

PUBLIC LAW 108-354—OCT. 21, 2004

CHIMAYO WATER SUPPLY SYSTEM AND  
ESPANOLA FILTRATION FACILITY ACT OF  
2004

Public Law 108-354  
108th Congress  
An Act

Oct. 21, 2004  
[S. 2511]

Chimayo Water  
Supply System  
and Espanola  
Filtration  
Facility Act  
of 2004.

To direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Chimayo Water Supply System and Espanola Filtration Facility Act of 2004”.

**TITLE I—CHIMAYO WATER SUPPLY SYSTEM**

**SEC. 101. DEFINITIONS.**

In this title:

- (1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (2) STUDY AREA.—The term “study area” means the Santa Cruz River Valley in the eastern margin of the Espanola Basin.
- (3) SYSTEM.—The term “system” means a water supply system described in section 102(a).
- (4) TOWN.—The term “Town” means the town of Chimayo, New Mexico, located in Rio Arriba County and Santa Fe County, New Mexico.

**SEC. 102. CHIMAYO WATER SUPPLY SYSTEM FEASIBILITY STUDY.**

(a) IN GENERAL.—The Secretary, in cooperation with appropriate State and local authorities, shall conduct a study to determine the feasibility of constructing a water supply system for the Town in the study area that includes potable water transmission lines, pump stations, and storage reservoirs.

(b) SCOPE OF STUDY.—In conducting the study under subsection (a), the Secretary shall—

- (1) consider operating the system in connection with the Espanola Water Filtration Facility;
- (2) consider various options for supplying water to the Town, including connection to a regional water source, local sources, sources distributed throughout the Town, and sources located on adjacent Bureau of Land Management land;
- (3) consider reusing or recycling water from local or regional sources;

(4) consider using alternative water supplies such as surface water, brackish water, nonpotable water, or deep aquifer groundwater; and

(5) determine the total lifecycle costs of the system, including—

(A) long-term operation, maintenance, replacement, and treatment costs of the system; and

(B) management costs (including personnel costs).

(c) DEADLINE FOR STUDY.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall complete the study.

(d) COST SHARING.—The Federal share of the cost of the study shall be 75 percent.

(e) COORDINATION.—The Secretary shall coordinate activities of the Bureau of Reclamation, the Bureau of Land Management, and the United States Geological Survey in the furtherance of the study, including—

(1) accessing any Bureau of Land Management land adjacent to the study area that is necessary to carry out this section; and

(2) the drilling of any exploratory wells on Bureau of Land Management land adjacent to the study area that are necessary to determine water resources available for the Town.

(f) REPORT.—The Secretary shall submit to Congress a report on the results of the feasibility study not later than the earlier of—

(1) the date that is 1 year after the date of completion of the feasibility study; or

(2) the date that is 4 years after the date of enactment of this Act.

#### **SEC. 103. EMERGENCY WATER SUPPLY DEVELOPMENT ASSISTANCE.**

(a) IN GENERAL.—The Secretary may enter into contracts with water authorities in the study area to provide emergency water supply development assistance to any eligible person or entity, as the Secretary determines to be appropriate.

(b) ELIGIBLE ACTIVITIES.—The Secretary may provide assistance under subsection (a) for—

(1) hauling water;

(2) the installation of water purification technology at the community wells or individual point-of-use;

(3) the drilling of wells;

(4) the installation of pump stations and storage reservoirs;

(5) the installation of transmission and distribution pipelines to bring water to individual residential service connections;

(6) the engineering, design, and installation of an emergency water supply system; and

(7) any other eligible activity, as the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of any activity under this section shall be 75 percent.

#### **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated—

(1) to carry out section 102, \$2,000,000 for the period of fiscal years 2005 through 2008; and

(2) to carry out section 103, \$3,000,000 for the period of fiscal years 2005 through 2010.

(b) LIMITATION.—Amounts made available under subsection (a)(1) shall not be available for the construction of water infrastructure for the system.

## **TITLE II—ESPAÑOLA WATER FILTRATION FACILITY**

### **SEC. 201. DEFINITIONS.**

In this title:

(1) COMPONENT.—The term “component” means a water delivery infrastructure development described in section 202(b).

(2) FACILITY.—The term “facility” means the Espanola water filtration facility described in section 202(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

### **SEC. 202. ESPANOLA WATER FILTRATION FACILITY.**

(a) IN GENERAL.—The Secretary shall provide financial assistance to the city of Espanola, New Mexico, for the construction of an Espanola water filtration facility consisting of projects—

(1) to divert and fully use imported water to meet future demands in the greater Espanola, New Mexico region, including construction of—

(A) presedimentation basins for removal of sediments;

(B) an influent pump station to supply water into treatment facilities;

(C) a pretreatment facility;

(D) filtration facilities;

(E) finished water storage facilities;

(F) a finished water booster pump station;

(G) sludge dewatering facilities; and

(H) potable water transmission lines to connect into the water distribution facilities of the city of Espanola, New Mexico; and

(2) to use reclaimed water to enhance groundwater resources and surface water supplies.

(b) PARTICIPATION.—The Secretary may provide financial assistance to the Santa Clara and San Juan Pueblos of New Mexico and the non-Federal sponsors of the facility for the study, planning, design, and construction of a water delivery infrastructure development for the Santa Clara and San Juan Pueblos as a component of the facility.

(c) COST SHARING.—The Federal share of the total cost of the facility and the component shall not exceed 25 percent.

(d) LIMITATION ON USE OF FUNDS.—Funds provided by the Secretary may not be used for the operation or maintenance of the facility or the component.

**SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the construction of the facility \$3,000,000 for the period of fiscal years 2005 through 2009.

Approved October 21, 2004.

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**LEGISLATIVE HISTORY—S. 2511:**

SENATE REPORTS: No. 108-328 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 15, considered and passed Senate.

Oct. 6, considered and passed House.

