

TITLE 33 - NAVIGATION AND NAVIGABLE WATERS
CHAPTER 26 - WATER POLLUTION PREVENTION AND CONTROL
SUBCHAPTER I - RESEARCH AND RELATED PROGRAMS

Sec. 1268. *Great Lakes*

(a) Findings, purpose, and definitions

(1) Findings

The Congress finds that -

(A) the *Great Lakes* are a valuable *national* resource, continuously serving the people of the United States and other *nations* as an important source of food, fresh water, recreation, beauty, and enjoyment;

(B) the United States should seek to attain the goals embodied in the *Great Lakes* Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments, with particular emphasis on goals related to toxic pollutants; and

(C) the Environmental Protection Agency should take the lead in the effort to meet those goals, working with other Federal agencies and State and local authorities.

(2) Purpose

It is the purpose of this section to achieve the goals embodied in the *Great Lakes* Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments, through improved organization and definition of mission on the part of the Agency, funding of State grants for pollution control in the *Great Lakes* area, and improved accountability for implementation of such agreement.

(3) Definitions

For purposes of this section, the term -

(A) "Agency" means the Environmental Protection Agency;

(B) "*Great Lakes*" means *Lake* Ontario, *Lake* Erie, *Lake* Huron (including *Lake* St. Clair), *Lake* Michigan, and *Lake* Superior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian Border);

(C) "*Great Lakes* System" means all the streams, rivers, *lakes*, and other bodies of water within the drainage basin of the *Great Lakes*;

- (D) "**Program Office**" means the **Great Lakes National Program Office** established by this section;
- (E) "**Research Office**" means the **Great Lakes Research Office** established by subsection (d) of this section;
- (F) "area of concern" means a geographic area located within the **Great Lakes**, in which beneficial uses are impaired and which has been officially designated as such under Annex 2 of the **Great Lakes** Water Quality Agreement;
- (G) "**Great Lakes States**" means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin;
- (H) "**Great Lakes** Water Quality Agreement" means the bilateral agreement, between the United States and Canada which was signed in 1978 and amended by the Protocol of 1987;
- (I) "Lakewide Management Plan" means a written document which embodies a systematic and comprehensive ecosystem approach to restoring and protecting the beneficial uses of the open waters of each of the **Great Lakes**, in accordance with article VI and Annex 2 of the **Great Lakes** Water Quality Agreement; and
- (J) "Remedial Action Plan" means a written document which embodies a systematic and comprehensive ecosystem approach to restoring and protecting the beneficial uses of areas of concern, in accordance with article VI and Annex 2 of the **Great Lakes** Water Quality Agreement.

(b) **Great Lakes National Program Office**

The **Great Lakes National Program Office** (previously established by the Administrator) is hereby established within the Agency. The **Program Office** shall be headed by a Director who, by reason of management experience and technical expertise relating to the **Great Lakes**, is highly qualified to direct the development of **programs** and plans on a variety of **Great Lakes** issues. The **Great Lakes National Program Office** shall be located in a **Great Lakes** State.

(c) **Great Lakes** management

(1) Functions

The **Program Office** shall -

- (A) in cooperation with appropriate Federal, State, tribal, and international agencies, and in accordance with section 1251(e) of this title, develop and implement specific action plans to carry out the responsibilities of the United States under the **Great Lakes** Water Quality Agreement of 1978, as

amended by the Water Quality Agreement of 1987 and any other agreements and amendments,; (!1)

(B) establish a **Great Lakes** system-wide surveillance network to monitor the water quality of the **Great Lakes**, with specific emphasis on the monitoring of toxic pollutants;

(C) serve as the liaison with, and provide information to, the Canadian members of the International Joint Commission and the Canadian counterpart to the Agency;

(D) coordinate actions of the Agency (including actions by headquarters and regional **offices** thereof) aimed at improving **Great Lakes** water quality; and

(E) coordinate actions of the Agency with the actions of other Federal agencies and State and local authorities, so as to ensure the input of those agencies and authorities in developing water quality strategies and obtain the support of those agencies and authorities in achieving the objectives of such agreement.

