



Homeland
Security

OCT 16 2009

Ken Kirk
Executive Director
National Association of Clean Water Agencies
1816 Jefferson Place, NW
Washington, DC 20036-2505

Dear Mr. Kirk:

Thank you for your September 10, 2009 letter addressing legislative efforts concerning the oversight of security-related matters at the Nation's drinking water and wastewater treatment facilities (hereafter "the water sector"). On October 1, 2009, the Department of Homeland Security (DHS) and the Environmental Protection Agency (EPA) testified before the U.S. House of Representatives Energy and Commerce Committee Subcommittee on Energy and the Environment on this issue. This letter summarizes a portion of that testimony, which set forth the Administration's position on securing the water sector.

The Administration believes EPA should be the lead agency for chemical security in the water sector, with DHS supporting EPA's efforts. EPA would utilize, with modifications as necessary to address the uniqueness of the water sector, DHS's existing risk assessment tools and performance standards for chemical facilities to address chemical security in the water sector. To ensure consistency of tiering determinations across high-risk chemical facilities, EPA would apply DHS's tiering methodology, with modifications as necessary to reflect any differences in statutory requirements. DHS would run its Chemical Security Assessment Tool and provide both preliminary and proposed final tiering determinations for water sector facilities to EPA. EPA and DHS would strive for consensus in this tiering process with EPA, in its final determination, attaching significant weight to DHS's expertise.

EPA would be responsible for reviewing and approving vulnerability assessments and site security plans as well as enforcing high-risk chemical facility security requirements. Further, EPA would be responsible for inspecting water sector facilities and may authorize states to conduct inspections and work with water systems to implement site security plans. It is important to note that any decisions on Inherently Safer Technology methods for the water sector would need to engage the states given their primary enforcement responsibility for drinking water and wastewater regulations. DHS would be responsible for ensuring consistency of high-risk chemical facility security across all 18 critical infrastructure sectors.

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We recognize that further technical work to clarify these positions is required. DHS and EPA staff are willing to engage in technical discussions with congressional staff, affected stakeholders, and others to work out the remaining technical details.

Thank you again for your help in securing the Nation's water sector.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Rand Beers', is positioned above the printed name.

Rand Beers
Under Secretary

cc: Cynthia Dougherty, Director, Office of Ground Water and Drinking Water, EPA