



General Assembly

Amendment

January Session, 2017

LCO No. 7465



Offered by:
REP. STEINBERG, 136th Dist.

To: Subst. House Bill No. 7221 File No. 460 Cal. No. 321

"AN ACT CONCERNING ACCESS TO WATER PLANNING INFORMATION."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subdivision (19) of subsection (b) of section 1-210 of the
4 general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective July 1, 2017*):

6 (19) Records when there are reasonable grounds to believe
7 disclosure may result in a safety risk, including the risk of harm to any
8 person, any government-owned or leased institution or facility or any
9 fixture or appurtenance and equipment attached to, or contained in,
10 such institution or facility, except that such records shall be disclosed
11 to a law enforcement agency upon the request of the law enforcement
12 agency. Such reasonable grounds shall be determined (A) (i) by the
13 Commissioner of Administrative Services, after consultation with the
14 chief executive officer of an executive branch state agency, with respect
15 to records concerning such agency; and (ii) by the Commissioner of

16 Emergency Services and Public Protection, after consultation with the
17 chief executive officer of a municipal, district or regional agency, with
18 respect to records concerning such agency; (B) by the Chief Court
19 Administrator with respect to records concerning the Judicial
20 Department; and (C) by the executive director of the Joint Committee
21 on Legislative Management, with respect to records concerning the
22 Legislative Department. As used in this section, "government-owned
23 or leased institution or facility" includes, but is not limited to, an
24 institution or facility owned or leased by a public service company, as
25 defined in section 16-1, other than a water company, as defined in
26 section 25-32a, a certified telecommunications provider, as defined in
27 section 16-1, [a water company, as defined in section 25-32a,] or a
28 municipal utility that furnishes electric [, gas or water] or gas service,
29 but does not include an institution or facility owned or leased by the
30 federal government, and "chief executive officer" includes, but is not
31 limited to, an agency head, department head, executive director or
32 chief executive officer. Such records include, but are not limited to:

33 (i) Security manuals or reports;

34 (ii) Engineering and architectural drawings of government-owned
35 or leased institutions or facilities;

36 (iii) Operational specifications of security systems utilized at any
37 government-owned or leased institution or facility, except that a
38 general description of any such security system and the cost and
39 quality of such system [,] may be disclosed;

40 (iv) Training manuals prepared for government-owned or leased
41 institutions or facilities that describe, in any manner, security
42 procedures, emergency plans or security equipment;

43 (v) Internal security audits of government-owned or leased
44 institutions or facilities;

45 (vi) Minutes or records of meetings, or portions of such minutes or
46 records, that contain or reveal information relating to security or other

- 47 records otherwise exempt from disclosure under this subdivision;
- 48 (vii) Logs or other documents that contain information on the
49 movement or assignment of security personnel; and
- 50 (viii) Emergency plans and emergency preparedness, response,
51 recovery and mitigation plans, including plans provided by a person
52 to a state agency or a local emergency management agency or official,
53 [; and
- 54 (ix) With respect to a water company, as defined in section 25-32a,
55 that provides water service: Vulnerability assessments and risk
56 management plans, operational plans, portions of water supply plans
57 submitted pursuant to section 25-32d that contain or reveal
58 information the disclosure of which may result in a security risk to a
59 water company, inspection reports, technical specifications and other
60 materials that depict or specifically describe critical water company
61 operating facilities, collection and distribution systems or sources of
62 supply;]
- 63 Sec. 2. Subsection (d) of section 1-210 of the general statutes is
64 repealed and the following is substituted in lieu thereof (*Effective July*
65 *1, 2017*):
- 66 (d) Whenever a public agency, except the Judicial Department or
67 Legislative Department, receives a request from any person for
68 disclosure of any records described in subdivision (19) of subsection
69 (b) of this section under the Freedom of Information Act, the public
70 agency shall promptly notify the Commissioner of Administrative
71 Services or the Commissioner of Emergency Services and Public
72 Protection, as applicable, of such request, in the manner prescribed by
73 such commissioner, before complying with the request as required by
74 the Freedom of Information Act. [and for information related to a
75 water company, as defined in section 25-32a, the public agency shall
76 promptly notify the water company before complying with the request
77 as required by the Freedom of Information Act.] If the commissioner,
78 after consultation with the chief executive officer of the applicable

79 agency, [or after consultation with the chief executive officer of the
80 applicable water company for information related to a water company,
81 as defined in section 25-32a,] believes the requested record is exempt
82 from disclosure pursuant to subdivision (19) of subsection (b) of this
83 section, the commissioner may direct the agency to withhold such
84 record from such person. In any appeal brought under the provisions
85 of section 1-206 of the Freedom of Information Act for denial of access
86 to records for any of the reasons described in subdivision (19) of
87 subsection (b) of this section, such appeal shall be against the chief
88 executive officer of the executive branch state agency or the municipal,
89 district or regional agency that issued the directive to withhold such
90 record pursuant to subdivision (19) of subsection (b) of this section,
91 exclusively, or, in the case of records concerning Judicial Department
92 facilities, the Chief Court Administrator or, in the case of records
93 concerning the Legislative Department, the executive director of the
94 Joint Committee on Legislative Management.

