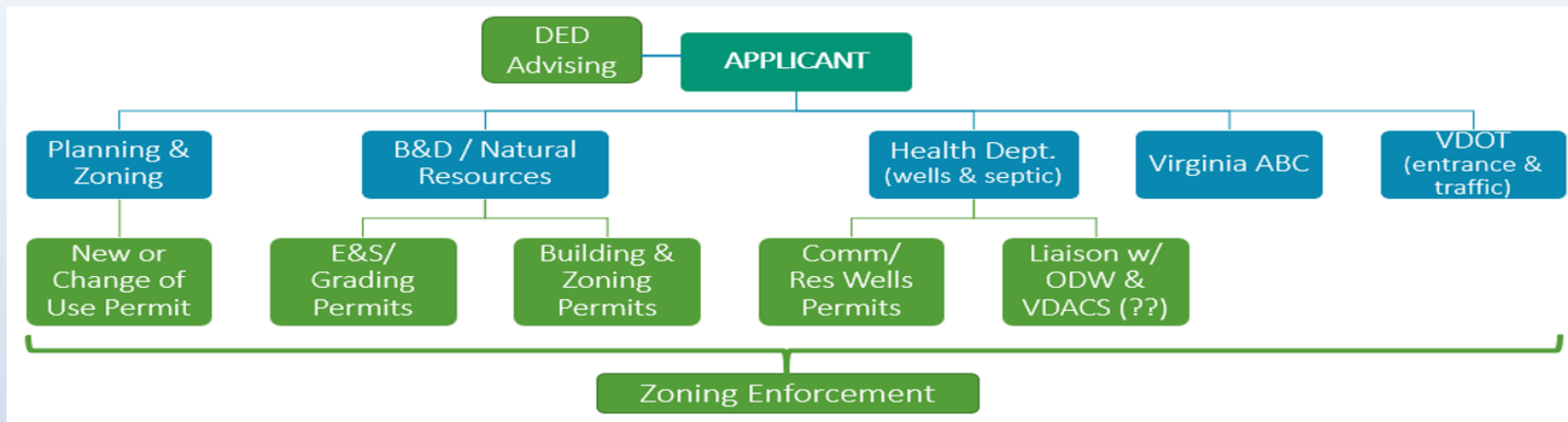




## ZONING INPUT LOCATION or ISSUE: **EARTH'S BREW WATER EXTRACTION OPERATION & EVENT CENTER AT 14980 LIMESTONE SCHOOL ROAD**

The following provides a chronology of key events related to this issue or location, with the purpose of identifying key problems (e.g., uses, permits, policies, procedures, enforcement, etc.) to improve.

