

ticipate in the design, planning, and construction of recycled water system 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 \$1,100,000.

(Pub. L. 102-575, title XVI, §1646, as added Pub. L. 110-229, title V, §512(a)(1), May 8, 2008, 122 Stat. 842.)

**§ 390h-30. South Santa Clara County recycled water project**

**(a) Authorization**

The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution 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 \$7,000,000.

(Pub. L. 102-575, title XVI, §1647, as added Pub. L. 110-229, title V, §512(a)(1), May 8, 2008, 122 Stat. 842.)

**§ 390h-31. South Bay advanced recycled water treatment facility**

**(a) Authorization**

The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water 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 \$8,250,000.

(Pub. L. 102-575, title XVI, §1648, as added Pub. L. 110-229, title V, §512(a)(1), May 8, 2008, 122 Stat. 842.)

**§ 390h-32. Rancho California Water District project, California**

**(a) Authorization**

The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

**(b) Cost sharing**

The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or \$20,000,000, whichever is less.

**(c) Limitation**

Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).

(Pub. L. 102-575, title XVI, §1649, as added Pub. L. 111-11, title IX, §9104(a), Mar. 30, 2009, 123 Stat. 1303.)

**§ 390h-33. Elsinore Valley Municipal Water District projects, California**

**(a) Authorization**

The Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

**(b) Cost sharing**

The Federal share of the cost of each project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

**(c) Limitation**

Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

**(d) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$12,500,000.

(Pub. L. 102-575, title XVI, §1650, as added Pub. L. 111-11, title IX, §9109(a), Mar. 30, 2009, 123 Stat. 1315.)

**§ 390h-34. North Bay Water Reuse Program**

**(a) Definitions**

In this section:

**(1) Eligible entity**

The term “eligible entity” means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

- (A) Marin County;
- (B) Napa County;
- (C) Solano County; or
- (D) Sonoma County.

**(2) Water reclamation and reuse project**

The term “water reclamation and reuse project” means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

- (A) water quality improvement;
- (B) wastewater treatment;
- (C) water reclamation and reuse;
- (D) groundwater recharge and protection;
- (E) surface water augmentation; or
- (F) other related improvements.

**(3) State**

The term “State” means the State of California.

**(b) North Bay Water Reuse Program****(1) In general**

Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

**(2) Coordination with other Federal agencies**

In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

- (A) non-Federal entities; and
- (B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

**(3) Phased project**

A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

**(A) First phase**

During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

**(B) Second phase**

During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

**(4) Cost sharing****(A) Federal share**

The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

**(B) Form of non-Federal share**

The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

- (i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and
- (ii) the acquisition costs of land acquired for the project that is—

(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and

(II) owned by an eligible entity and directly related to the project.

**(C) Limitation**

The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

**(5) Effect**

Nothing in this section—

- (A) affects or preempts—
  - (i) State water law; or
  - (ii) an interstate compact relating to the allocation of water; or

(B) confers on any non-Federal entity the ability to exercise any Federal right to—

- (i) the water of a stream; or
- (ii) any groundwater resource.

**(6) Authorization of appropriations**

There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section \$25,000,000, to remain available until expended.

(Pub. L. 102-575, title XVI, §1651, as added Pub. L. 111-11, title IX, §9110(a), Mar. 30, 2009, 123 Stat. 1315.)

**§§ 390h-35 to 390h-37. Omitted****Editorial Notes****CODIFICATION**

Section 390h-35, Pub. L. 102-575, title XVI, §1652, as added Pub. L. 111-11, title IX, §9111(a)(1), Mar. 30, 2009, 123 Stat. 1317, which related to the Prado Basin natural treatment system project, was omitted pursuant to subsec. (e) of section, which provided that the section would have no effect after the date that was 10 years after Mar. 30, 2009.

Section 390h-36, Pub. L. 102-575, title XVI, §1653, as added Pub. L. 111-11, title IX, §9111(b)(1), Mar. 30, 2009, 123 Stat. 1317, which related to the Lower Chino Dairy Area desalination demonstration and reclamation project, was omitted pursuant to subsec. (e) of section, which provided that the section would have no effect after the date that was 10 years after Mar. 30, 2009.

Section 390h-37, Pub. L. 102-575, title XVI, §1654, as added Pub. L. 111-11, title IX, §9113(a), Mar. 30, 2009, 123 Stat. 1319, which related to the Oxnard, California, water reclamation, reuse, and treatment project, was omitted pursuant to subsec. (d) of section, which provided that the authority of the Secretary of the Interior to carry out any provisions of section terminated 10 years after Mar. 30, 2009.

**§ 390h-38. Yucaipa Valley regional water supply renewal project****(a) Authorization**

The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 390h-4 of this title.

**(b) Cost sharing**

The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.