

107TH CONGRESS
2D SESSION

S. 2544

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, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2002

Mr. LEVIN (for himself and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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, to authorize assistance for research and development of innovative technologies for such remediation, 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. REPORT ON REMEDIAL ACTION PLANS.**

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

5 “(E) REPORT.—Not later than 1 year
6 after the date of enactment of this subpara-
7 graph, the Administrator shall submit to Con-
8 gress a report on such actions, time periods,
9 and resources as are necessary to fulfill the du-
10 ties of the Agency relating to oversight of Re-
11 medial Action Plans under—

12 “(i) this paragraph; and

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

15 **SEC. 3. GRANTS FOR THE REMEDIATION OF SEDIMENT**
16 **CONTAMINATION IN AREAS OF CONCERN.**

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

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

22 “(A) DEFINITION OF QUALIFIED
23 PROJECT.—In this paragraph, the term ‘quali-
24 fied project’ means a project, to be carried out
25 in an area of concern located wholly or in part
26 in the United States, to—

1 “(i) monitor or evaluate contaminated
2 sediment, including conducting a site char-
3 acterization;

4 “(ii) remediate contaminated sediment
5 (including disposal of the contaminated
6 sediment); or

7 “(iii) prevent further or renewed con-
8 tamination of sediment.

9 “(B) GRANTS.—The Administrator, acting
10 through the Program Office, may make grants
11 to States to carry out qualified projects.

12 “(C) PRIORITY.—In making grants under
13 this paragraph, the Administrator shall give
14 priority to a qualified project that—

15 “(i) consists of remedial action for
16 contaminated sediment;

17 “(ii) has been identified in a Remedial
18 Action Plan that is—

19 “(I) submitted under paragraph
20 (3); and

21 “(II) ready to be implemented;

22 “(iii) will use an innovative approach,
23 technology, or technique for remediation;

24 or

1 “(iv) includes remediation to be com-
2 menced not later than 1 year after the re-
3 ceipt of the grant funds.

4 “(D) LIMITATIONS.—The Administrator
5 may not make a grant under this paragraph to
6 carry out a qualified project described in clause
7 (ii) or (iii) of subparagraph (A)—

8 “(i) that is located in an area of con-
9 cern that the Administrator determines is
10 likely to suffer significant further or re-
11 newed sediment contamination from
12 sources of pollutants after the completion
13 of the qualified project; or

14 “(ii) at a site that has not had a thor-
15 ough site characterization.

16 “(E) COORDINATION.—In making grants
17 under this paragraph, the Administrator shall
18 coordinate with the Secretary of the Army, and
19 with the Governors of States in which qualified
20 projects assisted under this paragraph are lo-
21 cated, to ensure that Federal and State assist-
22 ance for remediation in areas of concern is used
23 as efficiently as practicable.

24 “(F) NEPA APPLICABILITY.—A qualified
25 project carried out under this paragraph that

1 involves a major activity, as determined by the
2 Administrator, shall be subject to the National
3 Environmental Policy Act of 1969 (42 U.S.C.
4 4321 et seq.).

5 “(G) AUTHORIZATION OF APPROPRIA-
6 TIONS.—

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

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

16 “(13) RESEARCH AND DEVELOPMENT PRO-
17 GRAM.—

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

1 “(B) AUTHORIZATION OF APPROPRIA-
2 TIONS.—

3 “(i) IN GENERAL.—In addition to
4 amounts authorized to be appropriated
5 under other law, there is authorized to be
6 appropriated to carry out this paragraph
7 \$2,000,000 for each of fiscal years 2004
8 through 2008.

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

12 “(14) PUBLIC INFORMATION PROGRAM.—

13 “(A) IN GENERAL.—The Program Office
14 may carry out a public information program
15 under which the Administrator makes grants to
16 States, Indian tribes, local governments, and
17 other entities to provide—

18 “(i) information to the public in areas
19 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) SELECTION PROCESS.—Grants under
 2 the public information program shall be made
 3 in accordance with competitive selection proce-
 4 dures established by the Administrator in car-
 5 rying out other grant programs.

6 “(C) AUTHORIZATION OF APPROPRIA-
 7 TIONS.—There is authorized to be appropriated
 8 to carry out this paragraph \$5,000,000 for each
 9 of fiscal years 2004 through 2008.”.

10 **SEC. 4. RELATIONSHIP TO EXISTING FEDERAL AND STATE**
 11 **LAWS AND INTERNATIONAL TREATIES.**

12 Section 118(g) of the Federal Water Pollution Con-
 13 trol Act (33 U.S.C. 1268(g)) is amended by inserting “,
 14 including the cleanup and protection of the Great Lakes”
 15 after “Lakes”.

16 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 118(h) of the Federal Water Pollution Con-
 18 trol Act (33 U.S.C. 1268(h)) is amended by striking the
 19 first sentence and inserting the following: “There is au-
 20 thorized to be appropriated to carry out this section
 21 \$40,000,000 for each of fiscal years 2004 through 2008.”.

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