### Industrial Wells in LOD: No Permitted Use

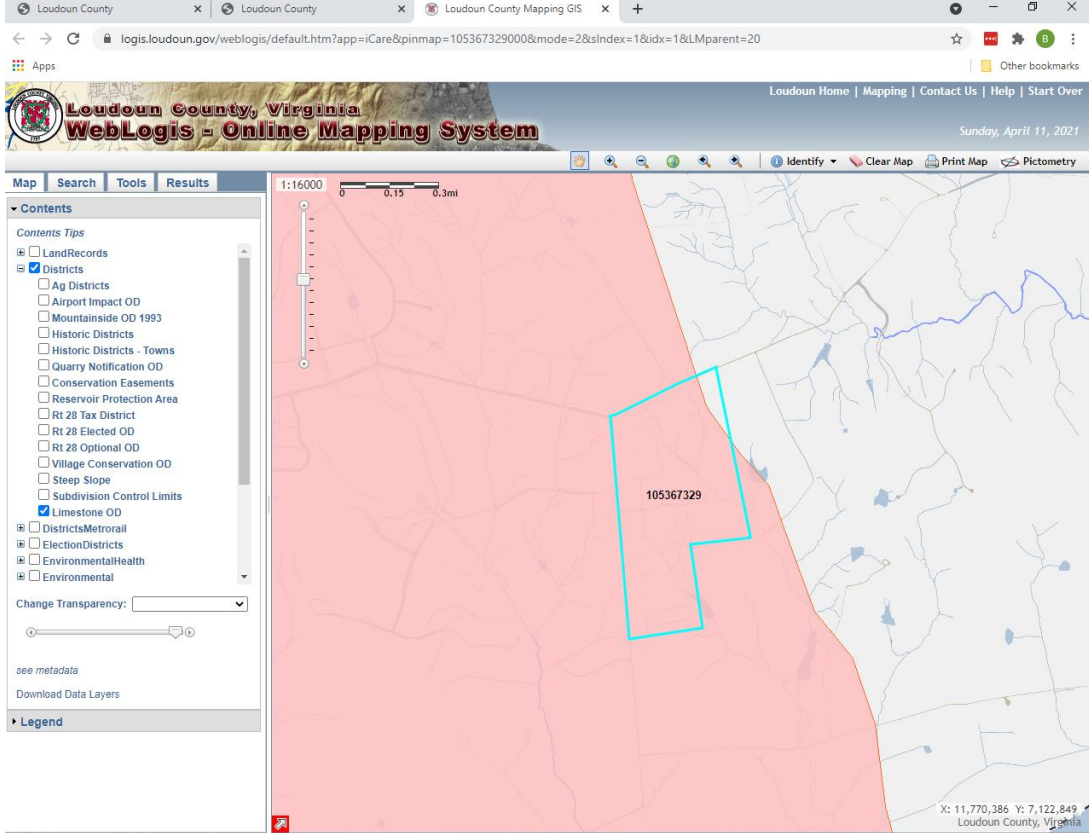


	12/22/2020	12/26/2020	3/4/2021	12/16/2020	12/21/2020	12/14/2020
<b>No Zoning Use applied for</b>	Asked HD to "keep us informed." E&S Stop Work Order	County "Internal meeting."	<b>"Use of wells not been disclosed"</b>	ODW. Said contact VDACS	VDACS. "P&Z must have approved."	LCSWD, "No authority." Use Lex.


