

LAKE HODGES SURFACE WATER IMPROVEMENT AND
RECLAMATION ACT OF 2008

MAY 13, 2008.—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. 2649]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2649) to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992, having considered the same, reports favorably thereon with an amendment and recommends 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 “Lake Hodges Surface Water Improvement and Reclamation Act of 2008”.

SEC. 2. PROJECT AUTHORIZATION.

(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 inserting after section 16___ the following:

“SEC. 16 ___. LAKE HODGES SURFACE WATER IMPROVEMENT AND RECLAMATION PROJECT.

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the Olivenhain Municipal Water District, California, is authorized to participate in the design, planning, and construction of projects to treat, reclaim, and reuse impaired surface water from Lakes Hodges in San Diego County, California.

“(b) **COST SHARE.**—The Federal share of the costs of the projects authorized by this section 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 authorized by this section.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by inserting after the item relating to section 163 _____ the following:

“Sec. 163 _____. Lake Hodges surface water improvement and reclamation project.”.

PURPOSE OF THE BILL

The purpose of H.R. 2649 is to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992.

BACKGROUND AND NEED FOR LEGISLATION

The Lake Hodges Surface Water Improvement and Reclamation Project will provide a new source of water to the Olivenhain Water Treatment Plant. The treatment plant currently uses membrane water purification technology to create drinking water from a mixture of local water sources, including the Colorado River and the California State Water Project.

The Lake Hodges Surface Water Improvement and Reclamation Project will pre-treat and deliver impaired surface water from nearby Lake Hodges not currently available for consumptive use. Lake Hodges was added to the list of impaired water bodies by the California State Water Resources Control Board in 2003. Once complete, the project will pre-treat 13,000 acre feet of Lake Hodges water, and provide a new local water supply to the region.

The plant is part of the North San Diego County Area Water Recycling Project. This larger water recycling system is the result of a cooperative effort by the San Elijo Joint Powers Authority, the Carlsbad Municipal Water District, the Olivenhain Municipal Water District, and the Leucadia Wastewater District. It consists of planning, design, and construction of facilities to reclaim and reuse approximately 15,350 acre-feet of water annually in the North San Diego County area to reduce the region's dependence on imported water supplies and wastewater discharges to the ocean. The Lake Hodges Surface Water Improvement and Reclamation Project is expected to add to the capacity of the system by providing more water to the approximately 58,000 customers the Olivenhain Municipal Water District serves in North San Diego County.

COMMITTEE ACTION

H.R. 2649 was introduced on June 11, 2007, by Rep. Brian Bilbray (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water and Power. Identical legislation was the subject of a Water and Power Subcommittee hearing in the 109th Congress on July 12, 2006.

On April 23, 2008, the Subcommittee met to mark up the bill. Chairwoman Grace Napolitano (D-CA) offered an amendment in the nature of a substitute to rename the short title of the bill the Lake Hodges Surface Water Improvement and Reclamation Project, and to authorize the project under Title XVI of Public Law 102-575. It was adopted by unanimous consent. The bill was then forwarded to the Full Committee by unanimous consent.

On April 30, 2008, the Full Natural Resources Committee met to consider the bill. The bill as amended by the Subcommittee on

Water and Power was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that the legislation may be cited as the “Lake Hodges Surface Water Improvement and Reclamation Act of 2008.”

Section 2. Project authorization

Section 2(a) amends the Reclamation Wastewater and Groundwater Study and Facilities Act to include the Lake Hodges Surface Water Improvement and Reclamation Project.

This section also authorizes the Secretary to participate in the planning, design, and construction of the project; limits the federal share of the cost of the project to 25%; and prohibits federal funds from being used in the operation and maintenance of the project.

Section 2(b) provides a clerical amendment to the table of sections in the Reclamation Projects Authorization and Adjustment Act of 1992.

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 make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992.

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. 2649—Lake Hodges Surface Water Improvement and Reclamation Act of 2008

Summary: H.R. 2649 would authorize the Secretary of the Interior to help plan, design, and construct projects to treat, reclaim, and reuse water from Lake Hodges in San Diego County, California.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 2649 would cost \$14 million over the 2009–2013 period. Enacting the legislation would not affect direct spending or revenues.

H.R. 2649 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. 2649 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—				
	2009	2010	2011	2012	2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	4	5	5	0	0
Estimated Outlays	2	4	6	2	0

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted by the beginning of fiscal year 2009 and that the necessary amounts will be appropriated for each year.

H.R. 2649 would authorize the Secretary of the Interior to help plan, design, and construct projects to treat, reclaim, and reuse water from Lake Hodges in San Diego County, California. Based on information from the Department of the Interior, CBO estimates that the total cost of those projects would be \$56 million.

Under the legislation, the Federal share of those costs would be limited to the lesser of 25 percent or \$14 million. Federal funds would not be available for operating and maintaining the projects.

Assuming appropriation of the necessary amounts, CBO estimates that implementing the legislation would cost \$14 million over the 2009–2013 period.

Intergovernmental and private-sector impact: H.R. 2649 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

Estimate prepared by: Federal costs: Tyler Kruzich; 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. 2649 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.

* * * * *

TITLE XVI—RECLAMATION WASTEWATER AND GROUND WATER STUDIES

Sec. 1601. Short title.

* * * * *

Sec. 163____. *Lake Hodges surface water improvement and reclamation 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. 16____. LAKE HODGES SURFACE WATER IMPROVEMENT AND RECLAMATION PROJECT.

(a) *AUTHORIZATION.*—The Secretary, in cooperation with the Olivenhain Municipal Water District, California, is authorized to participate in the design, planning, and construction of projects to treat, reclaim, and reuse impaired surface water from Lakes Hodges in San Diego County, California.

(b) *COST SHARE.*—The Federal share of the costs of the projects authorized by this section 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 authorized by this section.

* * * * *

