

S. 3021

America's Water Infrastructure Act of 2018

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https://transportation.house.gov/uploadedfiles/s_3021_americas_water_infrastructure_act_of_2018.pdf

SEC. 2013. COMMUNITY WATER SYSTEM RISK AND RESILIENCE

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(a) In General.--Section 1433 of the Safe Drinking Water Act (42 U.S.C. 300i-2) is amended to read as follows:

SEC. 1433. COMMUNITY WATER SYSTEM RISK AND RESILIENCE.

(a) Risk and Resilience Assessments.--

(1) In general.--Each community water system serving a population of greater than 3,300 persons 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 August 1, 2019, after consultation with appropriate departments and agencies of the Federal Government and with State and local governments, shall provide baseline information on malevolent acts of relevance to community water systems, which shall include consideration of acts that may--

(A) substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water; or

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

(3) Certification.--

(A) Certification.--Each community water system described in paragraph (1) shall submit to the Administrator a certification that the system has conducted an assessment complying with paragraph (1). Such certification shall be made prior to--

(i) March 31, 2020, in the case of systems serving a population of 100,000 or more;

(ii) December 31, 2020, in the case of systems serving a population of 50,000 or more but less than 100,000; and

(iii) June 30, 2021, in the case of systems serving a population greater than 3,300 but less than 50,000.

(B) Review and revision.--Each community water system

described in paragraph (1) shall review the assessment of such system conducted under such paragraph 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 community water system shall submit to the Administrator a certification that the system has reviewed its assessment and, if applicable, revised such assessment.

``(4) Contents of certifications.--A certification required under paragraph (3) shall contain only--

``(A) information that identifies the community water system submitting the certification;

``(B) the date of the certification; and

``(C) a statement that the community water system has conducted, reviewed, or revised the assessment, as applicable.

``(5) Provision to other entities.--No community water system 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.

``(b) Emergency Response Plan.--Each community water system serving a population greater than 3,300 shall prepare or revise, where necessary, an emergency response plan that incorporates findings of the assessment conducted under subsection (a) for such system (and any revisions thereto). Each community water system shall certify to the Administrator, as soon as reasonably possible after the date of enactment of America's Water Infrastructure Act of 2018, but not later than 6 months after completion of the assessment under subsection (a), 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 community water system to deliver safe drinking water;

``(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 and supply of drinking water provided to communities and individuals, including the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers; and

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

``(c) Coordination.--Community water systems 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.

``(d) Record Maintenance.--Each community water system shall maintain a copy of the assessment conducted under subsection (a) and the emergency response plan prepared under subsection (b) (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.

((e) Guidance to Small Public Water Systems.--The Administrator shall provide guidance and technical assistance to community water systems serving a population of less than 3,300 persons on how to conduct resilience assessments, prepare emergency response plans, and address threats from malevolent acts and natural hazards that threaten to disrupt the provision of safe drinking water or significantly affect the public health or significantly affect the safety or supply of drinking water provided to communities and individuals.

((f) Alternative Preparedness and Operational Resilience Programs.--

((1) Satisfaction of requirement.--A community water system that is required to comply with the requirements of subsections (a) and (b) may satisfy such requirements by--

((A) using and complying with technical standards that the Administrator has recognized under paragraph (2); and

((B) submitting to the Administrator a certification that the community water system is complying with subparagraph (A).

((2) Authority to recognize.--Consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995, the Administrator shall recognize technical standards that are developed or adopted by third-party organizations or voluntary consensus standards bodies that carry out the objectives or activities required by this section as a means of satisfying the requirements under subsection (a) or (b).

((g) Technical Assistance and Grants.--

((1) In general.--The Administrator shall establish and implement a program, to be known as the Drinking Water Infrastructure Risk and Resilience Program, under which the Administrator may award grants in each of fiscal years 2020 and 2021 to owners or operators of community water systems for the purpose of increasing the resilience of such community water systems.

((2) Use of funds.--As a condition on receipt of a grant under this section, an owner or operator of a community water system shall agree to use the grant funds exclusively to assist in the planning, design, construction, or implementation of a program or project consistent with an emergency response plan prepared pursuant to subsection (b), which may include--

((A) the purchase and installation of equipment for detection of drinking water contaminants or malevolent acts;

((B) the purchase and installation of fencing, gating, lighting, or security cameras;

((C) the tamper-proofing of manhole covers, fire hydrants, and valve boxes;

((D) the purchase and installation of improved treatment technologies and equipment to improve the resilience of the system;

((E) improvements to electronic, computer, financial, or other automated systems and remote systems;

((F) participation in training programs, and the purchase of training manuals and guidance materials, relating to security and resilience;

((G) improvements in the use, storage, or handling of chemicals by the community water system;

((H) security screening of employees or contractor support services;

((I) equipment necessary to support emergency power or water supply, including standby and mobile sources; and

``(J) the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers.

``(3) Exclusions.--A grant under this subsection may not be used for personnel costs, or for monitoring, operation, or maintenance of facilities, equipment, or systems.

``(4) Technical assistance.--For each fiscal year, the Administrator may use not more than \$5,000,000 from the funds made available to carry out this subsection to provide technical assistance to community water systems to assist in responding to and alleviating a vulnerability that would substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water (including sources of water for such systems) which the Administrator determines to present an immediate and urgent need.

``(5) Grants for small systems.--For each fiscal year, the Administrator may use not more than \$10,000,000 from the funds made available to carry out this subsection to make grants to community water systems serving a population of less than 3,300 persons, or nonprofit organizations receiving assistance under section 1442(e), for activities and projects undertaken in accordance with the guidance provided to such systems under subsection (e) of this section.

``(6) Authorization of appropriations.--To carry out this subsection, there are authorized to be appropriated \$25,000,000 for each of fiscal years 2020 and 2021.

``(h) Definitions.--In this section--

``(1) the term `resilience' means the ability of a community water system or an asset of a community water system to adapt to or withstand the effects of a malevolent act or natural hazard without interruption to the asset's or system's function, or if the function is interrupted, to rapidly return to a normal operating condition; and

``(2) the term `natural hazard' means a natural event that threatens the functioning of a community water system, including an earthquake, tornado, flood, hurricane, wildfire, and hydrologic changes.''.

(b) Sensitive Information.--

(1) Protection from disclosure.--Information submitted to the Administrator of the Environmental Protection Agency pursuant to section 1433 of the Safe Drinking Water Act, as in effect on the day before the date of enactment of America's Water Infrastructure Act of 2018, shall be protected from disclosure in accordance with the provisions of such section as in effect on such day.

(2) Disposal.--The Administrator, in partnership with community water systems (as defined in section 1401 of the Safe Drinking Water Act), shall develop a strategy to, in a timeframe determined appropriate by the Administrator, securely and permanently dispose of, or return to the applicable community water system, any information described in paragraph (1).