

110TH CONGRESS
1ST SESSION

S. 409

To provide environmental assistance to non-Federal interests in the State
of North Dakota.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2007

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

A BILL

To provide environmental assistance to non-Federal interests
in the State of North Dakota.

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 “Water Infrastructure
5 Revitalization Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) SECRETARY.—The term “Secretary” means
9 the Secretary of the Army, acting through the Chief
10 of Engineers.

1 (2) STATE.—The term “State” means the State
2 of North Dakota.

3 **SEC. 3. PROGRAM.**

4 (a) ESTABLISHMENT.—The Secretary shall establish
5 a program to provide environmental assistance to non-
6 Federal interests in the State.

7 (b) FORM OF ASSISTANCE.—Assistance under this
8 Act may be provided in the form of design and construc-
9 tion assistance for water-related environmental infrastruc-
10 ture and resource protection and development projects in
11 the State, including projects for—

- 12 (1) wastewater treatment and related facilities;
13 (2) water supply and related facilities;
14 (3) environmental restoration; and
15 (4) surface water resource protection and devel-
16 opment.

17 (c) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-
18 retary may provide assistance for a project under this sec-
19 tion only if the project is publicly owned.

20 (d) LOCAL COOPERATION AGREEMENT.—

21 (1) IN GENERAL.—Before providing assistance
22 under this section, the Secretary shall enter into a
23 local cooperation agreement with a non-Federal in-
24 terest to provide for design and construction of the
25 project to be carried out with the assistance.

1 (2) REQUIREMENTS.—Each local cooperation
2 agreement entered into under this subsection shall
3 provide for the following:

4 (A) PLAN.—Development by the Secretary,
5 in consultation and coordination with appro-
6 priate Federal, State, and tribal officials and
7 organizations recognized under State law that
8 are involved in Federal water programs, of a fa-
9 cilities or resource protection and development
10 plan, including appropriate engineering plans
11 and specifications.

12 (B) LEGAL AND INSTITUTIONAL STRUC-
13 TURES.—Establishment of such legal and insti-
14 tutional structures as are necessary to ensure
15 the effective long-term operation of the project
16 by the non-Federal interest.

17 (3) COST SHARING.—

18 (A) IN GENERAL.—The Federal share of
19 project costs under each local cooperation
20 agreement entered into under this subsection—

21 (i) shall be 75 percent; and

22 (ii) may be in the form of grants or
23 reimbursements of project costs.

24 (B) CREDIT FOR DESIGN WORK.—The
25 non-Federal interest shall receive credit, not to

1 exceed 6 percent of the total construction costs
2 of a project, for the reasonable costs of design
3 work completed by the non-Federal interest be-
4 fore entering into a local cooperation agreement
5 with the Secretary for the project.

6 (C) CREDIT FOR INTEREST.—In case of a
7 delay in the funding of the Federal share of the
8 costs of a project that is the subject of an
9 agreement under this section, the non-Federal
10 interest shall receive credit for reasonable inter-
11 est incurred in providing the Federal share of
12 the costs of the project.

13 (D) LAND, EASEMENTS, AND RIGHTS-OF-
14 WAY CREDIT.—The non-Federal interest shall
15 receive credit for land, easements, rights-of-
16 way, and relocations toward the non-Federal
17 share of project costs (including all reasonable
18 costs associated with obtaining permits nec-
19 essary for the construction, operation, and
20 maintenance of the project on publicly owned or
21 controlled land), but not to exceed 25 percent
22 of total project costs.

23 (E) CONSIDERATION OF WATER RATE IM-
24 PACTS FOR LOCAL COST SHARE.—

(i) IN GENERAL.—The non-Federal share of the cost of constructing a project under this Act shall be reduced, using the national affordability criteria for water rate percentages relating to State average medium household income developed by the Environmental Protection Agency, by 5 percent for each $\frac{1}{2}$ percent by which the rate for affordability relating to the project area exceeds the average State-wide rate for affordability.

(ii) MULTICOUNTY PROJECTS.—With respect to a multicounty project under this Act, the average of all affordability rates applicable in the area covered by the project shall be used for the purpose of establishing the local share of the costs of the project.

(F) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or other-

1 wise affects the applicability of any provision of Federal
2 or State law that would otherwise apply to a project to
3 be carried out with assistance provided under this section.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$60,000,000 for the period beginning with fiscal year
7 2007, to remain available until expended.

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