



**Environment Committee  
March 15, 2013**

**Public Hearing  
Testimony  
By**

**Thomas Callahan  
Associate Vice President  
University of Connecticut**

Co-Chairs, Ranking Members, and Members of the Environment Committee, thank you for the opportunity to testify today on *Raised Bill, An Act Concerning Water Quality and the University of Connecticut*.

I am Tom Callahan, currently Associate Vice President at the University of Connecticut and am here to express our serious concerns about the intent and impact of Raised Bill 6537.

This is not the first time similar legislation has been proposed as a way to deter UConn's progress in Storrs. Fortunately, both in 2001 and in 2003, the General Assembly rejected the proposals. Those pieces of failed legislation arose from the same local concerns of some citizens regarding the Storrs Campus' growth and development pursuant to the state's policy goals incorporated in UCONN 2000 and 21<sup>st</sup> Century UConn.

RB 6537 is misguided for several reasons. It fails to recognize the important distinctions between state institutions such as UConn that operate water supply systems, and water utilities; it fails to acknowledge UConn's record of natural resources conservation and preservation; and, it proposes several requirements that UConn has already fulfilled.

Permit me to provide some relevant historical perspective. The University of Connecticut's main campus has continuously operated a water supply system for more than 100 years. Located in Storrs, without the benefit of either a private water or municipal water utility, the University of Connecticut's water sources and supply system evolved from a single groundwater well in the center of the original campus, to a surface water supply shared with the then School for the Epileptics (ultimately to become the Mansfield Training School), to separate groundwater based systems for UConn and MTS funded by a \$200,000 state appropriation in 1925. Over time, the two systems were further developed, interconnected and the unified system is now operated by UConn. In a parallel timeframe, UConn acquired land – by donation or acquisition – located in both the Fenton River and Willimantic River watersheds totaling approximately 3300 acres. Over the course of the past 132 years, development has largely been concentrated on the

Main and former Mansfield Training School campuses, surrounded by large areas of University owned and managed open space (approximately two-thirds of its total acreage). The University's community water supply system is identified by the USEPA and the Connecticut Department of Public Health (CT DPH) as CT 0780021. UConn also operates separate public water supply systems that serve its Agronomy Farm in Mansfield (CT 1435053) and Torrington campus (CT 0780444)

Lacking access to either a municipal or private water utility, it was incumbent on UConn to develop and manage its own water supply system. At least three other state institutions also operate their own significant community water supply systems – Connecticut Valley Hospital, Southbury Training School and the Connecticut Correctional Institution in Somers. All of these systems, UConn's included, are regulated and monitored by DPH and DEEP, as are scores of smaller state institutional systems that provide water at state parks, beaches, state police barracks and highway facilities. As state institutions whose primary missions are public education, health, recreation and safety, UConn and these other public entities are regulated differently from statutorily defined water utility companies, whose sole purpose is the business of providing water. Water utility companies exist to collect, treat and distribute water – either to make a profit or provide a public good. In contrast, UConn exists to teach, conduct research, provide outreach and serve as an economic engine for the state.

While UConn's and other state institutional water supply systems are regulated differently from statutorily defined water utility companies, they are not unregulated. As a public water system, UConn's is required to comply with DPH regulations that apply to adequacy and purity of public water systems. Compliance is systemically monitored and enforced. When the University has been deemed out of compliance in the past, the Department of Public Health has issued orders pursuant to its broad "adequacy and purity" authority to ensure necessary corrective action. Additionally, DEEP's authority to regulate the University's compliance with groundwater withdrawals and the delineation of its aquifer protection areas is well established.

