

108TH CONGRESS
1ST SESSION

S. 1039

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

IN THE SENATE OF THE UNITED STATES

MAY 12, 2003

Mr. INHOFE (for himself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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) DEFINITION OF VULNERABILITY ASSESS-
3 MENT.—

4 “(1) IN GENERAL.—In this section, the term
5 ‘vulnerability assessment’ means an assessment of
6 the vulnerability of a treatment works to an unlaw-
7 ful action intended—

8 “(A) to substantially disrupt the ability of
9 the treatment works to safely and reliably oper-
10 ate; or

11 “(B) to have a substantial adverse effect
12 on critical infrastructure, public health or safe-
13 ty, or the environment.

14 “(2) INCLUSIONS.—The term ‘vulnerability as-
15 sessment’ includes—

16 “(A) a review of the vulnerabilities of the
17 treatment works that identifies, with respect to
18 the treatment works—

19 “(i) facilities, systems, and devices
20 used in the storage, treatment, recycling,
21 or reclamation of municipal sewage or in-
22 dustrial wastes;

23 “(ii) intercepting sewers, outfall sew-
24 ers, sewage collection systems, and other
25 constructed conveyances;

1 “(iii) electronic, computer, and other
2 automated systems;

3 “(iv) pumping, power, and other
4 equipment;

5 “(v) use, storage, and handling of var-
6 ious chemicals; and

7 “(vi) operation and maintenance pro-
8 cedures; and

9 “(B) the identification of procedures, coun-
10 termeasures, and equipment that a treatment
11 works may implement or use to reduce the
12 vulnerabilities of the treatment works identified
13 in a review described in subparagraph (A).

14 “(b) GRANTS FOR VULNERABILITY ASSESSMENTS
15 AND SECURITY ENHANCEMENTS.—The Administrator
16 may provide grants to a State, municipality, or inter-
17 municipal or interstate agency—

18 “(1) to conduct a vulnerability assessment of a
19 publicly owned treatment works; and

20 “(2) to implement security enhancements de-
21 scribed in subsection (c)(1) and other security en-
22 hancements to reduce vulnerabilities identified in a
23 vulnerability assessment.

24 “(c) GRANTS FOR SECURITY ENHANCEMENTS.—

1 “(1) PREAPPROVED SECURITY ENHANCE-
 2 MENTS.—Except as provided in paragraph (3), on
 3 certification by an applicant that a vulnerability as-
 4 sessment has been completed for a treatment works,
 5 and that the security enhancement for which assist-
 6 ance is sought is for the purpose of reducing
 7 vulnerabilities of the treatment works identified in
 8 the vulnerability assessment, the Administrator may
 9 provide grants to the applicant under subsection
 10 (b)(2) for 1 or more of the uses described in para-
 11 graph (2).

12 “(2) USES OF GRANT FUNDS.—The uses re-
 13 ferred to in paragraph (1) are—

14 “(A) the purchase and installation of
 15 equipment for materials and activities relating
 16 to access control, intrusion prevention and
 17 delay, and detection of intruders and hazardous
 18 or dangerous substances, including—

19 “(i) barriers, fencing, and gates;

20 “(ii) security lighting and cameras;

21 “(iii) metal grates, wire mesh, and
 22 outfall entry barriers;

23 “(iv) securing of manhole covers and
 24 fill and vent pipes;

1 “(v) installation and rekeying of doors
2 and locks; and

3 “(vi) smoke, chemical, and explosive
4 mixture detection systems;

5 “(B) the conduct of an activity to improve
6 the security for electronic, computer, or other
7 automated systems and remote security sys-
8 tems, including—

9 “(i) controlling access to those sys-
10 tems;

11 “(ii) intrusion detection and preven-
12 tion; and

13 “(iii) system backup;

14 “(C) participation in a training program,
15 and the purchase of training manuals and guid-
16 ance material, relating to security; and

17 “(D) the conduct of security screening of
18 employees or contractor support services.

19 “(3) ADDITIONAL SECURITY ENHANCE-
20 MENTS.—

21 “(A) GRANTS.—The Administrator may
22 provide a grant under subsection (b) to an ap-
23 plicant for additional security enhancements not
24 specified in paragraph (2).

