

Joseph G. Smith, Dorianne Smith



Wednesday, March 13, 2013

Representative Gregory Haddad
34th Assembly District Mansfield

Dear Representative Haddad:

We appreciate getting your letter clarifying your views on our petition to pass the UConn water bill. We are in the process of writing to the Committee on the Environment regarding Raised Bill No. 6537 to express our support for the bill with conditions, questions, and requests.

We hope you will read our comments to the bill and we will be submitting this letter for the committee to assess as well as it pertains to our concerns.

Essentially we share your wish to see UConn get out of the water business but we are becoming more realistic as we watch UConn and Mansfield expand development plans apparently with Governor Malloy's support. We feel like witnesses to the dangerous consequences of a changing national policy. Our state town leaders have grown determined to do all they can to prompt further economic recovery and please corporations and investors. Given this shift in priorities the needs and wishes of constituents are being forgotten. We hope you will remain true to your mandate to protect us, and that you will see that we are most certainly not opposed to job promotion or growth promotion where it actually offers jobs and reasonable, helpful growth. But we are vehemently against the kind of plans that seem more based on disaster capitalism, which Naomi Klein warned of in her book by that name.

Connecticut's own version of disaster capitalism has been to take a problem that the university and town long denied, and ironically turn it into a cause for rolling out the red carpet for wealthy corporations. To that end UConn and the town developed a plan that includes large scale inter basin water transfer extending into both sides of the Connecticut River.

We imagine that some of the feelings we are experiencing make us like the residents of Appalachia who tried to speak out against mountaintop removal mining; or the residents of Pennsylvania still trying to prevent the natural gas industry from poisoning their water

through fracking. No matter how many of us say the plan to move water fifty-two miles from Barkhamsted into Storrs is crazy, we are unable to afford to hire a legal team that could address the problem.

The water issue leapt to the forefront of local discussion when a \$172 million dollar state-bonding package was approved for UConn's planned North Campus technology park. The grant also included money for UConn to find a water source to service the area, which catalyzed an EIE written by Milone & MacBroom, environmental consulting and architectural firm.

On June 13, 2011, "Mansfield Today" reported that the UConn Four Corners advisory committee would scrap their original plan for a water source for lands in or near the intersection of Routes 44 and 195 in order to partner with UConn on an environmental impact evaluation, or EIE, to find water. They saw the partnership as a way to take advantage of the state funding.

Our town officials have been overwhelmed in the process as high-powered lobbyists, consultants, investors, realtors and developers sought further investment rights and participation in Mansfield. As many as eight consulting firms showed up at a so-called "town meeting" and they participated in what was supposed to have been an opportunity for residents to assert their interests in "Mansfield Tomorrow, Our Plan, Our Future".

Part of the agenda on the table for those engaging in this planning was how to spend a \$610,000 HUD grant for sustainable housing and communities, but conflicts of interest arose where changes to zoning regulations were to be identified that would foster development. How kind of investors to attend town meetings, break residents down into groups, and "discuss" ways to accomplish this goal they share. We worry though that they are considering "our town" to already be "their town".

Previously there was a kind of sanity imposed on town planners and the university. They had recognized how water limitations at the high elevation campus in Storrs should curtail large-scale development. The water problems in Storrs at and around the University of Connecticut campus have existed for decades, since residents for an agricultural school donated the land, but school officials denied it. Now it is being used as an argument to bring Barkhamsted's water to Mansfield, not primarily for residents or students but for a corporate tech park.

Laws, regulations, were set aside so that UConn could continue to develop the proposed tech park site well beyond capacity. School officials have acted as if UConn is regulated as a water company, and if we are not careful we could perpetuating the problem if we close the barn door after the cows have gotten out.

Bringing UConn under Section 25-32a of the general statutes will at least offer protections for residents and the environment. Other parts of the bill might be eliminated at this preliminary stage until the all water company laws are included.

According to DEEP officials some of the permits required for UConn and Mansfield's "crazy" EIE plan are to include aquifer protection areas and pertain to inland water resources [including 401 water quality, dam construction, flood management, inland wetlands, stream channel encroachment, and water diversion]. Bill 6537 does not cover the details of such potential impacts at this time but we understand from your staff that you see that there is more work to be done on the bill.

In your letter to us you say that you favor a "model of governance that places ownership of water infrastructure and water planning responsibilities into the hands of a regional public water authority" we would want clear details on how that committee might be set up in a way to avert the kind of problems that Connecticut utility regulatory agencies have become notorious for.

Also the formation of public/private committees in Mansfield has been a serious problem and individuals with conflicts of interest have influenced Mansfield's town officials. We would want to isolate a water planning committee from such influence to avoid corruption and make the selection process fully transparent: Who would the members be? Could they be legislators? Water company board members? Experienced utility regulators? How might they be selected? How long would they serve? What would their credentials be?

We would hope to see residents, environmentalists, and experts on water supply appointed to such a commission, but only after very careful consideration. We can envision the dangerous possibility that UConn might simply deed over small parcels of land to water companies for infrastructure. UConn would not be a water company, but the problem wouldn't necessarily be solved.

This might strengthen the long-standing argument made by UConn officials that they are regulated through proximity to water companies. To us UConn must become a fully regulated as a water company before they are allowed to take any action that serves to help them go forward in their present cause, the poorly drafted EIE and large scale inter basin water transfer.

The only possible way forward is to scrap the EIE and water plan. That way the known problems of MDC being "added in after the EIE was written" and the fact that UConn was mapping and planning for the water transfer as a non regulated entity.

Having operated as a non-regulated water company for so long, UConn officials do not see a need for further regulation or change. They will resist efforts to scrap the EIE and we would expect them to complain loudly about any delay to their development plans for the Storrs campus. However, if we are honest about the nature of the problem we will come to the conclusion that the university has already growth beyond capacity and a different site should be found for the tech park.

We would hope that you and others in the legislature could help UConn officials recognize the problem. In January of 2013 we spoke with Jason Coite, UConn's

Environmental Compliance Engineer and spokesperson for the EIE in the Office of the Executive Vice President for Administration and Chief Financial Officer, about our concerns that UConn is not a regulated water company. He said the university's activities are "fully regulated because UConn is a water service provider, and works under water companies". He also argued that their efforts are subject to Health Department regulations. This is again, the concept of regulation by proximity, and it is not accurate.

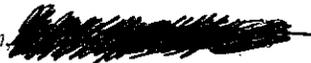
We want Bill 6537 to do more than find a language to legitimize what UConn staff have argued before concerned citizens and we hope that you will again take up the cause of forcing UConn to become a water company as a way to restrain them and correct the problem of over development in an area of low groundwater and potentials for groundwater toxicity.

We hope you will read our comments to the Committee on the Environment and help us obtain full regulation of UConn's ongoing water activities under full enforcement of Section 25-32a. We know that parts of the bill are incomplete or even inaccurate as to the land types at risk and so if the bill were to stop with regulation under Section 25-32a we could fully support it.

Thank you for your time and attention to this problem.

Sincerely,

Joseph G. Smith, Doriennne Smith

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