Raised Bill 6537 proposes to categorize all lands that comprise UConn's main campus in Storrs as water utility company lands and regulate their use as if the University is a water utility company and not the main campus of Connecticut's flagship public research university. The bill proposes a fundamentally misguided public policy. Especially onerous would be the designation of significant areas of our core campus which are located in the Fenton River watershed as Class II land – due not to their relationship to protecting UConn's water supply sources, but solely because they are within the larger public water supply watershed of the Windham Reservoir which is located more than six miles away. While most of the land (more than 1000 acres) is used agriculturally or protected as forested open space and will continue as such, significant areas of what is now the core campus where the University started and has been developed and redeveloped during the last 100 years. Today this area features scores of facilities including more than a dozen academic buildings (including CLAS, Psychology, Fine Arts, Agriculture & Natural Resources, Ag Bio Tech, Babbidge Library) residential facilities that are home to almost 5000 undergraduates, and four major dining facilities.

By contrast, DPH requirements for Class II land use are limited to passive recreation. Such a retroactive reclassification ignores the reality of the University's existence and its growth and development in Mansfield over the past 130 years. (See Attached)

The Office of Attorney General has also weighed in on this issue. Attorney General Blumenthal issued a formal opinion in 2000 that the University's and other state institutions were not included in the statutory definition of a water company and therefore not subject to the identical restrictions imposed on water utility companies. Nevertheless, AG Blumenthal's opinion letter correctly identified UConn's ongoing challenge as properly balancing its obligations to Connecticut to achieve its higher education mission and protect the environment. The opinion concludes:

*While as a legal matter the University is not subject to the panoply of valuable protections established by the State to preserve watershed property, the University should carefully consider whether each step of continuing development at the University is consistent with the State's long and firmly established statutory policy to conserve and preserve watershed and open space land. I am confident that these significant state policies, designed to further both education and the environment, can be harmonized for the benefit of all Connecticut citizens. Indeed, protecting natural resources -- watershed areas specifically and the environment generally -- can enhance your educational mission by setting a good example of advancing the spirit of the law, as well as complying with its letter.*

Since the issuance of the Attorney General's opinion, the University has continued to act decisively and proactively to conserve and preserve its watershed lands, particularly in the Fenton River watershed. It has:

- Prepared and approved a plan of Conservation and Development for its 880 acre East Campus located between Route 195 and the Fenton River to protect its sensitive and unique environmental attributes, including its Level A aquifer protection area, and preserve its agricultural and forested character.
- Published and implemented land stewardship plans that guide the protection and use of more than 2000 acres of UConn owned agricultural and forested lands
- Negotiated a land swap with the Norcross Wildlife Foundation and the Town of Mansfield to provide long-term protection to approximately 550 acres of Fenton River watershed lands.
- Committed as part of its plans to develop the UConn Tech Park to preserve 100 acres under permanent conservation easement and replace any disturbed agricultural lands on a two acre for one acre basis.
- Largely limited construction to redevelop previously built areas of campus, constructing several LEED Silver and Gold facilities.

Some UConn's critics continue to seize on the 2005 drying of the Fenton River during a severe drought period and the current evaluation of potential new sources of water supply (necessary for safely meeting current peak demand requirements and planning for future growth) as evidence of poor stewardship and unsustainable aspirations that merit greater regulation.

The drying of the Fenton served as an important wake up call, stirring UConn to work closely with state regulators and Mansfield town officials and to take aggressive action to immediately address the situation. Using a strategy that emphasizes water conservation and water reuse, and, protection of stream resources, UConn:

- Adopted new wellfield management practices, consistent with the recommendations of comprehensive in-stream flow studies, that protect aquatic habit, including the elimination of withdrawals from our Fenton wellfields (the source of approximately 30 percent of UConn's available water supply) during periods of natural occurring low streamflow.
- Metered buildings, replaced aging utility infrastructure, constructed efficient new buildings and installed water efficient fixtures largely with the help of resources provided through UConn 2000 and 21<sup>st</sup> Century UConn. Also, UConn has encouraged its students, faculty and staff to conserve water. As a result, UConn uses on average 225,000 gallons less water daily (15 percent) than it did in 2005 even though enrollment, employment and facilities have increased significantly.
- Constructed a \$25 million reclaimed water facility to be commissioned this spring capable of further reducing campus potable water demand by an additional 400,000 gallons daily (20 percent) during critical peak demand periods.
- Contracted with New England Water Utilities Services to professionally operate and manage its water supply system pursuant to a consent order with the Connecticut Department of Public Health.
- Created and staffed a robust University environmental compliance unit to complement its environmental policy and sustainability initiatives.
- Established an advisory committee comprised of University, Mansfield and Windham Water Commission officials that has met quarterly since 2006 to work together on issues related to Storrs area water supply and sewer operations, planning and allocation.
- Initiated the process to identify long term options for additional sources of water supply at the encouragement of CT DPH and the CT Water Planning Council

