

(2) The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

(3) The Secretary shall not provide funds for the operation or maintenance of the project described in paragraph (1).

**(d) Federal contribution**

A Federal contribution in excess of 25 percent for a project under this section may not be made until after the Secretary determines that the project is not feasible without such Federal contribution.

(Pub. L. 102-575, title XVI, § 1605, Oct. 30, 1992, 106 Stat. 4665; Pub. L. 104-266, § 5, Oct. 9, 1996, 110 Stat. 3295.)

REFERENCES IN TEXT

The Stevenson-Wylder Technology Innovation Act of 1980, referred to in subsec. (a), is Pub. L. 96-480, Oct. 21, 1980, 94 Stat. 2311, as amended, which is classified generally to chapter 63 (§3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

The Technology Transfer Act of 1986, referred to in subsec. (a), is Pub. L. 99-502, Oct. 20, 1986, 100 Stat. 1785, known as the Federal Technology Transfer Act of 1986. For complete classification of this Act to the Code, see Short Title of 1986 Amendments note set out under section 3701 of Title 15 and Tables.

AMENDMENTS

1996—Pub. L. 104-266 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

**§ 390h-4. Southern California comprehensive water reclamation and reuse study**

**(a) General authority**

The Secretary is authorized to conduct a study to assess the feasibility of a comprehensive water reclamation and reuse system for Southern California. For the purpose of sections 390h to 390h-39 of this title, the term “Southern California” means those portions of the counties of Imperial, Los Angeles, Orange, San Bernadino,<sup>1</sup> Riverside, San Diego, and Ventura within the south coast and Colorado River hydrologic regions as defined by the California Department of Water Resources.

**(b) Cooperation with State; Federal share**

The Secretary shall conduct the study authorized by this section in cooperation with the State of California and appropriate local and regional entities. The Federal share of the costs associated with this study shall not exceed 50 per centum of the total.

**(c) Report**

The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than six years after appropriation of funds authorized by sections 390h to 390h-39 of this title.

(Pub. L. 102-575, title XVI, § 1606, Oct. 30, 1992, 106 Stat. 4665; Pub. L. 103-437, § 16(a)(2), Nov. 2, 1994, 108 Stat. 4594.)

<sup>1</sup> So in original. Probably should be “San Bernardino.”

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

REUSE OF WASTE WATER

Pub. L. 102-580, title II, §217, Oct. 31, 1992, 106 Stat. 4833, provided that:

“(a) IN GENERAL.—The Secretary is authorized to provide assistance to non-Federal interests for carrying out projects described in subsection (c) for the beneficial reuse of waste water. Such assistance may be in the form of technical and planning and design assistance. If the Secretary is to provide any design or engineering assistance to carry out a project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

“(1) the service would require the use of a new technology unavailable in the private sector; or

“(2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

“(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under this section shall not be less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986 [33 U.S.C. 2213(m)].

“(c) PROJECT DESCRIPTIONS.—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

“(1) SOUTHERN CALIFORNIA COMPREHENSIVE WATER REUSE SYSTEM.—

“(A) DESCRIPTION.—A regional water reuse system for Southern California to treat, store, and transfer water in order to provide a new increment of water supply for agricultural, municipal, industrial, and environmental needs of Southern California.

“(B) COOPERATION.—The Secretary shall carry out this paragraph in cooperation with the State of California and appropriate local and regional entities.

“(C) SOUTHERN CALIFORNIA DEFINED.—For purposes of this paragraph, the term ‘Southern California’ means those portions of the counties of Imperial, Los Angeles, Orange, San Bernardino, Riverside, San Diego, Ventura, Santa Barbara, and San Luis Obispo, California, within the south coast, central coast, and Colorado River hydrologic regions as defined by the California Department of Water Resources.

“(2) SAN DIEGO AREA WATER REUSE DEMONSTRATION FACILITIES.—Water reuse facilities (which are not inconsistent with facilities mandated by the United States District Court in San Diego, California) to develop advance technology for economically and environmentally sound alternative water supplies for the San Diego metropolitan area.

“(3) SANTA ROSA WATER REUSE PROJECTS.—

“(A) DESCRIPTION.—Water reuse projects for the city of Santa Rosa, California, to treat waste water and store such treated water for the purposes of providing new water supplies for agriculture, municipal, environmental, and other purposes and reducing the use of potable water supplies for purposes where treated waste water is a viable substitute.

“(B) COOPERATION.—The Secretary shall carry out this paragraph in cooperation with the city of Santa Rosa, California, and other appropriate authorities.

“(4) MONTEREY COUNTY, CALIFORNIA.—

“(A) DESCRIPTION.—Reduction of salt water intrusion into aquifers in the vicinity of Castroville, California, for the purposes of improving the water quality of Monterey Bay and enhancing long-term water supply in the area.

