

Homeland Security and Recent State Legislation

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State Legislation Applicable to Homeland Security and the Critical Infrastructure

- ▶ Senate Bill (SB) 9: Provides penalties for certain acts occurring in or on components of the Critical Infrastructure



Senate Bill 9

“Homeland Security Omnibus Bill”

- ▶ Includes specifics to protection of the Critical Infrastructure
- ▶ Includes Public Drinking Water Systems and Public Wastewater Systems



Senate Bill 9

- ▶ Breaches and/or intentional damage of water systems
- ▶ Natural disasters
- ▶ Accidents



Implications of SB 9 for Water Systems

Requires Notification

- ▶ To *local law enforcement* by operators, managers and/or owners of incidents
- ▶ To *TCEQ* by operators, managers and/or owners of incidents



Clarification and Explanation of Senate Bill 9 Components

“What does all this mean to the system operators?”

- ▶ Call local law enforcement (911) FIRST!
- ▶ Texas Commission on Environmental Quality (TCEQ) MUST be notified following the call to law enforcement
- ▶ Relying on Vulnerability Assessments (VAs) and Emergency Response Plans (ERPs) serves little purpose unless those documents are periodically reviewed



What is an “Unauthorized Entry?”

- ▶ Presence of unauthorized individuals within the confines of the system
- ▶ Cut fences, cut locks/chains, jimmied doors/windows
- ▶ Non-employees present in restricted areas (intakes, chemical rooms, etc.)



Events Which Must Be Reported

- ▶ “An unusual or unexplained unauthorized entry at property of the public water supply or wastewater system;”
- ▶ “An act of terrorism against the public water supply or wastewater system;”
- ▶ “An unauthorized attempt to probe for or gain access to proprietary information that supports the key activities of the public water supply or wastewater system;”



Reportable Events (Cont'd)

- ▶ “A theft of property that supports the key activities of the public water supply or wastewater system; or
- ▶ “A natural disaster, accident or act that results in damage to the public water supply or wastewater system.”

(Excerpt from Senate Bill 9)



Accidents and Natural Disasters

Why worry about these types of events?

- ▶ Destruction or damage to critical components of a water or wastewater system only **INCREASE** vulnerability
- ▶ Reporting these events are not being required as **PUNITIVE** measures but as a means of receiving **EXPERT TECHNICAL ADVICE**



Types of Natural Disasters in Texas

- ▶ Hurricanes
- ▶ Tornadoes
- ▶ Severe Thunderstorms
- ▶ Ice Storms
- ▶ Droughts
- ▶ Storm Surges and Floods





Source: Rice University



Man-Made Disasters

- ▶ Industrial Accidents: Texas City (1947 and 2005)
- ▶ Chemical Spills
- ▶ Fires
- ▶ Intentional damage





Source: University of Houston



Amends Health and Safety Code

Requires:

- ▶ Immediate notification of the Texas Commission on Environmental Quality in the event or events that may “negatively impact the production and delivery of safe and adequate drinking water.”



When Will New Rules Be Available?

- ▶ Rules writing process time varies
- ▶ A mass mail-out is planned to facilitate new rules adoption and understanding



Conclusions

- ▶ Goals of reporting incidents: technical assistance and trend analysis
- ▶ Rules will be designed to provide technical assistance to affected water systems



Questions?



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