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**Ken Kirk**

April 20, 2006

The Honorable Susan Collins  
United States Senate  
Washington, DC 20510

The Honorable Joseph I. Lieberman  
Ranking Member  
Committee on Homeland Security and Government Affairs  
United States Senate  
Washington, D.C. 20510

Dear Chairwoman Collins and Senator Lieberman:

NACWA is a national trade association representing hundreds of the nation's publicly owned wastewater treatment utilities. We are writing to inform you of the potentially serious impacts of S. 2145, the *Chemical Facility Anti-Terrorism Act*, on NACWA members, who serve the majority of the sewered population in the United States and collectively treat and reclaim over 18 billion gallons of wastewater every day.

As written, the proposed definition in S. 2145 would include publicly owned treatment works (POTWs) as covered facilities, thus subjecting local government entities to the requirements of a bill drafted to address private sector chemical plant security. Although some treatment plants store chemicals on-site, wastewater facilities are clearly public health and environmental protection facilities and not chemical plants. As such, most POTWs have implemented security programs under the direction of the U.S. Environmental Protection Agency (EPA). The EPA has been aggressively working with the wastewater sector on security issues and has a deep understanding of how clean water agencies operate, as well as the security challenges they face. We believe that EPA, and not DHS, should continue to retain authority over security programs for wastewater utilities.

Additionally, wastewater security legislation has been under the jurisdiction of the Senate Environment and Public Works (EPW) Committee, where a new bill is expected to be introduced shortly by Chairman James M. Inhofe to address wastewater system security issues. NACWA will continue to work with the EPW Committee to pass meaningful legislation which retains EPA's authority over wastewater utility security while addressing the unique characteristics of the POTW community.

NACWA Comments on S. 2145

April 20, 2006

Page 2 of 2

We urge you to modify S. 2145 so that it removes POTWs from the definition of covered facilities, thus allowing them to continue their ongoing security programs under the authority of the EPA. We would be happy to work with you and the Committee and urge you to contact NACWA's Lee Garrigan (202/833-4655) if we can provide you with additional information. NACWA is a founding participant in the Water Sector Coordinating Council with EPA and DHS and has taken a leading role in the development of vulnerability assessment tools and other programs and projects to secure and protect our nation's wastewater infrastructure.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The signature is written in a cursive, slightly slanted style.

Ken Kirk

Executive Director

cc: Senator James Inhofe, Chair, U.S. Senate Environment & Public Works Committee