

(Pub. L. 98-434, §7, Sept. 28, 1984, 98 Stat. 1677; Pub. L. 102-575, title XXVI, §2601(3), Oct. 30, 1992, 106 Stat. 4689.)

#### AMENDMENTS

1992—Pub. L. 102-575 substituted “\$31,000,000 (October 1990 price levels) plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein” for “\$20,000,000 (October 1983 price levels)”.

#### § 390g-6. Matching basis for funding phase II from non-Federal sources

The funds authorized to be appropriated pursuant to section 390g-5 of this title shall match on a four-to-one basis funds made available by the States, their political subdivisions, or other non-Federal entities to meet the cost of phase II: *Provided*, That, in-kind services or other contributions by the States, their political subdivisions, or other non-Federal entities shall be considered in the determination of the matching non-Federal share. The Secretary is authorized to enter into memoranda of agreement with any appropriate agencies or departments of the High Plains States and other Reclamation Act States to share the costs of phase II.

(Pub. L. 98-434, §8, Sept. 28, 1984, 98 Stat. 1677.)

#### § 390g-7. New spending authority

Any new spending authority described in subsection (c)(2)(A) or (B) of section 651<sup>1</sup> of title 2 which is provided under sections 390g to 390g-8 of this title (or under any amendment made by sections 390g to 390g-8 of this title) shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 98-434, §9, Sept. 28, 1984, 98 Stat. 1677.)

#### REFERENCES IN TEXT

Section 651 of title 2, referred to in text, was amended by Pub. L. 105-33, title X, §10116(a)(3), (5), Aug. 5, 1997, 111 Stat. 691, by striking out subsec. (c) and redesignating former subsec. (d) as (c).

#### § 390g-8. Interstate transfer of water from Arkansas

No funds authorized to be appropriated by sections 390g to 390g-8 of this title shall be used for any activities associated with:

- (1) the interstate transfer of water from the State of Arkansas; or
- (2) the study or demonstration of the potential for the interstate transfer of water from the State of Arkansas.

(Pub. L. 98-434, §10, Sept. 28, 1984, 98 Stat. 1677.)

#### § 390h. Program to investigate reclamation and reuse of wastewater and groundwater; general authority

##### (a) Program established

The Secretary of the Interior (hereafter “Secretary”), acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary

thereto (hereafter “Federal reclamation laws”), is directed to undertake a program to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters, for the design and construction of demonstration and permanent facilities to reclaim and reuse wastewater, and to conduct research, including desalting, for the reclamation of wastewater and naturally impaired ground and surface waters.

##### (b) States included

Such program shall be limited to the States and areas referred to in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) [43 U.S.C. 391] as amended, and the State of Hawaii.

##### (c) Agreements and regulations

The Secretary is authorized to enter into such agreements and promulgate such regulations as may be necessary to carry out the purposes and provisions of sections 390h to 390h-39 of this title.

##### (d) San Luis Unit of Central Valley Project, California

The Secretary shall not investigate, promote or implement, pursuant to sections 390h to 390h-39 of this title, any project intended to reclaim and reuse agricultural wastewater generated in the service area of the San Luis Unit of the Central Valley Project, California, except those measures recommended for action by the San Joaquin Valley Drainage Program in the report entitled A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley (September 1990).

(Pub. L. 102-575, title XVI, §1602, Oct. 30, 1992, 106 Stat. 4664; Pub. L. 106-566, title I, §104(a), Dec. 23, 2000, 114 Stat. 2819.)

#### REFERENCES IN TEXT

The Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388), referred to in subsec. (a), is act June 17, 1902, ch. 1093, 32 Stat. 388, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

Hereafter, referred to in subsec. (a), means hereafter in title XVI of Pub. L. 102-575, Oct. 30, 1992, 106 Stat. 4663, which enacted sections 390h to 390h-39 of this title.

#### AMENDMENTS

2000—Subsec. (b). Pub. L. 106-566 inserted “, and the State of Hawaii” before period at end.

#### SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-70, §1, Sept. 21, 2005, 119 Stat. 2009, provided that: “This Act [enacting section 390h-20 of this title and transferring section 390h-17a of this title to section 390h-19 of this title] may be cited as the ‘Hawaii Water Resources Act of 2005’.”

#### SHORT TITLE OF 2004 AMENDMENTS

Pub. L. 108-316, §1(a), Oct. 5, 2004, 118 Stat. 1202, provided that: “This section [enacting section 390h-17a of this title] may be cited as the ‘Williamson County Water Recycling Act of 2004’.”

Pub. L. 108-233, §1, May 28, 2004, 118 Stat. 654, provided that: “This Act [enacting section 390h-18 of this title] may be cited as the ‘Irvine Basin Surface and Groundwater Improvement Act of 2004’.”

