

107TH CONGRESS  
2D SESSION

# H. R. 5169

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IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2002

Received; read twice and referred to the Committee on Environment and  
Public Works

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wastewater Treatment  
3 Works Security Act of 2002”.

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

5 Title II of the Federal Water Pollution Control Act  
6 (33 U.S.C. 1281 et seq.) is amended by adding at the end  
7 the following:

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

9 “(a) GRANTS FOR VULNERABILITY ASSESSMENTS  
10 AND SECURITY ENHANCEMENTS.—The Administrator  
11 may make grants to a State, municipality, or intermunic-  
12 ipal or interstate agency—

13 “(1) to conduct a vulnerability assessment of a  
14 publicly owned treatment works;

15 “(2) to implement security enhancements listed  
16 in subsection (c)(1) to reduce vulnerabilities identi-  
17 fied in a vulnerability assessment; and

18 “(3) to implement additional security enhance-  
19 ments to reduce vulnerabilities identified in a vulner-  
20 ability assessment.

21 **“(b) VULNERABILITY ASSESSMENTS.—**

22 “(1) DEFINITION.—In this section, the term  
23 ‘vulnerability assessment’ means an assessment of  
24 the vulnerability of a treatment works to actions in-  
25 tended to—

1           “(A) substantially disrupt the ability of the  
2           treatment works to safely and reliably operate;  
3           or

4           “(B) have a substantial adverse effect on  
5           critical infrastructure, public health or safety,  
6           or the environment.

7           “(2) IDENTIFICATION OF METHODS TO REDUCE  
8           VULNERABILITIES.—A vulnerability assessment in-  
9           cludes identification of procedures, countermeasures,  
10          and equipment that the treatment works can imple-  
11          ment or utilize to reduce the identified  
12          vulnerabilities.

13          “(3) REVIEW.—A vulnerability assessment shall  
14          include a review of the vulnerability of the treatment  
15          work’s—

16               “(A) facilities, systems, and devices used in  
17               the storage, treatment, recycling, or reclamation  
18               of municipal sewage or industrial wastes;

19               “(B) intercepting sewers, outfall sewers,  
20               sewage collection systems, and other con-  
21               structed conveyances;

22               “(C) electronic, computer, and other auto-  
23               mated systems;

24               “(D) pumping, power, and other equip-  
25               ment;

1                   “(E) use, storage, and handling of various  
2 chemicals; and

3                   “(F) operation and maintenance proce-  
4 dures.

5           “(c) GRANTS FOR SECURITY ENHANCEMENTS.—

6                   “(1) PREAPPROVED SECURITY ENHANCE-  
7 MENTS.—Upon certification by an applicant that the  
8 applicant has completed a vulnerability assessment  
9 for a treatment works and that the security en-  
10 hancement for which assistance is sought is to re-  
11 duce vulnerabilities of the treatment works identified  
12 in the assessment, the Administrator may make  
13 grants to the applicant under subsection (a)(2) for  
14 1 or more of the following:

15                   “(A) Purchase and installation of equip-  
16 ment for access control, intrusion prevention  
17 and delay, and detection of intruders and haz-  
18 ardous 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 re-keying of  
2 doors and locks; and

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

5 “(B) Security improvements to electronic,  
6 computer, or other automated systems and re-  
7 mote security systems, including controlling ac-  
8 cess to such systems, intrusion detection and  
9 prevention, and system backup.

10 “(C) Participation in training programs  
11 and the purchase of training manuals and guid-  
12 ance materials relating to security.

13 “(D) Security screening of employees or  
14 contractor support services.

15 “(2) ADDITIONAL SECURITY ENHANCE-  
16 MENTS.—

17 “(A) GRANTS.—The Administrator may  
18 make grants under subsection (a)(3) to an ap-  
19 plicant for additional security enhancements not  
20 listed in paragraph (1).

21 “(B) ELIGIBILITY.—To be eligible for a  
22 grant under this paragraph, an applicant shall  
23 submit an application to the Administrator con-  
24 taining such information as the Administrator  
25 may request.

1 “(3) LIMITATIONS.—

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

6 “(B) DISCLOSURE OF VULNERABILITY AS-  
7 SESSMENT.—As a condition of applying for or  
8 receiving a grant under this section, the Admin-  
9 istrator may not require an applicant to provide  
10 the Administrator with a copy of a vulnerability  
11 assessment.

12 “(d) GRANT AMOUNTS.—

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

16 “(2) MAXIMUM AMOUNT.—The total amount of  
17 grants made under subsections (a)(1) and (a)(2) for  
18 one publicly owned treatment works shall not exceed  
19 \$150,000.

20 “(e) TECHNICAL ASSISTANCE FOR SMALL PUBLICLY  
21 OWNED TREATMENT WORKS.—

22 “(1) SECURITY ASSESSMENT AND PLANNING  
23 ASSISTANCE.—The Administrator, in coordination  
24 the States, may provide technical guidance and as-  
25 sistance to small publicly owned treatment works on

1 conducting a vulnerability assessment and implemen-  
2 tation of security enhancements to reduce  
3 vulnerabilities identified in a vulnerability assess-  
4 ment. Such assistance may include technical assist-  
5 ance programs, training, and preliminary engineer-  
6 ing evaluations.

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

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

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
17 is authorized to be appropriated to the Administrator—

18 “(1) \$200,000,000 for making grants under  
19 subsection (a); and

20 “(2) \$15,000,000 for providing technical assist-  
21 ance under subsection (e).

22 Such sums shall remain available until expended.”.

1 **SEC. 3. REFINEMENT OF VULNERABILITY ASSESSMENT**  
2 **METHODOLOGY FOR PUBLICLY OWNED**  
3 **TREATMENT WORKS.**

4 (a) GRANTS.—The Administrator of the Environ-  
5 mental Protection Agency may make grants to a nonprofit  
6 organization for the improvement of vulnerability self-as-  
7 sessment methodologies and tools for publicly owned treat-  
8 ment works, including publicly owned treatment works  
9 that are part of a combined public wastewater treatment  
10 and water supply system.

11 (b) ELIGIBLE ACTIVITIES.—Grants provided under  
12 this section may be used for developing and distributing  
13 vulnerability self-assessment methodology software up-  
14 grades, improving and enhancing critical technical and  
15 user support functions, expanding libraries of information  
16 addressing both threats and countermeasures, and imple-  
17 menting user training initiatives. Such services shall be  
18 provided at no cost to recipients.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to carry out this section  
21 \$1,000,000 for each of the fiscal years 2003 through  
22 2007. Such sums shall remain available until expended.

Passed the House of Representatives October 7,  
2002.

Attest:

JEFF TRANDAHL,

*Clerk.*