

Calendar No. 281

108TH CONGRESS
1ST SESSION**S. 1039****[Report No. 108–149]**

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

SEPTEMBER 17, 2003

Reported by Mr. INHOFE, with an amendment

[Insert the part printed in italic]

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”.

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

2 Title II of the Federal Water Pollution Control Act
3 (33 U.S.C. 1281 et seq.) is amended by adding at the end
4 the following:

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

6 “(a) DEFINITION OF VULNERABILITY ASSESS-
7 MENT.—

8 “(1) IN GENERAL.—In this section, the term
9 ‘vulnerability assessment’ means an assessment of
10 the vulnerability of a treatment works to an unlaw-
11 ful action intended—

12 “(A) to substantially disrupt the ability of
13 the treatment works to safely and reliably oper-
14 ate; or

15 “(B) to have a substantial adverse effect
16 on critical infrastructure, public health or safe-
17 ty, or the environment.

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

20 “(A) a review of the vulnerabilities of the
21 treatment works that identifies, with respect to
22 the treatment works—

23 “(i) facilities, systems, and devices
24 used in the storage, treatment, recycling,
25 or reclamation of municipal sewage or in-
26 dustrial wastes;

1 “(ii) intercepting sewers, outfall sew-
2 ers, sewage collection systems, and other
3 constructed conveyances;

4 “(iii) electronic, computer, and other
5 automated systems;

6 “(iv) pumping, power, and other
7 equipment;

8 “(v) use, storage, and handling of var-
9 ious chemicals; and

10 “(vi) operation and maintenance pro-
11 cedures; and

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

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

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

23 “(2) to implement security enhancements de-
24 scribed in subsection (c)(1) and other security en-

hancements to reduce vulnerabilities identified in a vulnerability assessment.

“(c) GRANTS FOR SECURITY ENHANCEMENTS.—

“(1) PREAPPROVED SECURITY ENHANCEMENTS.—Except as provided in paragraph (3), on certification by an applicant that a vulnerability assessment has been completed for a treatment works, and that the security enhancement for which assistance is sought is for the purpose of reducing vulnerabilities of the treatment works identified in the vulnerability assessment, the Administrator may provide grants to the applicant under subsection (b)(2) for 1 or more of the uses described in paragraph (2).

“(2) USES OF GRANT FUNDS.—The uses referred to in paragraph (1) are—

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

“(i) barriers, fencing, and gates;

“(ii) security lighting and cameras;

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

1 “(iv) securing of manhole covers and
2 fill and vent pipes;

3 “(v) installation and rekeying of doors
4 and locks; and

5 “(vi) smoke, chemical, and explosive
6 mixture detection systems;

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

11 “(i) controlling access to those sys-
12 tems;

13 “(ii) intrusion detection and preven-
14 tion; and

15 “(iii) system backup;

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

19 “(D) the conduct of security screening of
20 employees or contractor support services.

21 “(3) ADDITIONAL SECURITY ENHANCE-
22 MENTS.—

23 “(A) GRANTS.—The Administrator may
24 provide a grant under subsection (b) to an ap-

1 plicant for additional security enhancements not
2 specified in paragraph (2).

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

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

9 “(ii) obtain approval of the applica-
10 tion by the Administrator.

11 “(4) LIMITATIONS.—

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

14 “(i) payment of personnel costs; or

15 “(ii) operation or maintenance of fa-
16 cilities, equipment, or systems.

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

23 “(d) GRANT AMOUNTS.—

24 “(1) FEDERAL SHARE.—The Federal share of
25 the cost of an activity funded by a grant under sub-

1 section (b) shall not exceed 75 percent, as deter-
 2 mined by the Administrator.

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

7 “(e) TECHNICAL ASSISTANCE FOR SMALL PUBLICLY
 8 OWNED TREATMENT WORKS.—

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

14 “(2) SECURITY ASSESSMENT AND PLANNING
 15 ASSISTANCE.—

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

20 “(i) the conduct of a vulnerability as-
 21 sessment; and

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

1 “(B) INCLUSIONS.—Technical guidance
 2 and assistance provided under subparagraph
 3 (A) may include technical assistance programs,
 4 training, and preliminary engineering evalua-
 5 tions.

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

10 “(f) REFINEMENT OF VULNERABILITY ASSESSMENT
 11 METHODOLOGY FOR PUBLICLY OWNED TREATMENT
 12 WORKS.—

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

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

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

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

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

3 “(D) to implement user training initiatives.

