

BAY AREA REGIONAL WATER RECYCLING PROGRAM
AUTHORIZATION ACT OF 2007

JULY 23, 2007.—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. 1526]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1526) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bay Area Regional Water Recycling Program Authorization Act of 2007”.

SEC. 2. PROJECT AUTHORIZATIONS.

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

“SEC. 16xx. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED WATER PIPELINE PROJECT.

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

“(b) **COST SHARE.**—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000.

“SEC. 16xx. PITTSBURG RECYCLED WATER PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,750,000.

“SEC. 16xx. ANTIOCH RECYCLED WATER PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,250,000.

“SEC. 16xx. NORTH COAST COUNTY WATER DISTRICT RECYCLED WATER PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the North Coast County Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,500,000.

“SEC. 16xx. REDWOOD CITY RECYCLED WATER PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,100,000.

“SEC. 16xx. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$7,000,000.

“SEC. 16xx. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$8,250,000.”

(b) CONFORMING AMENDMENTS.—The table of sections for Public Law 102–575 is amended by inserting after the last item relating to title XVI the following:

“Sec. 16xx. Mountain View, Moffett Area Reclaimed Water Pipeline Project.

“Sec. 16xx. Pittsburg Recycled Water Project.

“Sec. 16xx. Antioch Recycled Water Project.

“Sec. 16xx. North Coast County Water District Recycled Water Project.
 “Sec. 16xx. Redwood City Recycled Water Project.
 “Sec. 16xx. South Santa Clara County Recycled Water Project.
 “Sec. 16xx. South Bay Advanced Recycled Water Treatment Facility.”.

SEC. 3. SAN JOSE AREA WATER RECLAMATION AND REUSE PROJECT.

It is the intent of Congress that a comprehensive water recycling program for the San Francisco Bay Area include the San Jose Area water reclamation and reuse program authorized by section 1607 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h-5).

PURPOSE OF THE BILL

The purpose of H.R. 1526 is to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design and construction of seven water recycling projects as part of the Bay Area Regional Water Recycling Program (BARWRP).

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1526 would authorize limited federal financial assistance for the design and construction of a water recycling and water reuse plant in Santa Rosa, California by amending the Reclamation Wastewater and Groundwater Study and Facilities Act (Title XVI of P.L. 102-575).

H.R. 1526, when completed, will provide 1,000 million gallons of recycled water (3,000 acre-feet) per year to irrigate parks, median strips, new developments, business parks and other urban irrigation needs. This will help avoid both fresh water withdrawals and treated wastewater discharges into the Russian River.

COMMITTEE ACTION

Rep. George Miller introduced H.R. 1526 on March 14, 2007. The bill has seven cosponsors. Similar legislation was introduced by Rep. Miller in the 109th Congress (H.R. 6218), but no action was taken on that bill. There is no Senate companion bill.

The bill was referred to the Committee on Natural Resources, Subcommittee on Water and Power. A hearing was held on H.R. 1526 on May 24, 2007 at which there was no opposition to either of these projects, and the proposed legislation was deemed uncontroversial. On June 12, 2007, the Subcommittee met to mark up the bill. Two non-controversial amendments were introduced. The first amendment increased the Pittsburg project by \$350,000. The second amendment changed the language in Section 3 to reflect the Senate language. H.R. 1526, as amended, was adopted by unanimous consent and then forwarded to the Full Committee. On June 27, 2007, the Full Natural Resources Committee met to consider the bill. H.R. 1526 was favorably reported to the House of Representatives, as amended, by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 lists the short title as the “Bay Area Regional Water Recycling Program Authorization Act of 2007”.

Section 2. Project authorizations

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 seven water recycling projects that will be part of the Bay Area Regional Water Recycling Program (BARWRP).

The legislation specifies that the federal government is responsible for \$27,850,000, equal to 25 percent of the capital costs of the seven respective projects. The costs for each project are as follows: \$5 million for the Mountain View—Moffett Area Reclaimed Water Pipeline Project; \$1.75 million for the City of Pittsburg Project; \$2.25 million for the City of Antioch Project, \$2.5 million for the North Coast County Water District Project; \$1.1 million for the Redwood City Project; \$7 million for the City of Gilroy/Santa Clara Valley Water District project; and \$8.25 million for the South Bay Advanced Recycled Water Treatment Facility.

