

110TH CONGRESS
2D SESSION

H. R. 6460

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22 (legislative day, SEPTEMBER 17), 2008

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Great Lakes Legacy
3 Reauthorization Act of 2008”.

4 **SEC. 2. DEFINITIONS.**

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

7 (1) in subparagraph (I) by striking “and” at
8 the end;

9 (2) in subparagraph (J) by striking the period
10 and inserting a semicolon; and

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

12 “(K) ‘site characterization’ means a proc-
13 ess for monitoring and evaluating the nature
14 and extent of sediment contamination in ac-
15 cordance with the Environmental Protection
16 Agency’s guidance for the assessment of con-
17 taminated sediment in an area of concern lo-
18 cated wholly or partially within the United
19 States; 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 a semicolon; and

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

17 “(iii) unless each non-Federal sponsor
18 for the project has entered into a written
19 project agreement with the Administrator
20 under which the party agrees to carry out
21 its responsibilities and requirements for
22 the project; or

23 “(iv) unless the Administrator pro-
24 vides assurance that the Agency has con-
25 ducted a reasonable inquiry to identify po-

1 tentially responsible parties connected with
2 the site.”.

3 (c) IN-KIND CONTRIBUTIONS.—Section
4 118(c)(12)(E)(ii) of such Act (33 U.S.C.
5 1268(c)(12)(E)(ii)) is amended to read as follows:

6 “(ii) IN-KIND CONTRIBUTIONS.—

7 “(I) IN GENERAL.—The non-
8 Federal share of the cost of a project
9 carried out under this paragraph may
10 include the value of an in-kind con-
11 tribution provided by a non-Federal
12 sponsor.

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

24 “(III) WORK PERFORMED BE-
25 FORE PROJECT AGREEMENT.—In any

1 case in which a non-Federal sponsor
2 is to receive credit under subclause
3 (II) for the cost of work carried out
4 by the non-Federal sponsor and such
5 work has not been carried out by the
6 non-Federal sponsor as of the date of
7 enactment of this subclause, the Ad-
8 ministrator and the non-Federal spon-
9 sor shall enter into an agreement
10 under which the non-Federal sponsor
11 shall carry out such work, and only
12 work carried out following the execu-
13 tion of the agreement shall be eligible
14 for credit.

15 “(IV) LIMITATION.—Credit au-
16 thorized under this clause for a
17 project carried out under this para-
18 graph—

19 “(aa) shall not exceed the
20 non-Federal share of the cost of
21 the project; and

22 “(bb) shall not exceed the
23 actual and reasonable costs of
24 the materials and services pro-
25 vided by the non-Federal spon-

1 sor, as determined by the Admin-
2 istrator.

3 “(V) INCLUSION OF CERTAIN
4 CONTRIBUTIONS.—In this subpara-
5 graph, the term ‘in-kind contribution’
6 may include the costs of planning (in-
7 cluding data collection), design, con-
8 struction, and materials that are pro-
9 vided by the non-Federal sponsor for
10 implementation of a project under this
11 paragraph.”.

12 (d) NON-FEDERAL SHARE.—Section 118(c)(12)(E)
13 of such Act (33 U.S.C. 1268(c)(12)(E)) is amended—

14 (1) by redesignating clauses (iii) and (iv) as
15 clauses (iv) and (v), respectively;

16 (2) by inserting after clause (ii) the following:

17 “(iii) TREATMENT OF CREDIT BE-
18 TWEEN PROJECTS.—Any credit provided
19 under this subparagraph towards the non-
20 Federal share of the cost of a project car-
21 ried out under this paragraph may be ap-
22 plied towards the non-Federal share of the
23 cost of any other project carried out under
24 this paragraph by the same non-Federal

1 sponsor for a site within the same area of
2 concern.”; and

3 (3) in clause (iv) (as redesignated by paragraph
4 (1) of this subsection) by striking “service” each
5 place it appears and inserting “contribution”.

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

9 “(F) SITE CHARACTERIZATION.—

10 “(i) IN GENERAL.—The Adminis-
11 trator, in consultation with any affected
12 State or unit of local government, shall
13 carry out at Federal expense the site char-
14 acterization of a project under this para-
15 graph for the remediation of contaminated
16 sediment.

17 “(ii) LIMITATION.—For purposes of
18 clause (i), the Administrator may carry out
19 one site assessment per discrete site within
20 a project at Federal expense.”.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
22 118(c)(12)(H) of such Act (33 U.S.C. 1268(c)(12)(H)) is
23 amended—

24 (1) by striking clause (i) and inserting the fol-
25 lowing:

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—

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

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

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

10 “(iii) ALLOCATION OF FUNDS.—Not
 11 more than 20 percent of the funds appro-
 12 priated pursuant to clause (i)(II) for a fis-
 13 cal year may be used to carry out subpara-
 14 graph (F).”.

15 (g) PUBLIC INFORMATION PROGRAM.—Section
 16 118(c)(13)(B) of such Act (33 U.S.C. 1268(c)(13)(B)) is
 17 amended by striking “2008” and inserting “2013”.

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

19 Section 106(b)(1) of the Great Lakes Legacy Act of
 20 2002 (33 U.S.C. 1271a(b)(1)) is amended to read as fol-
 21 lows:

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

1 “(A) \$3,000,000 for each of fiscal years
2 2004 through 2008; and
3 “(B) \$5,000,000 for each of fiscal years
4 2009 through 2013.”.

Passed the House of Representatives September 18,
2008.

Attest: LORRAINE C. MILLER,
Clerk.