

Calendar No. 1059110TH CONGRESS
2^D SESSION**S. 2994****[Report No. 110-488]**

To amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2008

Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. STABENOW, Mr. OBAMA, Mr. BROWN, Mrs. CLINTON, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. COLEMAN, Mr. CASEY, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Reported by Mrs. BOXER, without amendment

A BILL

To amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern.

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 2008”.

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

6 Section 118(e)(12) of the Federal Water Pollution
7 Control Act (33 U.S.C. 1268(e)(12)) is amended—

8 (1) in subparagraph (B)—

9 (A) by redesignating clauses (i), (ii), and
10 (iii) as clauses (v), (i), and (ii), respectively,
11 and moving the clauses so as to appear in nu-
12 merical order;

13 (B) in clause (i) (as redesignated by sub-
14 paragraph (A)), by striking “or” at the end;
15 and

16 (C) by inserting after clause (ii) (as redesi-
17 gnated by subparagraph (A)) the following:

18 “(iii) is a demonstration or pilot
19 project that uses innovative approaches,
20 technologies, or techniques for the remedi-
21 ation of sediment contamination;

22 “(iv) restores aquatic habitat after re-
23 mediation; or”;

24 (2) by striking subparagraph (C) and inserting
25 the following:

26 “(C) PRIORITY.—

1 “(i) IN GENERAL.—In selecting
2 projects to carry out under this paragraph,
3 the Administrator shall give priority to a
4 project that—

5 “(I) constitutes remedial action
6 for contaminated sediment;

7 “(II)(aa) has been identified in a
8 remedial action plan submitted under
9 paragraph (3); and

10 “(bb) is ready to be implemented;

11 “(III) will use an innovative ap-
12 proach, technology, or technique that
13 may provide greater environmental
14 benefits, or equivalent environmental
15 benefits at a reduced cost; or

16 “(IV) includes remediation to be
17 commenced not later than 1 year after
18 the date of receipt of funds for the
19 project.

20 “(ii) ENVIRONMENTAL SIGNIFI-
21 CANCE.—Notwithstanding any regulation
22 promulgated or guidance issued to imple-
23 ment this section, the Administrator may
24 provide additional consideration to a
25 project that is—

1 “(I) funded by a potentially re-
2 sponsible party; and

3 “(II) determined to be of greater
4 environmental significance than a
5 competing proposal.”;

6 (3) in subparagraph (E)—

7 (A) in clause (iii)—

8 (i) in subclause (I)—

9 (I) by inserting “(including any
10 in-kind services or funds provided in
11 implementing the administrative order
12 on consent or judicial consent de-
13 cree)” after “judicial consent decree”;
14 and

15 (II) by striking “but” at the end;

16 (ii) by redesignating subclause (II) as
17 subclause (III); and

18 (iii) by inserting after subclause (I)
19 the following:

20 “(II) may include funds paid, or
21 the value of any in-kind service per-
22 formed, by a potentially responsible
23 party, subject to the condition that
24 the eligibility of the potentially re-
25 sponsible party to contribute to the

1 non-Federal share is evaluated on the
2 merits on a site-specific basis, in the
3 context of added value, such as at
4 sites at which an orphan share exists
5 or the remedy will be enhanced (such
6 as where the qualitative or quan-
7 titative scope of the remediation is im-
8 proved, innovative methods are em-
9 ployed, or the remediation will be ac-
10 celerated); but”; and

11 (B) by adding at the end the following:

12 “(v) PAYMENT AND RETENTION OF
13 NON-FEDERAL SHARE.—The non-Federal
14 sponsor for a project under this paragraph
15 may pay to the Administrator, for reten-
16 tion and use by the Administrator in car-
17 rying out the project, the non-Federal
18 share of the cost of the project.”;

19 (4) by striking subparagraph (F);

20 (5) by redesignating subparagraph (G) as sub-
21 paragraph (F);

22 (6) by redesignating subparagraph (H) as sub-
23 paragraph (I);

24 (7) by inserting after subparagraph (F) (as re-
25 designated by paragraph (5)) the following:

1 “(G) ADVANCE PAYMENT AND REIMBURSE-
2 MENT COSTS.—The Administrator, acting
3 through the Program Office, may enter into an
4 agreement with a non-Federal sponsor to carry
5 out a project under this paragraph under which
6 the non-Federal sponsor may, as appropriate—

7 “(i) pay in advance the non-Federal
8 share of the cost of the project; and

9 “(ii) receive from the Administrator
10 reimbursement for amounts (other than
11 the non-Federal share) expended by the
12 non-Federal sponsor for the project.

13 “(H) DEFINITION OF POTENTIALLY RE-
14 SPONSIBLE PARTY.—In this paragraph, the
15 term ‘potentially responsible party’ means an
16 individual or entity that may be liable under
17 any Federal or State environmental remediation
18 law (including regulations) with respect to a
19 project carried out under this paragraph.”; and

20 (8) in subparagraph (I) (as redesignated by
21 paragraph (6)), by striking “\$50,000,000 for each
22 of fiscal years 2004 through 2008” and inserting
23 “\$150,000,000 for each of fiscal years 2009 through
24 2013”.

1 **SEC. 3. PUBLIC INFORMATION PROGRAM.**

2 Section 118(c)(13) of the Federal Water Pollution
3 Control Act (33 U.S.C. 1268(c)(13)) is amended—

4 (1) in the paragraph heading, by inserting
5 “AND PARTICIPATION” after “INFORMATION”;

6 (2) by striking subparagraph (A) and inserting
7 the following:

8 “(A) IN GENERAL.—The Administrator,
9 acting through the Program Office and in co-
10 ordination with States, Indian tribes, local gov-
11 ernments, and other entities, shall carry out a
12 public information and participation program,
13 including by providing grants to States, Indian
14 tribes, corporations, nongovernmental organiza-
15 tions, and other appropriate entities, for the
16 provision to the public of information and out-
17 reach activities relating to the remediation of
18 contaminated sediment in areas of concern that
19 are located wholly or partially in the United
20 States.”; and

21 (3) in subparagraph (B), by striking “2004
22 through 2008” and inserting “2009 through 2013”.

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

24 Section 106(b)(1) of the Great Lakes Legacy Act of
25 2002 (33 U.S.C. 1271a(b)(1)) is amended by striking

1 “2004 through 2008” and inserting “2009 through
2 2013”.

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