

STERLING WATER STEWARDS

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STATEMENT TO FAIR HAVEN VILLAGE BOARD

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Why Here?

Our Fair Haven public wells are a treasure. Our spring water is remarkably pure. We don't have to treat our water to remove contaminants. We chlorinate, but that's all.

The public aquifer isn't unique. There are lots of good aquifers in the Town of Sterling.

Throughout the Northeast, developers and large-scale farmers are buying up land with water resources. Why? Because water is a great investment. It is becoming more scarce and therefore more valuable.

This is why William Huntress has purchased the land adjacent to Fair Haven's public wells. Mr. Huntress, doing business as Sterling Spring Water, LLC, says he plans to pump Sterling spring water and bottle it. He says he's going to build a bottling plant here, but once he obtains a bulk water extraction permit, he will also be free to truck Sterling water to a bottling plant elsewhere.

Mr. Huntress has no known previous experience in the water bottling business. He is, however, a deep-pockets developer from Buffalo who has projects all over the Northern hemisphere. I have brought some *Buffalo News* articles that give us a glimpse into his reputation in his hometown.

Nestle has been the dominant player in water bottling. But Nestle has pulled out of all but the sparkling water business, because the company is tired of fighting communities. This has created an opening in the water bottling business. Hence a big investor is here in Fair Haven and Sterling.

What's Next?

We are assuming that Mr. Huntress will file an application for a Special Use Permit for Bulk Water Extraction with the Town of Sterling sometime in the first quarter or first half of 2022. We assume this because he ran pump tests on his land within the past month, which indicates he is gathering data necessary for permit application processes. We also assume that the reason that the Town of Sterling knocked back the time frame for the Village's proposed moratorium on Bulk Water Extraction permits from 1 year to 6 months is to accommodate the Huntress project timetable. The only justification that the Sterling Town Board gave for timing change was, "we can always extend it."

Special Use Permits go before the Sterling Planning Board. The permit applicant must show that their project will do no harm. We assume that Mr. Huntress will sue the Town of Sterling should his permit application be denied.

The Huntress project will do harm. It is located in the recharge area of our public wellfield. Extracting water from this area will lower the water

table, because water that is trucked away or bottled doesn't go back into the water table. Groundwater contamination is another potential harm. Any contaminants that enter the ground from Huntress' land could contaminate our public water. That would cost us money to fix, or, worse, seriously disrupt our water supply until we find and develop another water source.

Sterling Water Stewards intends to present strong scientific evidence of the potential adverse impacts of the Huntress project at the Town of Sterling public hearing regarding the application for a Special Use Permit.

Our consulting hydrogeologists, Ed Hinchey and Don Siegel of Independent Environmental Scientists, are world-class, and they have been involved in many of the major cases involving drinking water nationwide. They have already helped us by telling us that the total recharge area of our public wells is at least the one-mile radius surrounding the wells. This encompasses all of Huntress' land, and beyond. The recharge area is the area from which wells draw rainwater.

Our experts need access to all of the existing data about the Town of Sterling aquifers. Unfortunately, there are administrative complications in gaining access to the results of research conducted in the 2015-2016 time frame leading up to the implementation of the Town of Sterling Special Use Permit for Bulk Water Extraction in 2016.

We are calling on the Village of Fair Haven to take the lead in clearing up these administrative complications. Please work with the Town of Sterling to provide the New York Rural Water Association (NYRWA) with the necessary permissions to release all data related to the NYRWA's most recent research in the Town of Sterling. Ideally this would be released as a publicly available Research Report. We request that the report be delivered as soon as possible, so we can use the Research

Report to prepare for the Special Use Permit hearing, which may be coming relatively soon.

We understand that the 2015-16 research results included an inventory of all the wells in the Town of Sterling; additional mapping (besides the Town of Sterling aquifer map, which is already public information); identification of potential sources and types of groundwater contaminants; and other valuable but unavailable information.

We know that NYRWA is already working on a Wellhead Protection Plan for Fair Haven. We are asking that the Research Report be added as an Interim Deliverable, or, alternatively, that a second project be developed just to deliver this long-overdue Research Report as soon as possible.

Regarding the Wellhead Protection Plan for the Village of Fair Haven, we would like to know the schedule for that project. When will the Plan be completed? How will the Plan be incorporated into law? How long will it take to get the Plan into law? And, most importantly, since the Village wells are located in the Township, what authority will enforce the provisions of those laws? It appears that the NY State Department of Health (DOH) is the agency with authority over such laws, but to my knowledge the DOH has not been known to be active in doing so.

Sterling Water Stewards is in favor of Wellhead Protection planning and laws for both the Village of Fair Haven and the Town of Sterling, but we note that enforcement is a key issue. The last time the Village of Fair Haven developed a Wellhead Protection Plan, in 1990, the Village failed to implement the Plan into law. The Plan, prepared by Stearns & Wheler in 1990, sits on a shelf.

What Can We Do?

Our community needs to protect our public wellfield through strong zoning laws. We call for a longer moratorium that will give the Town of Sterling time to implement an aquifer protection overlay zone in the vicinity of our public wellfield. Bulk water extraction would be prohibited in this zone. So would any activities that might cause groundwater extraction.

Then someone with a project like Mr. Huntress' would have to apply for a zoning variance. Permit laws are generally written to favor the applicant. Zoning laws are tougher.

We also need to tighten the regulations for Bulk Water Special Use Permits to protect rural landowners' water resources. When large-scale farmers and bulk water haulers buy land with rich aquifers, and extract water in bulk, we have to make sure they don't adversely impact neighboring landowners in the Town of Sterling who can't afford to hire consultants and lawyers to defend themselves.

The Time is Now

We as a community cannot be asleep at the switch as our water resources are at risk. If our wells dry up or are contaminated, we will have to either hook up to another system, find another source of spring water, or use Lake Ontario water and treat it. All of these options will be more expensive than the water supply we have now. Treated Lake water or water piped in from other communities won't be as pure as the water we have now. Be a good steward and leave a legacy of pure local spring water for your grandkids. Learn the facts and get involved.

Thank you.