

Calendar No. 354

111TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 111-171

CONTAMINATED SEDIMENT REMEDIATION REAUTHORIZATION ACT

APRIL 20, 2010.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public
Works, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany S. 933]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 933) to amend the Federal Water Pollution Control Act and the Great Lakes Legacy Act of 2002 to reauthorize programs to address remediation of contaminated sediment, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSES OF THE LEGISLATION

S. 933 reauthorizes sections of the Great Lakes Legacy Act of 2002, and increases amounts authorized for projects to remediate contaminated sediment in the Great Lakes Areas of Concern.

GENERAL STATEMENT AND BACKGROUND

The Great Lakes are among the largest and most complex freshwater ecosystems in the world—holding one-fifth of the world's fresh surface water. Millions of people, aquatic organisms and wildlife depend on the Great Lakes for water, food and habitat. Although significant progress has been made towards reducing the discharge of toxic chemicals into the Great Lakes, the Environmental Protection Agency (EPA) has found that persistent high

concentrations of contaminants in sediments of some rivers, harbors and bays still exist as a “legacy” of North America’s industrialization. EPA further reports that accumulation of these pollutants continues to threaten the overall health of the Great Lakes ecosystem.

To address this problem, Congress enacted the Great Lakes Legacy Act of 2002 to remove contaminated sediments from Areas of Concern—sites in the Great Lakes that fail to meet water quality goals established by agreement between the United States and Canada in the Great Lakes Water Quality Agreement. Since this cleanup program was created in 2002, over 900,000 cubic yards of contaminated sediments have been cleaned up, removing 1.7 million pounds of contaminants from the Great Lakes. Through these projects, \$53 million in Great Lakes Legacy Act funds have leveraged nearly \$44 million in state, local and private entity dollars.

Despite significant progress under the Act, numerous Areas of Concern remain to be addressed—as of January 2009, five cleanup projects have been largely completed and three were removed from the original list of forty-three Areas of Concern in the United States and Canada. To continue tackling this considerable problem, this legislation would increase authorizations for contaminated sediment remediation programs in the Great Lakes.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that the Act may be cited as the “Contaminated Sediment Remediation Reauthorization Act”.

Section 2. Remediation of sediment contamination in areas of concern

Section 2 authorizes \$150,000,000 for each of fiscal years 2010 through 2014 to carry out Section 118(c)(12) of the Federal Water Pollution Control Act.

Section 3. Public information program

Section 3 extends the authorization through 2014 for the Administrator to carry out a public information program to provide information relating to the remediation of contaminated sediment in areas of concern that are located wholly or partially in the United States.

Section 4. Contaminated sediment remediation approaches, technologies, and techniques

Section 4 increases the authorization for a research and development program to \$5 million, for each of the fiscal years 2010 through 2014.

LEGISLATIVE HISTORY

S. 933 was introduced by Senator Levin of Michigan, and is co-sponsored by Senators Voinovich, Stabenow, Schumer, Durbin, Brown, Gillibrand, and Klobuchar. The bill was read twice and referred to the Senate Committee on Environment and Public Works. The Committee met on June 18, 2009 to consider the bill, and S.

933 was ordered favorably reported without amendment by voice vote.

The House of Representatives passed similar legislation within H.R. 1262, the Water Quality Investment Act of 2009, on March 12, 2009.

HEARINGS

No committee hearings were held on S. 933.

ROLLCALL VOTES

The Committee on Environment and Public Works ordered S. 933 to be favorably reported by voice vote on June 18, 2009. No rollcall votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes evaluation of the regulatory impact of the reported bill. The Committee finds that this legislation does not have substantial regulatory impacts.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Committee finds that this legislation does not impose intergovernmental mandates or private sector mandates as those terms are defined in UMRA. The Congressional Budget Office concurs, finding “S. 933 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).”

