

Great Lakes Legacy Act of 2002 Overview & Planning

Briefing for USFWS

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Purpose of Briefing

- Summarize Provisions of Great Lakes Legacy Act
- Discuss Requirements for Sediment Remediation Projects
- Short-Term Project Planning
- Long-Term Project Planning
- Discuss Interagency Coordination

Legislative History

- H.R.1070 introduced by Rep Vernon J. Ehlers, on 3/15/2002 (21 Cosponsors)
- S.2544 introduced by Sens. Levin & DeWine on 5/22/2002 (5 Additional Cosponsors)
- “Great Lakes and Lake Champlain Act 2002” passed by Congress on November 12, 2002.
- Signed into law by President Bush on November 27, 2002 (Public Law No: 107-303)
- President’s budget proposes \$15 Million Funding (02/02/2003)

Provisions of the Great Lakes Legacy Act

- Authorizes \$270M over 5 years from fiscal years 2004-2008
 - \$50M per year for “Projects” which may include: site characterization, assessment, monitoring, remediation, or pollution prevention
 - \$3M per year for technology research
 - \$1M per year for public information program
- Also requires report to Congress on USEPA oversight of Remedial Action Plans (RAPs) by November 27, 2003

Eligible Projects

The Legacy Act authorizes \$50M per year from FY2004 through FY2008 for contaminated sediment projects in the Great Lakes

“Projects” must be in U.S. AOCs and:

- 1) Monitor or evaluate contaminated sediment;
- 2) Implements a plan to remediate contaminated sediment; or
- 3) Prevent further or renewed sediment contamination.

Cost-Sharing

Non-Federal Cost Share Must be at Least 35% of Total Project Costs and 100% of Operations and Maintenance Costs, and:

- **May include in-kind services contributed by a non-federal sponsor,**
- **May include monies and in-kind services under an administrative order on consent or judicial consent decree,**
- **May NOT include any funds pursuant to a unilateral administrative order or court order.**

Funding Priority

Under the Act, priority is given to the following projects:

- (i) Remedial action for contaminated sediment;
- (ii) Projects that have been identified in a Remedial Action Plan;
- (iii) Projects that are ready to be implemented;
- (iv) Projects that will use an innovative approach, technology, or technique that may provide greater environmental benefits, or equivalent environmental benefits at a reduced cost; or
- (v) Projects that include remediation to be commenced not later than 1 year after the date of receipt of funds.

Funding Limitations

The Administrator may not carry out a project for the remediation of Contaminated sediments within an AOC:

- **Unless an evaluation of remedial alternatives for the AOC has been conducted, including a review of the short-term and long-term effects of the remedial alternatives on human health and the environment, or**
- **If the Administrator determines that the AOC is likely to suffer significant further or renewed contamination from existing sources of pollutants causing sediment contamination following completion of the project.**

Maintenance of Effort Requirement

- Prior to initiating projects the non-federal sponsor must enter into agreements with the Administrator to ensure that the non-federal sponsor will maintain its aggregate expenditures from all other sources for remediation programs in the AOC where 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.

Research Program

- Authorizes \$3M per year for FY2004 through FY2008.
- USEPA to coordinate with other agencies to conduct research on innovative sediment treatment and remediation technologies at U.S. AOCs.
- No non-federal match required

Public Information Program

- Authorizes \$1M per year for FY2004 through FY2008.
- Provides funding for public outreach/public information at U.S. AOCs regarding sediment remediation
- No non-federal match required

Overall Approach

- Strive to implement projects ASAP
- Minimize “process”; focus on “projects”
- Assure consistency with other EPA programs and policies
- Work in partnership with the other federal agencies, states, tribes, industry, NGOs, and other stakeholders

Key Program Requirements

- Source Control
- Non-Federal Match Funds (35%)
- Alternatives Evaluation (RI/FS Model?)
- Short-Term and Long-Term Effects Evaluations (RI/FS Model?)
- Maintenance of Effort Agreements
- Implementation of Remedial Action <1 After Receipt of Funding

Fast Track Projects for FY2004

- Need to Identify Sites Where:
 - Source Control is Complete
 - Remedial Alternatives Evaluation is complete (including effects evaluations) or can be completed in next 12 months
 - Stakeholder acceptance of project is high
 - Remedial boundaries are well-defined
 - FY2003 GLNPO grant funds potentially available under current RFP to complete these evaluations

Long-Term Projects (FY2005 to FY2008)

- Identify priority sites for continued evaluation
- Conduct site assessments and define remedial boundaries
- Leverage PRP funding
- Public outreach to obtain stakeholder input
- Complete alternative evaluation and effects/impacts analysis
- Complete remedial design work
- Coordinate with regulatory agencies

Proposed Timeline: Fast Track Projects

- Today: Identify and screen potential fast track sites
- July 2003: Release RFP for Legacy Act Funding
- November 2003 – June 2004: Complete remedial design work and Award Grants/Contracts

Coordination with USFWS

- Management Coordination via USPC
- Mechanism for obtaining USFWS input for review of project proposals
- Technical POC for Legacy Act desired
- Need for Coordinated Message to the Public in AOCs (NRDA, Legacy, Superfund, Corps dredging, etc.)
- Research Coordination
- “Innovation” will present challenges...