

(c) Limitation

Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$12,500,000.

(Pub. L. 102-575, title XVI, §1650, as added Pub. L. 111-11, title IX, §9109(a), Mar. 30, 2009, 123 Stat. 1315.)

§ 390h-34. North Bay Water Reuse Program**(a) Definitions**

In this section:

(1) Eligible entity

The term “eligible entity” means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

- (A) Marin County;
- (B) Napa County;
- (C) Solano County; or
- (D) Sonoma County.

(2) Water reclamation and reuse project

The term “water reclamation and reuse project” means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

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

(3) State

The term “State” means the State of California.

(b) North Bay Water Reuse Program**(1) In general**

Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

(2) Coordination with other Federal agencies

In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

- (A) non-Federal entities; and
- (B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

(3) Phased project

A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

(A) First phase

During the first phase, the Secretary and an eligible entity shall complete the plan-

ning, design, and construction of the main treatment and main conveyance systems.

(B) Second phase

During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

(4) Cost sharing**(A) Federal share**

The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

(B) Form of non-Federal share

The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

- (i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and
- (ii) the acquisition costs of land acquired for the project that is—

- (I) used for planning, design, and construction of the water reclamation and reuse project facilities; and
- (II) owned by an eligible entity and directly related to the project.

(C) Limitation

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(5) Effect

Nothing in this section—

- (A) affects or preempts—
 - (i) State water law; or
 - (ii) an interstate compact relating to the allocation of water; or

- (B) confers on any non-Federal entity the ability to exercise any Federal right to—

- (i) the water of a stream; or
- (ii) any groundwater resource.

(6) Authorization of appropriations

There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section \$25,000,000, to remain available until expended.

(Pub. L. 102-575, title XVI, §1651, as added Pub. L. 111-11, title IX, §9110(a), Mar. 30, 2009, 123 Stat. 1315.)

§§ 390h-35 to 390h-37. Omitted**Editorial Notes****CODIFICATION**

Section 390h-35, Pub. L. 102-575, title XVI, §1652, as added Pub. L. 111-11, title IX, §9111(a)(1), Mar. 30, 2009, 123 Stat. 1317, which related to the Prado Basin natural treatment system project, was omitted pursuant to subsec. (e) of section, which provided that the section would have no effect after the date that was 10 years after Mar. 30, 2009.

Section 390h-36, Pub. L. 102-575, title XVI, §1653, as added Pub. L. 111-11, title IX, §9111(b)(1), Mar. 30, 2009,