



Testimony
Elizabeth Gara, Executive Director
Connecticut Water Works Association
Before the Public Health Committee
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The Connecticut Water Works Association (CWWA) **supports** **HB-7221, AN ACT CONCERNING ACCESS TO WATER PLANNING INFORMATION, with revisions, attached.**

CWWA is a trade association of municipal water departments, regional water authorities and private water companies. As public water suppliers, CWWA members are committed to supporting policies that protect the state's environment and water resources.

Recognizing the importance of developing a balanced approach to managing the state's public water supplies and water resources, CWWA has championed efforts to move forward with a comprehensive state water plan. The State Water Plan will position Connecticut as a leader in water policy by protecting the availability of safe, reliable, quality public water supplies to meet the state's public health, safety and economic development needs while protecting water resources needed to support aquatic life, ecological habitats and other environmental goals. While there have been concerns raised that restrictions on access to water supply plan data would be an impediment to the State Water Plan process, that simply has not been the case so there is not an immediate issue as suggested.

STATE WATER PLANNING EFFORTS

CWWA members are actively participating in the state's efforts to develop a comprehensive State Water Plan, including serving on the Water Planning Council (WPC) Steering Committee, the WPC Advisory Group (WPCAG) and various WPC Work Groups, and attending numerous meetings and workshops to weigh in on how issues under discussion may affect the state's public water supplies.

The state Water Planning Council is expected to complete a draft of the State Water Plan by its statutory deadline of July 2017. Consultants and state agency officials engaged in the process of developing a State Water Plan have had sufficient data, including access to water supply information, to support state water planning.

As part of its report, the consultants are expected to identify any data gaps that should be addressed to facilitate additional planning efforts and recommended approaches for obtaining such data. Some of the initially identified data gaps are not due to lack of access to existing information, but rather because the data is not currently collected or aggregated under existing regulatory programs. Again, CWWA and our member water utilities are committed to this



process and will support efforts identify data gaps and developing mechanisms for obtaining such data.

WATER SECURITY CONCERNS

Last session, CWWA participated in numerous meetings with state agency officials to discuss revisions to the water security provisions included in the state Freedom of Information Act (FOIA).

Clearly, protecting the security and integrity of the state's public water supplies is critical to the public health and safety our residents. The loss of safe, reliable public water supplies can devastate a community and a nation.

The water security provisions in FOIA were adopted following the September 11, 2001 terrorist attacks on the United States in an effort, prompted by state and federal homeland security authorities to protect the nation from future attacks. These initiatives included efforts to ensure that the nation's critical infrastructure, including public water supply infrastructure, is secure from terrorist and other threats.

As part of these efforts, federal agencies sought to protect the security of sensitive information that could be used by domestic or international terrorists to disrupt or destroy critical infrastructure. The Environmental Protection Agency (EPA), the lead agency responsible for infrastructure protection activities for the nation's drinking water and wastewater systems, urged states to adopt laws to protect vulnerability assessments and other security sensitive water supply information from disclosure under state Freedom of Information laws. Accordingly, Connecticut adopted legislation in 2002 and 2003, which CWWA supported, to strengthen protections for security sensitive water company information.

Water utilities have taken steps to secure facilities and implement sabotage prevention and emergency response plans and receive regular communications on security matters from the FBI and through Water ISAC, an organization of water sector professionals who share a common purpose: to protect public health and the environment. This one-of-a-kind resource serves as a clearinghouse for government and private information that helps members identify risks, prepare for emergencies and secure the nation's critical water infrastructure. Security concerns regarding potential threats to our public water supplies from domestic and international terrorism, cybersecurity incidents, vandalism, intrusion, and theft continue to be identified across the country.

In an effort to facilitate the state's water planning efforts and promote an appropriate level of transparency, CWWA has held several meetings with utility representatives and reviewed



guidance prepared by the U.S. Environmental Protection Agency (USEPA) and the American Water Works Association (AWWA) Research Foundation to assist water utilities in identifying and managing potentially sensitive water utility records, data and information.

In addition, last session, CWWA members participated in numerous meetings with state agency officials and environmental organizations to develop a comprehensive proposal to provide access to water planning information without jeopardizing the safety and integrity of the state's public water supplies. While it is difficult to enumerate all water supply related information that should be protected, we worked with the parties to develop language last session which would have appropriately balance the need to support water planning efforts while protecting security sensitive information from disclosure.

Revisions Needed to Protect the Security of Public Water Supplies

However, as drafted, CWWA is concerned that HB-7221 fails to include certain key provisions discussed last session, as noted below. As such, HB-7221 may undermine the security of Connecticut's public water supplies, jeopardizing the public health and safety of our residents.

Specifically, the language fails to include a mechanism for protecting other records which may result in a security risk but which are not enumerated in the bill. Unfortunately, terrorism activities are a moving target. Given changing technologies and evolving terrorist activities, we believe it is imperative that the language provide additional opportunity to protect the security of public water supply infrastructure, if there are reasonable grounds.

In addition, although CWWA supports efforts to ensure that water supply information in the aggregate is available the public, we are concerned that the release of individual water supply source and safe yield information may be used to try to bring a critical source of water supply offline.

CWWA stands ready to work with the state Department of Public Health and other agencies and stakeholders to address these issues. However, it cannot be understated that it is absolutely critical that the language that moves forward must maintain necessary protections for critical, security sensitive water supply information.



Water Security - Freedom of Information Act Key Provisions Needed to Protect Public Water Supplies

- Insert language in (29) , “including but not limited to architectural and engineering detail and design drawings, and portions of water supply plans submitted pursuant to Section 2-32d)”
- Add protection for “fire flow testing results”
- Add protection for “equipment specifications and inventories, condition assessments”
- Add reference to “associated reports” following distribution system hydraulic models

Add the following provision to limit data on available water quantities to system basis and not individual sources:

(K) for water systems with multiple sources, the quantity and safe yield information of individual sources within that system, provided that such information in total for all sources within each subregional watershed basin within a system shall be subject to disclosure;

Add the following provisions to provide flexibility to be responsive to changing situations or security threats:

(L) other records if there are reasonable grounds to believe disclosure may result in a security risk, including the risk of harm to any person, provided the water company has, upon filing such information with a public agency, obtained a written determination from the public agency that such records should not be disclosed; or

(M) other records if there are reasonable grounds to believe disclosure may result in a security risk, including the risk of harm to any person, provided the public agency notified in writing the person requesting such records within three business days of receipt of the request that disclosure of the requested records would constitute a security risk. At any hearing conducted pursuant to an appeal brought under section 1-206 of the Freedom of Information Act, the public agency shall have the burden of demonstrating to the commission that disclosure of the requested records would constitute a security risk.

Delete the following language as unnecessary and potential confusion with well-settled case law:

“Nothing in this section shall be deemed to provide an exemption for all or any part of a water company record if the water company has released the information sought in the record, or the type of 137 information sought in the record, into the public domain after 138 September 1, 2003.”