



**Testimony  
Elizabeth Gara  
Executive Director  
Connecticut Water Works Association (CWWA)  
Before the  
Energy Committee  
March 20, 2012**

**Re: SB-23, AN ACT ENHANCING EMERGENCY PREPAREDNESS AND RESPONSE**

CWWA appreciates the efforts of Governor Malloy and the Two Storm Panel to develop recommendations for enhancing emergency preparedness and response. Certainly, the two storms that hit parts of Connecticut in August and October posed serious challenges for utilities and municipalities.

Fortunately, as acknowledged by the state Department of Public Health following Storm Alfred, the vast majority of water systems were not disrupted by the storm and service continued uninterrupted. There were, however, some smaller systems that were issued a Boil Water Advisory, which is generally a precautionary measure triggered by certain events such as sustained power outages or flooding where there may be a potential contamination issue.

As public water suppliers, our members have an obligation to provide sufficient quantities of high quality water to meet the needs of consumers in the communities that we serve. We vigorously protect the quality, safety and reliability of our water supplies to meet this obligation. Recognizing how vital public water supplies are to public health and safety, water utilities have long been required under state and federal law to develop and implement emergency planning to respond quickly to contamination, damage or disruption to the water system. Attached is a summary of some of these provisions.

**Although we support the intent of SB-23, we are concerned that certain provisions in the bill which pertain to investor-owned water utilities may:**

- 1) Be unnecessary given the existing state and federal laws governing public water supply emergency planning and preparedness;**
- 2) Create confusion regarding the oversight and enforcement of such laws which will only serve to undermine the integrity and effectiveness of emergency planning efforts already underway; and**
- 3) Raise concerns relative to state and federal laws that protect security related water supply information from disclosure.**

Section 3 (b) of the bill requires the Public Utilities Regulatory Authority (PURA) to establish minimum standards of performance for utilities in emergency preparation and restoration of service, including 1) minimum staffing levels and equipment levels; 2) targets for recovery and restoration of service; 3) a communications plan for utilities and state and local officials; 4) a communications plan between each utility and its customers; 5) a plan for deploying utility crews; 6) safety standards; and 7) mutual aid agreements.

However, under existing law, each water company serving 1,000 or more persons or 250 or more consumers, is already required to develop and submit for approval to the state Department of Public

Health, a water supply emergency contingency plan as part of a water supply plan that encompasses each of these provisions. The plan must include: 1) a description of duties and responsibilities of key personnel involved in emergency response actions, and a procedure for contacting and scheduling staff to respond in emergencies; 2) the level of service to be sustained during water supply emergencies and procedures for providing essential potable water to priority users where priority is based on the potential risk to health, safety and welfare posed by the curtailment of service; 3) a communications plan for notifying customers; 4) a communications plan for notifying state, local and federal authorities; and 5) sabotage prevention plans. The plan uses an all hazard approach that encompasses the multitude of possible crises, from natural disaster to acts of terrorism.

Relative to Section 3 b (7) which requires the filing of mutual aid agreements by utilities, there is already a network in place - the Connecticut Water/Wastewater Agency Response Network (CTWARN) - that enables water and wastewater systems in Connecticut to restore facilities damaged by natural or man-made incidents by sharing resources with other member systems. Mutual aid and assistance agreements between water and wastewater utilities are critical elements to maintaining services and resiliency during an emergency. CTWARN provides increased planning, coordination and enhanced access to specialized resources to enable rapid, short-term deployment of emergency services to restore critical operations of the affected utility.

In addition, following the September 11 terrorist attacks a federal law was enacted requiring water companies to prepare vulnerability assessments – an evaluation of each water system component to identify weaknesses and deficiencies that may make them susceptible to damage or failure during an emergency. This information as well as emergency preparedness plans are protected from disclosure under state and federal law to ensure the security of the nation’s public water supplies. SB-23 raises concerns that similar information would now have to be provided separately to PURA which is not designated by EPA as the lead agency relative to water security and emergency response. As such, it is unclear whether this information can be provided to PURA under the protective provisions of the Bioterrorism Act.

