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is to come to the Fire District to help them organize.

Many questions arose about the feasibility of such an ambitious project and how it would be paid for. When asked, Loren did not identify projects of similar ambition on which he had worked, and he declined to reveal financing sources. In response to a direct question about whether the project still involved water bottling, Loren said his preference was to focus on an agricultural project.

Antonovich, however, was clear about his purpose. "Of course it's about bottling water," he said after the meeting when asked about his plans. He explained that because profit margins for bottled water have declined, they are now interested in enhanced-water bottling.

Residents were concerned about the impact of the project on their own wells. One of the spring's neighbors, Lindy Biggs, asked Loren what would happen if her well ran dry. Loren replied that she had only to call, and they would hook her up to Antonovich

water. When she asked how, when all the spring's neighbors are on individual wells, Loren replied that she should reconsider whether such a situation would have anything to do with the development of the spring.

Biggs had this response to Loren's presentation: "I wondered if I might have fallen through a rabbit hole because Loren's presentation made about as much sense to me as the Mad Hatter's tea party," she wrote in an e-mail. "He was proposing a new economy for East Montpelier that at best can be called 'pie in the sky.' The presentation, which said nothing about a bottling plant, lost all credibility when Antonovich followed up by saying that he wanted to bottle water. It seemed that he was as surprised by Loren's presentation as the rest of us."

Loren and Antonovich have made one thing clear to the town: they would like to hit the ground running and get their proposals nailed down so that they can present a written petition for the March town meeting ballot. Their next update is planned for October 20.



The once and future spring? Old lettering on the side of the Antonovich spring shed. Photo by Dana Dwinell-Yardley.

Groundwater Protection in Vermont: A Recent History

Until recently, Vermont had minimal laws that addressed the withdrawal and use of groundwater and water from springs, in contrast to our neighboring states, and the majority of states in the country. This may seem surprising, given that two-thirds of Vermonters get their drinking water from the ground.

Formerly, Vermont's groundwater-use laws focused primarily on the use of water for public water supplies and drinking water, not water for commercial, industrial and agricultural uses. In 1995 the Vermont legislature passed a law regulating water-bottling operations, but the focus of the regulation was on the quality of bottled water rather than the impacts of withdrawing water for bottling. No specific provisions addressed the impacts of large withdrawals on existing uses of water, natural resources and habitat, or long-term water-use planning in Vermont.

After an interim law in 2006, in June of 2008, the legislature passed Act 199, a comprehensive groundwater-protection program.

Act 199 declared groundwater to be a public trust resource. It also established a groundwater-withdrawal permitting and reporting program. Any withdrawal of more than 57,600 gallons per day requires a permit from the Agency of Natural Resources (ANR). ANR must determine whether the withdrawal meets their technical standards and does not adversely affect existing uses, public water systems, wetlands, water resources or Vermont water-quality standards.

The rules for how this process occurs went into effect in June 2011. These rules allow multiple opportunities for public comment, including that at least 30 days before filing an application for a permit, the applicant shall hold an informational meeting in the municipality in which the withdrawal is proposed. At the informational meeting, the applicant must describe what they are proposing and provide the public with the opportunity to comment on the proposed project. The law also requires conformance with municipal and regional plans and estimates of impacts on existing water uses and water resources such as streams and wetlands.

In early 2011, the Vermont Environmental Court held that the groundwater public trust designation is to be broadly interpreted and that the state must manage groundwater as a public-trust resource that is to be protected from both overextraction and pollution. The case involved an appeal by neighbors of the solid waste certification issued by ANR to Omya Solid Waste Facility in Pittsford. The residents raised concerns about groundwater pollution from waste generated by Omya as part of its quarrying operation.

In its decision, the court wrote, "Nothing about the language or structure of that statute restricts the public trust to groundwater quantity alone. To the contrary [the statute] explicitly mandates that the state manage its groundwater resources for the benefit of its citizens, both with regard to groundwater quantity and quality." The decision was the first substantive judicial interpretation of Act 199 designating Vermont's groundwater to be a public trust resource. It created precedent that is highly protective of groundwater.

—Kim L. Greenwood, water program director, Vermont Natural Resources Council



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