(2) **Great Lakes** water quality guidance

(A) By June 30, 1991, the Administrator, after consultation with the **Program Office**, shall publish in the Federal Register for public notice and comment proposed water quality guidance for the **Great Lakes** System. Such guidance shall conform with the objectives and provisions of the **Great Lakes** Water Quality Agreement, shall be no less restrictive than the provisions of this chapter and **national** water quality criteria and guidance, shall specify numerical limits on pollutants in ambient **Great Lakes** waters to protect human health, aquatic life, and wildlife, and shall provide guidance to the **Great Lakes** States on minimum water quality standards, antidegradation policies, and implementation procedures for the **Great Lakes** System.

(B) By June 30, 1992, the Administrator, in consultation with the **Program Office**, shall publish in the Federal Register, pursuant to this section and the Administrator's authority under this chapter, final water quality guidance for the **Great Lakes** System.

(C) Within two years after such **Great Lakes** guidance is published, the **Great Lakes** States shall adopt water quality standards, antidegradation policies, and implementation procedures for waters within the **Great Lakes** System which are

consistent with such guidance. If a *Great Lakes* State fails to adopt such standards, policies, and procedures, the Administrator shall promulgate them not later than the end of such two-year period. When reviewing any *Great Lakes* State's water quality plan, the agency shall consider the extent to which the State has complied with the *Great Lakes* guidance issued pursuant to this section.

(3) Remedial Action Plans

(A) For each area of concern for which the United States has agreed to draft a Remedial Action Plan, the *Program Office* shall ensure that the *Great Lakes* State in which such area of concern is located -

- (i) submits a Remedial Action Plan to the *Program Office* by June 30, 1991;
- (ii) submits such Remedial Action Plan to the International Joint Commission by January 1, 1992; and
- (iii) includes such Remedial Action Plans within the State's water quality plan by January 1, 1993.

(B) For each area of concern for which Canada has agreed to draft a Remedial Action Plan, the *Program Office* shall, pursuant to subparagraph (c)(1)(C) of this section, work with Canada to assure the submission of such Remedial Action Plans to the International Joint Commission by June 30, 1991, and to finalize such Remedial Action Plans by January 1, 1993.

(C) For any area of concern designated as such subsequent to November 16, 1990, the *Program Office* shall (i) if the United States has agreed to draft the Remedial Action Plan, ensure that the *Great Lakes* State in which such area of concern is located submits such Plan to the *Program Office* within two years of the area's designation, submits it to the International Joint Commission no later than six months after submitting it to the *Program Office*, and includes such Plan in the State's water quality plan no later than one year after submitting it to the Commission; and (ii) if Canada has agreed to draft the Remedial Action Plan, work with Canada, pursuant to subparagraph (c)(1)(C) of this section, to ensure the submission of such Plan to the International Joint Commission within two years of the area's designation and the finalization of such Plan no later than eighteen months after submitting it to such Commission.

(D) The *Program Office* shall compile formal comments on individual Remedial Action Plans made by the International Joint Commission pursuant to section 4(d) of Annex 2 of the *Great Lakes*

Water Quality Agreement and, upon request by a member of the public, shall make such comments available for inspection and copying. The **Program Office** shall also make available, upon request, formal comments made by the Environmental Protection Agency on individual Remedial Action Plans.

(E) Report. - Not later than 1 year after November 27, 2002, the Administrator shall submit to Congress a report on such actions, time periods, and resources as are necessary to fulfill the duties of the Agency relating to oversight of Remedial Action Plans under -

- (i) this paragraph; and
- (ii) the **Great Lakes** Water Quality Agreement.

(4) Lakewide Management Plans

The Administrator, in consultation with the **Program Office** shall -

(A) by January 1, 1992, publish in the Federal Register a proposed Lakewide Management Plan for **Lake** Michigan and solicit public comments;

(B) by January 1, 1993, submit a proposed Lakewide Management Plan for **Lake** Michigan to the International Joint Commission for review; and

(C) by January 1, 1994, publish in the Federal Register a final Lakewide Management Plan for **Lake** Michigan and begin implementation.

Nothing in this subparagraph shall preclude the simultaneous development of Lakewide Management Plans for the other **Great Lakes**.

(5) Spills of oil and hazardous materials

The **Program Office**, in consultation with the Coast Guard, shall identify areas within the **Great Lakes** which are likely to experience numerous or voluminous spills of oil or other hazardous materials from land based facilities, vessels, or other sources and, in consultation with the **Great Lakes** States, shall identify weaknesses in Federal and State **programs** and systems to prevent and respond to such spills. This information shall be included on at least a biennial basis in the report required by this section.

