

114TH CONGRESS  
1ST SESSION

# H. R. 1990

To amend the Federal Water Pollution Control Act to prohibit certain discharges of dredged material into the Great Lakes System, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2015

Mr. LATTA (for himself and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Federal Water Pollution Control Act to prohibit certain discharges of dredged material into the Great Lakes System, 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 “Protecting Our Great  
5 Lakes Act”.

1 **SEC. 2. PROHIBITION ON DISCHARGES OF DREDGED MATE-**  
2 **RIAL INTO GREAT LAKES SYSTEM.**

3 (a) IN GENERAL.—Section 404 of the Federal Water  
4 Pollution Control Act (33 U.S.C. 1344) is amended by  
5 adding at the end the following:

6 “(u) PROHIBITION ON DISCHARGES OF DREDGED  
7 MATERIAL INTO GREAT LAKES SYSTEM.—

8 “(1) IN GENERAL.—Except as otherwise specifi-  
9 cally provided by this subsection, beginning on the  
10 date that is 5 years after the date of enactment of  
11 this subsection, a discharge of dredged material into  
12 the Great Lakes System is prohibited.

13 “(2) EXCEPTIONS.—Paragraph (1) shall not  
14 apply to any of the following:

15 “(A) A discharge of dredged material into  
16 a confined disposal facility, including a confined  
17 disposal island.

18 “(B) A discharge of dredged material in  
19 connection with—

20 “(i) beneficial use; or

21 “(ii) habitat establishment, improve-  
22 ment, or restoration (or any combination  
23 thereof).

24 “(3) TEMPORARY WAIVERS.—The Secretary (or  
25 a State with an approved permit program under this  
26 section) may waive application of the prohibition es-

1        established by paragraph (1) during the 2-year period  
2        beginning on the effective date of the prohibition  
3        specified in paragraph (1) with respect to a dis-  
4        charge if—

5                “(A) the Administrator or State, as appro-  
6                priate, determines that the waiver is necessary  
7                and appropriate; and

8                “(B) in the case of a waiver issued by the  
9                Secretary, each concerned State, as identified  
10              by the Secretary, reviews and approves the  
11              waiver.

12              “(4) CONSULTATION WITH STATES.—The Sec-  
13              retary shall consult with concerned States in the im-  
14              plementation of this subsection.

15              “(5) GREAT LAKES SYSTEM DEFINED.—In this  
16              subsection, the term ‘Great Lakes System’ has the  
17              meaning given that term in section 118(a)(3) of the  
18              Federal Water Pollution Control Act (33 U.S.C.  
19              1268(a)(3)).”.

20              (b) COST ANALYSIS FOR OPERATIONS AND MAINTENANCE  
21              ACTIVITIES IN GREAT LAKES SYSTEM.—In deter-  
22              mining, pursuant to section 335.4 of title 33, Code of Fed-  
23              eral Regulations (or any successor regulation), the least  
24              costly manner, and the least costly and most practicable  
25              location, for discharges of dredged material resulting from

1 operations and maintenance activities of the Corps of En-  
2 gineers in the Great Lakes System, the Secretary of the  
3 Army shall exclude from consideration the use of open-  
4 water placement of dredged material.

5 (c) LIMITATION ON STATUTORY CONSTRUCTION.—  
6 Nothing in this section, including the amendment made  
7 by section (a), may be construed to limit or otherwise af-  
8 fect the existing responsibilities of the Corps of Engi-  
9 neers—

10 (1) to dredge United States harbors and navi-  
11 gation channels and dispose of dredged material;  
12 and

13 (2) to provide, within its budget, for the full  
14 cost of the disposal of dredged material, including  
15 costs to comply with the requirements of this sec-  
16 tion, including the amendment made by subsection  
17 (a).

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