Public Law 104–266
104th Congress

An Act

Oct. 9, 1996
[H.R. 3660]

To make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Reclamation Recycling and Water Conservation Act of 1996.
43 USC 390h note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reclamation Recycling and Water Conservation Act of 1996".

SEC. 2. WATER RECYCLING PROJECTS.

(a) IN GENERAL.—The Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) is amended—

43 USC 390h–13, 390h–14, 390h–15.

(1) by redesignating sections 1615, 1616, and 1617 as sections 1631, 1632, and 1633, respectively, and

(2) by inserting after section 1614 the following new sections:

43 USC 390h–12a.

"SEC. 1615. NORTH SAN DIEGO COUNTY AREA WATER RECYCLING PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the North San Diego County Area Water Recycling Project, consisting of projects to reclaim and reuse water within service areas of the San Elijo Joint Powers Authority, the Leucadia County Water District, the City of Carlsbad, and the Olivenhain Municipal Water District, California.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

43 USC 390h–12b.

"SEC. 1616. CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the Calleguas Municipal Water District Recycling Project to reclaim and reuse water in the service area of the Calleguas Municipal Water District in Ventura County, California.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

"SEC. 1617. CENTRAL VALLEY WATER RECYCLING PROJECT.

43 USC 390h–12c.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the Central Valley Water Recycling Project to reclaim and reuse water in the service areas of the Central Valley Reclamation Facility and the Salt Lake County Water Conservancy District in Utah.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

"SEC. 1618. ST. GEORGE AREA WATER RECYCLING PROJECT.

43 USC 390h–12d.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the St. George Area Water Recycling Project to reclaim and reuse water in the service area of the Washington County Water Conservancy District in Utah.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

"SEC. 1619. WATSONVILLE AREA WATER RECYCLING PROJECT.

43 USC 390h–12e.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Watsonville, California, is authorized to participate in the design, planning, and construction of the Watsonville Area Water Recycling Project to reclaim and reuse water in the Pajaro Valley in Santa Cruz County, California.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

"SEC. 1620. SOUTHERN NEVADA WATER RECYCLING PROJECT.

43 USC 390h–12f.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the Southern Nevada Water Recycling Project to reclaim and reuse water in the service area of the Southern Nevada Water Authority in Clark County, Nevada.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

43 USC 390h–12g.

"SEC. 1621. ALBUQUERQUE METROPOLITAN AREA WATER RECLAMATION AND REUSE STUDY.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the city of Albuquerque, New Mexico, is authorized to participate in the Albuquerque Metropolitan Area Water Reclamation and Reuse Study to reclaim and reuse industrial and municipal wastewater and reclaim and use naturally impaired ground water in the Albuquerque metropolitan area.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

43 USC 390h–12h.

"SEC. 1622. EL PASO WATER RECLAMATION AND REUSE PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the El Paso Water Reclamation and Reuse Project to reclaim and reuse wastewater in the service area of the El Paso Water Utilities Public Service Board, El Paso, Texas.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

43 USC 390h–12i.

"SEC. 1623. RECLAIMED WATER IN PASADENA.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the City of Pasadena, California, reclaimed water project to obtain, store, and use reclaimed water in Pasadena and its service area, as well as neighboring communities.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

43 USC 390h–12j.

"SEC. 1624. PHASE 1 OF THE ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of phase 1 of the Orange County Regional Water Reclamation Project, to reclaim and reuse water within the service area of the Orange County Water District in California.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

"SEC. 1625. CITY OF WEST JORDAN WATER REUSE PROJECT. 43 USC 390h–12k.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of West Jordan, Utah, is authorized to participate in the design, planning, and construction of the City of West Jordan Water Reuse Project to recycle and reuse water in its service area from the South Valley Water Reclamation Facility Discharge Waters in Utah.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

"SEC. 1626. HI-DESERT WATER DISTRICT IN YUCCA VALLEY, CALIFORNIA WASTEWATER COLLECTION AND REUSE FACILITY. 43 USC 390h–12*l*.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the Hi-Desert Water District in Yucca Valley, California wastewater collection and reuse facility.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

"SEC. 1627. MISSION BASIN BRACKISH GROUNDWATER DESALTING DEMONSTRATION PROJECT. 43 USC 390h–12m.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oceanside, is authorized to participate in the design, planning, and construction of a 3,000,000 gallon per day expansion of the Mission Basin Brackish Groundwater Desalting Demonstration Project in Oceanside, California.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

"SEC. 1628. TREATMENT OF EFFLUENT FROM THE SANITATION DISTRICTS OF LOS ANGELES COUNTY THROUGH THE CITY OF LONG BEACH. 43 USC 390h–12n.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Water Replenishment District of Southern California, the Orange County Water District in the State of California, and other appropriate authorities, is authorized to participate in the design, planning, and construction of water reclamation and reuse projects to treat approximately 10,000 acre-feet per year of effluent from the sanitation districts of Los Angeles County through the city of Long Beach.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

43 USC 390h–12o.

"SEC. 1629. SAN JOAQUIN AREA WATER RECYCLING AND REUSE PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the San Joaquin Area Water Recycling and Reuse Project, in cooperation with the City of Tracy, and consisting of participating projects which will reclaim and reuse water within the County of San Joaquin in California.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).

43 USC 390h–12p.

"SEC. 1630. TOOELE WASTEWATER TREATMENT AND REUSE PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with Tooele City, Utah, is authorized to participate in the design, planning, and construction of the Tooele Wastewater Treatment and Reuse Project.

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

"(c) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of a project described in subsection (a).".