Section 3. San Jose Area Water Reclamation and Reuse Project

The city of San Jose Project was initially authorized in the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.). While authorized 15 years ago, the Department of the Interior has been slow to request appropriate funding, and this project has not been fully funded by Congress. Section 3 was included in H.R. 1526 to express Congress' concern for the lack of adequate funding for this project. The bill was amended at Subcommittee to reflect the Senate language in S. 1475, indicating that the San Jose Area Water Reclamation and Reuse Project is an important part of the collaborative regional effort to meet the water challenges facing the San Francisco Bay Area and the State of California.

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 design and construction of seven water recycling projects as part of the Bay Area Regional Water Recycling Program (BARWRP).

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. 1526—Bay Area Regional Water Recycling Program Authorization Act of 2007

Summary: H.R. 1526 would authorize the Secretary of the Interior to participate in the planning, design, and construction of several water recycling projects in the San Francisco Bay area of California.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1526 would cost \$28 million over the 2008–2012 period. Enacting the bill would not affect direct spending or revenues.

H.R. 1526 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1526 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—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	12	12	4	0	0
Estimated Outlays	10	14	4	0	0

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted near the end of fiscal year 2007 and that the necessary amounts will be appropriated for each year.

H.R. 1526 would authorize the Secretary of the Interior to participate in the planning, design, and construction of several water recycling projects in the San Francisco Bay area of California. The projects would be constructed with the cooperation of the affected municipalities. Based on information from the Department of the Interior, CBO estimates that the total cost of all the projects would be about \$110 million.

Under the legislation, the federal share of the cost of the project would be limited to the lesser of 25 percent of the total cost or \$28 million, and federal funds would not be available for operation and maintenance of the projects.

Assuming appropriation of the necessary amounts, CBO estimates that implementing the legislation would cost \$28 million (25 percent of \$110 million) over the 2008–2012 period.

Intergovernmental and private-sector impact: H.R. 1526 contains no intergovernmental or private-sector mandates as defined in UMRA. The amounts authorized to be appropriated by the bill would benefit a number of cities and water districts in California.

Estimate prepared by: Federal Costs: Tyler Kruzich; Impact on State, Local, and Tribal Governments: Leo Lex; Impact on the Private Sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1526 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

(Public Law 102–575)

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reclamation Projects Authorization and Adjustment Act of 1992”.

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 GROUNDWATER STUDIES

Sec. 1601. Short title.

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Sec. 16xx. *Mountain View, Moffett Area Reclaimed Water Pipeline Project.*

Sec. 16xx. *Pittsburg Recycled Water Project.*

Sec. 16xx. *Antioch Recycled Water Project.*

Sec. 16xx. *North Coast County Water District Recycled Water Project.*

Sec. 16xx. *Redwood City Recycled Water Project.*

Sec. 16xx. *South Santa Clara County Recycled Water Project.*
 Sec. 16xx. *South Bay Advanced Recycled Water Treatment Facility.*

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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. 16xx. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED WATER PIPE-LINE PROJECT.

(a) *AUTHORIZATION.*—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

(b) *COST SHARE.*—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) *LIMITATION.*—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$5,000,000.

SEC. 16xx. PITTSBURG RECYCLED WATER PROJECT.

(a) *AUTHORIZATION.*—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

(b) *COST SHARE.*—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) *LIMITATION.*—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$1,750,000.

SEC. 16xx. ANTIOCH RECYCLED WATER PROJECT.

(a) *AUTHORIZATION.*—The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

(b) *COST SHARE.*—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) *LIMITATION.*—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$2,250,000.

SEC. 16xx. NORTH COAST COUNTY WATER DISTRICT RECYCLED WATER PROJECT.

(a) *AUTHORIZATION.*—The Secretary, in cooperation with the North Coast County Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

(b) *COST SHARE.*—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) *LIMITATION.*—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$2,500,000.

SEC. 16xx. REDWOOD CITY RECYCLED WATER PROJECT.

(a) *AUTHORIZATION.*—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

(b) *COST SHARE.*—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) *LIMITATION.*—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$1,100,000.

SEC. 16xx. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.

(a) *AUTHORIZATION.*—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

(b) *COST SHARE.*—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) *LIMITATION.*—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$7,000,000.

SEC. 16xx. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.

(a) *AUTHORIZATION.*—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

(b) *COST SHARE.*—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) *LIMITATION.*—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$8,250,000.

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