

104TH CONGRESS
2D SESSION

H. R. 3113

To amend the Water Resources Development Act of 1986 relating to cost sharing for creation of dredged material disposal areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1996

Mr. PALLONE (for himself and Mr. FRANKS of New Jersey) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Water Resources Development Act of 1986 relating to cost sharing for creation of dredged material disposal areas, 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 “Partnership for Pro-
5 ductive Ports Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) A network of ports and harbors is essential
9 to the United States economy, competitiveness in

1 world trade, and national security. Approximately 95
2 percent of United States overseas trade moves on
3 ships in and out of United States ports.

4 (2) The Nation's coastal, ocean, and freshwater
5 resources are critical assets which must be pro-
6 tected, conserved, and restored. These resources pro-
7 vide numerous economic and environmental benefits.

8 (3) Port facilities serve as a key link in the
9 intermodal transportation chain and can realize their
10 full potential as magnets for shipping and commerce
11 only if timely, cost-effective, and environmentally
12 sound dredging and dredged material management
13 occurs.

14 (4) Approximately 400,000,000 cubic yards of
15 sediment are dredged from our Nation's ports each
16 year, 300,000,000 cubic yards of which is dredged
17 from Federal channels.

18 (5) Improved environmental responsibility re-
19 quires that dredged material demonstrating a poten-
20 tial to unreasonably degrade human health or the
21 environment be appropriately managed to minimize
22 negative environmental interactions, yet suitable dis-
23 posal sites are often not readily available.

24 (6) All Federal navigation dredging projects are
25 approved because they are in the national interest

1 and therefore should not be blocked because of a
2 lack of disposal capacity that meets the necessary
3 Federal requirements.

4 (7) The cost of disposal and management of
5 sediments dredged in the course of constructing and
6 maintaining a navigation project are integral to the
7 total project costs and as such should be cost shared
8 according to the allocations under existing law.

9 (8) Inconsistent cost-sharing policies for the use
10 of open water, upland, and confined disposal facili-
11 ties create an economic incentive to use open water
12 disposal sites even when more environmentally posi-
13 tive alternatives are preferable.

14 (b) PURPOSE.—The purpose of this Act is to provide
15 Federal-non-Federal cost sharing for the construction and
16 operation of confined disposal facilities for contaminated
17 dredged materials in order to make suitable alternatives
18 to open water disposal available nationwide.

19 **SEC. 3. CREATION OF CONFINED DREDGED MATERIAL DIS-**
20 **POSAL FACILITIES.**

21 (a) FEDERAL SHARE.—Section 101(b) of the Water
22 Resources Development Act of 1986 (33 U.S.C. 2211(b))
23 is amended—

24 (1) by striking “The Federal share” and insert-
25 ing the following:

1 “(1) GENERAL FEDERAL SHARE.—The Federal
2 share”;

3 (2) by moving the text of paragraph (1), as so
4 designated, 2 ems to the right; and

5 (3) by adding at the end the following:

6 “(2) FEDERAL SHARE FOR CONFINED DISPOSAL
7 FACILITIES.—The Federal share of the cost of
8 project features that are necessary for creation of
9 confined dredged material disposal facilities shall be
10 determined in accordance with subsection (a)(1).
11 The cost sharing requirements of this paragraph
12 shall apply to projects authorized before, on, or after
13 the the date of the enactment of this paragraph.

14 “(3) CONFINED DISPOSAL FACILITY DE-
15 FINED.—In this section and section 210, the term
16 ‘confined disposal facility’ means any alternative to
17 ocean disposal or ocean disposal with capping, in-
18 cluding subaqueous borrow pits, containment is-
19 lands, and upland confined disposal facilities.”.

20 (b) CONFORMING AMENDMENTS.—Section 101 of
21 such Act is further amended—

22 (1) in the second sentence of subsection
23 (a)(2)—

24 (A) by inserting “and” after “rights-of-
25 way,”; and

1 (B) by striking “, and dredged material
2 disposal areas”;

3 (2) in subsection (a)(3)—

4 (A) by inserting “and” after “rights-of-
5 way,”; and

6 (B) by striking “, and dredged material
7 disposal areas” and inserting “, including those
8 required for confined dredged material disposal
9 facilities,”; and

10 (3) in subsection (e)(1) by striking “, and to
11 provide dredged material disposal areas”.

12 **SEC. 4. FUNDING FROM HARBOR MAINTENANCE TRUST**
13 **FUND.**

14 Section 210 of the Water Resources Development Act
15 of 1986 (33 U.S.C. 2238) is amended by adding at the
16 end the following:

17 “(c) INCLUSION OF DISPOSAL COSTS AS O&M
18 COSTS.—For purposes of this section, the term ‘operation
19 and maintenance costs’ includes costs related to disposal
20 of dredged materials in a confined dredged material dis-
21 posal facility. Operation and maintenance costs other than
22 costs related to such disposal shall receive priority consid-
23 eration for funding from the Harbor Maintenance Trust
24 Fund.”.

1 **SEC. 5. CONFINED DISPOSAL FACILITY IN THE PORT**
2 **OF NEW YORK AND NEW JERSEY.**

3 (a) CREATION AND OPERATION.—Not later than 18
4 months after the date of the enactment of this Act, the
5 Secretary of the Army, in cooperation with the Adminis-
6 trator of the Environmental Protection Agency and State
7 and local governmental agencies, shall create, operate, and
8 maintain a confined dredged material disposal fa-
9 cility in the Port of New York and New Jersey. The facil-
10 ity shall be designed for the disposal of dredged materials
11 that do not meet applicable criteria for open water dis-
12 posal.

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