S 2842

Aging Water Infrastructure and Maintenance Act

Congress: 110 (2007–2009, Ended)
Chamber: Senate
Policy Area: Water Resources Development
Introduced: Apr 10, 2008
Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 988.
Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 988. (Sep 16, 2008)
Official Text: https://www.congress.gov/bill/110th-congress/senate-bill/2842

Sponsor

Name: Sen. Reid, Harry [D-NV]
Party: Democratic • **State:** NV • **Chamber:** Senate

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Bingaman, Jeff [D-NM]	D · NM		Apr 10, 2008
Sen. Salazar, Ken [D-CO]	D · CO		Apr 10, 2008
Sen. Tester, Jon [D-MT]	D · MT		Apr 10, 2008

Committee Activity

Committee	Chamber	Activity	Date
Energy and Natural Resources Committee	Senate	Hearings By (subcommittee)	Jul 8, 2008

Subjects & Policy Tags

Policy Area:

Water Resources Development

Related Bills

No related bills are listed.

Summary (as of Sep 16, 2008)

Aging Water Infrastructure and Maintenance Act - Directs the Secretary of the Interior, acting through the Commissioner of Reclamation, to: (1) develop specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail; and (2) inspect those facilities within three years. Defines a "project facility" as any part or incidental feature of a project constructed under federal reclamation law, excluding high- and significant-hazard dams.

Requires the Secretary, in selecting facilities to inspect, to take into account the potential magnitude of public safety and economic damage posed by each facility.

Requires the Secretary to use the data collected to: (1) provide recommendations to the transferred works operating entities (organizations contractually responsible for operation and maintenance of project facilities which are carried out by a nonfederal entity, under the provisions of a formal transfer contract) for improvement of operation and maintenance processes, operating procedures, and structural modifications to those transferred works; (2) determine an appropriate inspection frequency for such non-dam project facilities, which shall not exceed six years; and (3) provide information regarding potential hazards posed by residential, commercial, industrial, or public-use development adjacent to project facilities upon request of such operating entities, local governments, or state agencies.

Authorizes the Secretary, at the request of such an operating entity in proximity to an urbanized area, to provide technical assistance to develop for a facility: (1) documented operating procedures; (2) documented emergency notification and response procedures; (3) facility inspection criteria; (4) a training program on operation and maintenance requirements and practices; (5) a public outreach plan on the operation and associated risks; and (6) other plans or documentation that will contribute to public safety and the facility's safe operation.

(Sec. 4) Authorizes the Secretary or the operating entity to carry out any extraordinary operation and maintenance work (defined as major, nonrecurring maintenance to reclamation-owned or operated facilities or facility components that is intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits and the cost of which is greater than 10% of the contractor's or the entity's annual operation and maintenance budget for the facility or $100,000) on a project facility that the Secretary determines to be reasonably required to preserve the structural safety of the facility. Requires the costs incurred by the Secretary in conducting reserved works (any project facility for which the Secretary carries out operation and maintenance) to be allocated to the authorized reimbursable purposes of the project and to be repaid within 50 years with interest from the year in which work undertaken pursuant to this Act is substantially complete.

Authorizes the Secretary, for transferred works, to advance the costs incurred by the entity in conducting extraordinary operation and maintenance work and to negotiate appropriate 50-year repayment contracts with project beneficiaries providing for the return of reimbursable costs with interest, but provides that no contract entered into under this Act shall be deemed a new or amended contract.

Sets forth the formula for determining the interest rate used for computing interest on work in progress and on the unpaid balance of the reimbursable costs of authorized extraordinary operation and maintenance work.

Directs the Secretary or the operating entity to carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety or property. Authorizes the Secretary to advance funds for such work and requires the Secretary to seek

reimbursement from the benefiting entity.

Authorizes the Secretary, upon determining that a project facility requires extraordinary operation and maintenance, to provide federal funds on a nonreimbursable basis sufficient to cover 35% of the entity's cost to minimize the risk of imminent harm, with the remaining share of federal funds advanced by the Secretary for such work repaid under this section.

(Sec. 5) Provides that nothing in this Act shall preclude an entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act.

(Sec. 6) Authorizes appropriations.

(Sec. 7) Directs the Secretary of the Interior to: (1) identify no more than three projects as eligible for federal loan guarantees, including at least one project involving extraordinary operation and maintenance work; (2) complete the Interagency Coordination and Cooperation actions of the Twenty-First Century Act; and (3) make available to lenders federal loan guarantees equal to the full cost of projects identified in this section.

Requires the loan guarantee subsidy cost to be the greater of 2% or the subsidy determined by the Secretary of Agriculture for covering the federal cost of guaranteeing loans to lenders financing water projects under the Department of Agricultural Rural Development authorities.

Authorizes appropriations.

Actions Timeline

- **Sep 16, 2008:** Committee on Energy and Natural Resources. Reported by Senator Bingaman with an amendment in the nature of a substitute. Without written report.
- **Sep 16, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 988.
- **Sep 11, 2008:** Committee on Energy and Natural Resources. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jul 8, 2008:** Committee on Energy and Natural Resources Subcommittee on Water and Power. Hearings held. With printed Hearing: S.Hrg. 110-571.
- **Apr 10, 2008:** Introduced in Senate
- **Apr 10, 2008:** Read twice and referred to the Committee on Energy and Natural Resources. (text of measure as introduced: CR S2948-2949)

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