

390h-1 of this title. The Federal share of the costs of such feasibility studies shall not exceed 50 per centum of the total, except that the Secretary may increase the Federal share of the costs of such feasibility study if the Secretary determines, based upon a demonstration of financial hardship on the part of the non-Federal participant, that the non-Federal participant is unable to contribute at least 50 per centum of the costs of such study. The Secretary may accept as part of the non-Federal cost share the contribution of such in-kind services by the non-Federal participant that the Secretary determines will contribute substantially toward the conduct and completion of the study.

(b) Federal share considered project costs; reimbursement

The Federal share of feasibility studies, including those described in sections 390h-4 and 390h-6 through 390h-8 of this title, shall be considered as project costs and shall be reimbursed in accordance with the Federal reclamation laws, if the project studied is implemented.

(c) Matters to be considered

In addition to the requirements of other Federal laws, feasibility studies conducted by the Secretary or the non-Federal project sponsor under sections 390h to 390h-39 of this title shall consider, among other things—

- (1) near- and long-term water demand and supplies in the study area;
- (2) all potential uses for reclaimed water;
- (3) at least two alternative measures or technologies available for water reclamation, distribution, and reuse for the project under consideration;
- (4) public health and environmental quality issues associated with use of reclaimed water;
- (5) whether development of the water reclamation and reuse measures under study would—
 - (A) reduce, postpone, or eliminate development of new or expanded water supplies,
 - (B) reduce or eliminate the use of existing diversions from natural watercourses or withdrawals from aquifers, or
 - (C) reduce the demand on existing Federal water supply facilities;
- (6) the market or dedicated use for reclaimed water in the project's service area; and
- (7) the financial capability of the non-Federal project sponsor to fund its proportionate share of the project's construction costs on an annual basis.

(Pub. L. 102-575, title XVI, § 1604, Oct. 30, 1992, 106 Stat. 4665; Pub. L. 104-266, § 4, Oct. 9, 1996, 110 Stat. 3295.)

Editorial Notes

REFERENCES IN TEXT

The Federal reclamation laws, referred to in subsec. (b), are defined in section 390h(a) of this title.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-266, § 4(1), substituted “conducted by the Secretary or the non-Federal project sponsor” for “authorized” in introductory provisions.

Subsec. (c)(3). Pub. L. 104-266, § 4(2), substituted “at least two alternative measures or technologies avail-

able for water reclamation, distribution, and reuse for the project under consideration” for “measures and technologies available for water reclamation, distribution, and reuse”.

Subsec. (c)(5)(C). Pub. L. 104-266, § 4(4), added subpar. (C).

Subsec. (c)(6), (7). Pub. L. 104-266, § 4(3), (5), added pars. (6) and (7).

§ 390h-3. Research and demonstration projects

(a) Reclamation of wastewater and ground and surface waters

The Secretary is authorized to conduct research and to construct, operate, and maintain cooperative demonstration projects for the development and demonstration of appropriate treatment technologies for the reclamation of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters. The Federal share of the costs of demonstration projects shall not exceed 50 per centum of the total cost including operation and maintenance. Rights to inventions developed pursuant to this section shall be governed by the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96-480) [15 U.S.C. 3701 et seq.] as amended by the Technology Transfer Act of 1986 (Public Law 99-502).

(b) Long Beach Desalination Research and Development Project

(1) The Secretary, in cooperation with the city of Long Beach, the Central Basin Municipal Water District, and the Metropolitan Water District of Southern California may participate in the design, planning, and construction of the Long Beach Desalination Research and Development Project in Los Angeles County, California.

(2) The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

(3) The Secretary shall not provide funds for the operation or maintenance of the project described in paragraph (1).

(c) Las Vegas Area Shallow Aquifer Desalination Research and Development Project

(1) The Secretary, in cooperation with the Southern Nevada Water Authority, may participate in the design, planning, and construction of the Las Vegas Area Shallow Aquifer Desalination Research and Development Project in Clark County, Nevada.

(2) The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

(3) The Secretary shall not provide funds for the operation or maintenance of the project described in paragraph (1).

(d) Federal contribution

A Federal contribution in excess of 25 percent for a project under this section may not be made until after the Secretary determines that the project is not feasible without such Federal contribution.

(Pub. L. 102-575, title XVI, § 1605, Oct. 30, 1992, 106 Stat. 4665; Pub. L. 104-266, § 5, Oct. 9, 1996, 110 Stat. 3295.)

