Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–266 inserted ''by the Secretary or the non-Federal project sponsor'' after ''undertaken'' in introductory provisions.

§ 390h–2. Feasibility studies

(a) General authority; Federal and non-Federal cost shares

The Secretary is authorized to participate with appropriate Federal, State, regional, and local authorities in studies to determine the feasibility of water reclamation and reuse projects recommended for such study pursuant to section 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.)

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 available 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.