(6) 5-year plan and *program*

The *Program Office* shall develop, in consultation with the States, a five-year plan and *program* for reducing the amount of nutrients introduced into the *Great Lakes*. Such *program* shall incorporate any management *program* for reducing nutrient runoff from nonpoint sources established under section 1329 of this title and shall include a *program* for monitoring nutrient runoff into, and ambient levels in, the *Great Lakes*.

(7) 5-year study and demonstration projects

(A) The *Program Office* shall carry out a five-year study and demonstration projects relating to the control and removal of toxic pollutants in the *Great Lakes*, with emphasis on the removal of toxic pollutants from bottom sediments. In selecting locations for conducting demonstration projects under this paragraph, priority consideration shall be given to projects at the following locations: Saginaw Bay, Michigan; Sheboygan Harbor, Wisconsin; Grand Calumet River, Indiana; Ashtabula River, Ohio; and Buffalo River, New York.

(B) The *Program Office* shall -

- (i) by December 31, 1990, complete chemical, physical, and biological assessments of the contaminated sediments at the locations selected for the study and demonstration projects;
- (ii) by December 31, 1990, announce the technologies that will be demonstrated at each location and the numerical standard of protection intended to be achieved at each location;
- (iii) by December 31, 1992, complete full or pilot scale demonstration projects on site at each location of promising technologies to remedy contaminated sediments; and
- (iv) by December 31, 1993, issue a final report to Congress on its findings.

(C) The Administrator, after providing for public review and comment, shall publish information concerning the public health and environmental consequences of contaminants in *Great Lakes* sediment. Information published pursuant to this subparagraph shall include specific numerical limits to protect health, aquatic life, and wildlife from the bioaccumulation of toxins. The Administrator shall, at a minimum, publish information pursuant to this subparagraph within 2 years of November 16,

1990.

(8) Administrator's responsibility

The Administrator shall ensure that the *Program Office* enters into agreements with the various organizational elements of the Agency involved in *Great Lakes* activities and the appropriate State agencies specifically delineating -

- (A) the duties and responsibilities of each such element in the Agency with respect to the *Great Lakes*;
- (B) the time periods for carrying out such duties and responsibilities; and
- (C) the resources to be committed to such duties and responsibilities.

(9) Budget item

The Administrator shall, in the Agency's annual budget submission to Congress, include a funding request for the *Program Office* as a separate budget line item.

(10) Comprehensive report

Within 90 days after the end of each fiscal year, the Administrator shall submit to Congress a comprehensive report which -

- (A) describes the achievements in the preceding fiscal year in implementing the *Great Lakes* Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments, and shows by categories (including judicial enforcement, research, State cooperative efforts, and general administration) the amounts expended on *Great Lakes* water quality initiatives in such preceding fiscal year;
- (B) describes the progress made in such preceding fiscal year in implementing the system of surveillance of the water quality in the *Great Lakes* System, including the monitoring of groundwater and sediment, with particular reference to toxic pollutants;
- (C) describes the long-term prospects for improving the condition of the *Great Lakes*; and
- (D) provides a comprehensive assessment of the planned

efforts to be pursued in the succeeding fiscal year for implementing the **Great Lakes** Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments,,(1) which assessment shall -

- (i) show by categories (including judicial enforcement, research, State cooperative efforts, and general administration) the amount anticipated to be expended on **Great Lakes** water quality initiatives in the fiscal year to which the assessment relates; and
- (ii) include a report of current **programs** administered by other Federal agencies which make available resources to the **Great Lakes** water quality management efforts.

(11) Confined disposal facilities

(A) The Administrator, in consultation with the Assistant Secretary of the Army for Civil Works, shall develop and implement, within one year of November 16, 1990, management plans for every **Great Lakes** confined disposal facility.

(B) The plan shall provide for monitoring of such facilities, including -

- (i) water quality at the site and in the area of the site;
- (ii) sediment quality at the site and in the area of the site;
- (iii) the diversity, productivity, and stability of aquatic organisms at the site and in the area of the site; and
- (iv) such other conditions as the Administrator deems appropriate.

