

Q&A on the Secure Water Facilities Act (S. 3598)

The Secure Water Facilities Act will require water and wastewater facilities to prepare a security assessment and plan if they use large amounts of dangerous toxic gases. These plans must include a review of “methods to reduce the consequences” (MRC) of a terrorist attack, namely the readily available alternative chemicals and processes that remove the danger of a catastrophic toxic gas release.

Will S. 3598 require ALL water treatment facilities to adopt “methods to reduce the consequences” (MRC) of a terrorist attack?

No. This conditional requirement covers a narrow universe of the highest-risk tier facilities (tiers 1&2) that pose a catastrophic risk of a “release” of poison gas in large populated areas – actually only about two percent of covered water utilities.

The conditions for implementing safer methods and technologies are:

- *** They must significantly reduce the risk of death or injury in a terrorist attack
- *** They must not shift risks to another location
- *** They must be technically feasible
- *** Water treatment systems must still meet state and federal safe drinking water and water pollution standards
- *** Final decision rests with States tracking SDWA & CWA authorities

Can facilities challenge the requirement to implement safer chemical technologies?

Yes. Water facilities can appeal a State or EPA decision on implementing safer methods. The states will have the lead authority in regulating drinking water and wastewater facilities, except where the state does not accept delegation, in which case EPA will be the lead agency. This means EPA is the lead agency in Wyoming and D.C. for drinking water facilities and in Idaho, Massachusetts, New Hampshire, New Mexico and D.C. for wastewater facilities.

Will this requirement hurt jobs or the economy?

No. An independent economic analysis of companion legislation (H.R. 2868) that passed the House in 2009 conducted by Management Information Services estimated that the bill would create jobs and stimulate local **economies, especially in the water treatment sector**. Also, major unions, such as the United Steelworkers, United Auto Workers, International Chemical Workers/UFCW, International Association of Fire Fighters, Teamsters, SEIU, AFSCME and Communication Workers of America all support S. 3598.

Which water systems will be covered?

Only those drinking water systems that serve more than 3,300 people AND store large threshold amounts of specified toxic gas chemicals are covered. Waste water systems with a capacity of 2.5 million gallons or more a day are also covered IF they use large amounts of toxic gases. Most wastewater plants and many drinking water plants do not use toxic inhalation gas chemicals.

What assistance will be available to covered water utilities?

Water utilities will be eligible for technical assistance to conduct assessments of safer technologies. The highest risk systems will also be eligible for grants to assist in the implementation safer technologies based on risk and need. Funding of \$225 million a year (for 5 years) to assist drinking water systems and \$150 million a year (for five years) to assist waste water systems will be available to assist facilities in implementing safer chemical processes.

Can water facilities save money by using safer and more secure chemical processes?

Yes, in some cases and in other cases costs are very manageable. Surveys by the Center for American Progress identified 554 water and wastewater facilities that switched to safer methods since 1999. Of these, 195 provided general information on conversion costs: 87 percent spent less than \$1 million, and one half spent less than \$100,000. Additionally, 34% of facilities expected "*cost savings or improved profitability.*" Twenty large city water utilities adopted safer and more secure options at a maximum cost of \$1.50 per customer per year – less than a bag of potato chips – and often much less. Washington, D.C. converted its sewage treatment plant within 90 days after the 9/11 attacks for less than \$0.50 per water customer per year.

Will requiring the use of safer chemical processes shift risks locally or nationally?

No. S. 3598 prohibits requirements that shift these risks to other facilities and prohibits EPA or states from requiring facilities to adopt changes that shift chemicals to interim storage off-site.

Does S. 3598 mandate the use of specific technologies or can facilities choose which safer and more secure technologies to use?

Each facility including the highest-risk plants is free to choose the most appropriate safer, cost-effective technology or process based on its own assessment and best suited to the facility.

Are safer design requirements appropriate for security legislation?

Yes. The Government Accountability Office recommended priority grants to high risk wastewater plants (GAO-05-165) and concluded that "*Implementing inherently safer technologies potentially could lessen the consequences of a terrorist attack by reducing the chemical risks present at facilities, thereby making facilities less attractive targets*" (GAO-06-150). And a June 2006 National Academy of Sciences study endorsed safer technologies as "the most desirable solution to preventing chemical releases" from a terrorist attack.

Are there safer and more secure alternatives to all bulk toxic inhalation hazard chemicals used at water and wastewater plants?

Yes. drinking water plants may switch from chlorine gas to liquid bleach, or from anhydrous ammonia to aqueous ammonia. Wastewater plants typically convert from chlorine gas to liquid bleach, or from sulfur dioxide gas to sodium bisulfite, or remove all of these chemicals by converting to ultraviolet light.