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

JUNE 25, 2009.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 933, the Contaminated Sediment Remediation Reauthorization Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susanne S. Mehlman.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 933—Contaminated Sediment Remediation Reauthorization Act

Summary: S. 933 would reauthorize the Environmental Protection Agency (EPA), in conjunction with nonfederal sponsors, to carry out projects aimed at cleaning up certain areas of the Great Lakes where contamination has settled into sediment at the bottom of the lakes. The bill would authorize the appropriation of \$150 million annually over the 2010–2014 period to EPA for that purpose. In addition, the bill would authorize the appropriation of \$5 million annually over the five-year period for EPA to conduct re-

search on the development and use of innovative methods for cleaning up the Great Lakes.

Assuming appropriation of the specified amounts, CBO estimates that implementing this legislation would cost \$638 million over the 2010–2014 period. Enacting S. 933 would not affect direct spending or receipts.

S. 933 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 933 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2010	2011	2012	2013	2014	2010–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
EPA Funding for Clean-up Projects:						
Authorization Level	150	150	150	150	150	750
Estimated Outlays	60	120	138	147	150	615
Research and Development:						
Authorization Level	5	5	5	5	5	25
Estimated Outlays	3	5	5	5	5	23
Total Proposed Changes:						
Authorization Level	155	155	155	155	155	775
Estimated Outlays	63	125	143	152	155	638

Basis of estimate: For this estimate, CBO assumes that S. 933 will be enacted near the end of fiscal year 2009, that specified amounts will be appropriated in each year starting in 2010, and that outlays will follow historical spending patterns for the existing programs.

Intergovernmental and private-sector impact: S. 933 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would benefit state, local, and tribal governments by extending EPA programs to clean up sediment contamination in the Great Lakes and by continuing an existing grant program to provide public information about such contamination. Any costs those governments might incur, including matching funds, would result from complying with conditions of federal aid.

Estimate prepared by: Federal costs: Susanne S. Mehlman; Impact on state, local, and tribal governments: Ryan Miller; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

MINORITY VIEWS OF SENATOR INHOFE

S. 933, the Contaminated Sediment Remediation Reauthorization Act, increases the authorization level from \$50,000,000 to \$150,000,000. Since FY 2004 the appropriated funds for the Great Lakes Legacy Act have increased from \$9,900,000 to \$37,000,000 in FY 2009, but the program has never been fully funded at \$50,000,000. This tripling in authorization is unjustified for a program that currently receives significantly less than its current authorization. The first step to controlling government spending is for the authorizers to set reasonable and achievable authorization levels.

JAMES M. INHOFE.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman:

* * * * *

FEDERAL WATER POLLUTION CONTROL ACT

* * * * *

SEC. 118. GREAT LAKES.

(a) * * *

* * * * *

(c) GREAT LAKES MANAGEMENT.—

(1) FUNCTIONS.—The Program Office shall—

(A) * * *

* * * * *

(12) REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.—

(A) IN GENERAL.—In accordance with this paragraph, the Administrator, acting through the Program Office, may carry out projects that meet the requirements of subparagraph (B).

(B) * * *

* * * * *

(H) AUTHORIZATION OF APPROPRIATIONS.—

[(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph \$50,000,000 for each of fiscal years 2004 through 2010.]

(i) *IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph—*

(I) \$50,000,000 for each of fiscal years 2004 through 2009; and

(II) \$150,000,000 for each of fiscal years 2010 through 2014.

* * * * *

(13) PUBLIC INFORMATION PROGRAM.—

(A) IN GENERAL.—The Administrator, acting through the Program Office and in coordination with States, Indian tribes, local governments, and other entities, may carry out a public information program to provide information relating to the remediation of contaminated sediment to the public in areas of concern that are located wholly or partially in the United States.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph

\$1,000,000 for each of fiscal years 2004 through **[2010]**
2014.

* * * * *

GREAT LAKES LEGACY ACT OF 2002

* * * * *

(a) IN GENERAL.—* * *

* * * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—**[In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2004 through 2008.]***In addition to amounts authorized under other laws, there are authorized to be appropriated to carry out this section—*

(A) \$3,000,000 for each of fiscal years 2004 through 2009;

and

(B) \$5,000,000 for each of fiscal years 2010 through 2014.

* * * * *