(C) The plan shall identify the anticipated use and management of the site over the following twenty-year period including the expected termination of dumping at the site, the anticipated need for site management, including pollution control, following the termination of the use of the site.

(D) The plan shall identify a schedule for review and revision of the plan which shall not be less frequent than five years after adoption of the plan and every five years thereafter.

(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) Eligible projects

A project meets the requirements of this subparagraph if the project is to be carried out in an area of concern located wholly or partially in the United States and the project -

- (i) monitors or evaluates contaminated sediment;
- (ii) subject to subparagraph (D), implements a plan to remediate contaminated sediment; or
- (iii) prevents further or renewed contamination of sediment.

(C) Priority

In selecting projects to carry out under this paragraph, the Administrator shall give priority to a project that -

- (i) constitutes remedial action for contaminated sediment;
- (ii)(I) has been identified in a Remedial Action Plan submitted under paragraph (3); and
(II) is ready to be implemented;
- (iii) will use an innovative approach, technology, or technique that may provide greater environmental benefits, or equivalent environmental benefits at a reduced cost; or
- (iv) includes remediation to be commenced not later than 1 year after the date of receipt of funds for the project.

(D) Limitation

The Administrator may not carry out a project under this paragraph for remediation of contaminated sediments located in an area of concern -

- (i) if an evaluation of remedial alternatives for the area of concern has not been conducted, including a review of the short-term and long-term effects of the alternatives on human health and the environment; or
- (ii) if the Administrator determines that the area of concern is likely to suffer significant further or renewed contamination from existing sources of pollutants causing sediment contamination following completion of the project.

(E) Non-Federal share

(i) In general

The non-Federal share of the cost of a project carried out under this paragraph shall be at least 35 percent.

(ii) In-kind contributions

The non-Federal share of the cost of a project carried out under this paragraph may include the value of in-kind services contributed by a non-Federal sponsor.

(iii) Non-Federal share

The non-Federal share of the cost of a project carried out under this paragraph -

- (I) may include monies paid pursuant to, or the value of any in-kind service performed under, an administrative

order on consent or judicial consent decree; but (II) may not include any funds paid pursuant to, or the value of any in-kind service performed under, a unilateral administrative order or court order.

(iv) Operation and maintenance

The non-Federal share of the cost of the operation and maintenance of a project carried out under this paragraph shall be 100 percent.

(F) Maintenance of effort

The Administrator may not carry out a project under this paragraph unless the non-Federal sponsor enters into such agreements with the Administrator as the Administrator may require to ensure that the non-Federal sponsor will maintain its aggregate expenditures from all other sources for remediation *programs* in the area of concern in which the project is located at or above the average level of such expenditures in the 2 fiscal years preceding the date on which the project is initiated.

(G) Coordination

In carrying out projects under this paragraph, the Administrator shall coordinate with the Secretary of the Army, and with the Governors of States in which the projects are located, to ensure that Federal and State assistance for remediation in areas of concern is used as efficiently as practicable.

(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 2008.

(ii) Availability

Funds made available under clause (i) shall remain available until expended.

(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 2008.

(d) **Great Lakes** research

(1) Establishment of Research **Office**

There is established within the **National** Oceanic and Atmospheric Administration the **Great Lakes** Research **Office**.

(2) Identification of issues

The Research **Office** shall identify issues relating to the **Great Lakes** resources on which research is needed. The Research **Office** shall submit a report to Congress on such issues before the end of each fiscal year which shall identify any changes in the **Great Lakes** system (!2) with respect to such issues.

(3) Inventory

The Research **Office** shall identify and inventory Federal, State, university, and tribal environmental research **programs** (and, to the extent feasible, those of private organizations and other **nations**) relating to the **Great Lakes** system,(!2) and shall update that inventory every four years.

(4) Research exchange

The Research **Office** shall establish a **Great Lakes** research exchange for the purpose of facilitating the rapid identification, acquisition, retrieval, dissemination, and use of information concerning research projects which are ongoing or completed and which affect the **Great Lakes** System.

(5) Research **program**

The Research **Office** shall develop, in cooperation with the Coordination **Office**, a comprehensive environmental research **program** and data base for the **Great Lakes** system.(!2) The data base shall include, but not be limited to, data relating to water quality, fisheries, and biota.

