out nonpoint
22 source management programs under section 319 of the Fed-
23 eral Water Pollution Control Act (33 U.S.C. 1329) in a
24 State may, at the option of the State, be used to carry out
25 projects and activities in the State relating to the develop-

1 ment or implementation of phase II of the storm water pro-
 2 gram of the Environmental Protection Agency established
 3 by the final rule entitled “National Pollutant Discharge
 4 Elimination System—Regulations for Revision of the
 5 Water Pollution Control Program Addressing Storm Water
 6 Discharges”, promulgated by the Administrator of the En-
 7 vironmental Protection Agency on December 8, 1999 (64
 8 Fed. Reg. 68722).

Amend the title so as to read: “An Act to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to provide assistance for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and to amend the Federal Water Pollution Control Act and the Water Resources Development Act of 2000 to modify provisions relating to the Lake Champlain basin, and for other purposes.”.

Calendar No. 704

107TH CONGRESS
2^D SESSION

H. R. 1070

[Report No. 107-312]

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.

OCTOBER 15, 2002

Reported with an amendment and an amendment to the
title