*STATE OF CONNECTICUT*

# COUNCIL ON ENVIRONMENTAL QUALITY

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December 24, 2012

Jason M. Coite
Office of Environmental Policy
University of Connecticut
31 LeDoyt Road, U-3055
Storrs, Connecticut 06269

RE: Potential Sources of Water Supply

Dear Mr. Coite:

The Council on Environmental Quality reviewed the Environmental Impact Evaluation (EIE) of potential water supplies. The University is to be commended for working in partnership with the Town of Mansfield on questions of water supply, as any solution must be comprehensive in scope. However, the EIE should be improved in order to provide the decision maker with full and accurate information. The Council offers recommendations in five areas:

- Planning
- Energy Use / Resource Consumption / Sustainability
- Permits
- Ranking of Alternatives
- Other Secondary Impacts

Also, the Council has heard from citizens who stated that they did not have enough time to analyze the EIE between the time they learned of it and the December 21 deadline. The Council is aware that you have extended the deadline until January 4, 2013. At its December 19 meeting, the Council discussed the public notice and comment deadline and voted to **recommend that the comment period be further extended**, perhaps through the end of January, and that the University reach out directly to municipalities, citizens and organizations throughout the affected regions in order to solicit their input.

**Planning**

A capital investment of the scale proposed must be conducted in furtherance of the State Conservation and Development Polices Plan (the "State Plan"). The EIE accurately notes the many places where the project – especially the Metropolitan District Commission (MDC) alternative – would not conform to the State Plan. Such nonconformity should probably lead to the dismissal of an alternative, but the EIE

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merely notes the ways in which conformity *could* (in theory) be attained while noting the impediments to such conformity. The Council is not aware of any provisions in statute that would allow an agency to implement an infrastructure project that is not in conformance with the State Plan.

Nonconformance is not a bureaucratic technicality. Foremost, the State Plan is intended to be a guiding document, not a checklist of policies and map colors against which a project is measured. Viewed at a large scale, the State Plan envisions a constellation of vibrant cities and towns (and in this case, a university) separated by expanses of fields, forests and low-density development that is mostly self-sufficient in water supply and waste assimilation. Extending water mains through such areas – a practice specifically discouraged by the Plan – does not advance the State Plan.

Throughout the EIE, one finds statements similar to this one on page 12-13:

> "Unavoidable adverse impacts are possible along some of the pipelines, especially in the rural communities of Tolland, Bolton, Coventry, and Mansfield. These unavoidable adverse impacts *could* be mitigated by local land use regulations and zoning." [emphasis added]

The EIE states that only Mansfield has committed to implementing new land use measures. Without agreements throughout the region, how could the MDC alternative be considered consistent with the State Plan and a viable alternative? The EIE should give a clear answer to that question. The summary statement on page 12-7 concludes that alternative 4B would have "fewer conflicts with the State Plan" than would alternative 4A. While accurate, it does not address how either alternative could proceed in conflict with the State Plan.

Instead of a clear answer to the questions above, the EIE "finds" that "Interconnection with MDC is a feasible alternative that will not result in significant environmental impact." (page 8-62). How does this conclusion square with the previous quote about unavoidable adverse impacts, some of which would be significant? Secondary or induced impacts should be given consideration equal to direct impacts. How is an alternative considered feasible when it might be inconsistent with the State Plan? Again, there should be clear answers to these questions.

There also are major questions about the nature of the land-use regulations that the EIE says could mitigate the adverse impacts. Those measures include zoning amendments and possible overlay zones that would limit future intensity to that which would be permitted without the water main. A limit on intensity does not assure an outcome where the amount and type of development would be the same with or without the water main; the communities could end up with just more low-density sprawl, which again is contrary to the State Plan. The State Plan's underlying principles of responsible growth call for something quite different: infrastructure to support dense village and town centers surrounded by undeveloped land. Such an



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outcome would require different tools, such as, for example, transfer of development rights.

The Council wants to be clear that its comments regarding conformance to the State Plan and its principles apply to all alternatives.

[Examples of guidance from the State Plan:

> Emphasize clustering of mixed-use, mixed-income development in pedestrian friendly villages to reduce the number of automobile trips, especially in Rural Community Centers where public transportation may not be available.
>
> Focus on improvement of existing infrastructure to support redevelopment and infill, and discourage intensive development in rural areas not already supported by local infrastructure, or where development is not consistent with state, regional and local land use policy. ]

With regard specifically to the planning of water resources, the Council finds that the EIE is not clear as to what, if any, regional water plan this project advances. It has long been established in state policy that major expansions of service areas should not be conducted project by project, for economic and environmental reasons, but should be conducted to further well-conceived regional plans. What is the plan that the proposed project supports? The Council notes that the Northeast Water Utility Coordinating Committee was never convened.

**Energy Use / Resource Consumption / Sustainability**

The MDC alternative appears to this Council as a proposal that runs counter to the general path of state policy, specifically in the areas of transportation, energy use and general sustainability.

