

**Statement of Robert Quint, Acting Deputy Commissioner
Bureau of Reclamation
U.S. Department of the Interior
Before the
House Natural Resources Committee
Subcommittee on Water and Power**

**May 24, 2007
HR 1526**

Madam Chairwoman and members of the subcommittee, I am Bob Quint, Acting Deputy Commissioner of the Bureau of Reclamation. I am pleased to be here today to provide the Department of the Interior's views on HR 1526, the Bay Area Regional Water Recycling Program Authorization Act. The Department does not support HR 1526.

HR 1526 would amend the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, 43 U.S.C. 390h *et seq.*) to include authorization for construction of seven new projects. These new projects are the Mountain View Moffett Area Reclaimed Water Pipeline Project; the Pittsburg Recycled Water Project; the Antioch Recycled Water Project; the North Coast County Water District Recycled Water Project; the Redwood City Recycled Water Project; the South Santa Clara County Recycled Water Project; and the South Bay Advanced Recycled Water Treatment Facility. The Federal share of the costs to implement each of the seven new Title XVI projects would not exceed 25 percent. HR 1526 also establishes a Federal cost ceiling for each of the seven new projects, collectively totaling \$27.5 million.

Of the 32 specific Title XVI projects authorized to date, 21 have received funding. The remaining estimated total authorized Federal cost share of these 21 active Title XVI projects is at least \$328 million. Given the costs of the currently active Title XVI projects, we do not support the authorization of new projects at this time. Additionally, the bill contains language requiring the Secretary to request amounts necessary for fully funding the San Jose Area Water Reclamation and Reuse Project by the end of Fiscal Year 2010. This provision raises constitutional concerns, as discussed below, and would divert funding from other high priority projects within Reclamation's Program.

Section 3 of HR 1526 would require the Secretary to request "amounts necessary to fully fund" the San Jose Area Water Reclamation and Reuse Project by the end of Fiscal Year 2010. After Fiscal Year 2007, \$7.4 million will remain of the Federal share of the cost to construct the project. The Department of Justice has advised that section 3 of this bill is in conflict with the President's constitutional authority to determine the legislative and budget submissions of the Executive Branch, *see* U.S. Const. art. II, sec. 3, because this section would direct the Secretary of the Interior to make a budget or appropriations request as determined by Congress rather than the President. We therefore recommend that section 3 be deleted from the bill or that the mandatory language in that section be eliminated.

I would like to briefly describe the status of these projects, most of which are already under review by Reclamation's Regional and Area Office staff. Of the seven projects providing new Title XVI construction authorization, the South Bay Advanced Recycled Water Treatment

Facility, is already authorized by Congress and is considered feasible under Reclamation guidelines. Two additional projects – the Pittsburg Recycled Water Project and the Mountain View/Moffett Area Recycled Water Project -- have received feasibility determinations from Reclamation.

Meanwhile, the sponsors of the South Santa Clara County Recycled Water Project and the Antioch Recycled Water Project have not yet completed a review of their draft feasibility reports and environmental documents. Therefore, the feasibility reports do not meet the requirements for Title XVI feasibility studies.

Feasibility reports for the last two projects identified for construction authorization in HR 1526 – the North Coast County Water District Recycled Water Project and the Redwood City Recycled Water Project -- were reviewed by the Bureau of Reclamation in 2006. The feasibility reports for both projects needed additional environmental and financial capability information. To date, the project sponsors have not provided this additional information in order for Reclamation to complete the determination of feasibility.

Although one of the projects included in the bill is already authorized for design, planning, and construction, and two of the projects have feasibility reports that meet the requirements of Title XVI feasibility studies, the remaining four projects do not have feasibility reports that meet those requirements. As such, the Department believes that it is premature to authorize projects prior to completion of feasibility reports.

While Reclamation does not support new authorizations for Federal cost sharing of water recycling projects, we understand that the projects established by Title XVI are important to many water users in the West. To that end, Reclamation has set about revising and improving its Directives and Standards that govern reviews of Title XVI projects. By doing so, we believe that Reclamation can play a more constructive role with local sponsors in weighing the merits and ultimate feasibility of proposed water recycling projects.

The Department appreciates local efforts to address future water issues. However, in light of the concerns expressed above, we do not support H.R. 1526. That concludes my prepared remarks. I would be pleased to answer any questions.