**County/Community Meeting: March 19<sup>th</sup>.**

***Citizens told Zoning enforcement cannot act until a violation occurs.***

DATE (Mth/Yr if known)	KEY EVENT/ACTIVITY/ISSUE (e.g., application, permit, construction, violation notice, etc.)	BRIEF DESCRIPTION OF PROBLEMS/IMPACTS																
12/31/2014	14980 Limestone School Road acquired by Edward Vaughan for \$2.5 million	<p>Since 2015 Mr. Vaughan has been receiving Land Use deferrals in amounts averaging around \$1.18 m per year. No discernable agricultural uses have occurred during this time (from perspective of neighbor observations).</p> <div><div>PARID: 105367329000 VAUGHAN, EDWARD W14980 LIMESTONE SCHOOL RD</div><div><div>2021 Values</div><table><tr><td>Fair Market Land</td><td>\$1,353,100</td></tr><tr><td>Fair Market Building</td><td>\$828,230</td></tr><tr><td>Prorated Bldg</td><td>\$0</td></tr><tr><td>Effective Date</td><td></td></tr><tr><td>Fair Market Total</td><td>\$2,181,330</td></tr><tr><td>Land Use Value</td><td>\$181,830</td></tr><tr><td>Total Taxable Value</td><td>\$1,010,060</td></tr><tr><td>*Deferred Land Use Value</td><td>\$1,171,270</td></tr></table><div><div>Tax Exempt Code</div><div>Tax Exempt Land</div><div>Tax Exempt Building</div><div>Tax Exempt Total</div><div>Revitalized Real Estate</div><div>Solar Exemption</div></div><div>TAXABLE \$0 \$0 \$0</div></div></div>	Fair Market Land	\$1,353,100	Fair Market Building	\$828,230	Prorated Bldg	\$0	Effective Date		Fair Market Total	\$2,181,330	Land Use Value	\$181,830	Total Taxable Value	\$1,010,060	*Deferred Land Use Value	\$1,171,270
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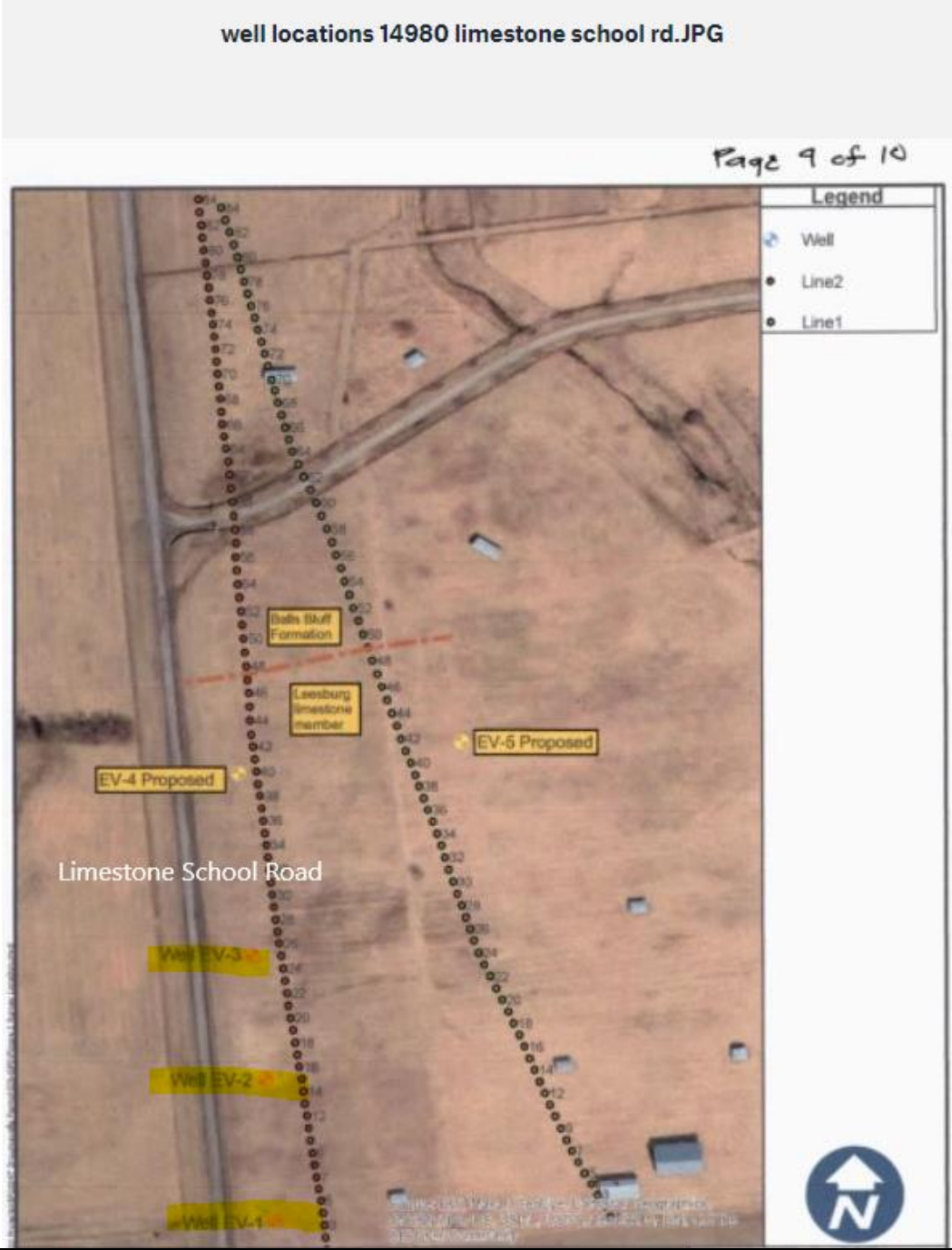
DATE (Mth/Yr if known)	KEY EVENT/ACTIVITY/ISSUE (e.g., application, permit, construction, violation notice, etc.)	BRIEF DESCRIPTION OF PROBLEMS/IMPACTS
	<p>Since the adoption of the Limestone Overlay District Ordinance adopted by the Loudoun County BOS on 2/17/2010, all but a small corner of Mr. Vaughan's property (Parcel ID # 105367329000) has been subject to the restrictions of the LOD.</p> <p>The wells at issue are well within the LOD boundaries.</p>	
11/2020 To 1/2021	<p>Unusually large well drilling equipment observed. Unusually lengthy drilling operations observed at three well sites at 14980 Limestone School Road.</p>	<p>Property is in Limestone Overlay District, where karst terrain is at high risk for sinkhole collapse and water extraction is limited under the Limestone Overlay District Ordinance.</p> <p><b>Section 4-1900 Limestone Overlay District</b></p> <p><b>4-1901 Purpose and Intent.</b> The County seeks to preserve and protect the unique geologic characteristics and the quality of the groundwater in its limestone area. A large area just east of the Catoctin Mountain range in the Rural Policy Area of Loudoun County is comprised of limestone and "Karst terrain" areas. The limestone geology of carbonate deposits in Karst terrain areas is dissolved over time by mildly acidic precipitation, creating fissures. The deposits are highly permeable, allowing surface water to pass through quickly to underlying aquifers and groundwater, and possibly to reappear elsewhere as springs. The terrain is also characterized by</p>