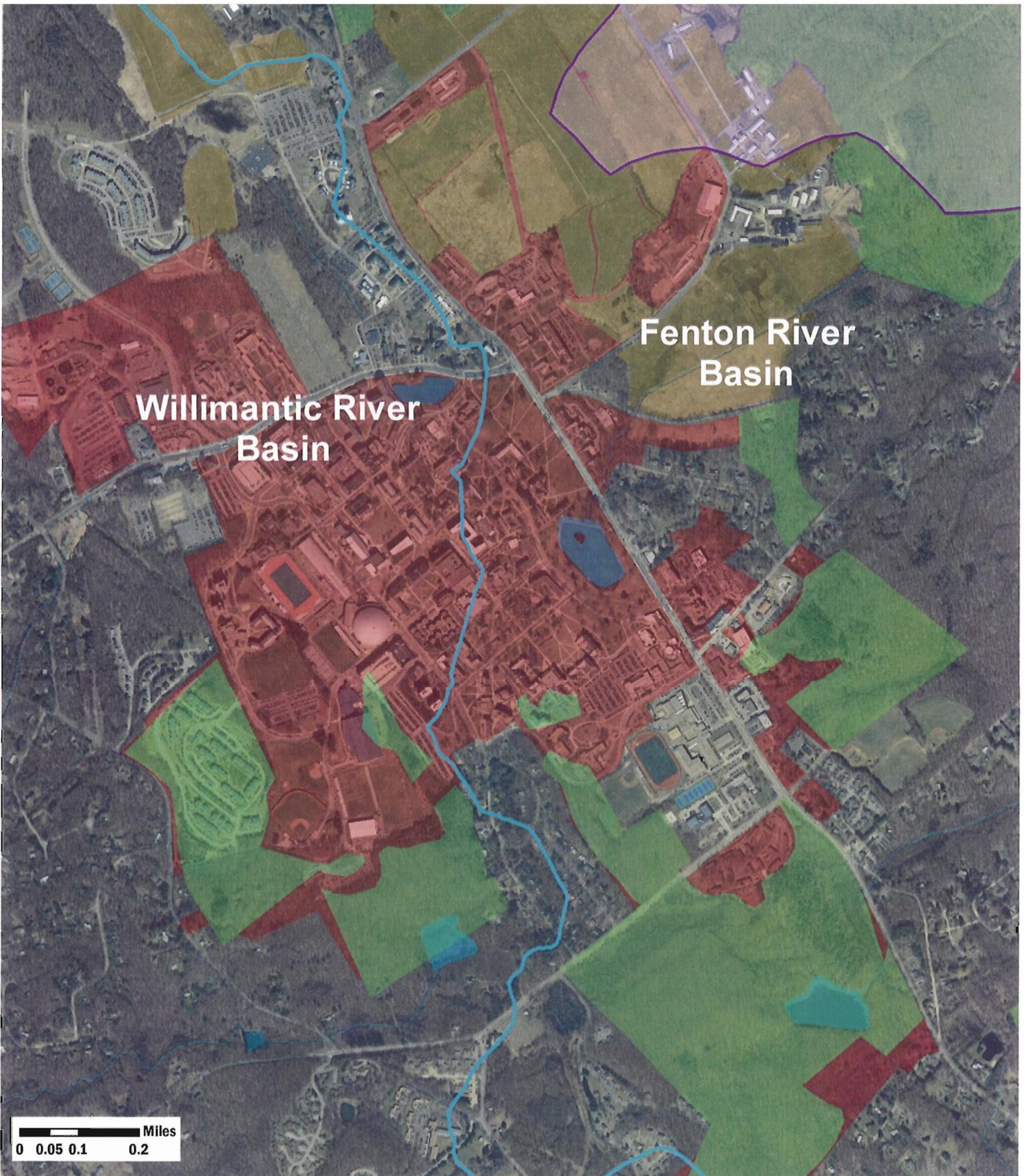
Much of this work was incorporated in UConn's 2006 Memorandum of Agreement with the Connecticut Water Planning Council to develop and implement a comprehensive water supply strategy. In June 2008, then Commissioners Gina McCarthy (CT DEP) and Robert Galvin (CT DPH) wrote to UConn's president and stated, "*The efforts that the University has taken to address its commitments have been exemplary.*" The communication also acknowledged the University's progress in meeting both its water supply and natural resources preservation responsibilities: "*With the earlier investment in infrastructure, operational knowledge, and conservation activities that have lead to a cumulative reduction in yearly total water production on the order of five percent combined with a detailed knowledge of the ecological needs of the Fenton River, the University was able to achieve a balance of meeting its water supply needs including state, municipal, commercial and residential users connected to its system while being protective of the environment.*" (The full letter is attached.)

