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INLAND EMPIRE PERCHLORATE GROUND WATER PLUME ASSESSMENT ACT OF 2009

MARCH 11, 2010.—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

together with

ADDITIONAL VIEWS

[To accompany H.R. 4252]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4252) to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4252 is to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California.

BACKGROUND AND NEED FOR LEGISLATION

Perchlorate is both a naturally occurring and man-made chemical. Most of the perchlorate manufactured in the United States is used as the primary ingredient of solid rocket propellant. Perchlorate is also used in the manufacture of pyrotechnic and roadside flares. Improper disposal of perchlorate-containing chemicals are increasingly being discovered in soil, leading to the contamina-

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tion of local aquifers and groundwater. High doses of perchlorate have severe health affects to both adults and children.

Perchlorate has been detected in 20 water supply wells at concentrations above the California action level of four parts per billion (ppb) in the Rialto-Colton Basin. The basin is the source of water for thousands of citizens living in San Bernardino County.

The introduction of perchlorate into the Rialto-Colton Basin can be directly traced to the B.F. Goodrich Site, a 160-acre area in Rialto, California. This site was used for construction of rockets and fireworks. An additional source of contamination to the basin is the San Bernardino Landfill. In September 2008, the Environmental Protection Agency proposed adding the B.F. Goodrich site to the Superfund National Priorities list.

COMMITTEE ACTION

H.R. 4252 was introduced on December 9, 2009 by Representative Joe Baca (D–CA). It was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water and Power. On September 22, 2009 the Subcommittee held a legislative hearing on a precursor to this legislation (H.R. 2316). Subsequent changes resulted in the legislation being resubmitted as H.R. 4252. On February 24, 2010 the Subcommittee was discharged from further consideration of H.R. 4252 and the full Natural Resources Committee met to consider the bill. The bill was ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the "Inland Empire Percholorate Ground Water Plume Assessment Act of 2009".

Section 2. Rialto-Colton Basin, California, water resources study

Section 2 directs the Secretary of the Interior, acting through the U.S. Geological Survey, to complete a study of the water resources in the Rialto-Colton Basin in California within 2 years of funds being made available.

The ground water survey will include a delineation of the aquifers in the basin, the availability of ground water for human uses, the quality of the groundwater and the flushing rates of perchlorate, the identification of source areas, the potential for recharge, the interactions between ground water and surface water, the susceptibility of the aquifers to contamination, and a characterization of the surface and bedrock geology of the basin.

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 is to is to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California.

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. 4252—Inland Empire Perchlorate Ground Water Plume Assessment Act of 2009

H.R. 4252 would direct the U.S. Geological Survey to conduct a study of water resources in the Rialto-Colton Basin located east of Los Angeles, California. The study would identify the location of aquifers in the basin, evaluate the impact of perchlorate contamination in the basin, and include analysis of other related water issues in the basin. Based on information from the U.S. Geological Survey and assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4252 would cost $4 million over the next two years.

Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

H.R. 4252 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Aurora Swanson. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 4252 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 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

If enacted, this bill would make no changes in existing law.

ADDITIONAL VIEWS OF REPRESENTATIVE TOM McCLINTOCK

H.R. 4252 is a well-intentioned bill that attempts to force the Administration into making groundwater clean-up in the Rialto-Colton Basin in California a priority. Everyone acknowledges that the bill is a re-statement of current law and that new funding is not authorized, so I support the bill.

However, once again, we have a situation where one part of California is being helped on a bi-partisan basis while another part of California is being strangled because of partisan intransigence. I'm referring to the federal diversion of 200 billion gallons of water away from the San Joaquin Valley—where communities and farms are desperate—in order to dump that water into the Pacific Ocean to serve the Left's pet cause, the three-inch Delta Smelt.

To make matters worse, the bill before us today was re-drafted since it was heard in the Water and Power Subcommittee specifically to keep us from offering amendments that would address the agony of the Central Valley.

Time and again, the Democratic majority—using parliamentary gimmicks—has prevented any attempt to restore normal water deliveries to the San Joaquin Valley.

By the Obama Administration's own numbers, it has spent $1.5 billion as part of the so-called "stimulus" in the Central Valley's six congressional districts to "save or create" 1,600 jobs. If you do the math, that's $900,000 per job.

The Committee on Natural Resources had the ability at a recent markup of this bill to restore tens of thousands of jobs lost because of the water diversions at no cost to taxpayers. But, as usual, it studiously avoided exercising that power.

One of my colleagues in the majority cited an article from The Los Angeles Times that downplayed the economic losses associated with the massive water diversions from the San Joaquin Valley.

The article ignored the acute and unprecedented suffering that is occurring in the Valley. For example, according to University of California-Davis Professor Richard Howitt, over 21,000 jobs have been lost in the Valley due to the water cutbacks. Yet by submitting this article, the Democrat Majority seems to think that all is well in the San Joaquin Valley. That is far from the truth. Had they attended our recent Water Forum in Fresno, California, they would have quickly learned of the human toll that the pumping restrictions have caused.

But, perhaps Robert Silva and Amarpreet Dhaliwal, the Mayors of Mendota and San Joaquin, California, respectively said it best when it comes to data dismissing the man-made drought's impact on the San Joaquin Valley:

> Reciting data does not adequately describe the hardship of unemployment caused by drought. Times are particu-

larly difficult for those on the bottom rung of the economic ladder—those who do not have the means to withstand a prolonged downturn. Talking to real people in our cities makes it clear there is much firsthand, eyewitness evidence of the hardship caused by man-made drought.

It is overwhelming for many people to see, much less endure, such conditions. Recent food handouts in Mendota and nearby Firebaugh drew lines more than a half-mile long. Dozens of people recently camped out or arrived in the middle of the night to line up for a handful of short-term jobs. People wait for hours outside grocery stores, not to buy food but to accept produce that's thrown out because it is too old to sell. Ironically, many lawns are overgrown with weeds because it is the only vegetation that can grow without water.

Now add to this misery "economic forecasts" that suggest the unemployment rate, which has put a stranglehold on our state, has somehow skipped farming. To suggest that our jobless residents are not impacted by the drought conditions is an outrageous, outright fallacy. What's more, these reports are harmful to the people suffering most—unemployed farmworkers. It takes nothing more than a look at employment data for the whole state compared with farm communities in and around Fresno to completely discredit this argument.

Recently, the Obama Administration crowed about how it would deliver water to the parched Valley, but once again left details to be determined.

I was extremely disappointed that on the same day we learned that the Northern Sierra snowpack is at 125% percent of normal, the Administration has only actually committed to releasing 5% percent of water deliveries owed to the Central Valley, with the remaining 25% contingent on future precipitation.

The Administration has acknowledged that in a similar weather year, the allocation would be as much as 20 percent higher, or enough water to grow food for 145,000 families for a year, if it were not for two biological opinions on smelt, salmon and killer whales that restrict delta water deliveries.

Republicans on the Water and Power Subcommittee will continue efforts to bring about relief to the tens of thousands of unemployed in California's Central Valley.

Farmers in the San Joaquin Valley are faced with making planting decisions now and despite near-record precipitation in the Northern Sierras there is still no water certainty. The people of the San Joaquin Valley need real solutions and a real debate in this chamber. The Majority party has done everything possible to avoid that debate and providing real relief.

TOM MCCLINTOCK.

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