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165 Capitol Avenue
Hartford, CT 06106-1658

February 21, 2014

Lori Mathieu
Public Health Services Manager
Department of Public Health
410 Capitol Avenue MS#51 WAT
Hartford, Connecticut 06134-0308

Re: FOI security exemption determination – Housatonic Water Supply Management Area

Dear Ms. Mathieu:

The State of Connecticut, Department of Administrative Services (DAS), at your request, has reviewed a number of documents in advance of a public release of such documents by your agency in order to determine if such records would be potentially exempt from disclosure under the Freedom of Information Act as provided in Connecticut General Statute Section 1-210(b) (19). The documents include a “Final Water Supply Assessment for the Housatonic Water Supply Management Area”, dated March 1987; an “Integrated Report for the Housatonic Water Supply Management Area”; a “Final Exclusive Service Areas” document for said area; and an executive summary of all 3 documents.

Pursuant to this request, you provided DAS with hundreds of pages of material. As required under the statute, DAS consulted with DPH to determine the nature of the information contained in the response and to discuss whether reasonable grounds exist to exempt the requested record or portions of the information contained therein from disclosure.

Subdivision (19) of subsection (b) of section 1-210 of the general statutes specifically enumerates examples of records the release of which may result in a safety risk to water company facilities. These include: “[w]ith respect to a water company, as defined in section 25-32a, that provides water service: [v]ulnerability assessments and risk management plans, operational plans, portions of water supply plans submitted pursuant to section 25-32d that contain or reveal information the disclosure of which may result in a security risk to a water company, inspection reports, technical specifications and other materials that depict or specifically describe critical water company operating facilities, collection and distribution systems or sources of supply;...”. Sec. 1-210 (b) (19) (ix).

Recent proceedings at the Freedom of Information Commission (FOIC) provide relevant background for the determination required in this matter. In the matter of Margaret Miner, et al,

vs. Commissioner of DPW, FIC Docket no. 2010-311, findings were made “concerning threats to water systems in the United States generally, [and] in Connecticut in particular....”.

We have determined that several items in the records should be redacted or withheld because they could provide potentially important information for persons with criminal intent or intent to otherwise damage critical public water infrastructure in this state. Examples of information that could substantially inform any plan, or execution of a plan, to disrupt or contaminate the public water system in question include: a description of critical mitigation steps in case of emergencies, the yield of particular sources of supply, descriptions of interconnections or the location, size or other specification of water supply infrastructure, including piping or tanks, the availability of emergency power to a particular supply facility, the system’s firefighting capabilities and any map, diagram or schematic of a water distribution system.

Consistent with those principles, there are multiple items within the records that should be redacted or withheld. You have marked these items as proposed for redaction or withholding.

However, some of the material that is marked for redaction or withholding does not appear to be of concern for purposes of this safety risk determination. Specifically, tables of contents, unless any of the items indicated above are specified, are not likely to pose a risk. The reference to a potential water supply advisory in the staged response plan, and the goals for reduction of consumption in that section, do not appear to pose a risk. References to future projects or analysis of options in the water supply plans, proposed for redaction in their entirety, do not appear to merit wholesale withholding. Instead, a more careful item-by-item redaction may be warranted if consistent with the items of concern listed above. If further consultation on this point is required, we are at your disposal.

If you have any questions or concerns concerning this determination, please feel free to contact Attorney Jeffrey Beckham of my staff at (860) 713-5195.

Sincerely,



Donald DeFronzo
Commissioner
Department of Administrative Services