As a technical matter, the Committee should be aware that one of the proposed requirements of this legislation – namely requiring UConn to map its Fenton and Willimantic wellfield aquifers at Level A parameters – was completed by UConn and approved by the Connecticut Department of Energy and Environmental Protection (CT DEEP) in 2003 and 2007 respectively. The University has submitted and CT DPH has approved the University's five year water supply plans three times in the past 18 years. CT DPH is now reviewing UConn's fourth such plan. Annually, UConn prepares and distributes consumer confidence reports as required by federal law.

Over the past decade, UConn has undergone a significant transformation as result of the state's investment and its elevated aspirations for its flagship public research university. Since the beginning of UConn 2000, UConn has increased enrollment by 52%, increased average freshmen SAT from 1113 to 1226, increased annual Bachelor degrees awarded by 75% and graduate degrees by 40%, and increased research awards by 104%. Simultaneously, we have completed 108 construction projects that are providing our students and faculty with over 10 million square feet of new and renovated space.

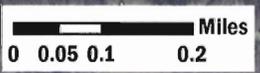
Understandably, this rapid progress has not occurred without a few missteps. But in each case, the University has responded aggressively by fixing the problem and applying the lessons learned as it has proceeded to meet and surpass new milestones. Consistent with this approach is the University's long term commitment to superior environmental performance and stewardship as it continues its academic and research advancements. UConn's efforts on climate change, energy efficiency and recycling, in addition to water conservation and intelligent land use, have been nationally and globally recognized. It should no longer surprise Connecticut's elected officials to learn that UConn was ranked 5<sup>th</sup> on the Sierra Club's 2012 list of the nation's greenest universities and 1<sup>st</sup> among 215 international higher education institutions on Universitas Indonesia's GreenMetric World University ratings earlier this year. We are confident that UConn has fairly harmonized the state policy objectives embedded in UConn 2000 and 21<sup>st</sup> Century UConn with its parallel obligation to protect Connecticut's watershed lands and the broader environment and that we will continue to do so.

The University's continued academic and research advancement and its related ability to drive economic expansion and job creation for our state will clearly be jeopardized if RB 6537 were enacted. We, therefore, respectfully ask that RB 6537 not be adopted.