**Transportation:** State government is emphasizing investment in transit-oriented development over automobile-dependent sprawl. When a pipeline induces development along its corridor, most of that development is likely to be automobile dependent, which in turn will lead to more traffic, more signals, and possibly a general lowering of service on the state roads. The EIE notes correctly that land use is in the control of the municipalities, but surely the state has an interest in maintaining the capacity of Route 44 and others to carry traffic through the region, especially with the current emphasis on promoting the University as a destination. Permanent traffic impacts, mentioned on page 8-60, should be addressed fully. The conclusion on page ES-7 that “no permanent impacts to traffic will occur” is dubious, counterintuitive and contradictory to the statement on 8-60. Reliance on the regulatory approvals of the Office of State Traffic Administration to mitigate impacts, as suggested in the EIE (page ES-7), is not a substitute for planning or comprehensive impact analysis; case-by-case regulation could lead to more traffic signals and more delay for people trying to get to the University.



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**Energy:** In its scoping comments, the Council noted the need to address peak electricity consumption. The EIE authors interpreted this to mean peak monthly or seasonal consumption, but the Council was referring to the state policy of trying to reduce *hourly* peaks, particularly in the summer months when highly-polluting peaking plants must be used to meet demand (reference: DEEP's High Electric Demand Day Initiative). The EIE projects the MDC alternative to be the most energy-consuming, while state energy policies are aimed at implementing the most efficient solutions to problems, especially when undertaken by state entities (reference: DEEP's Lead by Example). To fulfill state goals for achieving efficiency and reducing peak demand, the EIE should give additional weight to the relative energy demands of the alternatives.

**Responsible Growth:** In decades past, water mains along major roads were key drivers of suburban sprawl. The State Plan and most current state policies discourage sprawl because it is wasteful of public funds and harmful to the environment. The powerful and highly probable effects of water mains on land use patterns is hinted at but not fully described in this EIE. The decision maker surely will want to know what effects the alternatives will have on the future development patterns of the region. If the water mains were used exclusively to supply water to town and village centers as envisioned in the State Plan, the impacts of the mains might be considered positive. Such an outcome, however, would require an effective interagency and intergovernmental planning effort that is not addressed in this EIE. To the contrary, the EIE suggests modest zoning amendments, and even those are speculative.

**Permits**

According to page B1-1, the scoping comments of the Department of Energy and Environmental Protection (DEEP) state that "the permitability of each alternative per the water diversion policy act should be a key factor in selection of a preferred alternative…" The response is that "the need for diversion permits…have been identified throughout the document."

Documentation of the need for a permit is not the same as consideration of the alternative's likelihood of being permitted. The EIE projects that the diversion permit for the MDC alternative would require 18 months, far longer than for the other alternatives. This difference reflects, no doubt, the level of information and review that would be necessary for the transfers in question. As you know, a diversion permit will require evaluation of the effectiveness of past and potential water conservation efforts – information that does not appear to be in this EIE – and would likely require an environmental impact report on the proposal and alternatives; such a report would be more detailed than what is presented in this EIE. It is possible that, after 18 months, the diversion application would be rejected. This factor, along with others, leads to the following comments on the ranking of alternatives.



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**Ranking of Alternatives**

As you probably know, the Council encourages the lead agency to publish an EIE before an alternative is selected, as UConn has done for this project. However, this EIE presents the three alternatives considered "feasible" (see above) with an implication that they are equal in their anticipated impacts, as stated on page 12-21:

> "While the degree and types of potential impacts vary among the alternatives, none is believed to cause significant adverse environmental impacts that cannot be mitigated."

However, the body of the EIE suggests that the impacts are not equal, (see page ES-5, "impacts to source waters will vary depending on the alternative selected" as just one example), and the prospects for successful mitigation are not assured, as noted in the EIE and above. Asserting that the projects are equal in impact does not help the decision maker.

The decision maker should be presented with a matrix or chart that clearly illustrates the relative impacts of the three alternatives still under consideration and ranks the alternatives by level of impact. If for some reason the University declines to select the alternative with the minimum impact, it will need to explain the decision in depth in its record of decision (RCSA 22a-1a-9(b)(2)).

**Other Secondary Impacts**

**Cascading effect of new supply:** What will be the effect on water supplies and land use in areas not directly served by the UConn water system? Will small water companies want to connect for economic or water quality reasons? As a new source displaces the existing sources, will there be cascading effects as the displaced sources might become available to, for example, communities to the east?

**Farmington River effects:** The EIE notes potential effects of low water during 99% exceedance droughts. What impacts are likely to occur when that drought level is experienced? Given a changing climate, one cannot put full faith in previous calculations of probability. Are there up-to-date data available regarding river flows? Also, the term "99% exceedance drought," which is well understood by engineers, is not likely to be understood by the average reader.

Thank you for your consideration of these comments. The Council would be pleased to answer any questions you might have.

Sincerely,

Barbara C. Wagner
Chair



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