

Groundwater Protection Statement

The importance of groundwater to the residents of Berlin cannot be overstated. While Berlin has public water supplies that serve some residents, the majority of Berlin residents are served by private wells that tap groundwater. Groundwater is a public resource that should be used to the benefit of all the residents of Berlin.

Vital to the protection of groundwater sources is an awareness of their "recharge" areas. Aquifer recharge areas are zones that contribute to subsurface supplies. A recharge area consists not only of the land area directly above the aquifer through which precipitation percolates, but also of upland areas from which runoff drains towards the aquifer. (See map on page 21) Uses of these lands which render the land impermeable (e.g. parking lots, buildings, etc.) will deplete the groundwater supply. Also, as there is exchange between surface and ground waters, land uses which pollute upstream waters may in time damage downstream aquifers.

Vermont's groundwater protection law (10 VSA, Chapter 48) sets forth general policies for WHPA's and ANR's Water Supply Division has published recommended land use guidelines for WHPA's. In addition, in 2008 the Vermont Legislature passed Act 199 that enhanced groundwater protection in Vermont. Act 199 declares groundwater to be a public trust resource that must be managed by the state for the benefit of all Vermonters. Act 199 also established a large groundwater withdrawal permitting program. According to Act 199, any commercial groundwater withdrawal of more than 57,600 gallons per day (gpd) must obtain a permit from ANR. One of the criteria that a large groundwater withdrawal must meet under Act 199 is that the withdrawal must conform to any town or regional plan. As such, Vermont municipalities have the authority to control where and to what extent large groundwater withdrawals occur through their town plan.

The Town of Berlin is rich in water resources. In addition to Berlin Pond and abundant surface water (See map on page 21), the Town has numerous springs and seeps that provide water for our surface water resources and vital drinking water for Berlin's residents. But the Town recognizes that large groundwater withdrawals can threaten our groundwater resources. The Town further recognizes that the withdrawals that pose the greatest threats to groundwater are those that involve inter-basin transfers of groundwater. That is groundwater that is withdrawn, and then removed from the watershed. The clearest example of such an inter-basin transfer of groundwater is a large groundwater withdrawal for the purposes of bottling water. In recognition of the authority of the Town of Berlin to protect groundwater through its Town Plan, and the Town's concerns about the adverse effect of large groundwater withdrawals, The Town Plan states that groundwater is a vital and finite resource that must be protected from depletion and contamination.

Accordingly, the Town declares that groundwater in Berlin should not be used for a large withdrawal that requires a permit under Act 199 of 2008 and involves an inter-basin transfer of groundwater due to the potential of these withdrawals to adversely affect Berlin's natural resources. Groundwater withdrawals that involve an inter-basin transfer include but are not limited to groundwater withdrawals for the bottling of water, whether the withdrawal is for a bottling facility in the Town, or a bulk water transfer of water to a facility that is not located in Berlin. Other large groundwater withdrawals are allowed only if they will not adversely affect surface waters fed by groundwater or drinking water supplies for Berlin residents.