

DEMOCRATS' WASTEWATER SECURITY PUSH DRAWS FIRE FROM POTW OFFICIALS

Wastewater treatment officials are raising concerns over proposals by Senate Democrats to require treatment plants to evaluate how chlorine and other chemicals are stored on site and how to react in the event of a terror attack or other harmful intentional act.

The Democrats' push for mandatory security requirements for wastewater treatment facilities comes as Sen. Susan Collins (R-ME), chair of the Senate homeland security committee is in talks with Bush administration officials for a broader chemical security bill that could force facilities that use and store large quantities of chemicals to use "inherently safer" technologies (*see related story*).

Sen. James Jeffords (I-VT), the ranking minority member on the environment committee, along with several committee Democrats Nov. 10 introduced a bill, S.1995, that would require EPA to develop regulations mandating all treatment plants to develop and submit to the agency detailed vulnerability assessments, security plans and emergency response plans.

The bill "fails to recognize the fact that many of our nation's wastewater facilities have voluntarily undertaken both security assessments and upgrades," an industry source says.

In a floor statement, Jeffords argued that the risks posed by chlorine and other chemicals used at wastewater treatment plants poses a significant risk, which requires mandatory assessment and response plans.

"At the very least, wastewater facilities that use chlorine should evaluate how the chemical is stored on site and how to react in the event of a harmful intentional act," he said.

While drinking water facilities have conducted vulnerability assessments as required by the 2002 bioterrorism law, wastewater treatment plants, which are often co-located with drinking water facilities, are not required to conduct vulnerability assessments, Jeffords said.

"It makes no sense to adopt strong standards for one infrastructure sector and not the other," he said, adding that EPA has already issued guidance on conducting vulnerability assessments in anticipation of congressional action.

But wastewater treatment industry officials have long held that their voluntary efforts are sufficient to address security concerns, and that mandatory requirements would likely pursue a "one size fits all" approach that would be counterproductive.

Wastewater treatment industry officials do not support Jeffords' bill, with one source saying it "fails to recognize the fact that many of our nation's wastewater facilities have voluntarily undertaken both security assessments and upgrades." Another POTW source agrees, saying the bill "doesn't take into account the work that's been done."

Their arguments mirror claims by chemical industry officials who, after 9-11, also said that their voluntary efforts eliminated the need for mandatory chemical security legislation. While Bush administration officials cited chemical industry claims to oppose legislation that would require mandatory regulations, they eventually agreed with congressional critics and others that with 20 percent of industrial facilities posing significant risks, mandatory requirements are necessary.

Robert Stephan, assistant Department of Homeland Security secretary for infrastructure protection, said at a June 15 Senate Homeland Security & Governmental Affairs Committee hearing that the industry's voluntary initiatives fail to account for at least 20 percent of the nation's riskiest plants.

The Wastewater Treatment Works Security Act of 2005 is similar to legislation Jeffords introduced in the last Congress, which called for publicly owned treatment works (POTWs) to develop vulnerability assessments and emergency response plans. However, S. 1995 includes a site security plan requirement and mandates that EPA develop regulations governing the development of the vulnerability assessment and both plans. The bill was introduced Nov. 10 and is co-sponsored by Sens. Barbara Boxer (D-CA), Frank Lautenberg (D-NJ) and Barack Obama (D-IL). *The bill is available on InsideEPA.com. See page 2 for details.*

The bill would require EPA to develop regulations, within a year of the bill's enactment, establishing standards for vulnerability assessments, site security plans and emergency response plans. The agency would also be required to develop protocols to protect sensitive information related to the assessments and plans.

Under S. 1995, POTWs would have 18 months after EPA promulgated its security regulation to submit a vulnerability assessment, site security plan and emergency response plan to the agency for review.

The bill also authorizes \$225 million in grants that can be used for POTW security projects and \$15 million for research into potential security problems and alternate wastewater treatment methodologies in the event of a terrorist attack on a POTW.

A spokesperson for environment committee chair James Inhofe (R-OK) declined to comment on the bill, saying only that it is under review.