(6) Monitoring

The Research *Office* shall conduct, through the *Great Lakes* Environmental Research Laboratory, the *National* Sea Grant College *program*, other Federal laboratories, and the private sector, appropriate research and monitoring activities which address priority issues and current needs relating to the *Great Lakes*.

(7) Location

The Research *Office* shall be located in a *Great Lakes* State.

(e) Research and management coordination

(1) Joint plan

Before October 1 of each year, the *Program Office* and the Research *Office* shall prepare a joint research plan for the fiscal year which begins in the following calendar year.

(2) Contents of plan

Each plan prepared under paragraph (1) shall -

(A) identify all proposed research dedicated to activities conducted under the *Great Lakes* Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments; (!3)

(B) include the Agency's assessment of priorities for research needed to fulfill the terms of such Agreement; and

(C) identify all proposed research that may be used to develop a comprehensive environmental data base for the *Great Lakes* System and establish priorities for development of such data base.

(3) Health research report

(A) Not later than September 30, 1994, the *Program Office*, in consultation with the Research *Office*, the Agency for Toxic Substances and Disease Registry, and *Great Lakes* States shall submit to the Congress a report assessing the adverse effects of water pollutants in the *Great Lakes* System on the health of persons in *Great Lakes* States and the health of fish, shellfish, and wildlife in the *Great Lakes* System. In conducting research in support of this report, the Administrator may, where appropriate, provide for research to be conducted under cooperative agreements with *Great Lakes* States.

(B) There is authorized to be appropriated to the Administrator

to carry out this section not to exceed \$3,000,000 for each of fiscal years 1992, 1993, and 1994.

(f) Interagency cooperation

The head of each department, agency, or other instrumentality of the Federal Government which is engaged in, is concerned with, or has authority over *programs* relating to research, monitoring, and planning to maintain, enhance, preserve, or rehabilitate the environmental quality and natural resources of the **Great Lakes**, including the Chief of Engineers of the Army, the Chief of the Soil Conservation Service, the Commandant of the Coast Guard, the Director of the Fish and Wildlife Service, and the Administrator of the **National** Oceanic and Atmospheric Administration, shall submit an annual report to the Administrator with respect to the activities of that agency or *office* affecting compliance with the **Great Lakes** Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments. (13)

(g) Relationship to existing Federal and State laws and international treaties

Nothing in this section shall be construed -

- (1) to affect the jurisdiction, powers, or prerogatives of any department, agency, or officer of the Federal Government or of any State government, or of any tribe, nor any powers, jurisdiction, or prerogatives of any international body created by treaty with authority relating to the **Great Lakes**; or
- (2) to affect any other Federal or State authority that is being used or may be used to facilitate the cleanup and protection of the **Great Lakes**.

(h) Authorizations of **Great Lakes** appropriations

There are authorized to be appropriated to the Administrator to carry out this section not to exceed -

- (1) \$11,000,000 per fiscal year for the fiscal years 1987, 1988, 1989, and 1990, and \$25,000,000 for fiscal year 1991;
- (2) such sums as are necessary for each of fiscal years 1992 through 2003; and
- (3) \$25,000,000 for each of fiscal years 2004 through 2008.

-SOURCE-

(June 30, 1948, ch. 758, title I, Sec. 118, as added Pub. L. 100-4, title I, Sec. 104, Feb. 4, 1987, 101 Stat. 11; amended Pub. L. 100-688, title I, Sec. 1008, Nov. 18, 1988, 102 Stat. 4151; Pub. L. 101-596, title I, Secs. 101-106, Nov. 16, 1990, 104 Stat. 3000-3004; Pub. L. 107-303, title I, Secs. 102-105, Nov. 27, 2002, 116 Stat. 2355-2358.)

CODIFICATION

November 16, 1990, referred to in subsec. (c)(3)(C), (7)(C), was in the original "the enactment of this Act", and "the date of the enactment of this title" which were translated as meaning the date of enactment of Pub. L. 101-596, title I of which enacted subsec. (c)(3), (7)(C), to reflect the probable intent of Congress.

AMENDMENTS

2002 - Subsec. (c)(3)(E). Pub. L. 107-303, Sec. 102, added subpar. (E).

Subsec. (c)(12), (13). Pub. L. 107-303, Sec. 103, added pars. (12) and (13).

