



165 Capitol Avenue
Hartford, CT 06106-1658

September 11, 2012

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 – High Quality Source List

Dear Ms. Mathieu:

The State of Connecticut, Department of Administrative Services (DAS), is in receipt of your letter of August 8, 2012, wherein you requested that the department review the “high quality source list” compiled by your agency pursuant to section 25-33q of the general statutes in order to determine if such list would be potentially exempt from disclosure under the Freedom of Information Act as provided in Connecticut General Statute Section 1-210(b)(19).

Pursuant to this request, you provided DAS with an Excel document containing multiple columns with specific information concerning both current and future sources. 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).

Your letter did not indicate a basis for a security exemption under the statute. However, one of the columns in the Excel document indicates the “safe yield” for each source. DAS has determined that information concerning water source yields do provide potentially important information for persons with criminal intent or intent to otherwise damage critical public water infrastructure in this state.

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....”.

Specifically, “[w]ith reference to threats to water systems in the United States generally, it is found that the threats are real and not widely understood. Because water systems are dispersed and often lack real time security monitoring, they are vulnerable to biological, chemical and physical disruption. Water tanks, containing “finished water”, are a particular point of vulnerability. Explosives, arsenic, cyanide, DDT, and electronic measures can be used as the means of attack. Such attacks are considered most likely to come from domestic extremists, trained in the United States. In recent decades, there have been 193 such attacks in North America, including an attack in Harrisburg, Pennsylvania in the late 1990s. The United States Congress addressed threats to water systems with the Public Health, Security and Bioterrorism Act, which required the federal EPA to perform vulnerability assessments of water systems.” In the matter of Margaret Miner, et al, vs. Commissioner of DPW, FIC Docket no. 2010-311.

The findings went to state that “[w]ith reference to threats to water systems in Connecticut in particular, it is found that there have not been any attacks, but that there have been three incidents in the last ten years that required investigation by the FBI, the federal Department of Homeland Security, or the Connecticut Water Emergency Response Team. The firewalls of computerized water control systems have been subject to episodes of disruption and remain subject to attack. Investigations of incidents and appropriate responses, like draining a water tank, are themselves costly.” And that “[i]t is found that a water supply plan is a description of an entire water system, including all of the facilities of a given water company. A security manager for a water company uses the water supply plan to perform a vulnerability assessment, and an aggressor could be expected to do likewise.” Id.

The columns indicating the safe yield for each source, if released, could provide a roadmap for anyone inclined to inflict harm on the general public by compromising the water supply.

Given this concern, I have determined that there are reasonable grounds to believe disclosure of the information contained in the HQS List which indicate safe yields of the sources may result in a safety risk to persons or property inasmuch as this information is not readily available from any other source and may be of use to persons with criminal intent or intent to otherwise damage critical public water infrastructure in this state.

You are directed to withhold, or redact accordingly, the columns indicated above prior to releasing copies of this record to any requesting party.

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