

AVRA/BLACK WASH RECLAMATION AND RIPARIAN
RESTORATION PROJECT

JULY 23, 2007.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1503]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1503) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Avra/Black Wash Reclamation and Riparian Restoration Project”.

SEC. 2. PROJECT AUTHORIZATION.

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

“**SEC. 16 . AVRA/BLACK WASH RECLAMATION AND RIPARIAN RESTORATION PROJECT, PIMA COUNTY, ARIZONA.**

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with Pima County, Arizona, may participate in the planning, design, and construction of water recycling facilities and to enhance and restore riparian habitat in the Black Wash Sonoran Desert ecosystem in Avra Valley west of the metropolitan Pima County area.

“(b) **COST SHARING.**—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the cost of the project.

“(c) **LIMITATION.**—Federal funds provided under this section shall not be used for operation or maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$14,000,000.

“(e) USE OF FUNDS.—Federal funds provided under this section shall only be used for the design, planning and construction of water-related infrastructure.”

(b) CLERICAL AMENDMENT.—The table of sections for Public Law 102–575 is amended by inserting after the last item relating to title XVI the following:

“Sec. 16 ____ . Avra/Black Wash Reclamation and Riparian Restoration Project, Pima County, Arizona.”

PURPOSE OF THE BILL

The purpose of H.R. 1503, as ordered reported, is to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project.

BACKGROUND AND NEED FOR LEGISLATION

The extremely arid climate of the Tucson, Arizona, metropolitan area requires careful and innovative planning of both water supply and wastewater treatment systems.

The proposed Avra Valley Reclamation and Riparian Restoration Site is located about 10 miles west of Tucson, Arizona, in Pima County. Currently the Pima County Avra Valley Wastewater Treatment Facility operates as a 1.2 million gallon-a-day facility treating effluent from nearby Tucson. Processed wastewater is either percolated to recharge groundwater, or spread on mesquite riparian forest in Black Wash downstream from the treatment plant, creating valuable habitat for migrating birds and recreational opportunities for birders. The facility is facing a projected increase in flow to 4 million gallons-a-day and Pima County proposes to expand wastewater percolation and riparian habitat restoration, using recycled waste water to support new plantings and increased riparian habitat in the Black Wash area of Avra Valley. H.R. 1503 would amend Title XVI of the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize limited federal financial assistance for the planning, design, and construction of water recycling facilities to enhance and restore riparian habitat in the Black Wash Sonoran Desert ecosystem. The federal share for this project is \$14,000,000.

COMMITTEE ACTION

H.R. 1503 was introduced on March 13, 2007 by Rep. Raúl M. Grijalva (D–AZ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water and Power. On May 17, 2007, the Subcommittee held a hearing on the bill. On June 12, 2007, the Subcommittee met to mark up the bill. Rep. Doug Lamborn (R–CO) offered an amendment requiring that federal funds under the bill only be used for the design, planning and construction of water-related infrastructure. It was adopted by unanimous consent. The bill was then forwarded to the Full Committee. On June 27, 2007, the Full Natural Resources Committee met to consider the bill. The bill was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides the short title of the bill as the “Avra/Black Wash Reclamation and Riparian Restoration Project.”

Section 2. Project authorization

Section 2 modifies the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) to include the Avra/Black Wash Reclamation and Riparian Restoration Project.

This section also specifies that the Secretary of the Interior may participate in the project and that the federal government is responsible for up to 25 percent of the total cost of the project, and that no more than \$14,000,000 dollars can be appropriated by Congress to be spent on this project.

Federal funds under the bill will only be used for the design, planning and construction of water-related infrastructure and no federal funds can be used for the operation or maintenance of the project. The Committee notes that this provision allows federal funding for facilities to recycle municipal wastewater.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and

section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1503 Avra/Black Wash Reclamation and Riparian Restoration Project

Summary: H.R. 1503 would authorize the Secretary of the Interior to participate in the planning, design, and construction of water recycling facilities and to enhance and restore riparian habitat in the Black Wash Sonoran Desert ecosystem in Avra Valley, Arizona.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1503 would cost \$14 million over the 2008–2012 period. Enacting the bill would not affect direct spending or revenues.

H.R. 1503 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Pima County, Arizona, would benefit from federal assistance authorized by the bill.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1503 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	4	5	5	0	0
Estimated Outlays	2	6	6	0	0

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted near the end of fiscal year 2007 and that the necessary amounts will be appropriated for each year.

H.R. 1503 would authorize the Secretary of the Interior to participate in the planning, design, and construction of water recycling facilities and to enhance and restore riparian habitat in the Black Wash Sonoran Desert ecosystem in Avra Valley, Arizona. The project would be constructed with the cooperation of Pima County, Arizona. Based on information from the Department of the Interior, CBO estimates that the project cost would total about \$56 million.

Under the legislation, the federal share of the cost of the project would be limited to the lesser of 25 percent of the total cost or \$14 million. In addition, federal funds would not be available for operation and maintenance of the project once it is completed.

Assuming appropriation of the necessary amounts, CBO estimates that implementing the legislation would cost \$14 million (25 percent of \$56 million) over the 2008–2012 period.

Intergovernmental and private-sector impact: H.R. 1503 contains no intergovernmental or private-sector mandates as defined in UMRA. Pima County, Arizona, would benefit from federal assistance authorized by the bill.

Estimate prepared by: Federal Costs: Tyler Kruzich; Impact on State, Local, and Tribal Governments: Leo Lex; Impact on the Private Sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1503 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1992

(Public Law 102-575)

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reclamation Projects Authorization and Adjustment Act of 1992”.

SEC. 2. DEFINITION AND TABLE OF CONTENTS.

For purposes of this Act, the term “Secretary” means the Secretary of the Interior.

TABLE OF CONTENTS

Sec. 1. Short title.

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TITLE XVI—RECLAMATION WASTEWATER AND GROUNDWATER STUDIES

Sec. 1601. Short title.

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Sec. 16____. *Avera/Black Wash Reclamation and Riparian Restoration Project, Pima County, Arizona.*

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TITLE XVI—RECLAMATION WASTEWATER AND GROUNDWATER STUDIES

SEC. 1601. SHORT TITLE.

This title may be referred to as the “Reclamation Wastewater and Groundwater Study and Facilities Act”.

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SEC. 16 ____ . AVRA/BLACK WASH RECLAMATION AND RIPARIAN RESTORATION PROJECT, PIMA COUNTY, ARIZONA.

(a) *AUTHORIZATION.*—The Secretary, in cooperation with Pima County, Arizona, may participate in the planning, design, and construction of water recycling facilities and to enhance and restore riparian habitat in the Black Wash Sonoran Desert ecosystem in Avra Valley west of the metropolitan Pima County area.

(b) *COST SHARING.*—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the cost of the project.

(c) *LIMITATION.*—Federal funds provided under this section shall not be used for operation or maintenance of the project described in subsection (a).

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$14,000,000.

(e) *USE OF FUNDS.*—Federal funds provided under this section shall only be used for the design, planning and construction of water-related infrastructure.

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