

107TH CONGRESS
2^D SESSION

H. R. 5169

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

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2002

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

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 2002”.

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 work’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 the
25 applicant has completed a vulnerability assessment

1 for a treatment works and that the security en-
2 hancement for which assistance is sought is to re-
3 duce vulnerabilities of the treatment works identified
4 in the assessment, the Administrator may make
5 grants to the applicant under subsection (a)(2) for
6 1 or 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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