**Willimantic River Basin**

**Fenton River Basin**



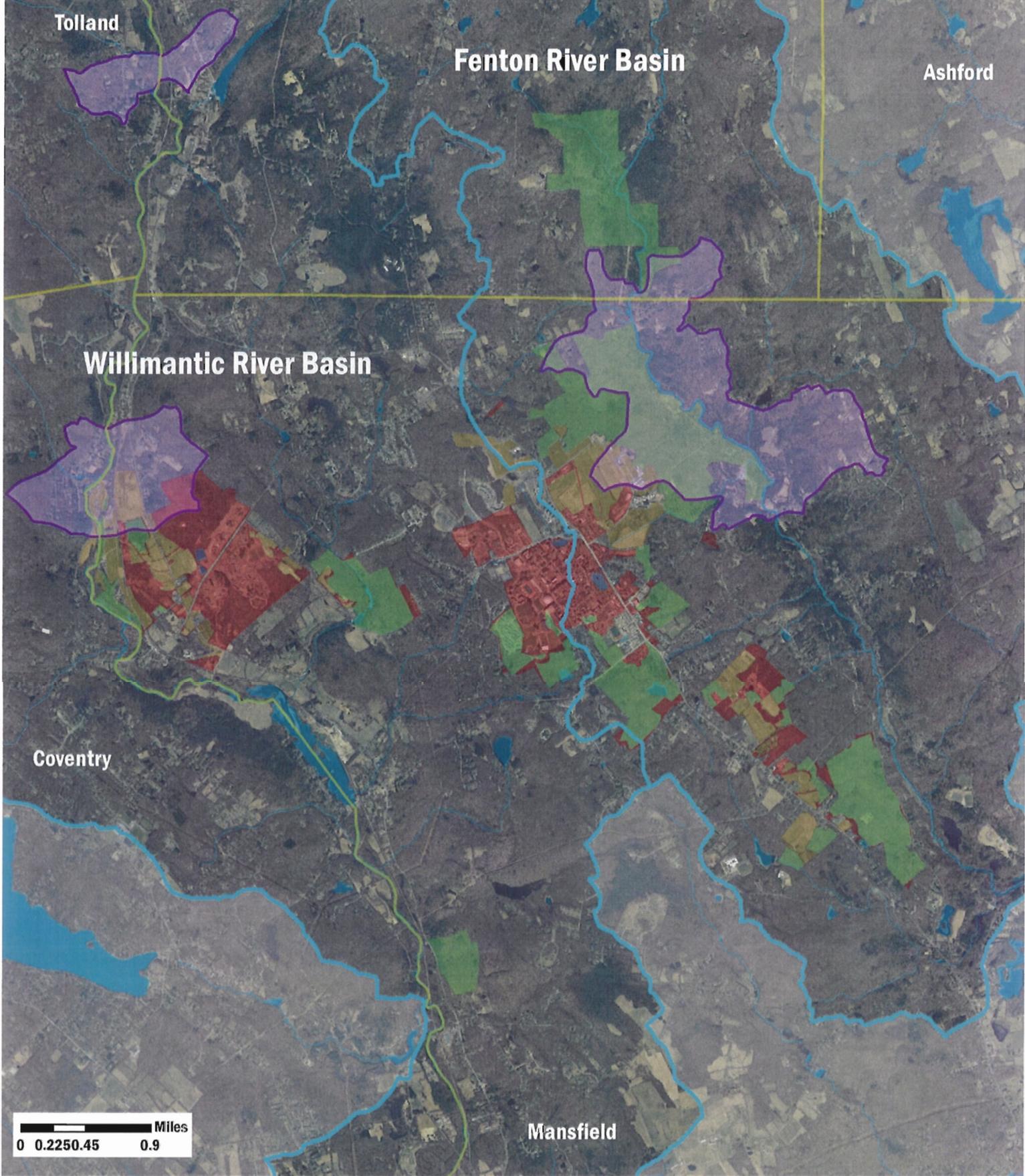
- Towns**
- Aquifer Protection Area**
- UConn Forests**
- UConn Farmland**
- UConn Parcels**
- Lake and Streams**
- DEEP Sub-basins**
- 2012 Ortho Imagery**



This map is intended for planning and educational purposes only. The accuracy at any given location cannot be guaranteed.

Data sources include CT DEEP ([www.ct.gov/deep/gisdata](http://www.ct.gov/deep/gisdata)), University of Connecticut, CT ECO ([cteco.uconn.edu](http://cteco.uconn.edu)).

Map created by Emily Wilson, UConn CLEAR, [emily.wilson@uconn.edu](mailto:emily.wilson@uconn.edu), March 2013.