As the state agency designated by the federal government to have primacy over public water supplies, the state Department of Public Health’s Drinking Water Section (DWS) is the lead agency in implementing and enforcing laws and regulations governing water utility security and emergency response. By requiring private water companies to develop and submit an additional emergency response plan to PURA, we are therefore concerned that SB-23 will create confusion as to which agency has regulatory authority over water supply emergency response efforts.

Given the comprehensive laws governing public water utilities relative to emergency preparedness and response which reflect critical elements unique to the water industry, **we believe SB-23 should be revised to exclude water companies from its scope.**

We certainly understand the importance of emergency planning and preparedness. As such, we are actively participating in Governor Malloy’s Emergency Planning & Preparedness initiative which has set a number of goals regarding emergency planning and exercise that must be accomplished by September 1<sup>st</sup>. We look forward to working with lawmakers and the Governor’s Office to ensure that the water industry remains positioned to respond to emergencies affecting the state’s public water supplies.

Thank you for the opportunity to comment.

*The Connecticut Water Works Association, Inc. (CWWA) is an association of private, municipal and regional public water supply utilities serving a population of about 2½ million people, located throughout Connecticut.*

## Overview of Laws Governing Water Security & Emergency Preparedness

### ■ Federal Safe Drinking Water Act

The Safe Drinking Water Act was amended by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act) to address emergency water supplies. The Bioterrorism Act directs specifies action that public water suppliers and EPA must take to improve the security of the nation's drinking water infrastructure.

### ■ Vulnerability Assessments and Emergency Response Plans

Title IV of the Bioterrorism Act requires each community water system providing drinking water to more than 3,300 persons to conduct a vulnerability assessment, certify its completion and submit a copy of the assessment to EPA according to a specified schedule. In addition, each system must prepare or revise an emergency response plan that incorporates the findings of the vulnerability assessments and certify to EPA within six months of completing a vulnerability assessment that the system has completed such a plan.

### ■ Water Supply Emergency Contingency Plan

The Regulations of Connecticut State Agencies Section 25-32(d)-3(d), requires each water company supplying water to 1,000 or more persons or 250 or more consumers, to have a water supply emergency contingency plan as part of a water supply plan. The regulation requires that the plan identify critical system components and establish procedures for sabotage prevention and response. The plan uses an all hazard approach that encompasses the multitude of possible crises, from natural disaster to acts of terrorism.

### ■ CT Water/Wastewater Agency Response Network (CT WARN)

CTWARN is a Water/Wastewater Agency Response Network (WARN) that enables water and wastewater systems in Connecticut to restore facilities damaged by natural or man-made incidents by sharing resources with other member systems. Mutual aid and assistance agreements between water and wastewater utilities are critical elements to maintaining services and resiliency during an emergency. CTWARN provides increased planning, coordination and enhanced access to specialized resources to enable rapid, short-term deployment of emergency services to restore critical operations of the affected utility.

### ■ Emergency Notification

In the event that the DWS receives notice of a credible threat to water system infrastructure or water quality, impacted parties will be notified immediately. The DWS uses a Wide Area Notification System or "WANS" and has prepared a guide for reporting water security events.

### ■ National Incident Management System (NIMS)/ Incident Command System (ICS)

Connecticut requires all state agencies, regional and local responders involved in statewide response planning to have NIMS training, which has established standardized incident processes and procedures that all responders will use to coordinate and conduct response actions. Events such as terrorist attacks, accidents, and natural disasters that impact public water supplies require the involvement of emergency responders from multiple jurisdictions to ensure effective coordination. The Incident Command System, which is required under NIMS, provides the framework to achieve coordination.

### ■ **Water Sector-Specific Plan**

The Water SSP was released by the Department of Homeland Security in collaboration with the US Environmental Protection Agency on May 29, 2007. The Water SSP is a broad-based Water Sector critical infrastructure protection strategy developed under the Department of Homeland Security's National Infrastructure Protection Plan and was produced by EPA in coordination with Water Sector security partners, which includes the Water Sector Coordinating Council (SCC) and Government Coordinating Council (GCC). The SSP outlines four goals and supporting objectives for the Water Sector: sustain protection of public health and the environment; recognize and reduce risks; maintain a resilient infrastructure; and increase communication, outreach, and public confidence.