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		<p>the presence of certain natural features, such as sinkholes and rock outcrops. Thus development on Karst terrain has a direct correlation to the potential for ground surface collapse and the susceptibility of groundwater and surface water pollution, and spring contamination, posing serious risks to public health, safety and welfare. The limestone cannot environmentally support land development activity without performance standards and monitoring. Therefore, the provisions of this Section 4-1900 are intended to regulate land use and development in areas underlain by limestone and in areas with Karst features and Karst terrain in such a manner as to:</p> <ul style="list-style-type: none"> <li>(A) Protect the health, safety and welfare of the public;</li> <li>(B) Protect groundwater and surface water resources from contamination; and</li> <li>(C) Reduce potential for property damage resulting from subsidence or other earth movement.</li> </ul>
Ongoing	Unusually large well drilling equipment observed. Unusually lengthy drilling operations observed at three well sites at 14980 Limestone School Road.	<p>There has been a strong correlation between the mere act of drilling wells and the formation of large, deep sinkholes in the LOD. These are two sinkholes that previously developed in connection with well drilling at very near locations.</p> <div data-bbox="1031 841 1673 1325" data-label="Image"> </div> <p>Selma Estates Subdivision (photograph date: March 27, 2003) The sinkhole is approximately 30 feet in diameter and 30 feet in depth and opened approximately 100 feet from a well being installed.</p>

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		 <p data-bbox="1045 747 1659 812">Leesburg Crossing Subdivision (photograph date: April 6, 2005) The sinkhole is approximately 8 feet in diameter and opened during well installation.</p> <p data-bbox="730 865 1701 933">Source: Loudoun County Karst Map, available at: <a href="https://www.loudoun.gov/DocumentCenter/View/4770/Karst-Map?bidId=">https://www.loudoun.gov/DocumentCenter/View/4770/Karst-Map?bidId=</a></p>
12/13/ 2020	<p data-bbox="264 993 705 1096">Neighboring landowner reported unsolicited visit from member of the well drilling team.</p> <p data-bbox="264 1144 705 1404">Member of well drilling team stated that wells would be used for a water extraction operation, that wells are being placed close to the road (as in fact they are) in order to facilitate water removal by tanker trucks.</p>	<p data-bbox="730 1068 1860 1136">Location of wells is consistent with this report. They are very close to Limestone School Road (State Route 661).</p>



Water will reportedly be trucked to a neighboring state to be used for bottled drinking water.



