

106TH CONGRESS
1ST SESSION

S. 493

To require the Secretary of the Army, acting through the Chief of Engineers, to evaluate, develop, and implement pilot projects in Maryland, Virginia, and North Carolina to address problems associated with toxic microorganisms in tidal and nontidal wetlands and waters.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 1999

Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. EDWARDS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Secretary of the Army, acting through the Chief of Engineers, to evaluate, develop, and implement pilot projects in Maryland, Virginia, and North Carolina to address problems associated with toxic microorganisms in tidal and nontidal wetlands and waters.

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 “Toxic Microorganism
5 Abatement Pilot Project Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) effective protection of tidal and nontidal
2 wetlands and waters of the United States is essential
3 to sustain and protect ecosystems, as well as rec-
4 reational, subsistence, and economic activities de-
5 pendent on those ecosystems;

6 (2) the effects of increasing occurrences of toxic
7 microorganism outbreaks can adversely affect those
8 ecosystems and their dependent activities;

9 (3) the Corps of Engineers is uniquely qualified
10 to develop and implement engineering solutions to
11 abate the flow of nutrients;

12 (4) because nutrient flow abatement is a new
13 challenge, it is desirable to have the Corps of Engi-
14 neers conduct a series of pilot projects to test tech-
15 nologies and refine techniques appropriate to nutri-
16 ent flow abatement; and

17 (5) since the States of Maryland, North Caro-
18 lina, and Virginia have recently experienced serious
19 outbreaks of waterborne microorganisms and there
20 is a large store of scientific data about outbreaks in
21 those States, pilot projects in those States can be ef-
22 fectively evaluated.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) SECRETARY.—The term “Secretary” means
2 the Secretary of the Army, acting through the Chief
3 of Engineers.

4 (2) STATE.—The term “State” means Mary-
5 land, North Carolina, and Virginia.

6 (3) TOXIC MICROORGANISM.—The term “toxic
7 microorganism” means *Pfiesteria piscicida* and any
8 other potentially harmful aquatic dinoflagellate.

9 **SEC. 4. PILOT PROJECTS FOR AQUATIC HABITAT REMEDI-**
10 **ATION.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Secretary shall evaluate,
13 develop, and implement a pilot project in each State (on
14 a watershed basis) to address and control problems associ-
15 ated with the degradation of ecosystems and their depend-
16 ent activities resulting from toxic microorganisms in tidal
17 and nontidal wetlands and waters.

18 (b) REPORT.—Not later than 1 year after the comple-
19 tion of the pilot project under subsection (a), the Secretary
20 shall submit to Congress a report describing—

21 (1) the pilot project; and

22 (2) the findings of the pilot project, including a
23 description of the relationship between the findings
24 and the applications of the tools and techniques de-
25 veloped under the pilot project.

1 (c) FEDERAL AND NON-FEDERAL SHARES.—

2 (1) FEDERAL SHARE.—The Federal share of
3 the cost of evaluating, developing, and implementing
4 a pilot project under subsection (a) shall be 75 per-
5 cent.

6 (2) NON-FEDERAL SHARE.—The non-Federal
7 share of the cost of evaluating, developing, and im-
8 plementing a pilot project under subsection (a) shall
9 be provided in the form of—

10 (A) cash;

11 (B) in-kind services;

12 (C) materials; or

13 (D) the value of—

14 (i) land;

15 (ii) easements;

16 (iii) rights-of-way; or

17 (iv) relocations.

18 (d) LOCAL COOPERATION AGREEMENTS.—Subject to
19 subsection (c), in carrying out this section, the Secretary
20 shall enter into local cooperation agreements with non-
21 Federal entities under which the Secretary shall provide
22 financial assistance to implement actions taken to carry
23 out pilot projects under this section.

24 (e) IMPLEMENTATION.—The Secretary shall carry
25 out this section in cooperation with—

1 (1) the Secretary of the Interior;

2 (2) the Secretary of Agriculture;

3 (3) the Administrator of the Environmental
4 Protection Agency;

5 (4) the Administrator of the National Oceanic
6 and Atmospheric Administration;

7 (5) the heads of other appropriate Federal,
8 State, and local government agencies; and

9 (6) affected local landowners, businesses, and
10 commercial entities.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$5,000,000.

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