

110TH CONGRESS
1ST SESSION

S. 1472

To authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2007

Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration.

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 “North Bay Water
5 Reuse Program Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-
 2 ty” means a member agency of the North Bay
 3 Water Reuse Authority of the State located in the
 4 North San Pablo Bay watershed in—

- 5 (A) Marin County;
- 6 (B) Napa County;
- 7 (C) Solano County; or
- 8 (D) Sonoma County.

9 (2) SECRETARY.—The term “Secretary” means
 10 the Secretary of the Interior.

11 (3) STATE.—The term “State” means the State
 12 of California.

13 (4) WATER RECLAMATION AND REUSE
 14 PROJECT.—The term “water reclamation and reuse
 15 project” means a project carried out by the Sec-
 16 retary and an eligible entity in the North San Pablo
 17 Bay watershed relating to—

- 18 (A) water quality improvement;
- 19 (B) wastewater treatment;
- 20 (C) water reclamation and reuse;
- 21 (D) groundwater recharge and protection;
- 22 (E) surface water augmentation; or
- 23 (F) other related improvements.

1 **SEC. 3. NORTH BAY WATER REUSE PROGRAM.**

2 (a) IN GENERAL.—The Secretary, acting through a
3 cooperative agreement with the State or a subdivision of
4 a State, may offer to enter into cooperative agreements
5 with eligible entities for the planning, design, and con-
6 struction of water reclamation and reuse projects.

7 (b) COORDINATION WITH OTHER FEDERAL AGEN-
8 CIES.—In carrying out this section, the Secretary and the
9 eligible entity shall, to the maximum extent practicable,
10 use the design work and environmental evaluations initi-
11 ated by—

12 (1) non-Federal entities; and

13 (2) the Corps of Engineers in the San Pablo
14 Bay Watershed of the State.

15 (c) COOPERATIVE AGREEMENT.—

16 (1) REQUIREMENTS.—A cooperative agreement
17 entered into under paragraph (1) shall, at a min-
18 imum, specify the responsibilities of the Secretary
19 and the eligible entity with respect to—

20 (A) ensuring that the cost-share require-
21 ments established by subsection (e) are met;

22 (B) completing—

23 (i) a needs assessment for the water
24 reclamation and reuse project; and

25 (ii) the planning and final design of
26 the water reclamation and reuse project;

1 (C) any environmental compliance activity
2 required for the water reclamation and reuse
3 project;

4 (D) the construction of facilities for the
5 water reclamation and reuse project; and

6 (E) administering any contract relating to
7 the construction of the water reclamation and
8 reuse project.

9 (2) PHASED PROJECT.—

10 (A) IN GENERAL.—A cooperative agree-
11 ment described in paragraph (1) shall require
12 that any water reclamation and reuse project
13 carried out under this section shall consist of 2
14 phases.

15 (B) FIRST PHASE.—During the first
16 phase, the Secretary and an eligible entity shall
17 complete the planning, design, and construction
18 of the main treatment and main conveyance
19 system of the water reclamation and reuse
20 project.

21 (C) SECOND PHASE.—During the second
22 phase, the Secretary and an eligible entity shall
23 complete the planning, design, and construction
24 of the sub-regional distribution systems of the
25 water reclamation and reuse project.

1 (d) FINANCIAL ASSISTANCE.—

2 (1) IN GENERAL.—The Secretary may provide
3 financial and technical assistance to an eligible enti-
4 ty to assist in planning, designing, conducting re-
5 lated preconstruction activities for, and constructing
6 a water reclamation and reuse project.

7 (2) USE.—Any financial assistance provided
8 under paragraph (1) shall be obligated and expended
9 only in accordance with a cooperative agreement en-
10 tered into under this section.

11 (e) COST-SHARING REQUIREMENT.—

12 (1) FEDERAL SHARE.—The Federal share of
13 the total cost of any activity or construction carried
14 out using amounts made available under this section
15 shall be not more than 25 percent of the total cost
16 of a water reclamation and reuse project.

17 (2) FORM OF NON-FEDERAL SHARE.—The non-
18 Federal share may be in the form of any in-kind
19 services that the Secretary determines would con-
20 tribute substantially toward the completion of the
21 water reclamation and reuse project, including—

22 (A) reasonable costs incurred by the eligi-
23 ble entity relating to the planning, design, and
24 construction of the water reclamation and reuse
25 project; and

- 1 (B) the fair-market value of land that is—
 2 (i) used for planning, design, and con-
 3 struction of the water reclamation and
 4 reuse project facilities; and
 5 (ii) owned by an eligible entity.

6 (f) OPERATION, MAINTENANCE, AND REPLACEMENT
 7 COSTS.—

8 (1) IN GENERAL.—The eligible entity shall be
 9 responsible for the annual operation, maintenance,
 10 and replacement costs associated with the water rec-
 11 lamation and reuse project.

12 (2) OPERATION, MAINTENANCE, AND REPLACE-
 13 MENT PLAN.—The eligible entity, in consultation
 14 with the Secretary, shall develop an operation, main-
 15 tenance, and replacement plan for the water rec-
 16 lamation and reuse project.

17 (g) EFFECT.—Nothing in this Act—

18 (1) affects or preempts—

19 (A) State water law; or

20 (B) an interstate compact relating to the
 21 allocation of water; or

22 (2) confers on any non-Federal entity the abil-
 23 ity to exercise any Federal right to—

24 (A) the water of a stream; or

25 (B) any groundwater resource.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated for the Federal share of the
3 total cost of the first phase of water reclamation and reuse
4 projects carried out under this Act, an amount not to ex-
5 ceed 25 percent of the total cost of those reclamation and
6 reuse projects or \$25,000,000, whichever is less, to remain
7 available until expended.

○