

Congressman TJ Cox (CA-21)

Western Water Storage Infrastructure Act **SECTION BY SECTION**

Section 1:	Short Title
Section 2:	Surface and Groundwater Storage and Supporting Projects
Section 3:	Delta Operations
Section 4:	CALFED
Section 5:	Savings Clause

Section 2: Surface and Groundwater Storage and Supporting Projects

Subsection (a): Definitions

- Federal storage projects are defined to include the construction, expansion, upgrade or capital repair of surface or groundwater storage facility or a facility conveying water to or from surface or groundwater storage.
- Non-federal storage projects are defined to include the construction, expansion, upgrade or capital repair of a surface or groundwater storage facility or a facility conveying water to surface or groundwater storage by a state, Indian tribe, or water district(s).
- Eligible entities include a State, political subdivision or department of a State, public agencies, Indian tribes or tribally controlled entities, water users associations, agencies established by interstate compact, and joint powers authorities.

Subsection (b): Authorizes grants for federally owned and non-federal projects.

Subsection (c): Federally owned storage projects

- Up to a 50% federal cost-share.
- Establishes conditions for federal construction funding.
 - Must be feasible and provide a Federal benefit in accordance with Reclamation Laws.
 - The federal cost share must be proportional to the federal benefits.
- Requires, as a precondition for expansion, the agreement of any single entity with a contract for 60% or more of the capacity or yield of the project, or any entity that has contracted to carry out operations and maintenance of the project.

Subsection (d): Non-federal storage projects

- Up to a 25% federal cost-share.
- Conditions for design and study funding:
 - Federal funding for the project is supported by the Governor, political subdivision, department, or public agency where the project is located.
 - The Secretary must determine sufficient Federal benefits of the project to proceed.
- Conditions for construction funding:
 - Federal funding for the project is supported by the Governor, political subdivision, department, or public agency where the project is located.
 - The project must be technically and financially feasible and provide a Federal benefit in accordance with reclamation laws.
 - The non-federal entity participating in the project must be capable of funding the non-federal share, and the federal taxpayer shall not be responsible for any cost overruns.
 - Creates a set-aside for projects meeting conditions for priority funding, including

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projects that have both conveyance and recirculation benefits.

- Provides for a \$10 million set-aside for projects that meet identified criteria, including projects that have recirculation benefits.
- Draft guidelines for feasibility studies under this subsection shall be published within 180 days and be based on Reclamation's guidelines for water recycling projects under the Title XVI program.

Subsection (e): Rights to Use Capacity

- The Bureau of Reclamation and its cost-share partners shall enter into a mutual agreement regarding the rights to use the capacity of any federally owned or non-federal storage projects.

Subsection (f) Federal Benefits

- Federal benefits may include benefits achieved through operational flexibility to optimize fulfillment the project's authorized purpose(s).

Subsection (g): Funding

- Authorizes \$800 million total over fiscal years 2020 through 2024.
- Maintains the approval and funding process set up under WIIN.
 - Congress appropriates storage funding through the annual appropriations process.
 - Then, Congress must approve the initial award of design and study funding and initial construction funding for each specific project through designating the project by name in an enacted appropriations bill.
 - Once initially approved by Congress, the Bureau of Reclamation can provide additional design and study funding and additional construction funding for the projects identified without further Congressional approval.

Subsection (h): Consistency with State Law

- Nothing in the section preempts or modifies any requirement that Reclamation act consistently with applicable state law.

Section 3: Delta Operations

- Extends Subtitle J of the Water Infrastructure Improvements for the Nation (WIIN) Act (Public Law 114-322) for 8 years, except Section 4007, which is replaced by Sec. 2 (above).

Section 4: CALFED

- *Subsection a:* Allows the Bureau of Reclamation to form a partnership with a local joint powers authority to work on storage projects identified in the Calfed Bay-Delta Authorization Act (Public Law 108-361).
- *Subsection b:* Reauthorizes Public Law 108-361 through fiscal year 2024.

Section 5: Savings Clause

- This section requires the Act to be implemented consistent with applicable State law, including applicable State water law, and applicable Federal environmental law.