

Hicks-Ray Associates



October 15, 2009

TO: WESTCAS Members
FROM: Hicks-Richardson Associates
SUBJECT: Drinking Water Security Legislation

WESTCAS members have expressed interest in the issue of whether the Department of Homeland Security or the USEPA should have lead jurisdiction over water and wastewater utilities.

Two pieces of legislation are pending in the House which addresses this issue. They are:

- HR 3258, The Drinking Water System Security Act of 2009
- HR 2868, The Facility Anti-Terrorism Act of 2009

HR 2868 was the recent subject of a hearing in the House Commerce Committee. To make a long story short, there is apparent agreement between USEPA and the Department of Homeland Security that EPA should have the lead in terms of overseeing activities and compliance on the part of local agencies with regard to homeland security.

Officials from both agencies, including Pete Silva representing EPA, agreed in their testimony before the Committee and in subsequent questions from Members that EPA was the proper agency to oversee drinking water and wastewater security.

There is still much to be done to blend these two bills into the necessary single piece of legislation so that it can be brought to the House floor. Passage in the Senate must also be secured. But the agreement between EPA and Homeland Security provides encouragement that this issue should be resolved in a manner that is acceptable to the water community.

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