

108TH CONGRESS  
1ST SESSION

# H. R. 866

To amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2003

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. DUNCAN, and Mr. COSTELLO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wastewater Treatment  
5 Works Security Act of 2003”.

6 **SEC. 2. WASTEWATER TREATMENT WORKS SECURITY.**

7 Title II of the Federal Water Pollution Control Act  
8 (33 U.S.C. 1281 et seq.) is amended by adding at the end  
9 the following:

1 **“SEC. 222. WASTEWATER TREATMENT WORKS SECURITY.**

2 “(a) GRANTS FOR VULNERABILITY ASSESSMENTS  
3 AND SECURITY ENHANCEMENTS.—The Administrator  
4 may make grants to a State, municipality, or intermunicipal or interstate agency—

6 “(1) to conduct a vulnerability assessment of a  
7 publicly owned treatment works;

8 “(2) to implement security enhancements listed  
9 in subsection (c)(1) to reduce vulnerabilities identified in a vulnerability assessment; and

11 “(3) to implement additional security enhancements to reduce vulnerabilities identified in a vulnerability assessment.

14 “(b) VULNERABILITY ASSESSMENTS.—

15 “(1) DEFINITION.—In this section, the term  
16 ‘vulnerability assessment’ means an assessment of  
17 the vulnerability of a treatment works to actions intended to—

19 “(A) substantially disrupt the ability of the  
20 treatment works to safely and reliably operate;  
21 or

22 “(B) have a substantial adverse effect on  
23 critical infrastructure, public health or safety,  
24 or the environment.

25 “(2) IDENTIFICATION OF METHODS TO REDUCE  
26 VULNERABILITIES.—A vulnerability assessment in-

1 includes identification of procedures, countermeasures,  
2 and equipment that the treatment works can imple-  
3 ment or utilize to reduce the identified  
4 vulnerabilities.

5 “(3) REVIEW.—A vulnerability assessment shall  
6 include a review of the vulnerability of the treatment  
7 works’s—

8 “(A) facilities, systems, and devices used in  
9 the storage, treatment, recycling, or reclamation  
10 of municipal sewage or industrial wastes;

11 “(B) intercepting sewers, outfall sewers,  
12 sewage collection systems, and other con-  
13 structed conveyances;

14 “(C) electronic, computer, and other auto-  
15 mated systems;

16 “(D) pumping, power, and other equip-  
17 ment;

18 “(E) use, storage, and handling of various  
19 chemicals; and

20 “(F) operation and maintenance proce-  
21 dures.

22 “(c) GRANTS FOR SECURITY ENHANCEMENTS.—

23 “(1) PREAPPROVED SECURITY ENHANCE-  
24 MENTS.—Upon certification by an applicant that a  
25 vulnerability assessment has been completed for a

1 treatment works and that the security enhancement  
2 for which assistance is sought is to reduce  
3 vulnerabilities of the treatment works identified in  
4 the assessment, the Administrator may make grants  
5 to the applicant under subsection (a)(2) for 1 or  
6 more of the following:

7 “(A) Purchase and installation of equip-  
8 ment for access control, intrusion prevention  
9 and delay, and detection of intruders and haz-  
10 ardous or dangerous substances, including—

11 “(i) barriers, fencing, and gates;

12 “(ii) security lighting and cameras;

13 “(iii) metal grates, wire mesh, and  
14 outfall entry barriers;

15 “(iv) securing of manhole covers and  
16 fill and vent pipes;

17 “(v) installation and re-keying of  
18 doors and locks; and

19 “(vi) smoke, chemical, and explosive  
20 mixture detection systems.

21 “(B) Security improvements to electronic,  
22 computer, or other automated systems and re-  
23 mote security systems, including controlling ac-  
24 cess to such systems, intrusion detection and  
25 prevention, and system backup.

1           “(C) Participation in training programs  
2           and the purchase of training manuals and guid-  
3           ance materials relating to security.

4           “(D) Security screening of employees or  
5           contractor support services.

