

**(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.