Subsec. (g). Pub. L. 107-303, Sec. 104, substituted "construed -" for "construed to affect", inserted "(1) to affect" before "the jurisdiction", substituted "**Lakes**; or" for "**Lakes**.", and added par. (2).

Subsec. (h). Pub. L. 107-303, Sec. 105, substituted "not to exceed -" for "not to exceed \$11,000,000", inserted "(1) \$11,000,000" before "per fiscal year for", substituted "1991;" for "1991.", added pars. (2) and (3), and struck out former last sentence which read as follows: "Of the amounts appropriated each fiscal year -

"(1) 40 percent shall be used by the **Great Lakes National Program Office** on demonstration projects on the feasibility of controlling and removing toxic pollutants;

"(2) 7 percent shall be used by the **Great Lakes National Program Office** for the **program** of nutrient monitoring; and

"(3) 30 percent or \$3,300,000, whichever is the lesser, shall be transferred to the **National Oceanic and Atmospheric Administration** for use by the **Great Lakes Research Office**."

1990 - Subsec. (a)(3)(F) to (J). Pub. L. 101-596, Sec. 103, added subpars. (F) to (J).

Subsec. (c)(2) to (11). Pub. L. 101-596, Secs. 101, 102, 104, added pars. (2) to (5) after par. (1) and renumbered existing paragraphs accordingly, which was executed by renumbering pars. (2)

to (6) as (6) to (10), respectively, redesignated existing provisions of par. (7) as subpar. (A) and added subpars. (B) and (C), and added par. (11).

Subsec. (e)(3). Pub. L. 101-596, Sec. 106, added par. (3).

Subsec. (h). Pub. L. 101-596, Sec. 105, substituted "and 1990, and \$25,000,000 for fiscal year 1991" for "1990, and 1991" in introductory provisions and inserted "or \$3,300,000, whichever is the lesser," after "30 percent" in par. (3).

1988 - Subsecs. (a)(1)(B), (2), (c)(1)(A), (6)(A), (D),

(e)(2)(A), (f). Pub. L. 100-688 inserted ", as amended by the Water Quality Agreement of 1987 and any other agreements and amendments," after "the *Great Lakes* Water Quality Agreement of 1978".

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION

Pub. L. 101-640, title IV, Sec. 401, Nov. 28, 1990, 104 Stat.

4644, as amended by Pub. L. 104-303, title V, Sec. 515, Oct. 12, 1996, 110 Stat. 3763; Pub. L. 106-53, title V, Sec. 505, Aug. 17, 1999, 113 Stat. 338; Pub. L. 106-541, title III, Sec. 344, Dec. 11, 2000, 114 Stat. 2613, provided that:

"(a) **Great Lakes** Remedial Action Plans. -

"(1) In general. - The Secretary may provide technical, planning, and engineering assistance to State and local governments and nongovernmental entities designated by a State or local government in the development and implementation of remedial action plans for Areas of Concern in the **Great Lakes** identified under the **Great Lakes** Water Quality Agreement of 1978.

"(2) Non-federal share. -

"(A) In general. - Non-Federal interests shall contribute, in cash or by providing in-kind contributions, 35 percent of costs of activities for which assistance is provided under paragraph (1).

"(B) Contributions by entities. - Nonprofit public or private entities may contribute all or a portion of the non-Federal

share.

"(b) Sediment Remediation Projects."

(1) In general. - The Secretary, in consultation with the Administrator of the Environmental Protection Agency (acting through the *Great Lakes National Program Office*), may conduct pilot- and full-scale projects of promising technologies to remediate contaminated sediments in freshwater coastal regions in the *Great Lakes* basin. The Secretary shall conduct not fewer than 3 full-scale projects under this subsection.

"(2) Site selection for projects. - In selecting the sites for the technology projects, the Secretary shall give priority consideration to Saginaw Bay, Michigan, Sheboygan Harbor, Wisconsin, Grand Calumet River, Indiana, Ashtabula River, Ohio, Buffalo River, New York, and Duluth-Superior Harbor, Minnesota and Wisconsin.

"(3) Non-federal share. - Non-Federal interests shall contribute 35 percent of costs of projects under this subsection. Such costs may be paid in cash or by providing in-kind contributions.

"

(c) Authorization of Appropriations. - There is authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for each of fiscal years 2001 through 2006."