

108TH CONGRESS
2D SESSION

H. R. 4459

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2004

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, 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 “Llagas Reclamation
 5 Groundwater Remediation Initiative”.

6 **SEC. 2. DEFINITIONS.**

7 For the purposes of this Act:

8 (1) GROUNDWATER REMEDIATION.—The term
 9 “groundwater remediation” means actions that are
 10 necessary to prevent, minimize, or mitigate damage
 11 to groundwater.

12 (2) LOCAL WATER AUTHORITY.—The term
 13 “local water authority” means the Santa Clara Val-
 14 ley Water District.

15 (3) REMEDIATION FUND.—The term “Remedi-
 16 ation Fund” means the California Basins Ground-
 17 water Remediation Fund established pursuant to
 18 section 3(a).

19 (4) SECRETARY.—The term “Secretary” means
 20 the Secretary of the Interior.

21 **SEC. 3. CALIFORNIA BASINS REMEDIATION.**

22 (a) CALIFORNIA BASINS REMEDIATION.—

23 (1) ESTABLISHMENT OF REMEDIATION
 24 FUND.—There shall be established within the Treas-
 25 ury of the United States an interest bearing account

1 to be known as the California Basins Groundwater
2 Remediation Fund.

3 (2) ADMINISTRATION OF REMEDIATION
4 FUND.—The Remediation Fund shall be adminis-
5 tered by the Secretary of the Interior, acting
6 through the Bureau of Reclamation. The Secretary
7 shall administer the Remediation Fund in coopera-
8 tion with the local water authority.

9 (3) PURPOSES OF REMEDIATION FUND.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), the amounts in the Remediation
12 Fund, including interest accrued, shall be used
13 by the Secretary to provide grants to the local
14 water authority to reimburse the local water au-
15 thority for the Federal share of the costs associ-
16 ated with designing and constructing ground-
17 water remediation projects to be administered
18 by the local water authority.

19 (B) COST-SHARING LIMITATION.—

20 (i) IN GENERAL.—The Secretary may
21 not obligate any funds appropriated to the
22 Remediation Fund in a fiscal year until
23 the Secretary has deposited into the Reme-
24 diation Fund an amount provided by non-
25 Federal interests sufficient to ensure that

1 at least 35 percent of any funds obligated
2 by the Secretary for a project are from
3 funds provided to the Secretary for that
4 project by the non-Federal interests.

5 (ii) NON-FEDERAL RESPONSIBILITY.—Each local water authority shall
6 be responsible for providing the non-Federal
7 amount required by clause (i) for
8 projects under that local water authority.
9 The State of California, local government
10 agencies, and private entities may provide
11 all or any portion of the non-Federal
12 amount.
13

14 (iii) CREDITS TOWARD NON-FEDERAL
15 SHARE.—For purposes of clause (ii), the
16 Secretary shall credit the appropriate local
17 water authority with the value of all prior
18 expenditures by non-Federal interests
19 made after January 1, 2000, that are com-
20 patible with the purposes of this section,
21 including—

22 (I) all expenditures made by non-
23 Federal interests to design and con-
24 struct groundwater remediation
25 projects, including expenditures asso-

1 ciated with environmental analyses
2 and public involvement activities that
3 were required to implement the
4 groundwater remediation projects in
5 compliance with applicable Federal
6 and State laws; and

7 (II) all expenditures made by
8 non-Federal interests to acquire lands,
9 easements, rights-of-way, relocations,
10 disposal areas, and water rights that
11 were required to implement a ground-
12 water remediation project.

13 (b) COMPLIANCE WITH APPLICABLE LAW.—In car-
14 rying out the activities described in this section, the Sec-
15 retary shall comply with any applicable Federal and State
16 laws.

17 (c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing
18 in this section shall be construed to affect other Federal
19 or State authorities that are being used or may be used
20 to facilitate remediation and protection of the Llagas
21 groundwater subbasin. In carrying out the activities de-
22 scribed in this section, the Secretary shall integrate such
23 activities with ongoing Federal and State projects and ac-
24 tivities. None of the funds made available for such activi-
25 ties pursuant to this section shall be counted against any

1 Federal authorization ceiling established for any pre-
2 viously authorized Federal projects or activities.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Remediation Fund
5 \$25,000,000. Such funds shall remain available until ex-
6 pended.

Passed the House of Representatives September 21,
2004.

Attest:

JEFF TRANDAHL,
Clerk.