

**Statement  
of  
Bill McCann**

**Domestic Policy Subcommittee  
Wednesday, December 12, 2007  
2154 Rayburn HOB – 2:00 P.M.**

Good afternoon Mr. Chairman and members of the sub-committee. My name is Bill McCann and I am a member of the Board of Directors of Save Our Groundwater [SOG], which is located in Barrington NH...I am a resident of the adjoining City, Dover NH the seventh oldest settlement in the United States being settled in 1623, I am a member of the Dover Conservation Commission and a former NH State Representative.

Last spring I prepared for this Committee a document entitled *Analysis of The NH Department of Environmental Services Reversal from its previous denials of the Large Groundwater Permit for USA Springs, Inc* .on behalf of the Neighborhood Guardians outlining the reversal of New Hampshire Department of Environmental Services [NH DES] in the granting of a ‘conditional’ permit for the Large Groundwater Withdrawal of more than 307,000 gallons of water per day to be bottled and shipped overseas.

I hope you all have had an opportunity to review that document.

Barrington and Nottingham are located in Southeastern New Hampshire about equal distance from Concord and Portsmouth. Households in both communities rely on private wells located on the property. There are no Town operated water systems. Both communities were settled within one hundred years of Dover between 1719 and 1722. The combined population of both Towns is 11,000.

When the permit was denied in 2003 there were more than 25 scientific reason or issues given by NHDES for its decision.

I will not review each of these in my presentation today. I would like to concentrate on the wetlands issue and the contamination, which were allegedly 'discovered' following the pump test of the fall of 2002.

The record on the contamination is confusing and vague at best. On page 38 of my submission you will find a record of a *Water Advisory Committee Meeting Monday April 5, 2004*. This record was prepared by William Kyle, based on a compilation of notes from several people present.

I was one of the people present at the meeting and I believe the record as found on page 38 and up to and including page 42 is accurate. Present at the meeting were 3 NH State Senators, 2 NH State Representatives, the Executive Director of the Strafford Regional Planning Commission, one of the Selectman from the Town of Nottingham, 3 members of the Board of Directors of Save Our Groundwater, including myself, Anthony Giunta, Administrator Waste Water Div. of NHDES and 3 citizens including Mr. Kyle who prepared the record. As you can see there was discussion and questions about the contamination issue and Mr. Giunta provided information to the group.

Unfortunately, as it turned out, the information provided did not reflect the reality of the situation. For example, Mr. Giunta stated “There will be a pump test with both sites running before a permit is issued”.<sup>i</sup> Mr. Giunta is referring to the USA Springs Inc. site and the former Harnum site, now known as Just Cause Realty. As of today no simultaneous pump test has been done. What has been learned recently is that NHDES closed its file on the contamination issue *prior* to May 20, 2002.<sup>ii</sup> This becomes confusing when one reviews documents provided by the NH Department of Justice [NHDOJ], which allege that USA Springs Inc. was made aware of *potential*

contamination on five different dates prior to NHDES closing its file on the matter. <sup>iii</sup>

Are we to believe that after more than a year of NHDES inaction on the potential contamination that in September 2003 they [DES] suddenly decided that the threat is real and they are going to protect the welfare of the communities impacted? This issue was raised by one of the State Senators at the April 5, 2004 meeting when Mr. Giunta was asked, “contamination issue was denied and now they’re getting what they wanted on the same information?”

The response was “new information”. Asked about the credibility of the information Giunta replied, “we denied the extension and permit”. He also said, “stuff done after the fact”. He did not respond when asked about Governor’s influence. He then told the group, “Information has come in at the last minute. If they walk out. ...These contaminated sites linger for 10 – 20 years. People ask when are you [DES] going to clean it up? This company is going to clean up, at the cost of 1 mil to 1-½ mil dollars. It’s a win win situation.”

Later in the meeting Giunta stated, “Contamination did migrate over to USA Springs”.

Just prior to the end of the meeting Giunta said, “ never saw any other project move through DES as fast as this project has been going”.<sup>iv</sup>

### WETLANDS

In October 2002 NHDES Wetlands Bureau ordered USA Springs Inc. to restore the wetlands violations affected by the construction of roads and the drilling of wells in the locations where work had already been conducted *without permits*<sup>v</sup>.

On October 5, 2001 NHDES issued a letter of Deficiency WET 2001-65 to Garrison Place Real Estate Investment Trust/ Francesco Rotondo, trustee, also d/b/a USA Springs Inc. This was followed up by Administrative Order WD 02-31 to force the owner to do the restoration necessary. In addition as a result of the Pump Test done in November 2002 NHDES issued a second letter of Deficiency WET 2003-11 regarding an illegal weir that was installed on the David Harvey property in Barrington during the Pump Test, skewing the findings.

In both instances it has been acknowledged by NHDES that these two cases remain open as of November 1, 2007, [see page 7 of 7] some two years and four months after Permit #2001 – 65 was issued by the NHDES. During this twenty-eight month period New Hampshire Governor John Lynch has asked the Army Corps of Engineers to review the wetlands permitting issue.

On August 5 2005 Governor Lynch requested the Army Corps of Engineers to complete an individual permit review. Instead on July 19 2006 the Army Corp issued to the applicant an authorization under NH State Program Grant Permit No. 52.

So both NHDES and ACE have issued permits for the projects to proceed even though two letters of Deficiency [WET 2001-65, + WET 2003-11] remains open and apparently unresolved. You can see why citizens in Southeastern New Hampshire are upset with the State and Federal Government's utter failure to protect the natural resources of our region

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<sup>i</sup> Page 39 of prior submission

<sup>ii</sup> See Memo of Cheryl McGary, NHDES to Gary Lynn and John Regan, NHDES.

<sup>iii</sup> See page 3 of prior submission

<sup>iv</sup> See pages 41 + 42 of prior submission.

<sup>v</sup> Page 92 of Inside the Bottle by Tony Clarke