

## Calendar No. 1010

110TH CONGRESS  
2D SESSION**H. R. 236**

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IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2007

Received; read twice and referred to the Committee on Energy and Natural  
Resources

SEPTEMBER 16, 2008

Reported by Mr. BINGAMAN, without amendment

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**AN ACT**

To authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North Bay Water  
5 Reuse Program Act of 2007”.

1 **SEC. 2. PROJECT AUTHORIZATION.**

2 (a) IN GENERAL.—The Reclamation Wastewater and  
 3 Groundwater Study and Facilities Act (Public Law 102–  
 4 575, title XVI; 43 U.S.C. 390h et seq.) is amended by  
 5 adding at the end the following:

6 **“SEC. 16 \_\_\_\_ . NORTH BAY WATER REUSE PROGRAM.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
 9 tity’ means a member agency of the North Bay  
 10 Water Reuse Authority of the State located in the  
 11 North San Pablo Bay watershed in—

12 “(A) Marin County;

13 “(B) Napa County;

14 “(C) Solano County; or

15 “(D) Sonoma County.

16 “(2) WATER RECLAMATION AND REUSE  
 17 PROJECT.—The term ‘water reclamation and reuse  
 18 project’ means a project carried out by the Secretary  
 19 and an eligible entity in the North San Pablo Bay  
 20 watershed relating to—

21 “(A) water quality improvement;

22 “(B) wastewater treatment;

23 “(C) water reclamation and reuse;

24 “(D) groundwater recharge and protection;

25 “(E) surface water augmentation; or

26 “(F) other related improvements.

1           “(3) STATE.—The term ‘State’ means the State  
2 of California.

3           “(b) NORTH BAY WATER REUSE PROGRAM.—

4           “(1) IN GENERAL.—Contingent upon a finding  
5 of feasibility, the Secretary, acting through a cooper-  
6 ative agreement with the State or a subdivision of  
7 the State, is authorized to enter into cooperative  
8 agreements with eligible entities for the planning,  
9 design, and construction of water reclamation and  
10 reuse facilities and recycled water conveyance and  
11 distribution systems.

12           “(2) COORDINATION WITH OTHER FEDERAL  
13 AGENCIES.—In carrying out this section, the Sec-  
14 retary and the eligible entity shall, to the maximum  
15 extent practicable, use the design work and environ-  
16 mental evaluations initiated by—

17                   “(A) non-Federal entities; and

18                   “(B) the Corps of Engineers in the San  
19 Pablo Bay Watershed of the State.

20           “(3) PHASED PROJECT.—A cooperative agree-  
21 ment described in paragraph (1) shall require that  
22 the North Bay Water Reuse Program carried out  
23 under this section shall consist of 2 phases as fol-  
24 lows:

1           “(A) FIRST PHASE.—During the first  
2 phase, the Secretary and an eligible entity shall  
3 complete the planning, design, and construction  
4 of the main treatment and main conveyance  
5 systems.

6           “(B) SECOND PHASE.—During the second  
7 phase, the Secretary and an eligible entity shall  
8 complete the planning, design, and construction  
9 of the sub-regional distribution systems.

10          “(4) COST SHARING.—

11           “(A) FEDERAL SHARE.—The Federal  
12 share of the cost of the first phase of the  
13 project authorized by this section shall not ex-  
14 ceed 25 percent of the total cost of the first  
15 phase of the project.

16           “(B) FORM OF NON-FEDERAL SHARE.—  
17 The non-Federal share may be in the form of  
18 any in-kind services that the Secretary deter-  
19 mines would contribute substantially toward the  
20 completion of the water reclamation and reuse  
21 project, including—

22           “(i) reasonable costs incurred by the  
23 eligible entity relating to the planning, de-  
24 sign, and construction of the water rec-  
25 lamation and reuse project; and

1           “(ii) the acquisition costs of land ac-  
2           quired for the project that is—

3                   “(I) used for planning, design,  
4                   and construction of the water rec-  
5                   lamation and reuse project facilities;  
6                   and

7                   “(II) owned by an eligible entity  
8                   and directly related to the project.

9           “(C) LIMITATION.—The Secretary shall  
10           not provide funds for the operation and mainte-  
11           nance of the project authorized by this section.

12           “(5) EFFECT.—Nothing in this section—

13                   “(A) affects or preempts—

14                           “(i) State water law; or

15                           “(ii) an interstate compact relating to  
16                   the allocation of water; or

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

19                           “(i) the water of a stream; or

20                           “(ii) any groundwater resource.

21           “(6) AUTHORIZATION OF APPROPRIATIONS.—

22           There is authorized to be appropriated for the Fed-  
23           eral share of the total cost of the first phase of the  
24           project authorized by this section \$25,000,000, to  
25           remain available until expended.”.

1           (b) CONFORMING AMENDMENT.—The table of sec-  
2 tions in section 2 of Public Law 102–575 is amended by  
3 inserting after the last item relating to title XVI the fol-  
4 lowing:

“Sec. 16 \_\_\_\_ . North Bay water reuse program.”.



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