

MAGNA WATER DISTRICT WATER REUSE AND GROUNDWATER RECHARGE ACT OF 2009

SEPTEMBER 21, 2009.—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. 2265]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2265) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, 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. 2265 is to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2265 would authorize limited federal financial assistance for the planning, design and construction of Phase II of the Magna Water District water reuse and groundwater recharge project. When completed, Phase II of the project would result in a projected annual reduction of 1,780 acre-feet (580 million gallons) of high quality potable project water to be used for outdoor irrigation.

In Phase II of the project, the participants would design and construct permanent facilities capable of removing perchlorate and ar-

senic from the Barton Well Field aquifer. The water would be treated to create two products: (1) a high quality drinking water; and, (2) a concentrated effluent. The drinking water would be immediately added to the existing water distribution system. The effluent would be funneled and treated through the bioreactor facility to remove arsenic and perchlorate to produce what the State of Utah categorizes as Type I quality water.

Type I water can be used for outdoor irrigation purposes, thereby eliminating the need to use high-quality drinking water for those purposes. The District has future plans to replenish the shallow groundwater aquifer with reclaimed, retreated water.

COMMITTEE ACTION

H.R. 2265 was introduced on May 6, 2009 by Rep. Jason Chaffetz (R-UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water and Power. On July 21, 2009 the Subcommittee held a hearing on the bill.

On September 10, 2009 the Subcommittee was discharged from further consideration of H.R. 2265 and the full Natural Resources Committee met to consider the bill. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “Magna Water District Water Reuse and Groundwater Recharge Act of 2009.”

Section 2. Magna Water District

Section 2 amends the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) by authorizing the Secretary of the Interior to participate in the design and construction of a recycled water system and treatment facility.

The federal government would be responsible for 25 percent of the total cost of the project, but is not responsible for the operation and maintenance of the facility. The total cost for the project (Phase I and Phase II) is estimated at \$51 million. Project funding sources have included approximately \$3 million in federal funding and \$36 million from the Magna Water District. Section 2 would authorize appropriation of the remaining \$12 million in necessary funds.

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 amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge 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. 2265—Magna Water District Water Reuse and Groundwater Recharge Act of 2009

Summary: H.R. 2265 would authorize the Bureau of Reclamation to participate in developing a water project in the Magna Water District in Salt Lake County, Utah. Assuming appropriation of authorized amount, CBO estimates that implementing H.R. 2265 would cost \$12 million over the 2010–2014 period. Enacting the legislation would not affect direct spending or revenues.

H.R. 2265 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the federal government: The estimated budgetary impact of H.R. 2265 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—					
	2010	2011	2012	2013	2014	2010–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	12	0	0	0	0	12
Estimated Outlays	8	4	0	0	0	12

Basis of estimate: For this estimate, CBO assumes that H.R. 2265 will be enacted near the beginning of fiscal year 2010 and that the federal share of the project's costs will be appropriated in that year. Estimated outlays are based on information provided by the Bureau of Reclamation.

H.R. 2265 would authorize the bureau to design, plan, and construct water recycling facilities in the Magna Water District. The legislation would authorize the appropriation of \$12 million to cover 25 percent of the project's total development costs (about \$50 million). The remainder of those costs would be the responsibility of local governments, as would the costs of operating and maintaining the facility.

Intergovernmental and private-sector impact: H.R. 2265 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The bill would benefit the Magna Water District in Utah by authorizing federal assistance for planning, designing, and constructing water facilities.

Estimate prepared by: Federal Costs: Aurora Swanson; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate 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. 2265 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

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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 GROUND WATER STUDIES

Sec. 1601. Short title.

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Sec. 16 ____ . *Magna Water District water reuse and groundwater recharge project, Utah.*

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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 ____ . **MAGNA WATER DISTRICT WATER REUSE AND GROUNDWATER RECHARGE PROJECT, UTAH.**

(a) *AUTHORIZATION.*—*The Secretary, in cooperation with the Magna Water District, Utah, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to provide recycled water in the Magna Water District.*

(b) *COST SHARING.*—

(1) *FEDERAL SHARE.*—*The Federal share of the capital cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.*

(2) *NON-FEDERAL SHARE.*—*Each cost incurred by the Magna Water District after January 1, 2003, relating to any capital, planning, design, permitting, construction, or land acquisition (including the value of reallocated water rights) for the project described in subsection (a) shall be credited towards the non-Federal share of the costs of the project.*

(c) *LIMITATION.*—*Funds provided by the Secretary 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 \$12,000,000.*

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