95 Sec. 3. Section 25-32d of the general statutes is repealed and the
96 following is substituted in lieu thereof (*Effective July 1, 2017*):

97 (a) Each water company, as defined in section 25-32a, and supplying
98 water to one thousand or more persons or two hundred fifty or more
99 consumers and any other water company as defined in said section
100 requested by the Commissioner of Public Health shall submit a water
101 supply plan to the Commissioner of Public Health for approval in
102 accordance with the requirements of this section and with the
103 concurrence of the Commissioner of Energy and Environmental
104 Protection. The concurrence of the Public Utilities Regulatory
105 Authority shall be required for approval of a plan submitted by a
106 water company regulated by the authority. The Commissioner of
107 Public Health shall consider the comments of the Public Utilities
108 Regulatory Authority on any plan which may impact any water
109 company regulated by the authority. The Commissioner of Public
110 Health shall distribute a copy of the plan to the Commissioner of
111 Energy and Environmental Protection and the Public Utilities
112 Regulatory Authority. A copy of the plan shall be sent to the Secretary

113 of the Office of Policy and Management for information and comment.
114 A plan shall be revised at such time as the water company filing the
115 plan or the Commissioner of Public Health determines, or at intervals
116 of not less than six years or more than nine years after the date of the
117 most recently approved plan. Unless the Commissioner of Public
118 Health requests otherwise, any water company that fails to meet public
119 drinking water supply quality and quantity obligations, as prescribed
120 in state law or regulation, shall be required to file plan revisions six
121 years after the date of the most recently approved plan. On and after
122 October 1, 2009, upon the approval of a water supply plan, any
123 subsequent revisions to such plan shall minimally consist of updates to
124 those elements described in subsection (b) of this section that have
125 changed after the date of the most recently approved plan provided
126 the Commissioner of Public Health has not otherwise requested
127 submission of an entire water supply plan.

128 (b) Any water supply plan submitted pursuant to this section shall
129 evaluate the water supply needs in the service area of the water
130 company submitting the plan and propose a strategy to meet such
131 needs. The plan shall include: (1) A description of existing water
132 supply systems; (2) an analysis of future water supply demands; (3) an
133 assessment of alternative water supply sources which may include
134 sources receiving sewage and sources located on state land; (4)
135 contingency procedures for public drinking water supply emergencies,
136 including emergencies concerning the contamination of water, the
137 failure of a water supply system or the shortage of water; (5) a
138 recommendation for new water system development; (6) a forecast of
139 any future land sales, an identification which includes the acreage and
140 location of any land proposed to be sold, sources of public water
141 supply to be abandoned and any land owned by the company which it
142 has designated, or plans to designate, as class III land; (7) provisions
143 for strategic groundwater monitoring; (8) an analysis of the impact of
144 water conservation practices and a strategy for implementing supply
145 and demand management measures; (9) on and after January 1, 2004,
146 an evaluation of source water protection measures for all sources of the

147 water supply, based on the identification of critical lands to be
148 protected and incompatible land use activities with the potential to
149 contaminate a public drinking water source; and (10) a brief summary
150 of the water company's underground infrastructure replacement
151 practices, which may include current and future infrastructure needs,
152 methods by which projects are identified and prioritized for
153 rehabilitation and replacement and funding needs.

154 (c) For security and safety reasons, procedures for sabotage
155 prevention and response shall be provided separately from the water
156 supply plan as a confidential document to the Department of Public
157 Health. Such procedures shall not be subject to disclosure under the
158 Freedom of Information Act, as defined in section 1-200. Additionally,
159 procedures for sabotage prevention and response that are established
160 by municipally owned water companies shall not be subject to
161 disclosure under the Freedom of Information Act, as defined in section
162 1-200.

163 (d) Any water supply plan, including any subsequent revisions to
164 such plan, submitted by a water company pursuant to this section shall
165 be accompanied by a redacted copy of such plan, or subsequent
166 revision to such plan. When submitting a redacted copy of a water
167 supply plan, a water company shall redact the information exempted
168 from disclosure under subsection (e) of this section.

