



Testimony from Save Our Water CT for the Public Health Committee March 13, 2017

Supporting RHB-7221: An Act Concerning Access to Water Planning Information

To Sen. Terry Gerratana, Sen. Heather Bond Somers, Rep. Jonathan Steinberg and members of the Public Health Committee:

I am writing in support of RHB-7221- both for myself and for members of Save Our Water CT, a non-partisan, state-wide citizen group advocating for protection of Connecticut's public trust waters. Our list of over 2900 activists has been deeply concerned over the secrecy and non-transparency currently surrounding water utility supply plans. This issue began for us with the water capacity agreement of 1.8 million gallons/day provided by the Metropolitan District Commission (MDC) to a private California water bottler (Niagara Bottling) in October, 2015.

Citizens of Bloomfield immediately questioned the environmental impact of such a large water draw. With no end date to the agreement, would the MDC always have enough water to supply this demand, even into a future affected by climate change? What magnitude of water use did this represent? Would it preclude other future uses for the water? Where was all our water coming from and going to? Would it affect our streams and reservoirs? In calculating future water availability, had the water utility used models which included the changes in precipitation patterns and temperatures predicted by climate change? How accurate was the hydrology used in establishing the safe yields, done years earlier? What would happen if a drought afflicted the town or county or state? Would any public agency oversee such a decision?

What astounded us was our inability to verify the answers to any of these questions. We soon found out that the 2008 MDC water supply plan, its most recent, was filed behind closed doors at the Department of Public Health and was completely inaccessible to the public. It was impossible to have an independent academic hydrologist review the decision. He or she would have no data to examine.

My personal attempt to view the plan began at the DPH in March of 2016. It was first met with an understandable delay due to the need to redact security sensitive information from public sight. However, delay after delay ensued with not a single sentence of non-secure water planning data ever released. I was eventually told by the DPH in August that an April filing by the MDC of its water supply plan with the Dept. of Homeland Security had resulted in the declaration of the **entirety** of its plan as critical infrastructure information. This had occurred reportedly during a period when the MDC was involved in good faith legislative negotiations over the release of water supply plan data, and when it was using selected information from the plan to publicly justify its Niagara Bottling decision. No citizen could now see even one word of the plan. In fact, no environmental agency- even those working on the state water plan- would have access to critical planning data such as where water was coming from and going to and in what quantities. None of this involved critical infrastructure such as the location of control systems or security procedures.

A FOI hearing followed on Nov 1, 2016, which resulted in a negotiated agreement between the MDC and the DPH to release the redacted document. Four months later, and nearly one year after my first request, I have yet to see a single word. I am told that the Department of Administrative Services has yet to complete its “safety risk determination”.

Water is our most critical public trust resource. Planning for its protection and wise use is of paramount importance. This necessitates access to basic planning data and the ability to conduct independent reviews and analysis. Shielding information that is of no threat to public safety and entrusting it only to the utilities and DPH does a disservice to the citizens and environmental planners of our state.

We endorse RHB-722. In addition, we suggest that the committee consider requiring each water utility to submit both a secure and non-secure plan at the time at which it files its updated plan, typically every 8 to 10 years. The burdensome, costly, and time-consuming task of segregating the plans into secure and non-secure data would then not be borne by the state.

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