

104TH CONGRESS
2D SESSION

S. 1620

To amend the Water Resources Development Act of 1986 to provide for the construction, operation, and maintenance of dredged material disposal facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 1996

Mr. LAUTENBERG (for himself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Water Resources Development Act of 1986 to provide for the construction, operation, and maintenance of dredged material disposal facilities, 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 “Environmental Dredge
5 Disposal Act of 1996”.

1 **SEC. 2. DREDGED MATERIAL DISPOSAL FACILITIES.**

2 Section 101 of the Water Resources Development Act
3 of 1986 (33 U.S.C. 2211) is amended by adding at the
4 end the following:

5 “(f) DREDGED MATERIAL DISPOSAL FACILITIES.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision of law, after the date of enactment of this
8 subsection, the provision of upland, aquatic, and
9 confined aquatic dredged material disposal facilities
10 associated with the construction, operation, and
11 maintenance of all Federal navigation projects for
12 harbors and inland harbors (including diking and
13 applying dredged material to beneficial use and
14 other improvements necessary for the proper dis-
15 posal of dredged material) shall be considered to be
16 a general navigation feature of a project for the pur-
17 pose of cost sharing under this section.

18 “(2) LIMITATIONS ON FEDERAL SHARE OF
19 PROJECT COSTS.—

20 “(A) FUNDS NOT REQUIRED FOR OPER-
21 ATION AND MAINTENANCE.—No funds compris-
22 ing the Federal share of the costs associated
23 with the construction of a dredged material dis-
24 posal facility for the operation and maintenance
25 of a Federal navigation project for a harbor or
26 inland harbor in accordance with paragraph (1)

1 that are eligible to be paid with sums appro-
2 priated out of the Harbor Maintenance Trust
3 Fund under paragraph (3) shall be expended
4 for construction until the Secretary, in the Sec-
5 retary's discretion, determines that the funds
6 are not required to cover eligible operation and
7 maintenance costs assigned to commercial navi-
8 gation.

9 “(B) MAXIMUM FEDERAL SHARE FOR OP-
10 ERATION AND MAINTENANCE.—The Federal
11 share of the costs of activities described in
12 paragraph (3) for a project shall not exceed
13 \$25,000,000 for any fiscal year.

14 “(3) OPERATION AND MAINTENANCE COSTS.—
15 For the purposes of section 210, eligible operation
16 and maintenance costs shall include (in addition to
17 eligible operation and maintenance costs assigned to
18 commercial navigation)—

19 “(A) the Federal share of the costs of con-
20 structing dredged material disposal facilities as-
21 sociated with the operation and maintenance of
22 all Federal navigation projects for harbors and
23 inland harbors;

24 “(B) the costs of operating and maintain-
25 ing dredged material disposal facilities associ-

1 ated with the construction, operation, and
2 maintenance of all Federal navigation projects
3 for harbors and inland harbors;

4 “(C) the Federal share of the costs of envi-
5 ronmental dredging and disposal facilities for
6 contaminated sediments that are in, or that af-
7 fect the maintenance of, Federal navigation
8 channels and the mitigation of environmental
9 impacts resulting from Federal dredging activi-
10 ties; and

11 “(D) the Federal share of the costs of
12 dredging, management, and disposal of in-place
13 contaminated sediments and other environ-
14 mental remediation in critical port and harbor
15 areas to facilitate maritime commerce and navi-
16 gation.

17 “(4) PREFERENCE.—In undertaking activities
18 described in paragraph (3)(D), the Secretary shall
19 give preference to port areas with respect to which,
20 and in accordance with the extent that, annual pay-
21 ments of harbor maintenance fees exceed Federal ex-
22 penditures for projects in the port area that are eli-
23 gible for reimbursement out of the Harbor Mainte-
24 nance Trust Fund.

1 “(5) APPLICABILITY.—This subsection applies
2 to the provision of a dredged material disposal facil-
3 ity with respect to which, and to the extent that—

4 “(A) a contract for construction (or for
5 construction of a usable portion of such a facil-
6 ity); or

7 “(B) a contract for construction of an as-
8 sociated navigation project (or usable portion of
9 such a project);

10 has not been awarded on or before the date of enact-
11 ment of this subsection.

12 “(6) AMENDMENT OF EXISTING AGREE-
13 MENTS.—

14 “(A) IN GENERAL.—Unless otherwise re-
15 quested by the non-Federal interest within 30
16 days after the date of enactment of this sub-
17 section, each cooperative agreement entered
18 into between the Secretary and a non-Federal
19 interest under this section shall be amended, ef-
20 fective as of the date of enactment of this sub-
21 section, to conform to this subsection, including
22 provisions relating to the Federal share of
23 project costs for dredged material disposal fa-
24 cilities.

1 “(B) APPLICATION OF AMENDMENT.—An
2 amendment to a cooperative agreement required
3 by subparagraph (A) shall be applied prospec-
4 tively.

5 “(7) EFFECT ON NON-FEDERAL COSTS OF
6 OTHER DREDGED MATERIAL DISPOSAL FACILI-
7 TIES.—Nothing in this subsection shall increase, or
8 result in the increase of, the non-Federal share of
9 the costs of any dredged material disposal facility re-
10 quired by the authorization for a project.”.

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