1 “(B) ELIGIBILITY.—To be eligible for a
2 grant under this subsection, an applicant
3 shall—

4 “(i) submit to the Administrator an
5 application containing a description of the
6 security enhancement; and

7 “(ii) obtain approval of the applica-
8 tion by the Administrator.

9 “(4) LIMITATIONS.—

10 “(A) USE OF FUNDS.—A grant provided
11 under subsection (b) shall not be used for—

12 “(i) payment of personnel costs; or

13 “(ii) operation or maintenance of fa-
14 cilities, equipment, or systems.

15 “(B) DISCLOSURE OF VULNERABILITY AS-
16 SESSMENT.—As a condition of applying for or
17 receiving a grant under this subsection, the Ad-
18 ministrator may not require an applicant to
19 provide the Administrator with a copy of a vul-
20 nerability assessment.

21 “(d) GRANT AMOUNTS.—

22 “(1) FEDERAL SHARE.—The Federal share of
23 the cost of an activity funded by a grant under sub-
24 section (b) shall not exceed 75 percent, as deter-
25 mined by the Administrator.

1 “(2) MAXIMUM AMOUNT.—The total amount of
 2 grants made under subsection (b) for any publicly
 3 owned treatment works shall not exceed \$150,000,
 4 as determined by the Administrator.

5 “(e) TECHNICAL ASSISTANCE FOR SMALL PUBLICLY
 6 OWNED TREATMENT WORKS.—

7 “(1) DEFINITION OF SMALL PUBLICLY OWNED
 8 TREATMENT WORKS.—In this subsection, the term
 9 ‘small publicly owned treatment works’ means a
 10 publicly owned treatment works that services a pop-
 11 ulation of fewer than 20,000 individuals.

12 “(2) SECURITY ASSESSMENT AND PLANNING
 13 ASSISTANCE.—

14 “(A) IN GENERAL.—The Administrator, in
 15 coordination with the States, may provide tech-
 16 nical guidance and assistance to small publicly
 17 owned treatment works for—

18 “(i) the conduct of a vulnerability as-
 19 sessment; and

20 “(ii) the implementation of security
 21 enhancements to reduce vulnerabilities
 22 identified in a vulnerability assessment.

23 “(B) INCLUSIONS.—Technical guidance
 24 and assistance provided under subparagraph
 25 (A) may include technical assistance programs,

1 training, and preliminary engineering evalua-
 2 tions.

3 “(3) PARTICIPATION BY NONPROFIT ORGANIZA-
 4 TIONS.—The Administrator may provide grants to
 5 nonprofit organizations to assist in accomplishing
 6 the purposes of this subsection.

7 “(f) REFINEMENT OF VULNERABILITY ASSESSMENT
 8 METHODOLOGY FOR PUBLICLY OWNED TREATMENT
 9 WORKS.—

10 “(1) GRANTS.—The Administrator may provide
 11 to nonprofit organizations 1 or more grants to be
 12 used in improving vulnerability self-assessment
 13 methodologies and tools for publicly owned treat-
 14 ment works, including publicly owned treatment
 15 works that are part of a combined public wastewater
 16 treatment and water supply system.

17 “(2) ELIGIBLE ACTIVITIES.—A grant provided
 18 under this subsection may be used—

19 “(A) to develop and distribute vulnerability
 20 self-assessment methodology software upgrades;

21 “(B) to improve and enhance critical tech-
 22 nical and user support functions;

23 “(C) to expand libraries of information ad-
 24 dressing threats and countermeasures; and

25 “(D) to implement user training initiatives.

1 “(3) COST.—A service described in paragraph
2 (2) that is funded by a grant under this subsection
3 shall be provided at no cost to the recipients of the
4 service.

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated, to remain available until
7 expended—

8 “(1) \$200,000,000 for use in making grants
9 under subsection (b);

10 “(2) \$15,000,000 for use in providing assist-
11 ance under subsection (e); and

12 “(3) to carry out subsection (f), \$1,000,000 for
13 each of fiscal years 2003 through 2007.”.

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