

Addendum to the *Instructions to Assist Community Water Systems in Complying With the Public Health Security and Bioterrorism Preparedness and Response Act of 2002* (EPA 810-B-02-001, dated January 2003)

Office of Water
October 2003

www.epa.gov/safewater/security

General

EPA has prepared the following clarifications, corrections, and additions to the *Instructions to Assist Community Water Systems in Complying With the Public Health Security and Bioterrorism Preparedness and Response Act of 2002* (EPA 810-B-02-001, dated January 2003) as an addendum to these original instructions. As noted in the Instructions, EPA may make changes as experience or other circumstances warrant.

Clarifications and Corrections

Please note the following clarifications and corrections:

1. Page 4, Clarification: As mentioned in the Instructions, VA submissions need not include supporting documentation such as working papers, background or raw data, or other preparation or analytical material. However, the submission should include instructions to EPA on how to read the vulnerability assessment should it be encrypted or coded. These instructions can be submitted separately but should clearly identify the community water system's vulnerability assessment and be complete and clear.
2. Page 5, Table 1, Correction: Delete from column C the dates September 30, 2003; June 30, 2004; and December 31, 2004. Replace the dates with the following text "Six months following the completion of their vulnerability assessments." The Bioterrorism Act specifically gives community water systems six months to submit their emergency response plan certifications following the "completion" of their vulnerability assessments. EPA interprets "completion" to mean the date the vulnerability assessment and certification were sent to EPA, either the date shown on the express or courier service mailing slip if submitted in this manner, or the postmark if sent via the U.S. Postal Service.
3. Page 9, Correction: replace phone numbers 202-564-9932 and 202-564-6186 with 202-564-1355.

Additional Q&A for the Instructions to Water Systems

The following frequently asked questions have been added to Section 2:

2.7 Our community water system has submitted a vulnerability assessment to EPA. We have revised and updated our vulnerability assessment since that time. Do we need to submit our vulnerability assessment updates and revisions to EPA?

Answer: No, vulnerability assessment submission and certification, plus emergency response plan certification, are one-time requirements for community water systems

under the Bioterrorism Act. The Bioterrorism Act does not place any additional submittal requirements for vulnerability assessment updates and revisions. EPA highly encourages community water systems to keep their vulnerability assessments and emergency response plans up-to-date but the systems are not required to submit their revisions and updates to EPA.

However, should the community water system discover a component of its system that was omitted from its initial vulnerability assessment, and that component is required for review under the Bioterrorism Act (see Section 7.1 of the Instructions), then the vulnerability assessment as submitted to EPA was not in compliance with the Bioterrorism Act in addressing all applicable parts and an addendum should be furnished to EPA as soon as possible.

2.8 The number of people that our community water system serves is incorrectly listed in SDWIS (see Section 5 of the Instructions). Our community water system is either larger or smaller than the number shown in SDWIS. This impacts our community water system by: 1) changing the required dates for our submittal since our community water system is in a different size classification under the Bioterrorism Act; or 2) requires our community water system to comply with Bioterrorism Act requirements since we serve a population greater than 3,300 people. What should we do?

Answer: If you notice any discrepancies in SDWIS, EPA strongly recommends that you contact your state for a system-specific size assessment as soon as possible. Systems that are operated on tribal lands, in the state of Wyoming, and in the District of Columbia, should consult directly with their EPA regional office for final determination of system size. Work with your state or EPA regional office to ensure that the data you report to SDWIS is correct and then take the appropriate actions to comply with the Bioterrorism Act.

2.9 Our community water system served a population of fewer than 3,300 people prior to the July 1, 2002 date and this is correctly reflected in SDWIS. However, since that time our community water system has grown in size and we now serve a population of greater than 3,300. What are we required to do?

Answer: EPA will generally use the SDWIS data that was submitted to EPA by the states on July 1, 2002 to define a system's population size. This fixed reference date will assist EPA with tracking submissions and certifications, and determining compliance with Bioterrorism Act requirements. However, the Bioterrorism Act does not set a specific cut-off date for determining population size. Therefore, EPA strongly recommends that smaller community water systems take a conservative approach by determining if their system size will be greater than 3,300 by June 30, 2004 (the deadline for systems serving populations between 3,300 and 50,000). If system size is expected to exceed the 3,300 population threshold on or before that date, follow the

Bioterrorism Act requirements. The deadline dates set forth in the Bioterrorism Act for submission of vulnerability assessments and certifications are fixed by statute and EPA cannot grant any extensions so please be aware of your system's responsibilities.

2.10 Our community has a new water system that was not listed in SDWIS as of July 1, 2002. Our new drinking water system has (or will) become operational on or before the appropriate vulnerability assessment submission deadline date for a community water system of our size. What are we required to do?

