

109TH CONGRESS  
1ST SESSION

# H. R. 1326

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2005

Mr. THOMPSON of California introduced the following bill; which was referred to the Committee on Resources

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## A BILL

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

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 2005”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
2 ty” means each of—

3 (A) the Sonoma Valley County Sanitation  
4 District, Sonoma, California;

5 (B) the Napa Sanitation District, Napa,  
6 California;

7 (C) the City of American Canyon, Cali-  
8 fornia;

9 (D) the Las Gallinas Valley Sanitary Dis-  
10 trict, San Rafael, California;

11 (E) the Novato Sanitary District, Novato,  
12 California;

13 (F) the City of Petaluma, California; and

14 (G) the Sonoma County Water Agency.

15 (2) SECRETARY.—The term “Secretary” means  
16 the Secretary of the Interior.

17 **SEC. 3. NORTH BAY WATER REUSE PROGRAM.**

18 (a) IN GENERAL.—The Secretary may, through a co-  
19 operative agreement with the State of California or a sub-  
20 division thereof, participate in the planning, design, and  
21 construction of water reclamation and reuse projects in-  
22 cluding water quality improvement, waste water treat-  
23 ment, water reclamation and reuse, groundwater recharge  
24 and protection, surface water augmentation, and other im-  
25 provements with eligible entities in the North San Pablo

1 Bay watershed in Napa, Sonoma, Marin, and Solano  
2 Counties, California.

3 (b) COORDINATION WITH OTHER FEDERAL AGEN-  
4 CIES.—In carrying out this section, the Secretary shall,  
5 to the greatest degree practicable, build upon the design  
6 work and environmental evaluation undertaken by non-  
7 Federal entities and by the Corps of Engineers in the San  
8 Pablo Bay Watershed, California.

9 (c) COOPERATIVE AGREEMENTS.—All planning, de-  
10 sign, and construction of a recycled water project author-  
11 ized by this Act shall be undertaken in accordance with  
12 a cooperative agreement between the Secretary and the  
13 eligible entity for the project. Such cooperative agreement  
14 shall set forth in a manner acceptable to the Secretary  
15 the responsibilities of the eligible entity for—

- 16 (1) needs assessment;
- 17 (2) feasibility and reconnaissance studies;
- 18 (3) environmental review;
- 19 (4) engineering and design;
- 20 (5) construction; and
- 21 (6) the administration of contracts pertaining  
22 to any of the foregoing.

23 (d) FINANCIAL ASSISTANCE.—Upon execution of a  
24 cooperative agreement under this section, the Secretary  
25 may provide to the eligible entity, on the basis described

1 in section 4, the funds authorized, through direct loans,  
2 loan guarantees, or grants.

3 **SEC. 4. COST SHARING.**

4 (a) FEDERAL ASSISTANCE.—The Federal share of a  
5 project funded under this Act shall not exceed 65 percent  
6 of the total cost for planning, environmental evaluation,  
7 and construction of the project.

8 (b) NON-FEDERAL COST SHARE.—

9 (1) IN GENERAL.—Except as provided in sub-  
10 section (c), the non-Federal cost share of the costs  
11 of a project funded under this Act shall be no less  
12 than 35 percent total cost for planning, environ-  
13 mental evaluation, and construction of the project.

14 (2) CREDIT FOR NON-FEDERAL WORK.—The  
15 non-Federal interests with respect to a project fund-  
16 ed under this Act shall receive credit toward the  
17 non-Federal share of the cost of the project—

18 (A) for reasonable costs incurred by the  
19 non-Federal interests as a result of participa-  
20 tion in the planning, design, and construction of  
21 the project; and

22 (B) for the fair-market value of lands uti-  
23 lized for project facilities and owned by eligible  
24 entities.

1 (c) OPERATION AND MAINTENANCE.—The non-Fed-  
2 eral share of operation and maintenance costs of a project  
3 funded under this Act shall be 100 percent.

4 (d) FEDERAL ASSISTANCE FOR ENVIRONMENTAL IM-  
5 PROVEMENT AND ENHANCEMENT.—

6 (1) INITIAL DEVELOPMENT.—The Secretary  
7 shall make grants and other funds available to eligi-  
8 ble entities for the initial development of environ-  
9 mental improvement and enhancement components  
10 of the North Bay Water Reuse Program.

11 (2) NONREIMBURSABLE.—Grants provided  
12 under this Act shall be nonreimbursable and not  
13 subject to repayment.

14 **SEC. 5. WATER RIGHTS.**

15 Nothing in this Act—

16 (1) invalidates or preempts State water law or  
17 any interstate compact governing water;

18 (2) alters the rights of any State to any appro-  
19 priated share of the waters of any body of surface  
20 or groundwater, whether determined by past or fu-  
21 ture interstate compacts or final judicial allocations;

22 (3) preempts or modifies any State or Federal  
23 law, or interstate compact, governing water quality  
24 or disposal; or

1           (4) confers on any non-Federal entity the abil-  
2       ity to exercise any Federal right to the waters of any  
3       stream or to any groundwater resource.

4 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

5       There is authorized to be appropriated to the Sec-  
6       retary to carry out this Act \$65,000,000, to remain avail-  
7       able until expended.

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