

110TH CONGRESS  
2D SESSION

# H. R. 6460

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

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2008

Mr. EHLERS (for himself and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, 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

---

## A BILL

To amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, 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 Reauthorization Act of 2008”.

1 **SEC. 2. DEFINITIONS.**

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

4 (1) in subparagraph (I) by striking “and” at  
5 the end;

6 (2) in subparagraph (J) by striking the period  
7 and inserting a semicolon; and

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

9 “(K) ‘site characterization’ means a proc-  
10 ess for monitoring and evaluating the nature  
11 and extent of sediment contamination in ac-  
12 cordance with the Environmental Protection  
13 Agency’s guidance for the remediation of con-  
14 taminated sediment in an area of concern lo-  
15 cated wholly or partially within the United  
16 States, and shall include, to the maximum ex-  
17 tent practicable, the identification of any poten-  
18 tially responsible party connected with the site;  
19 and

20 “(L) ‘potentially responsible party’ means  
21 an individual or entity that may be liable under  
22 any Federal or State authority that is being  
23 used or may be used to facilitate the cleanup  
24 and protection of the Great Lakes.”.

1 **SEC. 3. REMEDIATION OF SEDIMENT CONTAMINATION IN**  
2 **AREAS OF CONCERN.**

3 (a) **ELIGIBLE PROJECTS.**—Section 118(c)(12)(B)(ii)  
4 of the Federal Water Pollution Control Act (33 U.S.C.  
5 1268(c)(12)(B)(ii)) is amended by striking “sediment”  
6 and inserting “sediment, including activities to restore  
7 aquatic habitat that are carried out in conjunction with  
8 a project for the remediation of contaminated sediment”.

9 (b) **LIMITATIONS.**—Section 118(c)(12)(D) of such  
10 Act (33 U.S.C. 1268(c)(12)(D)) is amended—

11 (1) in the subparagraph heading by striking  
12 “LIMITATION” and inserting “LIMITATIONS”;

13 (2) in clause (i) by striking “or” at the end;

14 (3) in clause (ii) by striking the period and in-  
15 serting “; or”; and

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

17 “(iii) if any non-Federal sponsor for  
18 the project has not entered into a written  
19 project agreement with the Administrator  
20 under which each party agrees to carry out  
21 its responsibilities and requirements for  
22 the project.”.

23 (c) **NON-FEDERAL SHARE.**—Clause (ii) of section  
24 118(c)(12)(E) of such Act (33 U.S.C. 1268(c)(12)(E)) is  
25 amended to read as follows:

26 “(ii) **IN-KIND CONTRIBUTIONS.**—

1           “(I) IN GENERAL.—The non-  
2 Federal share of the cost of a project  
3 carried out under this paragraph may  
4 include the value of an in-kind con-  
5 tribution provided by a non-Federal  
6 sponsor.

7           “(II) CREDIT.—A project agree-  
8 ment described in subparagraph  
9 (D)(ii) may provide with respect to a  
10 project that the Administrator shall  
11 credit toward the non-Federal share  
12 of the cost of the project the value of  
13 an in-kind contribution made by the  
14 non-Federal sponsor, if the Adminis-  
15 trator determines that the material or  
16 service provided as an in-kind con-  
17 tribution is integral to the project.

18           “(III) WORK PERFORMED BE-  
19 FORE PROJECT AGREEMENT.—In any  
20 case in which a non-Federal sponsor  
21 is to receive credit under subclause  
22 (II) for the cost of work carried out  
23 by the non-Federal sponsor and such  
24 work has not been carried out by the  
25 non-Federal sponsor as of the date of

1 enactment of this subclause, the Ad-  
2 ministrator and the non-Federal spon-  
3 sor shall enter into an agreement  
4 under which the non-Federal sponsor  
5 shall carry out such work, and only  
6 work carried out following the execu-  
7 tion of the agreement shall be eligible  
8 for credit.

9 “(IV) LIMITATION.—Credit au-  
10 thORIZED under this clause for a  
11 project carried out under this para-  
12 graph—

13 “(aa) shall not exceed the  
14 non-Federal share of the cost of  
15 the project; and

16 “(bb) shall not exceed the  
17 actual and reasonable costs of  
18 the materials and services pro-  
19 vided by the non-Federal spon-  
20 sor, as determined by the Admin-  
21 istrator.

22 “(V) INCLUSION OF CERTAIN  
23 CONTRIBUTIONS.—In this clause, the  
24 term ‘in-kind contribution’ may in-  
25 clude the costs of planning (including

1 data collection), design, construction,  
2 and materials that are provided by the  
3 non-Federal sponsor for implementa-  
4 tion of a project under this para-  
5 graph.”.

6 (d) SITE CHARACTERIZATION.—Subparagraph (F) of  
7 section 118(c)(12) of such Act (33 U.S.C. 1268(c)(12))  
8 is amended to read as follows:

9 “(F) SITE CHARACTERIZATION.—The Ad-  
10 ministrator, in consultation with any affected  
11 State or unit of local government, shall carry  
12 out at Federal expense the initial site character-  
13 ization of a project under this paragraph for  
14 the remediation of contaminated sediment.”.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
16 118(c)(12)(H) of such Act (33 U.S.C. 1268(c)(12)(H)) is  
17 amended—

18 (1) by striking clause (i) and inserting the fol-  
19 lowing:

20 “(i) IN GENERAL.—In addition to  
21 other amounts authorized under this sec-  
22 tion, there is authorized to be appropriated  
23 to carry out this paragraph—

24 “(I) \$50,000,000 for each of fis-  
25 cal years 2004 through 2008; and

1                   “(II) \$150,000,000 for each of  
2                   fiscal years 2009 through 2013.”; and

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

4                   “(iii) ALLOCATION OF FUNDS.—Not  
5                   more than 20 percent of the funds appro-  
6                   priated pursuant to clause (i)(II) for a fis-  
7                   cal year may be used to carry out subpara-  
8                   graph (F).”.

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

10           Paragraph (1) of section 106(b) of the Great Lakes  
11   Legacy Act of 2002 (33 U.S.C. 1271a(b)) is amended to  
12   read as follows:

13                   “(1) IN GENERAL.—In addition to amounts au-  
14                   thorized under other laws, there is authorized to be  
15                   appropriated to carry out this section—

16                   “(A) \$3,000,000 for each of fiscal years  
17                   2004 through 2008; and

18                   “(B) \$5,000,000 for each of the fiscal  
19                   years 2009 through 2013.”.

○