

Statement of Jack Garner
Acting Deputy Commissioner and Deputy Director of Operations
Bureau of Reclamation
on H.R. 2341
before the
Subcommittee on Water and Power
Committee on Resources
House of Representatives

October 6, 2005

Mr Chairman, my name is Jack Garner and I am Acting Deputy Commissioner of the Bureau of Reclamation . I am pleased to present the views of the Department of the Interior on H.R. 2341, concerning the City of Austin water reclamation project in the State of Texas. While the Department encourages local water recycling efforts, we must oppose authorizing this additional water recycling project for the reasons described below.

H.R. 2341 would authorize the Secretary of the Interior to participate in the design, planning, and construction of, and land acquisition for, the City of Austin water reclamation project in the State of Texas. The authority proposed in H.R. 2341 is an amendment to the Reclamation Projects Authorization and Adjustment Act, (Public Law 102-575), which limits the Federal share of project costs to 25 percent of the total project costs and restricts the Secretary from providing funding for the operation and maintenance of this project.

In 1992, the Reclamation Projects Authorization and Adjustment Act (Public Law 102-575) became law. Title XVI of this Act, the Reclamation Wastewater and Groundwater Study and Facilities Act, authorized the construction of five water reclamation and reuse projects. Four of these projects are in California and the fifth is in Arizona. In addition, the Secretary was authorized to conduct research and to construct, operate, and maintain demonstration projects. The Bureau of Reclamation has been administering a cost share program to fund these Title XVI activities since FY 1994.

In 1996, Public Law 104-266, the Reclamation Recycling and Water Conservation Act, was enacted. This Act amended Title XVI and authorized the Secretary to participate in the planning, design, and construction of 18 additional projects, including two desalination research and development projects. Since 1996, Title XVI has been amended several times and other specific pieces of legislation have been enacted such that there now are 29 projects authorized for construction in eight states, not including newly authorized projects in the Hawaii Water Resources Act of 2005.

The Department opposes authorizing additional construction projects prior to completion of feasibility studies to determine whether these particular projects warrant Federal funding. In general, Reclamation places priority on funding new projects that: (1) are economically justified and environmentally acceptable in a watershed context; (2) are not eligible for funding under another Federal program; and (3) directly address Administration priorities for the Reclamation program, such as reducing the demand on existing Federal water supply facilities.

It should be noted that the Department, through the Bureau of Reclamation, has completed an appraisal study of this proposed project in cooperation with the City of Austin. As a result of the appraisal investigation, a feasibility study was initiated and should be completed less than one year from now. This feasibility study is authorized under the existing provisions of P.L. 102-575, Title XVI. We recommend completing this cooperative feasibility study to prepare the necessary analyses and evaluations of the project, including National Environmental Policy Act (NEPA) compliance, prior to Congressional consideration of authorization for construction.

The Department also opposes enactment of this legislation because authorizing new construction projects is likely to further burden Reclamation's already strained budget. At current funding levels, it will take Reclamation more than 10 years to complete funding of the currently authorized Title XVI projects.

The Administration also opposes the authorization of additional Title XVI projects because they go beyond the original purpose of the law, which was to support development of projects that demonstrated the feasibility of water reuse and recycling. Since the viability of this technology has been demonstrated, additional water reuse and recycling infrastructure clearly falls within the purview of state and local governments.

Finally, the Department opposes enactment of the provision in H.R. 2341 authorizing land acquisition prior to completion of the feasibility study. Federal authorization for land acquisition should await the outcome of the feasibility study and the determination that such lands are legitimate project components and necessary for project implementation.

In summary, the Department encourages local water recycling efforts, and is engaged in numerous water reuse and recycling projects throughout the West. However, for the reasons provided above, the Department cannot, at this time, support authorizing this new construction request.

Thank you for the opportunity to comment on H.R. 2341. This concludes my statement and I would be happy to answer any questions.