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Gina McCarthy  
*Commissioner*

STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

79 ELM STREET HARTFORD, CT 06106-5127

PHONE: 860-424-3001



June 5, 2008

Mr. Michael Hogan  
President  
University of Connecticut  
1376 Storrs Road  
Storrs, CT 06269

Dear Mr. Hogan:

Thank you very much for arranging the May 28, 2008 briefing for our agencies on the key findings of the recent work conducted by Milone & MacBroom and Connecticut Water as well as the University of Connecticut's continuing efforts to meet its water supply needs while simultaneously being protective of the environment and public health. While I know that our respective staffs have been in frequent communication over the last three years and have kept us apprised of progress, we appreciated the opportunity to hear from you directly both about steps that have been taken since the drying up of the Fenton River in the summer of 2005 and the future path that the University is charting.

In September of 2005, your predecessor Dr. Austin, committed to Commissioner McCarthy in a letter to undertake action in three specific areas: 1) restorative measures for the Fenton River, 2) water supply system assessment and improvements, and 3) additional water conservation measures. In addition, the University made commitments to the Department of Public Health in two consent orders in 2005 and to all the members of the Water Planning Council in a Memorandum of Agreement in November of 2006.

The efforts that the University has taken to address its commitments have been exemplary. Regarding the Fenton River, of paramount importance was successful completion of the Fenton River Instream Flow and Aquatic Habitat Study that serves as a basis for sound environmental management of the Fenton River Well Field moving forward. We look forward to the completion in the fall of 2009 of a similar study that is presently underway of the Willimantic River in the vicinity of the well field.

From a water supply system management perspective, the University is to be commended for promptly engaging a professional operator, implementing system improvements necessary to achieve operational flexibility including system automation, installing sub-metering, addressing identified leaks, and updating the University's Drought Response Plan. The recently completed Water Conservation Opportunities is the culmination of many actions aimed at water conservation and we look forward to implementation of the recommendations within the report.

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Mr. Michael Hogan  
June 5, 2008  
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When dealing with natural systems, you never know when the test is coming – and it arrived in the second half of 2007 and found the University well prepared for a protracted period of dry weather. As a result of natural low flow conditions, the University stopped pumping the Fenton Well Field at the end of July and was able to meet its needs, with aggressive conservation measures, relying solely on the Willimantic Well Field until early January 2008. With the earlier investment in infrastructure, operational knowledge, and conservation activities that have led to a cumulative reduction in yearly total water production on the order of five percent combined with a detailed knowledge of the ecological needs of the Fenton River, the University was able to achieve a balance of meeting its water supply needs including the state, municipal, commercial and residential users connected to its system while being protective of the environment.

However, the fall of 2007 reinforced that the University needs to be vigilant in its conservation and future planning efforts to ensure that it has a sustainable drinking water supply. We are supportive of the University's initiative to look at reducing potable water use by reclaiming wastewater for use at the Central Utility Plant. In addition, we are concerned that the results of the Willimantic River study may show that relying solely on that well field during dry periods may not be environmentally appropriate nor guarantee sufficient water supply capacity to meet the University's needs. Therefore, we strongly encourage the University to continue aggressive conservation measures including the reclaimed wastewater project, monitor sources of supply to ensure adequacy for its current users and existing commitments, be extremely judicious when considering future commitments, and to look at long-term options for additional sources of water.

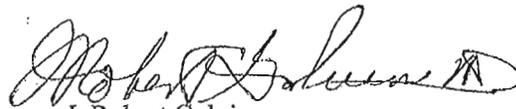
We look forward to continuing to work with you and your staff to ensure that our agencies along with Connecticut's flagship university set a high standard for sustainable development, public health protections and leadership in environmental stewardship.

Yours truly,



Gina McCarthy  
Commissioner  
Department of Environmental Protection

Yours truly,



J. Robert Galvin  
Commissioner  
Department of Public Health

cc: Commissioner John Betkoski, DPUC  
Undersecretary David LeVasseur, OPM