



# **Save Our Groundwater**

**P. O. Box 182  
Barrington, NH 03825**

## **NEWS**

May 29, 2008

Contact: Marika Wilde – 603.664.5195  
marika@metrocast.net

### **SAVE OUR GROUNDWATER APPEALS DES WATER COUNCIL DENIAL TO NEW HAMPSHIRE SUPREME COURT**

BARRINGTON, NH – Save Our Groundwater, a Seacoast-area nonprofit organization that advocates for conserving and protecting underground water reserves, recently filed a Notice of Appeal with the New Hampshire Supreme Court challenging the denial of their appeal before state's Department of Environmental Services (DES) Water Council.

Save Our Groundwater (SOG) is appealing the DES' decision to grant USA Springs, Inc. a "New Sources of Bottled Water" approval on behalf of its members. Most residents and local businesses of Nottingham and Barrington, two rapidly developing rural communities where the company's site is located, depend on private wells for their drinking water. The appeal to the Water Council was filed more than two and a half years ago in November 2005.

The Notice of Appeal, filed by SOG's attorney Joshua L. Gordon, Esq., seeks to reverse the state's April 2008 decision to deny standing to SOG. Standing is the requirement that a party show harm before it can be part of a legal proceeding. The organization has never had a hearing of its concerns before the Council. The Town of Nottingham, represented by attorney E. Tupper Kinder, Jr. of Nelson, Kinder, Mosseau & Saturley, P.C. in Manchester, also lost its ability to participate on the basis of standing.

"DES is locking people out of the process—the very people to whom this project matters most," says Gordon.

The "New Sources" approval is a requirement of the state's large groundwater withdrawal permit issued to the company in 2004 allowing 112 million gallons/year to be withdrawn from the aquifer underlying the company's 100-acre site along Route 4. The company cannot pump and bottle the water without this permit. The 2004 permit reversed an earlier 2003 action by the state that had cited 27 separate scientific reasons for denying the permit and later denying the company's appeal.

In 2007, SOG retained attorney Robert A. Backus of Backus, Meyer & Branch, LLP in Manchester to represent their members before the Water Council after no decision was forthcoming.

**(MORE)**

## Page Two – SOG files NH Supreme Court appeal in USA Springs, Inc. case

“Justice delayed is justice denied,” notes Bill McCann, a member of SOG’s Board of Directors. “Our members include residents within the one and half mile ‘zone of influence’ imposed by DES in this case, a designation that may depreciate their property values along with causing impact to their drinking water supplies. Shouldn’t these people have the right to a fair hearing?”

“It’s time for Concord politics to move out of the way and let the people have their say,” observes Denise Hart, also a member of SOG’s board. “It’s unconscionable to deny standing to the municipality and a neighborhood association. Perhaps they thought we’d just go away, but we won’t.”

Almost seven years later, SOG is still holding the line. The company has not withdrawn any water aside from state-required pump tests and its 10-year permit expires in 2014. To read the Notice of Appeal and for more information, visit <http://www.saveourgroundwater.org>

###