<sup>1</sup> See References in Text note below.

## SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-566, title I, §101, Dec. 23, 2000, 114 Stat. 2818, provided that: "This title [amending this section] may be cited as the 'Hawaii Water Resources Act of 2000'."

## SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-321, §1(a), Oct. 30, 1998, 112 Stat. 3020, provided that: "This Act [enacting section 390h-16 of this title, amending section 564w-1 of Title 25, Indians, and enacting and amending provisions listed in a table of National Wildlife Refuges set out under section 668dd of Title 16, Conservation] may be cited as the 'Oregon Public Lands Transfer and Protection Act of 1998'."

## SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-266, §1, Oct. 9, 1996, 110 Stat. 3290, provided that: "This Act [enacting sections 390h-12a to 390h-12p of this title and amending sections 390h-1 to 390h-3, 390h-9, and 390h-13 to 390h-15 of this title] may be cited as the 'Reclamation Recycling and Water Conservation Act of 1996'."

## SHORT TITLE

Pub. L. 102-575, title XVI, §1601, Oct. 30, 1992, 106 Stat. 4663, provided that: "This title [enacting sections 390h to 390h-15 of this title] may be referred to as the 'Reclamation Wastewater and Groundwater Study and Facilities Act'."

**§ 390h-1. Appraisal investigations****(a) Purposes; recommendations**

The Secretary shall undertake appraisal investigations to identify opportunities for water reclamation and reuse. Each such investigation shall take into account environmental considerations as provided by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations issued to implement the provisions thereof, and shall include recommendations as to the preparation of a feasibility study of the potential reclamation and reuse measures.

**(b) Matters to be considered**

Appraisal investigations undertaken by the Secretary or the non-Federal project sponsor pursuant to sections 390h to 390h-39 of this title shall consider, among other things—

(1) all potential uses of reclaimed water, including, but not limited to, environmental restoration, fish and wildlife, groundwater recharge, municipal, domestic, industrial, agricultural, power generation, and recreation;

(2) the current status of water reclamation technology and opportunities for development of improved technologies;

(3) measures to stimulate demand for and eliminate obstacles to use of reclaimed water, including pricing;

(4) measures to coordinate and streamline local, State and Federal permitting procedures required for the implementation of reclamation projects; and

(5) measures to identify basic research needs required to expand the uses of reclaimed water in a safe and environmentally sound manner.

**(c) Consultation and cooperation**

The Secretary shall consult and cooperate with appropriate State, regional, and local authorities during the conduct of each appraisal investigation conducted pursuant to sections 390h to 390h-39 of this title.

**(d) Nonreimbursable costs**

Costs of such appraisal investigations shall be nonreimbursable.

(Pub. L. 102-575, title XVI, §1603, Oct. 30, 1992, 106 Stat. 4664; Pub. L. 104-266, §3, Oct. 9, 1996, 110 Stat. 3295.)

## REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

## AMENDMENTS

1996—Subsec. (b). Pub. L. 104-266 inserted "by the Secretary or the non-Federal project sponsor" after "undertaken" in introductory provisions.

**§ 390h-2. Feasibility studies****(a) General authority; Federal and non-Federal cost shares**

The Secretary is authorized to participate with appropriate Federal, State, regional, and local authorities in studies to determine the feasibility of water reclamation and reuse projects recommended for such study pursuant to section 390h-1 of this title. The Federal share of the costs of such feasibility studies shall not exceed 50 per centum of the total, except that the Secretary may increase the Federal share of the costs of such feasibility study if the Secretary determines, based upon a demonstration of financial hardship on the part of the non-Federal participant, that the non-Federal participant is unable to contribute at least 50 per centum of the costs of such study. The Secretary may accept as part of the non-Federal cost share the contribution of such in-kind services by the non-Federal participant that the Secretary determines will contribute substantially toward the conduct and completion of the study.

**(b) Federal share considered project costs; reimbursement**

The Federal share of feasibility studies, including those described in sections 390h-4 and 390h-6 through 390h-8 of this title, shall be considered as project costs and shall be reimbursed in accordance with the Federal reclamation laws, if the project studied is implemented.

**(c) Matters to be considered**

In addition to the requirements of other Federal laws, feasibility studies conducted by the Secretary or the non-Federal project sponsor under sections 390h to 390h-39 of this title shall consider, among other things—

(1) near- and long-term water demand and supplies in the study area;

(2) all potential uses for reclaimed water;

(3) at least two alternative measures or technologies available for water reclamation, distribution, and reuse for the project under consideration;

(4) public health and environmental quality issues associated with use of reclaimed water;

(5) whether development of the water reclamation and reuse measures under study would—