

106TH CONGRESS
2D SESSION

H. R. 4283

To amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for the remediation of sediment contamination in certain areas of concern in the Great Lakes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2000

Mr. EHLERS (for himself and Mr. CAMP) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, 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 authorize the Administrator of the Environmental Protection Agency to make grants for the remediation of sediment contamination in certain areas of concern in the Great Lakes, 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 Protection
5 and Restoration Act of 2000”.

1 **TITLE I—SEDIMENT**
2 **REMEDiation GRANT PROGRAM**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Great Lakes Legacy
5 Act of 2000”.

6 **SEC. 102. GRANTS FOR THE REMEDIATION OF SEDIMENT**
7 **CONTAMINATION AT AREAS OF CONCERN.**

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

11 “(12) GRANTS FOR REMEDIATION OF SEDI-
12 MENT CONTAMINATION AT AREAS OF CONCERN.—

13 “(A) IN GENERAL.—In accordance with
14 this paragraph, the Administrator, acting
15 through the Great Lakes National Program Of-
16 fice described in subsection (b), may make
17 grants to States, Indian tribes (as defined in
18 section 518(h)), regional agencies, and local
19 governments to carry out qualified projects.

20 “(B) QUALIFIED PROJECT.—In this para-
21 graph, a qualified project is a project to be car-
22 ried out in an area of concern located wholly or
23 in part in the United States, that—

24 “(i) remediates contaminated sedi-
25 ment;

1 “(ii) prevents further or renewed con-
2 tamination of sediment; or

3 “(iii) monitors or evaluates contami-
4 nated sediment.

5 “(C) PRIORITY.—In selecting applicants to
6 receive grants under this paragraph, the Ad-
7 ministrator shall give priority to an applicant
8 proposing to carry out a qualified project
9 that—

10 “(i) remediates contaminated sedi-
11 ment;

12 “(ii) is to be carried out in an area of
13 concern located wholly within the United
14 States;

15 “(iii) has been identified in a remedial
16 action plan submitted pursuant to para-
17 graph (3), and is ready to be implemented;
18 or

19 “(iv) will use an innovative approach
20 to or technique for remediation.

21 “(D) LIMITATIONS.—The Administrator
22 may not make a grant under this paragraph to
23 carry out any of the following types of projects:

24 “(i) A project located in an area of
25 concern that the Administrator determines

1 is likely to suffer further or renewed con-
2 tamination from existing sources of pollut-
3 ants into navigable waters.

4 “(ii) A project that, following an eval-
5 uation of the short-term and long-term im-
6 pacts of the project in relation to the re-
7 duction of risks to human health and the
8 environment, the Administrator determines
9 will be likely to have a greater adverse im-
10 pact on human health and the environment
11 than other remedial measures, including
12 measures that do not involve active remedi-
13 ation.

14 “(E) NON-FEDERAL MATCHING REQUIRE-
15 MENT.—

16 “(i) IN GENERAL.—The non-Federal
17 share of the cost of any project assisted
18 under this paragraph shall be not less than
19 35 percent.

20 “(ii) IN-KIND CONTRIBUTIONS.—The
21 non-Federal share of the cost of a project
22 assisted under this paragraph may include
23 the value of in-kind services contributed by
24 a non-Federal source, including any in-
25 kind service performed under a consent de-

1 cree or administrative order, but not in-
2 cluding any in-kind services performed
3 under an enforcement order or judgment.

4 “(iii) OPERATION AND MAINTEN-
5 NANCE.—The non-Federal share of the
6 cost of the operation and maintenance of
7 any project assisted under this paragraph
8 shall be 100 percent.

9 “(F) MAINTENANCE OF EFFORT.—No
10 grant may be made under this paragraph in
11 any fiscal year to carry out a project unless the
12 grantee enters into such agreements with the
13 Administrator as the Administrator may require
14 to ensure that the grantee will maintain its ag-
15 gregate expenditures from all other sources for
16 remediation programs in the area of concern in
17 which the project is located at or above the av-
18 erage level of such expenditures in its 2 fiscal
19 years preceding the date on which the grant is
20 made.

