

Great Lakes Legacy Act of 2002 Overview & Planning

Scott Cieniawski

U.S. EPA

Great Lakes National Program Office

Purpose of Briefing

- Summarize Provisions of Great Lakes Legacy Act
- Describe Plans for Implementation
- Tentative Schedule and Offer of Assistance

History

- “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 FY2004 budget proposes \$15 Million Funding for the Great Lakes portion of the act.

Provisions of the Great Lakes Legacy Act

- Authorizes \$270 Million over 5 years from fiscal years 2004-2008
 - \$50M per year for “Projects” which may include: assessment, monitoring, remediation, and pollution prevention
 - \$3M per year for technology research
 - \$1M per year for public information program

“Projects” - Eligibility

Authorizes \$50M per year for
contaminated sediment projects in U.S.
AOCs

“Project” must:

(i) Monitor or evaluate contaminated sediment;

(ii) Implements a plan to remediate contaminated sediment; or

(iii) 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,**
- **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 and is ready to be implemented;
- (iii) 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
- (iv) 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

Key Program Requirements

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

Summary of Overall Approach

- Strive to implement projects ASAP
- Focus on Remediation
- 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

Tentative Schedule

- JULY/AUGUST 2003 – Announce RFP
- SEPTEMBER/OCTOBER 2003 –
Proposals Due
- Selection of Proposal and Award of Funds
will be dependent on availability of funding

Coordination with RAP Groups

- Available to support near-term and long-term planning and implementation

Contact:

Marc Tuchman, 312-353-1369

Tuchman.marc@epa.gov

Scott Cieniawski, 312-353-9184

Cieniawski.scott@epa.gov

**More information on
the Legacy Act is available
at our website**

www.epa.gov/glnpo