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

8 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 9 is authorized to be appropriated, to remain available until
 10 expended—

11 “(1) \$200,000,000 for use in making grants
 12 under subsection (b);

13 “(2) \$15,000,000 for use in providing assist-
 14 ance under subsection (e); and

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

17 **SEC. 3. RESEARCH AND REVIEW.**

18 *Title II of the Federal Water Pollution Control Act (33*
 19 *U.S.C. 1281 et seq.) (as amended by section 2) is amended*
 20 *by adding at the end the following:*

21 **“SEC. 223. RESEARCH AND REVIEW.**

22 “(a) *DEFINITIONS.—In this section:*

23 “(1) *COVERED TREATMENT WORKS.—The term*
 24 *‘covered treatment works’ has the meaning given the*
 25 *term ‘treatment works’ in section 212.*

1 “(2) *HARMFUL INTENTIONAL ACT.*—*The term*
 2 *‘harmful intentional act’ means a terrorist attack or*
 3 *other intentional act carried out with respect to a*
 4 *covered treatment works that is intended—*

5 “(A) *to substantially disrupt the ability of*
 6 *the covered treatment works to provide safe and*
 7 *reliable—*

8 “(i) *conveyance and treatment of*
 9 *wastewater;*

10 “(ii) *disposal of effluent; or*

11 “(iii) *storage of a potentially haz-*
 12 *ardous chemical used to treat wastewater;*

13 “(B) *to damage critical infrastructure;*

14 “(C) *to have an adverse effect on the envi-*
 15 *ronment; or*

16 “(D) *to otherwise pose a significant threat*
 17 *to public health or safety.*

18 “(b) *REVIEW BY ADMINISTRATOR.*—*Not later than 2*
 19 *years after the date of enactment of this section, the Admin-*
 20 *istrator, in coordination with appropriate Federal agencies,*
 21 *shall research and review (or enter into a contract or coop-*
 22 *erative agreement to provide for research and review of)—*

23 “(1) *means by which terrorists or other individ-*
 24 *uals or groups could carry out harmful intentional*
 25 *acts; and*

1 “(2) means by which alternative processes of con-
 2 veying, treating, and disposing of wastewater could be
 3 provided in the event of the destruction, impairment,
 4 or disruption of covered treatment works as the result
 5 of harmful intentional acts.

6 “(c) MEANS OF CARRYING OUT HARMFUL INTEN-
 7 TIONAL ACTS.—Means referred to in subsection (b)(1) in-
 8 clude—

9 “(1) means by which pipes and other constructed
 10 conveyances used in covered treatment works could be
 11 destroyed or otherwise prevented from providing ade-
 12 quate conveyance, pretreatment, treatment, and dis-
 13 posal of wastewater meeting applicable public health
 14 standards;

15 “(2) means by which conveyance, pretreatment,
 16 treatment, storage, and disposal facilities used by, or
 17 in connection with, covered treatment works could be
 18 destroyed or otherwise prevented from providing ade-
 19 quate treatment of wastewater meeting applicable
 20 public health standards;

21 “(3) means by which pipes, constructed convey-
 22 ances, pretreatment, treatment, storage, and disposal
 23 systems that are used in connection with treatment
 24 works could be altered or affected so as to pose a

1 *threat to public health, public safety, or the environ-*
2 *ment;*

3 “(4) means by which pipes, constructed convey-

4 *ances, pretreatment, treatment, storage, and disposal*

5 *systems that are used in connection with covered*

6 *treatment works could be reasonably protected from*

7 *harmful intentional acts;*

8 “(5) means by which pipes, constructed convey-

9 *ances, pretreatment, treatment, storage, and disposal*

10 *systems could be reasonably secured from use as a*

11 *means of transportation by terrorists or other indi-*

12 *viduals or groups who intend to threaten public*

13 *health or safety; and*

14 “(6) means by which information systems, in-

15 *cluding process controls and supervisory control, data*

16 *acquisition, and cyber systems, at covered treatment*

17 *works could be disrupted by terrorists or other indi-*

18 *viduals or groups.*

19 “(d) *CONSIDERATIONS.—In carrying out the review*

20 *under this section, the Administrator—*

21 “(1) *shall ensure that the review reflects the*

22 *needs of covered treatment works of various sizes and*

23 *various geographic areas of the United States; and*

1 “(2) may consider the vulnerability of, or poten-
2 tial for forced interruption of service for, a region or
3 service area, including the National Capital Area.

4 “(e) *INFORMATION SHARING*.—As soon as practicable
5 after the review carried out under this section has been eval-
6 uated by the Administrator, the Administrator shall dis-
7 seminate to covered treatment works information on the re-
8 sults of the review through the Information Sharing and
9 Analysis Center or other appropriate means.

10 “(f) *FUNDING*.—There is authorized to be appropriated
11 to carry out this section \$15,000,000 for the period of fiscal
12 years 2004 through 2008.”.

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