(b) CONFORMING AMENDMENTS.—

43 USC 390h–13.

(1) Section 1631 of such Act, as redesignated by subsection (a)(1), is amended by striking out "1614" and inserting in lieu thereof "1630".

43 USC 390h–14.

(2) Section 1632(c) of such Act, as redesignated by subsection (a)(1), is amended by striking out "section 1617" and inserting in lieu thereof "section 1633".

43 USC 390h–15.

(3) Section 1633 of such Act, as redesignated by subsection (a)(1), is amended by striking out "section 1616" and inserting in lieu thereof "section 1632".

(c) CLERICAL AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended—

(1) by redesignating the items relating to sections 1615, 1616, and 1617 as items relating to sections 1631, 1632, and 1633, respectively, and

(2) by inserting after the item relating to section 1614 the following new items:

"Sec. 1615. North San Diego County Area Water Recycling Project.
"Sec. 1616. Calleguas Municipal Water District Recycling Project.
"Sec. 1617. Central Valley Water Recycling Project.
"Sec. 1618. St. George Area Water Recycling Project.
"Sec. 1619. Watsonville Area Water Recycling Project.
"Sec. 1620. Southern Nevada Water Recycling Project.
"Sec. 1621. Albuquerque Metropolitan Area Water Reclamation and Reuse Study.
"Sec. 1622. El Paso Water Reclamation and Reuse Project.
"Sec. 1623. Reclaimed Water in Pasadena.
"Sec. 1624. Phase 1 of the Orange County Regional Water Reclamation Project.
"Sec. 1625. City of West Jordan Water Reuse Project.
"Sec. 1626. Hi-Desert Water District in Yucca Valley, California Wastewater Collection and Reuse Facility.

"Sec. 1627. Mission Basin Brackish Groundwater Desalting Demonstration Project.
"Sec. 1628. Treatment of effluent from the sanitation districts of Los Angeles County through the City of Long Beach.
"Sec. 1629. San Joaquin Area Water Recycling and Reuse Project.
"Sec. 1630. Tooele Wastewater Treatment and Reuse Project.".

SEC. 3. APPRAISAL INVESTIGATIONS.

Section 1603(b) of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–1(b)) is amended in the matter preceding paragraph (1) by inserting "by the Secretary or the non-Federal project sponsor" after "undertaken".

SEC. 4. FEASIBILITY STUDIES.

Section 1604(c) of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–2(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "authorized" and inserting "conducted by the Secretary or the non-Federal project sponsor";

(2) in paragraph (3)—

(A) by inserting "at least two alternative" after "(3)",

(B) by striking "and" after "measures" and inserting "or", and

(C) by inserting "for the project under consideration" after "reuse";

(3) in paragraph (4), by striking "and," at the end;

(4) in paragraph (5), by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by adding at the end the following:

"(C) reduce the demand on existing Federal water supply facilities;"; and

(5) by adding at the end the following:

"(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.".

SEC. 5. DESALINATION RESEARCH AND DEVELOPMENT PROJECT.

Section 1605 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–3) is amended—

(1) by designating the existing text as subsection (a); and

(2) by adding at the end the following:

"(b)(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)(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.

"(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).

"(d) A Federal contribution in excess of 25 percent for a project under this section may not be made until after the Secretary determines that the project is not feasible without such Federal contribution.".

SEC. 6. SAN FRANCISCO AREA WATER RECLAMATION STUDY.

Section 1611(c) of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–9(c)) is amended by striking "four" and inserting "five".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 1631 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–13), as amended by section 2 of this Act, is amended by inserting "(a)" before "There are authorized" and by adding at the end the following:

"(b)(1) Funds may not be appropriated for the construction of any project authorized by this title until after—

"(A) an appraisal investigation and a feasibility study that complies with the provisions of sections 1603(b) or 1604(c), as the case may be, have been completed by the Secretary or the non-Federal project sponsor;

"(B) the Secretary has determined that the non-Federal project sponsor is financially capable of funding the non-Federal share of the project's costs; and

"(C) the Secretary has approved a cost-sharing agreement with the non-Federal project sponsor which commits the non-Federal project sponsor to funding its proportionate share of the project's construction costs on an annual basis.

"(2) The requirements of paragraph (1) shall not apply to those projects authorized by this title for which funds were appropriated prior to January 1, 1996.

Notification.

"(c) The Secretary shall notify the Committees on Resources and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate within 30 days after the signing of a cost-sharing agreement pursuant to subsection (b) that such an agreement has been signed and that the Secretary has determined that the non-Federal project sponsor is financially capable of funding the project's non-Federal share of the project's costs.

"(d)(1) Notwithstanding any other provision of this title and except as provided by paragraph (2), the Federal share of the costs of each of the individual projects authorized by this title shall not exceed $20,000,000 (October 1996 prices).

"(2) In the case of any project authorized by this title for which construction funds were appropriated before January 1, 1996, the Federal share of the cost of such project may not exceed the amount specified as the 'total Federal obligation' for that project in the budget justification made by the Bureau of Reclamation for fiscal year 1997, as contained in part 3 of the report of the hearing held on March 27, 1996, before the Subcommittee on Energy and Water Development of the Committee on Appropriations of the House of Representatives.".

Approved October 9, 1996.

LEGISLATIVE HISTORY—H.R. 3660:

HOUSE REPORTS: No. 104–703 (Comm. on Resources).
CONGRESSIONAL RECORD, Vol. 142 (1996):
Sept. 4, considered and passed House.
Sept. 28, considered and passed Senate.