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The Authoritative Resource on Safe Water<sup>SM</sup>

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### **New Security Law Provides for Voluntary Practices, Certification**

The legislation implementing recommendations of the 9/11 Commission that President Bush signed into law on August 3 contains opportunities and challenges for the drinking water community in developing voluntary security standards. The original legislation was H.R. 1 and S. 4, the Implementing Recommendations of the 9/11 Commission Act of 2007, and is now Public Law 110-053.

Title IX of the bill, which addresses Private Sector Preparedness, says the Department of Homeland Security, "in consultation with the private sector, may develop guidance or recommendations and identify best practices to assist or foster action by the private sector" in identifying, preparing for, and recovering from various risks. The bill also says DHS "shall establish and implement" a voluntary private sector preparedness and certification program. DHS is directed to begin, no later than 210 days after enactment, developing voluntary preparedness standards "through appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards." In addition, the department is to develop a program to certify compliance with those standards, in cooperation with representatives of organizations involved in standard setting, state and local governments, and appropriate private sector advisory groups.

Title X of the law mandates that DHS establish and maintain a prioritized national database of critical infrastructure assets to help the department develop and implement its programs. The department is also to report to Congress annually on the risks and preparedness of specific infrastructure sectors.

### **Wide Ranging Infrastructure Bills on the Move in Congress**

The U.S. Senate on August 2, passed by unanimous consent at bill (S.775) that would create a National Commission on Infrastructure that would develop recommendations for addressing the nation's infrastructure needs in transportation, drinking water, wastewater, waterways, ports, and solid waste disposal, and then dissolve in the year 2010. Rep. Keith Ellison, D-Minn., introduced identical legislation (H.R.3398) in the House on August 3.

The commission would have eight members; two appointed by the President, two by the House Speaker, one by the House Minority Leader, two by the Senate Majority Leader, and one by the Senate Minority Leader. Commissioners would have to have experience in one or more fields such as economics, public administration, civil engineering, public works, construction, public investment, environmental engineering, or water resources engineering. By February 2009, the commission would complete a study of all matters relating to U.S. infrastructure: the capacity, age, and condition of the nation's infrastructure; current methods used to finance its construction and rehabilitation; trends or

innovations in finance; types of investments; and the projected infrastructure needs five, 15, 30, and 50 years into the future. Then the commission would develop recommendations for a prioritized federal infrastructure plan; for infrastructure improvements; and for analysis, criteria, and procedures for use by federal, state, and local governments in inventorying and assessing needed infrastructure improvements. It would recommend guidelines for uniform reporting of infrastructure data by federal agencies. All findings and recommendations would be due to Congress by February 2010.

A pair of senators took a different approach to the infrastructure issue on August 2, introducing a bill (S.1926) that would create a National Infrastructure Bank. This bill, introduced by Sens. Christopher Dodd, D-Conn., and Chuck Hagel, R-Hagel, R-Neb., is aimed at publicly owned drinking water systems, wastewater systems, mass transit systems, housing properties, roads, and bridges. The bank would develop financing packages for projects that could include direct subsidies, loan guarantees, and bonds. To qualify, a project would need to have a potential federal investment of at least \$75 million, have regional or national significance, and be sponsored by a public entity, such as a state, local government, tribe, infrastructure agency, or consortium of those entities.

## **Senate Bill Would Force New MCL for Trichloroethylene (TCE)**

Sen. Hillary Clinton, D-N.Y., introduced S.1991, or the Toxic Chemical Exposure Reduction Act of 2007, on August 1, a bill that would mandate new regulations for trichloroethylene (TCE). It would mandate a health advisory and new drinking water standard for TCE “that fully protects susceptible populations (including pregnant women, infants, and children), taking into consideration body weight, exposure patterns, and routes of exposure to trichloroethylene.” It would also mandate a health advisory standard for TCE vapor intrusion into the air.

There already exists a federal drinking water maximum contaminant level (MCL) of 5 ppb and a MCL goal (MCLG) of 0 for TCE. EPA took another look at the TCE regulation in its first six-year review of rules, and in the summer of 2003, decided that the TCE rule did not need to be revised. S.1991 would mandate that a new MCL be in place within 18 months of enactment.

In a press release accompanying introduction of the bill, the senator said a draft EPA risk assessment in 2001 and a health effects study by the National Research Council found TCE posed greater risks than earlier thought. Cosponsors for S.1991 are Sens. Elizabeth Dole, R-N.C.; Barbara Boxer, D-Calif.; Frank Lautenberg, D-N.J.; and John Kerry, D-Mass.

## **Inhofe Introduces Water Security Grants Bill**

Sen. James Inhofe, R-Okla., has introduced a bill (S.1968) that would provide \$245 million in grants for a number of drinking water and wastewater security improvement activities. The Water Security Act of 2007, introduced on August 2, would provide \$200 million to conduct or update vulnerability assessments, implement security improvements, develop or improve emergency response plans and site security plans, and for the voluntary creation of mutual aid networks. The federal share of such projects would not exceed 50 percent.

It would provide \$15 million for technical assistance for small community water systems and for non-profit organizations to conduct training programs. The bill would authorize \$1 million annually for 2007 through 2011 for non-profit organizations to improve vulnerability assessment methodologies and other such security tools. There would be \$5 million annually in those years for research into security for drinking water distribution systems and for wastewater collection systems. The bill also contains provisions protecting the security of vulnerability assessments.

As always, please get in touch with your AWWA Washington Office if you have questions or comments.