169 (e) The following records filed with any public agency by a water
170 company are confidential and shall not be subject to disclosure under
171 the Freedom of Information Act, as defined in section 1-200:

172 (1) Cybersecurity plans and measures, supervisory control and data
173 acquisition systems, information and communications systems, system
174 access codes and specifications, vulnerability assessments, internal
175 security audits, security manuals, security training or security reports,
176 including, but not limited to, security assessments, plans and
177 procedures, operational and design specifications of water and sewage
178 treatment facility security systems or risk management plans;

179 (2) Emergency contingency plans and emergency preparedness
180 plans, incident management plans, response, recovery and mitigation
181 plans or critical customer lists, including plans provided by a person to
182 a federal or state agency or a federal, state or local emergency
183 management agency or official, or documents or portions of
184 documents that identify or describe procedures for sabotage
185 prevention and response, except drought management and response
186 plans shall be subject to disclosure;

187 (3) Design drawings or maps identifying specific locations, detailed
188 schematics and construction details of wells, source water intakes,
189 water mains, tunnels, storage facilities, water and sewage treatment
190 facilities or pump stations and pressure reducing stations, and other
191 distribution system pressure and flow control valves and facilities,
192 provided information regarding general location of water mains, wells
193 and interconnections shall be subject to disclosure;

194 (4) Dam specifications or dam safety documents described in
195 sections 22a-401 to 22a-411, inclusive, including (i) inspections reports,
196 engineering studies or reports, drawings, plans and specifications
197 detailing construction or rehabilitation, and (ii) emergency action plans
198 prepared pursuant to section 22a-411a including plans provided to a
199 federal or state agency or a federal, state or local emergency response
200 or emergency management agency or official;

201 (5) Building floor or structural plans, specifications of structural
202 elements or building security systems or codes;

203 (6) Detailed network topology maps;

204 (7) Specific locations of or specifications regarding electrical power,
205 standby generators or fuel systems for water system facilities, except
206 that general information regarding electrical power, standby
207 generators or fuel systems for water system facilities may be disclosed;

208 (8) Operational specifications, schematics and procedures of water
209 and sewage treatment plant processes and associated equipment and

210 chemicals, including, but not limited to, facility use of chlorine gas
211 storage and delivery and the location of chemicals, except that a
212 general description of any such treatment plant may be disclosed;

213 (9) Logs or other documents that contain information regarding the
214 movement or assignment of water system and sewage treatment
215 facilities and security personnel;

216 (10) Distribution system hydraulic models; or

217 (11) Any other record if there are reasonable grounds to believe the
218 disclosure of such record may result in a safety risk. Upon request by
219 the water company, such record may be reviewed by the
220 Commissioner of Administrative Services, in consultation with the
221 chief executive officer of the executive branch state agency or
222 municipal water or sewage treatment entity that has custody of such
223 record, to determine if such reasonable grounds exist.

224 [(d)] (f) The Commissioner of Public Health, in consultation with the
225 Commissioner of Energy and Environmental Protection and the Public
226 Utilities Regulatory Authority, shall adopt regulations in accordance
227 with the provisions of chapter 54. Such regulations shall include a
228 method for calculating safe yield, the contents of emergency
229 contingency plans and water conservation plans, the contents of an
230 evaluation of source water protection measures, a process for
231 approval, modification or rejection of plans submitted pursuant to this
232 section, a schedule for submission of the plans and a mechanism for
233 determining the completeness of the plan. The plan shall be deemed
234 complete if the commissioner does not request additional information
235 within ninety days after the date on which the plan was submitted or,
236 in the event that additional information has been requested, within
237 forty-five days after the submission of such information, except that
238 the commissioner may request an additional thirty days beyond the
239 time in which the application is deemed complete to further determine
240 completeness. In determining whether the water supply plan is
241 complete, the commissioner may request only information that is

242 specifically required by regulation. The Department of Energy and
 243 Environmental Protection and the Public Utilities Regulatory
 244 Authority, in the case of any plan which may impact any water
 245 company regulated by that agency, shall have ninety days upon notice
 246 that a plan is deemed complete to comment on the plan.

247 [(e)] (g) Any water company, when submitting any plan or revision
 248 or amendment of a plan after July 1, 1998, which involves a forecast of
 249 land sales, abandonment of any water supply source, sale of any lands,
 250 or land reclassification, shall provide notice, return receipt requested,
 251 to the chief elected official of each municipality in which the land or
 252 source is located, the Nature Conservancy, the Trust for Public Land
 253 and the Land Trust Service Bureau and any organization on the list
 254 prepared under subsection (b) of section 16-50c. Such notice shall
 255 specify any proposed abandonment of a source of water supply, any
 256 proposed changes to land sales forecasts or any land to be designated
 257 as class III land in such plan. Such notice shall specify the location and
 258 acreage proposed for sale or reclassification as class III land and
 259 identify sources to be abandoned and shall be provided no later than
 260 the date of submission of such plan or revision. Such notice shall
 261 indicate that public comment on such plan or revision shall be received
 262 by the Commissioners of Public Health and Energy and Environmental
 263 Protection not later than sixty days after the date of notice. The
 264 Commissioner of Public Health shall take such comment into
 265 consideration in making any determination or approval under this
 266 section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2017	1-210(b)(19)
Sec. 2	July 1, 2017	1-210(d)
Sec. 3	July 1, 2017	25-32d