Editorial Notes

REFERENCES IN TEXT

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (a), is Pub. L. 96-480, Oct. 21, 1980, 94 Stat. 2311, which is classified generally to chapter 63 (§ 3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

The Technology Transfer Act of 1986, referred to in subsec. (a), is Pub. L. 99-502, Oct. 20, 1986, 100 Stat. 1785, known as the Federal Technology Transfer Act of 1986. For complete classification of this Act to the Code, see Short Title of 1986 Amendments note set out under section 3701 of Title 15 and Tables.

AMENDMENTS

1996—Pub. L. 104-266 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

§ 390h-4. Southern California comprehensive water reclamation and reuse study**(a) General authority**

The Secretary is authorized to conduct a study to assess the feasibility of a comprehensive water reclamation and reuse system for Southern California. For the purpose of sections 390h to 390h-39 of this title, the term “Southern California” means those portions of the counties of Imperial, Los Angeles, Orange, San Bernardino,¹ Riverside, San Diego, and Ventura within the south coast and Colorado River hydrologic regions as defined by the California Department of Water Resources.

(b) Cooperation with State; Federal share

The Secretary shall conduct the study authorized by this section in cooperation with the State of California and appropriate local and regional entities. The Federal share of the costs associated with this study shall not exceed 50 per centum of the total.

(c) Report

The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than six years after appropriation of funds authorized by sections 390h to 390h-39 of this title.

(Pub. L. 102-575, title XVI, § 1606, Oct. 30, 1992, 106 Stat. 4665; Pub. L. 103-437, § 16(a)(2), Nov. 2, 1994, 108 Stat. 4594.)

Editorial Notes

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

Statutory Notes and Related Subsidiaries

REUSE OF WASTE WATER

Pub. L. 102-580, title II, § 217, Oct. 31, 1992, 106 Stat. 4833, provided that:

“(a) IN GENERAL.—The Secretary is authorized to provide assistance to non-Federal interests for carrying out projects described in subsection (c) for the bene-

ficial reuse of waste water. Such assistance may be in the form of technical and planning and design assistance. If the Secretary is to provide any design or engineering assistance to carry out a project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

“(1) the service would require the use of a new technology unavailable in the private sector; or

“(2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

“(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under this section shall not be less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986 [33 U.S.C. 2213(m)].

“(c) PROJECT DESCRIPTIONS.—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

“(1) SOUTHERN CALIFORNIA COMPREHENSIVE WATER REUSE SYSTEM.—

“(A) DESCRIPTION.—A regional water reuse system for Southern California to treat, store, and transfer water in order to provide a new increment of water supply for agricultural, municipal, industrial, and environmental needs of Southern California.

“(B) COOPERATION.—The Secretary shall carry out this paragraph in cooperation with the State of California and appropriate local and regional entities.

“(C) SOUTHERN CALIFORNIA DEFINED.—For purposes of this paragraph, the term ‘Southern California’ means those portions of the counties of Imperial, Los Angeles, Orange, San Bernardino, Riverside, San Diego, Ventura, Santa Barbara, and San Luis Obispo, California, within the south coast, central coast, and Colorado River hydrologic regions as defined by the California Department of Water Resources.

“(2) SAN DIEGO AREA WATER REUSE DEMONSTRATION FACILITIES.—Water reuse facilities (which are not inconsistent with facilities mandated by the United States District Court in San Diego, California) to develop advance technology for economically and environmentally sound alternative water supplies for the San Diego metropolitan area.

“(3) SANTA ROSA WATER REUSE PROJECTS.—

“(A) DESCRIPTION.—Water reuse projects for the city of Santa Rosa, California, to treat waste water and store such treated water for the purposes of providing new water supplies for agriculture, municipal, environmental, and other purposes and reducing the use of potable water supplies for purposes where treated waste water is a viable substitute.

“(B) COOPERATION.—The Secretary shall carry out this paragraph in cooperation with the city of Santa Rosa, California, and other appropriate authorities.

“(4) MONTEREY COUNTY, CALIFORNIA.—

“(A) DESCRIPTION.—Reduction of salt water intrusion into aquifers in the vicinity of Castroville, California, for the purposes of improving the water quality of Monterey Bay and enhancing long-term water supply in the area.

“(B) COOPERATION.—The Secretary shall carry out this paragraph in cooperation with the Monterey Regional Water Pollution Control Agency and the Monterey County Water Resources Agency.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000. Such sums shall remain available until expended.”

¹ So in original. Probably should be “San Bernardino.”