21 “(G) CONSIDERATION OF RISKS, BENE-
22 FITS, IMPACTS, IMPLEMENTATION, AND COST.—
23 The Administrator shall require that each appli-
24 cant for assistance under this paragraph dem-
25 onstrate that each remedial action to be imple-

1 mented by a project to be assisted has been se-
2 lected only after careful consideration of—

3 “(i) the risks to human health and the
4 environment posed by the remedial action
5 and the contaminants to be remediated;

6 “(ii) the benefits of the remedial ac-
7 tion;

8 “(iv) the short-term and long-term
9 impacts of the remedial action;

10 “(v) the likelihood that the remedial
11 action can be implemented; and

12 “(vi) the cost of the remedial action.

13 “(H) COORDINATION.—In making grants
14 under this paragraph, the Administrator shall
15 coordinate with the Secretary of the Army, and
16 with the Governors of States in which projects
17 assisted under this paragraph are located, to
18 ensure that Federal and State assistance for re-
19 mediation in areas of concern is used as effi-
20 ciently as possible.

21 “(I) AUTHORIZATION OF APPROPRIA-
22 TIONS.—

23 “(i) IN GENERAL.—In addition to
24 other amounts authorized under this sec-
25 tion, there is authorized to be appropriated

1 to carry out this paragraph \$50,000,000
2 for each of fiscal years 2001 through
3 2005.

4 “(ii) AVAILABILITY.—Funds appro-
5 priated under clause (i) shall remain avail-
6 able until expended.”.

7 **TITLE II—MORATORIUM ON EX-**
8 **PORTS OF BULK FRESH**
9 **WATER**

10 **SEC. 201. FINDINGS.**

11 The Congress finds that—

12 (1) the waters and water-dependent natural re-
13 sources of the Great Lakes Basin are precious public
14 resources, held in trust by the Great Lakes States
15 and the Canadian provinces of Ontario and Quebec;

16 (2) authority over the Great Lakes is vested in
17 the Governors of the Great Lakes States by the
18 Water Resources Development Act of 1986;

19 (3) the Great Lakes Charter of 1985 is a vol-
20 untary international agreement that provides the
21 procedural framework for notice and consultation by
22 the Great Lakes States and the Canadian provinces
23 concerning the withdrawal of water from the Great
24 Lakes Basin;

1 (4) the Governors of the Great Lakes States, in
2 exercise of their authority under the Water Re-
3 sources Development Act of 1986, and the premiers
4 of the Canadian provinces have based decisions on
5 proposals to withdraw, divert, or use waters from
6 the Great Lakes Basin on the extent to which such
7 proposals conserve and protect waters and water-de-
8 pendent resources of the Great Lakes Basin;

9 (5) decisionmaking must remain vested in the
10 Governors of the Great Lakes States and the pre-
11 miers of the Canadian provinces, who currently man-
12 age the Great Lakes Basin on a day-to-day basis;

13 (6) demand for clean and fresh water is grow-
14 ing around the world and bulk exports pose a unique
15 challenge to the management of the Great Lakes;
16 and

17 (7) the ecological effects of bulk exports of
18 water from the Great Lakes are unknown.

19 **SEC. 202. MORATORIUM ON EXPORTS OF BULK FRESH**
20 **WATER.**

21 (a) **MORATORIUM ON EXPORTS.**—No bulk fresh
22 water from the Great Lakes Basin may be exported from
23 the United States.

24 (b) **LIFTING OF MORATORIUM.**—Subsection (a) shall
25 cease to apply on the earlier of—

1 (1) December 31, 2001; or

2 (2) the effective date of an Act of Congress ap-
3 proving an agreement among the Great Lakes States
4 to implement a mechanism that provides for a com-
5 mon conservation standard to make decisions con-
6 cerning the withdrawal and use of water from the
7 Great Lakes Basin.

8 **SEC. 203. DEFINITIONS.**

9 As used in this title—

10 (1) the term “bulk fresh water” means fresh
11 water extracted in amounts intended for transpor-
12 tation by tanker or similar form of mass transpor-
13 tation, without further processing;

14 (2) the term “Great Lakes Basin” means the
15 water within Lakes Erie, Huron, Michigan, Ontario,
16 St. Clair, and Superior, within interconnecting wa-
17 terways, within all other watercourses draining into
18 and between those lakes, and within all tributary
19 surface and underground channels or areas which
20 drain into or comprise part of any watershed drain-
21 ing into any of those lakes; and

22 (3) the term “Great Lakes State” means each
23 of the States of Illinois, Indiana, Michigan, Min-

- 1 nesota, New York, Ohio, Pennsylvania, and Wis-
- 2 consin.

