

Statement of Senator James Inhofe to accompany unanimous consent agreement on S. 2781

Mr. President, I would like to discuss the urgent need for this legislation. The nation's wastewater treatment works (POTWs) provide a vital service to our nation. They ensure that municipal and industrial waste is cleaned to a level safe enough to be released back into the nation's waterways.

After the tragic events of September 11, 2001, much more focus was placed on the nation's water and wastewater facilities. POTWs not only release treated effluent in to the nation's waters but also consist of miles of pipes that run underground and are often large enough for someone to stand in. They are literally underground roadways.

In the 107th Congress, the House of Representatives passed by voice vote legislation (H.R. 5169) to provide POTWs with the resources they needed to conduct vulnerability assessments and secure their facilities. The bill (H.R. 866) was again introduced in the 108th Congress and passed by a vote of 413-2, with every Democrat who voted supporting the bill. I was pleased to introduce the companion to this legislation, S.1039 with my colleague and then subcommittee Chairman, Mike Crapo. Last year, despite reporting the bill on a bipartisan vote of 13 to 6, members of the Senate minority objected to Senate consideration of S. 1039.

S. 2781 is a variation of S. 1039 with some important improvements, like the addition of site security plans and a more streamlined grant-making process. Senator Lincoln Chafee, Chairman of the Fisheries, Wildlife and Water Subcommittee and Senator Lisa Murkowski, a distinguished member of the EPW Committee joined me in sponsoring S. 2781.

Our bill passed the EPW Committee on a voice vote. Unfortunately, once again, my colleague from Vermont has objected to consideration of wastewater security legislation by the full Senate.

My colleagues in the minority argue that my bill is insufficient because it does not impose on POTW's unfunded federal mandates and because it does not assume that local officials are ignoring the security of their facilities.

POTWs are arms of local government. They are largely owned and operated by the nation's cities and towns. In 1995 Congress passed the Unfunded Mandates Reform Act in which we pledged not to impose costly regulatory burdens on our partners in local government. Just as it is our obligation as U.S. Senators to serve the public good, preserve the public trust and protect the citizenry, so it is the obligation of locally elected, appointed and employed officials.

Why do so many of my colleagues assume that we at the federal level care more about the citizens of the nation's towns than the locally elected officials do? Why do so many of them assume that they know more about how to evacuate citizens, secure local treatment plants and protect local citizens than the very people who live in those towns whose jobs it is to protect them?

S. 2781 would simply provide towns with resources to conduct vulnerability assessments and to

secure their facilities. It provides funds to research the means to secure the collection systems that are made up of the miles of underground pipes. There are logistical and financial problems with trying to secure these systems that need to be addressed, particularly before imposing an unfunded federal mandate on the nation's towns. My bill would support the already on-going activities of many of the national wastewater associations and the Environmental Protection Agency (EPA) to develop assessment tools and industry security standards as well as conduct security trainings. The national water associations make up the Security Coordinating Council and regularly meet with the Environmental Protection Agency, the Agency charged with overseeing security at POTWs. The SCC and EPA are developing a Sector Security Plan to, among other things, establish measures of security improvements.

My colleagues will argue that this is not enough. Local governments cannot be trusted to proceed on their own with a little federal guidance because to date, they really have not done anything to secure their facilities. However, one need look no further than a March 2006 GAO report to see how much in fact they are doing. According to GAO, 74 percent of the largest 206 treatment works had completed or were in the process of completing a vulnerability assessment. Further, the majority of treatment works had made significant improvements to the physical security of their facility. They did so after careful review of their individual communities' needs. Most importantly, they have done so out of concern for their citizens not in response to a federal mandate.

My colleagues will also turn this discussion not into one about security but one about chlorine. Chlorine is by far the most effective disinfectant available and it is the least expensive. During these times of aging systems, growing federal regulations and limited resources, cost is an important consideration. Washington, D.C.'s treatment works, Blue Plains, spent \$12.5 million to change technologies. San Jose, CA spent \$5 million to switch from gaseous chlorine to sodium hypochlorite. The City of Wilmington, DE spent \$160,000 to switch. However, there is much more to their story than that cost figure. Wilmington already had in place a sodium hypochlorite system that was serving as backup to its gaseous chlorine system. Further, Wilmington will spend hundreds of thousands of dollars more each year in operations and maintenance costs.

There are other considerations that must be factored in as well, such as downstream effects of a chlorine alternative. For example, the switch from chlorine to chloramines in Washington, DC's drinking water system was found to cause lead to leach out of service pipes and into the faucets of homes and businesses. Thus, decisions about chlorine must be fully evaluated and must be site-specific. Many POTWs are already undergoing these evaluations. After careful review of cost, technical feasibility and safety considerations, and without the presence of a federal mandate on technology, 116 of the 206 largest POTWs do not use gaseous chlorine. According to the GAO report, another 20 plan to switch to a technology other than chlorine. To sum, nearly two-thirds of the nation's largest POTWs are not using or will soon stop using chlorine. Those who continue to use chlorine have taken steps to ensure the chlorine is secure. My bill would provide POTWs who decide for themselves to switch treatment technologies with grant money to make the switch. However, my bill maintains trust in local officials who know best their water, the community and their security needs.

Let me be clear. This is an important security bill and I regret that for the second Congress in a row my colleagues on the other side of the aisle are obstructing it. Members of the minority have criticized the chemical security legislation for not covering these facilities. This legislation has basically passed the House of Representative twice. The minority party in the Senate is blocking this important security bill.