



AMERICA'S WATER INFRASTRUCTURE ACT (AWIA)

Washington State Department of Health

America's Water Infrastructure Act - 2018

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Kimberly Moore

Policy Coordinator, Emergency Response Planner

Office of Drinking Water

Agenda

- History of America's Water Infrastructure Act (AWIA)
- Overview of AWIA
- AWIA Requirements
- AWIA Amendments to Emergency Planning and Community Right-to-Know Act (EPCRA)

History of AWIA

- In November 1941, J. Edgar Hoover stated in Journal AWWA that the operations and services provided by the water sector were critical to sustaining the national economy and that they were vulnerable to attack by foreign agents.
- April 19, 1995, the Alfred P. Murrah Building bombing in Oklahoma City occurred, which revealed vulnerabilities to domestic terrorism and drove actions associated with improving physical security.
- May 22, 1998, Presidential Directive 63 was issued, designating water and wastewater as one of 16 critical infrastructure sectors.
- On September 11, 2001 the attacks on the World Trade Center, Pentagon, and Shanksville occurred. Those attacks led to the passage of the Bioterrorism Act of 2002.

History of AWIA (Continued)

- Following Hurricane Katrina in 2005, the water sector's focus expanded from protecting against acts of terrorism to an all-hazards approach given the impacts associated with major natural disasters.
- Technological threats came into greater focus in the summer of 2010 when the cyber virus, Stuxnet, highlighted the importance of cybersecurity for industrial control systems.
- America's Water Infrastructure Act (AWIA) updated the Bioterrorism Act of 2002.

AWIA Other Considerations

- Water and Wastewater Systems are designated as critical infrastructure, as defined by law
(Homeland Security Act of 2002)
- Water and Wastewater Systems staffers are first responders
(6 U.S.C.101(6) & DHS CERRA Guidance)
- Tampering with a Water System is a Federal Offense
(Safe Drinking Water Act)
 - Penalties up to 20 years in prison and \$1,000,000 fine.
 - Attempting to tamper with a water system carries penalties of up to 10 years and prison and \$100,000 fine.

Introduction to AWIA

- America's Water Infrastructure Act (AWIA) was passed by Congress and signed into law by the president on October 23, 2018.
- Community Water Systems serving more than 3,300 persons are required to do the following:
 - Conduct Risk and Resilience Assessment (RRA)
 - Prepare or Revise Emergency Response Plan (ERP)
 - Submit Certification Letter to EPA for each
 - Review and update both items every 5 years
 - Record maintenance

Comparison of Bioterrorism Act of 2002 vs AWIA of 2018

Bioterrorism Act of 2002	America's Water Infrastructure Act of 2018
Vulnerability Assessment	Risk & Resilience Assessment (RRA)
Terrorism or Intentional Act	Malevolent & Natural Hazards (includes cyber)
Submit VA to EPA	Certify to EPA
Emergency Response Plan (ERP)	Prepare/Update & Certify ERP to EPA
Tampering with Water System is a Federal Offense	Tampering with Water System is a Federal Offense

Required Assessments Under AWIA

- Malevolent Acts
- Natural Hazards
- All critical Components of the System
- Monitoring Practices of the System
- Financial Infrastructure
- Use, storage, or handling of various chemicals
- Operation and maintenance of the system
- Capital and Operational needs for risk and resilience management

Emergency Response Plans (ERPs)

AWIA Requirements for Elements of ERPs:

- Strategies to improve resilience, including physical and cyber security.
- Plans, procedures and equipment to be utilized in all hazards response.
- Actions, procedures, equipment to lessen impact on public health.
- Detection strategies

Other AWIA Requirements

- Community water systems shall, to the extent possible, coordinate with existing local emergency planning committees.
- Sharing of the written Risk and Resilience Assessment (RRA) or Emergency Response Plan (ERP) is not required. This information is UNCLASS (FOUO) or Sensitive.

AWIA Opportunities for Collaboration

- Assessment of Hazards in a Jurisdiction
- Notification requirements of water systems and jurisdiction.
- Discussions to achieve understanding of interdependencies between water sector and other essential services.
- Discussions surrounding prioritizing restoration of water services.
- Discussion of water sector's needs to get back on-line.

AWIA Compliance Deadlines

Community Water System Size (population served)	Certify Risk & Resilience Assessment (RRA) prior to:	Certify ERP within 6 months of RRA, but no later than:
Greater than 100K	March 31, 2020	September 30, 2020
50K to 100K	December 31, 2020	June 30, 2021
3,300 to less than 50K	June 30, 2021	December 30, 2021

AWIA Penalties for Non-Compliance

- Utilities that fail to submit letter of compliance are subject to enforcement action by EPA under Section 1414 of the Safe Drinking Water Act.
- Penalties are up to \$25,000 per day.

