

Water 6 - Amend the Clean Water Act to Require Wastewater Systems to Perform Risk and Resilience Assessments

This proposal would extend existing requirements in effect for community (drinking) water systems to include wastewater systems of comparable size.

A BILL

To amend the Clean Water Act to require wastewater systems to perform risk and resilience assessments.

Sec. X. Treatment Works Risk and Resilience.

(a) AMENDMENTS.—Section 50205 of the Infrastructure Investment and Jobs Act (33 U.S.C. 1302a) is amended—

(1) by striking “(g)” and inserting after subsection (f) the following:

“(g) RISK AND RESILIENCE ASSESSMENTS.—

“(1) IN GENERAL.— Each publicly owned treatment works shall conduct an assessment of the risks to, and resilience of, its system. Such an assessment—

“(A) shall include an assessment of—

“(i) the risk to the system from malevolent acts and natural hazards;

“(ii) the resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment storage and distribution facilities, electronic computer, or other automated systems (including the security of such systems) which are utilized by the system;

“(iii) the monitoring practices of the system;

“(iv) the financial infrastructure of the system;

“(v) the use, storage, or handling of various chemicals by the system; and

“(vi) the operation and maintenance of the system; and

“(B) may include an evaluation of capital and operational needs for risk and resilience management for the system.

“(2) BASELINE INFORMATION.— The Administrator, not later than 180 days following enactment of this section, after consultation with the Director of the Cybersecurity and Infrastructure Security Agency and appropriate departments and agencies of the Federal Government and with State and local governments, shall provide baseline information on malevolent acts of relevant to public owned treatment works, which shall include consideration of acts that may—

“(A) substantially disrupt the ability of the system to operate; or

“(B) otherwise present significant public health or economic concerns to the community served by the system.

“(3) CERTIFICATION.—

“(A) CERTIFICATION.— Each publicly owned treatment works shall submit to the Administrator a certification that the system has conducted an assessment complying with paragraph (1). Such certification shall be made not later than—

“(i) twenty-four months after the enactment of this section, in the case of systems serving a population of 100,000 or more;

“(ii) thirty months after the enactment of this section, in the case of systems serving a population of 50,000 or more by less than 100,000; and

“(iii) thirty-six months after the enactment of this section, in the case of systems serving a population 50,000 or more than 3,300.

“(B) REVIEW AND REVISION.—Each publicly owned treatment works shall review the assessment of the system conducted under paragraph (1) at least once every 5 years after the applicable deadline for submission of its certification under subparagraph (A) to determine whether such assessment should be revised. Upon completion of such a review, the publicly owned treatment works shall submit to the Administrator a certification that the system has reviewed its assessment and, if applicable, revised such assessment.

“(4) CONTENTS OF CERTIFICATION.—A certification required under paragraph (3) shall contain only—

“(A) information that identifies the publicly owned treatment works submitting the certification;

“(B) the date of the certification; and

“(C) a statement that the publicly owned treatment works has conducted, reviewed, or revised the assessment, as applicable.

“(5) PROVISION TO OTHER ENTITIES. —No publicly owned treatment works shall be required under State or local law to provide an assessment described in this section (or revision thereof) to any State, regional, or local governmental entity solely by reason of the requirement set forth in paragraph (3) that the system submit a certification to the Administrator.

“(h) EMERGENCY RESPONSE PLAN. — Each publicly owned treatment works shall prepare or revise, where necessary, an emergency response plan that incorporates findings of the assessment conducted under subsection (g) for such system (and any revisions thereto). Each publicly owned treatment works shall certify to the Administrator, as soon as reasonably possible after the date of enactment of this section, but not later than 6 months after completion of the assessment under subsection (g), that the system has completed such plan. The emergency response plan shall include—

“(1) strategies and resources to improve the resilience of the system, including the physical security and cybersecurity of the system;

“(2) plans and procedures that can be implemented, and identification of equipment that

can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the publicly owned treatment works to operate;

“(3) actions, procedures, and equipment which can obviate or significantly lessen the impact of a malevolent act or natural hazard on the public health and the safety of communities; and

“(4) strategies that can be used to aid in the detection of malevolent acts or natural hazards that threaten the security and resilience of the system.

“(i) COORDINATION. — Each publicly owned treatment works shall, to the extent possible, coordinate with existing local emergency planning committees established pursuant to the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) when preparing or revising an assessment or emergency response plan under this section.

“(j) RECORD MAINTENANCE. — Each publicly owned treatment works shall maintain a copy of the assessment conducted under subsection (g) and the emergency response plan prepared under subsection (h) (including any revised assessment or plan) for 5 years after the date on which a certification of such assessment or plan is submitted to the Administrator under this section.