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12/14/2020	Extensive soil excavation and disturbance noted	<p>Section 4-1903(A)(C)(1) (Exemptions) states that land disturbing activities <u>are permitted in the LOD if they are agricultural operations</u> “covered by, and conducted in conformance with, a <u>Conservation Farm Management Plan</u>, that includes best management practices, approved by the Loudoun County Soil and Water Conservation District . . . .”</p> <p>Beginning 12/14/2020 I wrote a series of emails to the Loudoun County Soil and Water Conservation District inquiring about the appropriateness of the well drilling and soil disturbances. Among other things, I said:</p> <p>“It seems appropriate to check first with your office regarding the information I'm hearing from neighbors. I'd like to know if you can help me confirm . . . whether this activity has been or will be approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service.</p> <p>Please let me know a good time to speak with you. <u>If there's someone else in the County I should be contacting, I'd be grateful if you could point me in the right direction”</u></p>
12/16/2020	<u>No response from LCSWD</u> , so I tried a contact at the State DEQ	A property owner in the neighborhood who had gone through the commercial drinking water approval process suggested I speak with <u>David Travers, Office of Drinking Water (ODW)</u> . I spoke with him on 12/16 and he asked me to send summary.

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		<div data-bbox="1150 248 1560 776" data-label="Image"> </div> <p>On 12/21/2020 Mr. Travers replied as follows:</p> <p>“Mrs. McClain - This office does not handle bottled water. The <b>Virginia Department of Agriculture and Consumer Services (VDACS)</b> regulates bottled water. The federal regulations are 21 CFR 129 Processing and Bottling of Bottled Water. The appropriate office can be located using the link: <a href="http://www.vdacs.virginia.gov/pdf/Regional-Contact-Map.pdf">http://www.vdacs.virginia.gov/pdf/Regional-Contact-Map.pdf</a>.</p> <p>A quick review of the requirements appears to be much the same as the Waterworks Regulations. The Federal Regulation requires the water to be of the same quality as drinking water.</p> <p>I understand your concern about a commercial water operation in the Limestone Overlay District, however, it appears this venture was approved by Loudoun County. I'm sure an application was made for this development, most likely, in Planning and Zoning.</p> <p>While this office is not directly involved in the bottled water industry, I and others in this office are interested in how this all came about in the Limestone Overlay District and ask you keep me in the loop.</p> <p>Please let me know if I can be of any further assistance. Don't be afraid to ask! - Dave</p>



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12/16/2020	Response from LCSWD	<p>Suzanne Brown referred me to several other staff members at the LSWCD, adding that “the District is not a regulatory agency, but Chris [Van Vlack] may be able to point you in the right direction.”</p> <p>Chris expressed sympathy and concern, reiterated that they have no regulatory role, and stated “Our farm plans only play a role in bona fide agricultural uses, and this doesn’t fall in that category.”</p> <p>Chris Van Vlack recommended I use the LEX system “to file a zoning complaint if your guess is the current use or proposed use is not in compliance with county zoning.”</p> <p>Jay Frankenfield was extremely helpful, sent some resources, and also did some investigating at the state level, but ultimately also said he lacked authority to do more.</p>

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12/22/2020	Inquiry submitted to LEX	<p>Description</p> <p>We were recently told that the owner of this property is installing three commercial wells for a water extraction/water harvesting operation. We understand the water will be removed by the tanker truckload and sent to another location for bottling. Drilling appears to be complete on two of the three wells. The wells have been positioned close to the road, reportedly to permit easy access for tanker trucks to pump and remove water. This property is in the Limestone Overlay District, and is zoned for farm use. We understand that even the agricultural uses permitted under the LOD ordinance do not allow irrigation because of sinkhole risks. We're very concerned that the reported plans threaten the structural integrity of neighboring homes and safety of nearby wells. It's hard to imagine a more extreme use of commercial wells in this geologically sensitive area. More typical agricultural uses, winery uses, and even a residential subdivision would not make such intense demands on the aquifer. It's our understanding this sort of sudden, intense water movement is a prime cause of sinkhole collapse. The property at issue is Parcel ID 105367329000. Thanks in advance for any guidance you can offer on the County's position on this issue, as well as the rights of neighboring homeowners. As an initial matter we would be grateful if the County can confirm with the property owner whether the information we have is correct regarding the planned use for the wells.</p> <p>What natural resources topic do you have questions about?</p> <p>Soils and sinkholes</p>
12/22/2020	<p>Same day response from Ryan Reed, LPSS/AOSE</p> <p><i>Natural Resources Team Leader / County Soil Scientist</i></p> <p>Direct: 703-737-8426</p> <p>Main: 703-777-0220</p> <p>ryan.reed@loudoun.gov</p>	<p>My name is Ryan Reed and I am the staff contact regarding the Limestone Overlay District.</p> <p>Thank you for sharing your concerns regarding 3 wells at 14980 Limestone School Road. I have touched based with the Health Department, and one of those wells has been approved by them, and the well permit, in our system, states it is for new construction. A second well permit is also for "new construction" and a third is "other." The Health Department and myself do not know what "other" means, but I have asked they keep me informed during the permitting process.</p>