“(B) COOPERATION.—The Secretary shall carry out this paragraph in cooperation with the Monterey Regional Water Pollution Control Agency and the Monterey County Water Resources Agency.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000. Such sums shall remain available until expended.”

#### § 390h-5. San Jose area water reclamation and reuse program

(a) The Secretary, in cooperation with the city of San Jose, California, and the Santa Clara Valley Water District, and local water suppliers, shall participate in the planning, design and construction of demonstration and permanent facilities to reclaim and reuse water in the San Jose metropolitan service area.

(b) The Federal share of the costs of the facilities authorized by subsection (a) shall not exceed 25 per centum of the total. The Secretary shall not provide funds for the operation or maintenance of the project.

(Pub. L. 102-575, title XVI, § 1607, Oct. 30, 1992, 106 Stat. 4666.)

#### DEMONSTRATION OF WASTE WATER TECHNOLOGY, SANTA CLARA VALLEY WATER DISTRICT AND SAN JOSE, CALIFORNIA

Pub. L. 102-580, title II, § 218, Oct. 31, 1992, 106 Stat. 4834, provided that:

“(a) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, is authorized to provide design and construction assistance to the Santa Clara Valley Water District in San Jose, California, and to the city of San Jose, California, for demonstrating and field testing public use innovative processes which advance the technology of waste water reuse and treatment and which promote the use of treated waste water for critical water supply purposes and for the protection of fish and wildlife in the San Francisco Bay. All design, construction, and comprehensive health effects studies shall be carried out by non-Federal interests.

“(b) PURPOSES OF ASSISTANCE.—Assistance may be provided under this section—

“(1) for the design and construction of an innovative nonpotable waste water reuse treatment facility with distribution systems;

“(2) for the design and construction of an innovative potable waste water reuse pilot plant;

“(3) for implementation of a comprehensive health effects study of the performance of the potable waste water reuse pilot plant; and

“(4) after the pilot plant is constructed and is operational, for the design and construction of a potable waste water reuse project, along with integration of the additional potable processes into the existing nonpotable facilities, and the extension of the distribution systems to groundwater recharge areas, if the Secretary, in cooperation with the Administrator of the Environmental Protection Agency, determines that the established public health requirements and water quality goals and objectives are being met by the pilot plant, the public health and safety is not at risk as a result of the operation of the pilot plant, and the pilot plant is operating reliably.

“(c) COST SHARING.—Total project costs under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000. Such sums shall remain available until expended.”

#### § 390h-6. Phoenix metropolitan water reclamation study and program

##### (a) General authority

The Secretary, in cooperation with the city of Phoenix, Arizona, shall participate in the planning, design, and construction of the Phoenix Metropolitan Water Reclamation and Reuse Project to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural and environmental purposes, groundwater recharge and indirect potable reuse in the Phoenix metropolitan area.

##### (b) Federal share

The Federal share of the costs associated with the project described in subsection (a) shall not exceed 25 per centum of the total. The Secretary shall not provide funds for operation or maintenance of the project.

(Pub. L. 102-575, title XVI, § 1608, Oct. 30, 1992, 106 Stat. 4666; Pub. L. 103-437, § 16(a)(2), Nov. 2, 1994, 108 Stat. 4594; Pub. L. 106-53, title V, § 596, Aug. 17, 1999, 113 Stat. 384.)

#### AMENDMENTS

1999—Subsec. (a). Pub. L. 106-53, § 596(1), added subsec. (a) and struck out former subsec. (a) which read as follows: “The Secretary, in cooperation with the city of Phoenix, Arizona, shall conduct a feasibility study of the potential for development of facilities to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, groundwater recharge and direct potable reuse in the Phoenix metropolitan area, and in cooperation with the city of Phoenix design and construct facilities for environmental purposes, ground water recharge and direct potable reuse.”

Subsec. (b). Pub. L. 106-53, § 596(2), struck out first sentence which read as follows: “The Federal share of the costs of the study authorized by this section shall not exceed 50 per centum of the total.”

Subsec. (c). Pub. L. 106-53, § 596(3), struck out subsec. (c) which read as follows: “The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than two years after appropriation of funds authorized by sections 390h to 390h-15 of this title.”

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

#### § 390h-7. Tucson area water reclamation study

##### (a) General authority

The Secretary, in cooperation with the State of Arizona and appropriate local and regional entities, shall conduct a feasibility study of comprehensive water reclamation and reuse system for Southern Arizona. For the purpose of this section, the term “Southern Arizona” means those portions of the counties of Pima, Santa Cruz, and Pinal within the Tucson Active Management Hydrologic Area as defined by the Arizona Department of Water Resources.

##### (b) Federal share

The Federal share of the costs of the study authorized by this section shall not exceed 50 per centum of the total.