

BEFORE THE ENVIRONMENTAL APPEALS BOARD

Appeal of Old Inlet Cooperative

R.V. Park

OPINION AND ORDER

Summary of Evidence and Findings of Fact

The parties waived the opportunity for a hearing before the Board and submitted letter memoranda in support of their legal arguments. The record before the Board consisted of the transcript of the hearing below and the "Chronology" submitted by the Department of Natural Resources and Environmental Control. The Board has considered the legal arguments presented and has reviewed the record. findings of fact are supported by the

Conclusion of Law

This is an appeal from the Secretary's denial of a test well permit on the property owned by Old Inlet Cooperative R.V. Park. The appellants seek suitability in order to test the suitability of the property for a production well to supply water for a proposed townhouse development. The appellant argues that the Secretary's finding that the test well itself "provides an avenue for potential increased contamination of the coastal aquifer system, particularly due to storms and surface seepage" is not supported by the evidence, and further, that a test well, rather than harming the area would actually be of benefit, since it would provide up to date information as to the existence of salt water intrusion.


The Board finds that the record, as a whole, supports the Secretary's finding. The appellant relies on the statement by Robert Jordan, State Geologist, that a test well would cause no harm to the area's ecosystem (t. at 16). However, the context of that statement indicates that Mr. Jordan meant only that withdrawal of water from a test well would not pose an environmental hazard. The statement does not address the danger from salt water intrusion during flooding. Mr. Jordan did testify that the property in question is highly susceptible to flooding during severe storms, and the appellants' witness, Randall Handy, testified that wells in the area have been damaged by storms in the past. Thus, the Board concludes that there is sufficient evidence in the record to support the Secretary's finding that the test well itself poses an environmental hazard. The

Secretary has recommended a temporary moratorium on the issuance of all well permits (test as well as production) in the area until the Department can "establish long term development plans, resource protection policies and regulations regarding the location, construction, and operation of both private and public wells." Secretary's Order at 4-5. Appellant has not challenged the propriety of this moratorium. Appellant apparently hopes that a test well will provide evidence that the site would support a production well. Since under Secretary's Order no production well would be permitted on the property, at least for the duration of the moratorium, the Board concludes that the Secretary's decision to deny a permit to dig a test well was a reasonable one.

ORDER

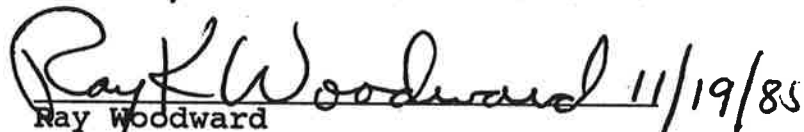
For these reasons, the Secretary's denial of the test well permit is affirmed.

SO ORDERED:

  
Thomas J. Kealy, Chairman

  
Clifton H. Hubbard, Jr.

  
George A. Wharton

  
Ray Woodward

  
Evelyn H. Greenwood

Date: November 20, 1985