Answer: As with the question above, the Bioterrorism Act does not set a specific cut-off date for determining which systems must comply with the Act. Therefore, EPA strongly recommends that every operating community water system take a conservative approach and comply with the Bioterrorism Act requirements if they fall within any of the system sizes ranges described by the Act on or before the date submissions are due. Again, the deadline dates set forth in the Bioterrorism Act for submission of vulnerability assessments and certifications are fixed by statute and EPA cannot grant any extensions so please be aware of your system's responsibilities.

2.11 Our new community water system will become operational after our appropriate vulnerability assessment submission deadline date. What are we required to do?

Answer: New community water systems that become operational after their respective vulnerability assessment submission deadline dates do not need to meet any submittal requirements under the Bioterrorism Act. Vulnerability assessment submission and certification, plus emergency response plan certification, are one-time requirements under the Bioterrorism Act. EPA highly encourages new community water systems coming into service after the various deadline dates set in the Bioterrorism Act to undergo vulnerability assessments and also develop emergency response plans but they are not under any federal requirement to do so. Additionally, EPA highly encourages these new community water systems to maintain any completed vulnerability assessments and emergency response plans at their systems in a secure manner.

2.12 Our community water system is a consecutive system and is included as part of an "umbrella" vulnerability assessment being submitted by our wholesale supplier. What does our system need to submit to EPA?

Answer: Even if your community water system was part of a larger "umbrella" vulnerability assessment that was conducted, it still needs to meet the submission requirements of the Bioterrorism Act (see Section 3 of the Instructions). Again, these submission requirements are:

1. Certify to EPA that the CWS conducted a VA;
2. Submit a copy of the VA to EPA; and
3. Certify to EPA that the CWS has completed an ERP.

Systems may have met requirement No. 2 (above) if a copy of the “umbrella” vulnerability assessment has already been submitted to EPA. However, the community water system must clearly identify the larger “umbrella” vulnerability assessment in which it participated along with submitting its VA certification. The system can always opt to take a conservative approach and submit another copy of the larger “umbrella” vulnerability assessment to EPA along with the VA certification.

2.13 Our community water system serves a population of fewer than 3,300 people. What are we required to do?

Answer: The Bioterrorism Act sets no requirements for community water systems serving populations of 3,300 or fewer. EPA is required to produce guidance for these small systems on how to conduct vulnerability assessments, prepare emergency response plans, and address threats from terrorist attacks or other intentional acts. This EPA guidance will be forthcoming. Community water systems serving populations of 3,300 or fewer may utilize vulnerability assessment methods or tools designed for larger water systems but are not required to do so. Completed vulnerability assessments by these small systems are not covered under any Bioterrorism Act submittal requirements. EPA encourages community water systems serving populations of 3,300 or fewer to maintain any completed vulnerability assessments and emergency response plans at their systems in a secure manner.

2.14 Must our community water system undergo a vulnerability assessment using an EPA certified methodology or tool?

Answer: EPA never certified any vulnerability assessment methodology or tool, nor does it intend to do so. EPA supported the development of a variety of methodologies or tools which meet six elements that EPA has identified as basic to any vulnerability assessment and has encouraged their use. Community water systems are free to utilize any methodology or tool that addresses all components of a water system identified under the Bioterrorism Act (see Section 7.1 of the Instructions). Community water systems should not confuse the need to certify their system’s vulnerability assessment (which is a Bioterrorism Act requirement) with the need to use a certified vulnerability assessment methodology or tool (which is not a requirement).

2.15 If I complete vulnerability assessment training, am I qualified to be an assessor?

Answer: EPA has no formal policy regarding certification of vulnerability assessment

training, nor does it certify trainers who are providing training. Trainers, who are providing vulnerability assessment training, may or may not provide training attendees with a certificate stating that they have successfully completed the course. A community water system needs to make its own judgment of the assessor's qualifications including the completion of vulnerability assessment training, which should consist of the six common elements of a good vulnerability assessment (see Appendix 2 of the Instructions). EPA recommends that community water systems carefully consider technical qualifications which include general security experience in risk assessments, water plant knowledge, references, and other technical qualifications.

2.16 Is there any EPA guidance on how to conduct an Emergency Response Plan?

Answer: In order to assist community water systems with their emergency response plans EPA has developed an outline that large community water systems may use (those systems serving populations of more than 100,000). Following the emergency response plan outline is voluntary and will focus on basic elements and steps that a large community water system can use to incorporate the findings of its vulnerability assessment into an emergency response plan. EPA also plans to provide emergency response plan tools for community water systems serving between 3,300 and 100,000 people and also to provide training sessions nationwide to assist community water systems in the process of preparing or updating their emergency response plans. For the latest information on emergency response plan tools and training go to <http://www.epa.gov/ogwdw/security/index.html> .