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		<p>We share your concern with any significant amount of groundwater removal, for all of the reasons that you have expressed. Irrigation from wells is not permitted within the Limestone Overlay District because of the drawdown effects. Furthermore, if the property owner is considering other uses; harvesting, commercial drinking water, etc; then the nature of the permits, the Health Department's requirements and oversight, and our involvement will be much greater. All 3 of the wells do not meet commercial standards.</p> <p>Please continue to keep up informed. The Loudoun Express Request (LEx) portal you have used is very effective in tracking these inquiries, but you are free to reach out to me as well. Thank you!</p>
12/22/2020	Multiple requests for proactive investigation into whether alleged plans for wells are true	<p>Between December 2020 and March 2021, numerous requests were made of various Loudoun County officials to ask whether the rumored plans for the well were true.</p> <p>In each instance, the requests appeared to have been ignored or denied. Examples of outreach follow</p>
12/22/2020	Request to Ryan Reed	<p>"Thanks, Ryan. Who is responsible for investigating this with the landowner? I'm getting lots of concern from every government person I speak with, but isn't there an enforcement division somewhere with investigatory mandates or authority to ask the landowner about the intended uses?"</p>
12/23/2020	Response from Ryan Reed	<p>"I have forwarded your issue to Zoning Enforcement and communicated with the Health Department. Who have you spoken to already? I don't want to duplicate efforts."</p> <p>Info provided to Mr. Reed as requested.</p>
1/25/2021	No further response from County officials, so follow up emails sent to Mr. Reed	<p>Hi Ryan: I'm checking back to see if there's any news we can get regarding this issue? I was told yesterday that this property owner has been granted some sort of industrial permit allowing for the water extraction.</p> <p>I'm not sure if this is accurate information and the person saying this was actually referring to a commercial well permit, but in any event, there's a groundswell of concern in the community and a strong desire for accurate, official information regarding:</p>

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		<p>1. the landowner's ability to pull significant amounts of water from the three commercial wells recently drilled, and</p> <p>2. the County's position regarding the sinkhole risk this creates in the Limestone Overlay District.</p> <p>Thanks!</p>
1/26/2021	Mr. Reed responds and promises additional follow up, but none follows.	<p>Reed, Ryan &lt;Ryan.Reed@loudoun.gov&gt;  Jan 26, 2021, 5:55 AM  Good Morning Ms. McClain:  We have an internal meeting scheduled this afternoon to discuss this case. I will provide you with an update after that. Thank you for reaching out!  *****  Beth McClain  Jan 28, 2021, 10:54 AM  to Ryan  Hi Ryan: is there anything you can share regarding the results of this meeting? Thanks!  *****[no reply]  Beth McClain  Mar 3, 2021, 4:05 PM  to Ryan  Hi Ryan: Checking in again to see what news you have for me regarding my two questions, which remain unanswered so far in the two months since I started making inquiries with the County:  1. the landowner's ability to pull significant amounts of water from the three commercial wells recently drilled, and  2. the County's position regarding the sinkhole risk this creates in the Limestone Overlay District.  If I should be directing these questions elsewhere, please let me know.  Thanks!  *****[ no reply]</p>
3/4/2021	Outreach to Jay Frankenfield	<p>The silence from Ryan Reed following the January 26<sup>th</sup> internal meeting seemed to suggest he had been instructed not to respond. I therefore reached out to Jay because he had been the most helpful and responsive person.</p> <p>Jay stated:</p>


