

## SOUTH ORANGE COUNTY RECYCLED WATER ENHANCEMENT ACT

---

MAY 7, 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. 1140]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1140) to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, 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. 1140 as ordered reported, is to authorize the Secretary to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 1140 would amend the Reclamation Wastewater and Groundwater Study and Facilities Act (P.L. 102-575, title XVI; 43 U.S.C. 390h et seq.) and authorizes two separate water recycling projects in Southern California.

##### *1. San Juan Capistrano Project*

The San Juan Capistrano project will treat secondary runoff for non-potable use in a new facility at the J.B. Latham Treatment Plant in Dana Point, California. It is a regional project involving the San Juan Capistrano Water District, the Moulton Niguel Water District, and the South Coast Water District.

## *2. San Clemente Project*

The San Clemente project would double the capacity of the city's water recycling plant, extend pumping and reclaimed water transmission infrastructure, and build a reservoir to hold reclaimed water for peak usage. An extension of transmission infrastructure would allow the city to replace 3,340 acre-feet per year of potable irrigation water with reclaimed water—reducing the city's total use of imported potable water by more than 25 percent.

### COMMITTEE ACTION

H.R. 1140 was introduced on February 26, 2007 by Rep. Ken Calvert (R-CA-44). Similar legislation was introduced by Rep. Calvert in the 109th Congress (H.R. 5786). The bill was referred to the Committee on Natural Resources, Subcommittee on Water and Power. The subcommittee held a hearing on this legislation in the 109th Congress. There was no opposition to either of these projects and the proposed legislation was deemed uncontroversial. On April 19, 2007, the Subcommittee met to mark up the bill. No amendments were introduced. H.R. 1140 was favorably reported by unanimous consent to the Full Committee. On May 2, 2007, the Natural Resources Committee met to consider the bill. It was favorably reported to the House of Representatives by unanimous consent.

### SECTION-BY-SECTION ANALYSIS

#### *Section 1. Short title*

Section 1 lists the short title of H.R. 1140 as the “South Orange County Recycled Water Enhancement Act.”

#### *Section 2. Project authorizations*

Section 2 amends the Reclamation Wastewater and Groundwater Study and Facilities Act (P.L. 102-575, title XVI; 43 U.S.C. 390h et seq.) by authorizing the Secretary of Interior to participate in the design and construction of a recycled water system and treatment facility in the cities of San Juan Capistrano and San Clemente, California.

The legislation specifies that the Federal government is responsible for 25 percent of the total cost of each project, but is not responsible for the operation and maintenance of either facility. This bill authorizes the appropriation of \$18,500,000 for the San Juan Capistrano project and \$5,000,000 for the San Clemente project. The authorization for both projects sunsets ten years after the enactment of this legislation.

### 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. The cost of this bill is subject to the availability of appropriated funds, up to the authorized amount of \$23.5 million. Such authorization sunsets after a period of ten years.

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 authorize the Secretary to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes.

## COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

## EARMARK STATEMENT

H.R. 1140 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or (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)

\* \* \* \* \*

**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.

\* \* \* \* \*

## TITLE XVI—RECLAMATION WASTEWATER AND GROUND WATER STUDIES

Sec. 1601. Short title.

\* \* \* \* \*

*Sec. 163X. San Juan Capistrano Recycled Water System.*  
*Sec. 163X. San Clemente Reclaimed Water Project.*

\* \* \* \* \*

## 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”.

\* \* \* \* \*

### SEC. 16xx. SAN JUAN CAPISTRANO RECYCLED WATER SYSTEM.

(a) *AUTHORIZATION.*—The Secretary, in cooperation with the City of San Juan Capistrano, California, is authorized to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system.

(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 \$18,500,000.

(e) *SUNSET.*—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

### SEC. 163X. SAN CLEMENTE RECLAIMED WATER PROJECT.

(a) *AUTHORIZATION.*—The Secretary, in cooperation with the City of San Clemente, California, is authorized to participate in the design, planning, and construction of a project to expand reclaimed water distribution, storage and 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 \$5,000,000.

(e) *SUNSET.*—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

\* \* \* \* \*