AWIA Amendments to EPCRA

AWIA 2018 amended the Emergency Release Notification (EPCRA section 304) and Hazardous Chemical Inventory Reporting (EPCRA sections 311 & 312) sections of EPCRA.

The revisions to EPCRA require that community water systems:

- (1) Receive prompt notification of any reportable release of an EPCRA extremely hazardous substance (EHS) or a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substance (HS) that potentially affects their source water, and
- (2) Have access to EPCRA Tier II information (i.e., hazardous chemical inventory data). These requirements went into effect immediately upon signing the law.

Overview of EPCRA Emergency Release Notification (section 304)

- Under EPCRA section 304, facilities are required to provide immediate notification to the appropriate SERC (or TERC) and LEPC (or TEPC) of any releases of EPCRA Extremely Hazardous Substances and CERCLA hazardous substances at or above their Reportable Quantities (RQs).
- For transportation related releases, facilities are permitted to call 911 or the operator, in lieu of calling the SERC (or TERC) and LEPC (or TEPC).
- Section 304(c) requires facilities to provide a follow-up written report as soon as practicable after the release that updates information included in the initial release notification and provides additional information.
- In addition to the requirements above, under CERCLA section 103, facilities must report releases above the RQ to the National Response Center (NRC).

AWIA Amendment to EPCRA Section 304

- AWIA section 2018(a) amends EPCRA section 304 to add a new sub-section, section 304(e), Addressing Source Water used for Drinking Water.
- This new sub-section requires SERCs and TERCs to promptly notify the state drinking water primacy agency (i.e., WA Department of Health) of any reportable release and provide this agency with:
 - The information collected under section 304(b)(2) from the initial release notification; and
 - The follow-up written report received under section 304(c).
- The state drinking water primacy agency is then required to promptly provide all the information regarding the release to any community water systems whose source water is potentially affected by the release.

Overview of Hazardous Chemical Inventory Reporting (Sections 311 & 312)

- Facilities that handle hazardous chemicals, defined under the Occupational Safety and Health Act (OSHA) and its implementing regulations, above set threshold amounts are required to provide information on the chemicals, quantities, locations, and potential hazards.
- Section 311 requires facilities to submit a Material Safety Data Sheet (MSDS) for each hazardous chemical, or a list of hazardous chemicals, present at or above the reporting thresholds.

Overview of Hazardous Chemical Inventory Reporting (Sections 311 & 312) (Continued)

- Section 312 requires that facilities submit an inventory of these hazardous chemicals annually by March 1st.
- The MSDSs or list of chemicals and chemical inventory are submitted to the SERC (or TERC), LEPC (or TEPC), and the local fire department.
- SERCs, TERCs, LEPCs, and TEPCs have authority to request Tier II information from facilities for any hazardous chemical that is below the reporting thresholds established in the regulations.

AWIA Amendment to EPCRA Section 312

- AWIA section 2018(b) amends section 312 to require SERCs (or TERCs) and LEPCs (or TEPCs) to provide affected community water systems with Tier II information for all facilities within their source water area, upon request. This includes requests for Tier II information below the reporting thresholds.
- Tier II information made available to community water systems under the amendments to EPCRA section 312 can inform the risk assessment and help systems identify potential source water contamination threats in their source water area or upstream of their intakes.

Contact Information



Kimberly Moore

Policy Coordinator, Emergency Response Planner

Office of Drinking Water

Mobile: 360.688.3404 / Email: Kimberly.Moore@doh.wa.gov

<https://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater>



handle: WADeptHealth

Questions?

Department of Health



**Disease Control
& Health Statistics**

Initiatives

EndAIDS
Vital Statistics
Disease Control
(E. coli, mumps, etc.)

**Environmental
Public Health**

Initiatives

Shellfish Beds
Clean Air
Pesticide Exposures

**Prevention and
Community Health**

Initiatives

Tobacco 21
Marijuana Prevention
Immunization Rates
Suicide Prevention Plan

**Health Systems
Quality Assurance**

Initiatives

Opioids
Certificate of Need
Health Professions

We Value Water

- ◆ Safe, reliable drinking water isn't free.
- ◆ Clean and consistent drinking water requires commitment, hard work, and investment.
- ◆ We want everyone to know how water systems provide safe, reliable drinking water to their customers.
- ◆ Investing in infrastructure today ensures safe and reliable drinking water for our future generations.



We Value Water

- ◆ Safe tap water requires sustainable infrastructure.
- ◆ Sustainable infrastructure depends on your belief in safe tap water.
- ◆ We can't have one without the other.