6           “(2)    ADDITIONAL    SECURITY    ENHANCE-  
7           MENTS.—

8           “(A) GRANTS.—The Administrator may  
9           make grants under subsection (a)(3) to an ap-  
10          plicant for additional security enhancements not  
11          listed in paragraph (1).

12          “(B) ELIGIBILITY.—To be eligible for a  
13          grant under this paragraph, an applicant shall  
14          submit an application to the Administrator con-  
15          taining such information as the Administrator  
16          may request.

17          “(3) LIMITATIONS.—

18          “(A) USE OF FUNDS.—Grants under sub-  
19          sections (a)(2) and (a)(3) may not be used for  
20          personnel costs or operation or maintenance of  
21          facilities, equipment, or systems.

22          “(B) DISCLOSURE OF VULNERABILITY AS-  
23          SESSMENT.—As a condition of applying for or  
24          receiving a grant under this section, the Admin-  
25          istrator may not require an applicant to provide

1 the Administrator with a copy of a vulnerability  
2 assessment.

3 “(d) GRANT AMOUNTS.—

4 “(1) FEDERAL SHARE.—The Federal share of  
5 the cost of activities funded by a grant under sub-  
6 section (a) may not exceed 75 percent.

7 “(2) MAXIMUM AMOUNT.—The total amount of  
8 grants made under subsections (a)(1) and (a)(2) for  
9 one publicly owned treatment works shall not exceed  
10 \$150,000.

11 “(e) TECHNICAL ASSISTANCE FOR SMALL PUBLICLY  
12 OWNED TREATMENT WORKS.—

13 “(1) SECURITY ASSESSMENT AND PLANNING  
14 ASSISTANCE.—The Administrator, in coordination  
15 the States, may provide technical guidance and as-  
16 sistance to small publicly owned treatment works on  
17 conducting a vulnerability assessment and implemen-  
18 tation of security enhancements to reduce  
19 vulnerabilities identified in a vulnerability assess-  
20 ment. Such assistance may include technical assist-  
21 ance programs, training, and preliminary engineer-  
22 ing evaluations.

23 “(2) PARTICIPATION BY NONPROFIT ORGANIZA-  
24 TIONS.—The Administrator may make grants to

1 nonprofit organizations to assist in accomplishing  
2 the purposes of this subsection.

3 “(3) SMALL PUBLICLY OWNED TREATMENT  
4 WORKS DEFINED.—In this subsection, the term  
5 ‘small publicly owned treatment works’ means a  
6 publicly owned treatment works that services a pop-  
7 ulation of fewer than 20,000 persons.

8 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
9 is authorized to be appropriated to the Administrator—  
10 “(1) \$200,000,000 for making grants under  
11 subsection (a); and  
12 “(2) \$15,000,000 for providing technical assist-  
13 ance under subsection (e).  
14 Such sums shall remain available until expended.”.

15 **SEC. 3. REFINEMENT OF VULNERABILITY ASSESSMENT**  
16 **METHODOLOGY FOR PUBLICLY OWNED**  
17 **TREATMENT WORKS.**

18 (a) GRANTS.—The Administrator of the Environ-  
19 mental Protection Agency may make grants to a nonprofit  
20 organization for the improvement of vulnerability self-as-  
21 sessment methodologies and tools for publicly owned treat-  
22 ment works, including publicly owned treatment works  
23 that are part of a combined public wastewater treatment  
24 and water supply system.

1           (b) ELIGIBLE ACTIVITIES.—Grants provided under  
2 this section may be used for developing and distributing  
3 vulnerability self-assessment methodology software up-  
4 grades, improving and enhancing critical technical and  
5 user support functions, expanding libraries of information  
6 addressing both threats and countermeasures, and imple-  
7 menting user training initiatives. Such services shall be  
8 provided at no cost to recipients.

9           (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated to carry out this section  
11 \$1,000,000 for each of the fiscal years 2003 through  
12 2007. Such sums shall remain available until expended.

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