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		<p>The last email communication I have had on this subject (02/16) <b>directed inquiries to go to:</b></p> <p>Josh Hepner Environmental Health Supervisor Loudoun County Health Department Ph. 703-771-5814 Joshua.hepner@loudoun.gov</p> <p>Josh would have the latest updates. Sorry I do not have more info.</p>
3/4/2021	Outreach to Josh Hepner yields this response:	<p>Hepner, Joshua &lt;Joshua.Hepner@loudoun.gov&gt; Thu, Mar 4, 12:12 PM To Beth McClain</p> <p>The Health Department has issued three well construction permits for 14980 Limestone School Rd. The application and plan for each well, designed and certified by an appropriately licensed private sector professional, was found to meet the minimum requirements for construction and location. While all three wells have been drilled, only two have received Health Department approval with regard to construction. <b>The actual use of these wells has not been disclosed to this office, and in general, the Health Department does not directly regulate uses.</b></p> <p>The main regulatory role of the Health Department regarding well development concerns ensuring the water supply is safe and adequate. While there are minimum production requirements when developing a potable well for new construction, <b>this office does not have authority over how much water is extracted.</b></p> <p>Regards, Josh Hepner Environmental Health Supervisor Loudoun County Health Department Ph. 703-771-5814</p>



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		<p>Beth McClain &lt;blueskiesbeth324@gmail.com&gt; Thu, Mar 4, 12:32 PM to Ryan, Joshua</p> <p>All understood. However, what I don't understand is why we're not getting responses regarding the implications for ground stability and sinkhole collapse in the Limestone Overlay District.</p>
3/5/2021 1:08 p.m.	My follow up request and Mr. Hepner's response:	<p>to Joshua, Ryan</p> <p>Maybe I need to be asking a different question: Who in the County has responsibility for investigating violations of the Limestone Overlay Ordinance?</p> <p>Assume, for example, that a winery is observed irrigating their vines from well water in the LOD. Who is responsible for investigating a report? Please direct us to this individual.</p> <p>The next step for the community of concerned neighbors is outreach to the Board of Supervisors. It would be great if we could avoid this or reduce the number of issues we take to them if the person responsible for investigating LOD ordinance violations would just get an answer from the landowner to our "is this true?" question.</p> <p>The source of the rumor was a member of the well drilling team, so this seems like a credible allegation.</p> <p>Mr. Hepner's reply: Hepner, Joshua Tue, Mar 9, 7:56 AM to me</p> <p>Ms. McClain, You may want to speak with someone in Building and Development or Zoning regarding the Limestone Overlay District; I do not know who specifically to contact for investigations.</p>



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4/11/2021		<p>Gem and Maura:</p> <p>The next actions were a community Zoom meeting (Friday, March 19<sup>th</sup>) at which the email to Caleb Kershener was approved and sent after the discovery that Mr. Vaughan was openly soliciting water sales via the Earth's Brew website.</p> <p>The Zoom meeting you both attended followed. I believe you're aware of pretty much everything else that has ensued except perhaps the LEX submission noted in the field below. The content is basically the same as the content in previous submissions to the County.</p> <p>This does not represent the totality of emails or communications with County just those that explain, I hope, why my frustration level is maxed out. Just re-creating this timeline sent my blood pressure through the roof; we were confronted with one hand off after another and then were told, even in the face of the landowner's admissions that he intends to extract and sell millions of gallons of water, that still more evidence is needed before the County will seek injunctive relief. This process has been beyond maddening and disheartening.</p> <p>As you know, the County attorney's office has reportedly said that they are willing to seek an injunction as soon as there is physical evidence of a large scale water extraction.</p> <p>We have been told that if we can get a first hand report regarding the 750,000 gallon extraction Mr. Vaughan claims to have made, that could be sufficient basis for seeking injunctive relief.</p> <p>If this really is the County Attorney's position, I believe there are several proactive steps that could be taken to produce this evidence, if the office is serious about pursuing the injunctive relief:</p> <ol style="list-style-type: none"> <li>1. I know the individual who claims Mr. Vaughan said this. He <i>may</i> be willing to submit an affidavit confirming that Mr. Vaughan admitted extracting 750,000 gallons in connection with a study he arranged of the new wells. However, there is genuine fear among neighbors and I think putting this individual in this position would be unnecessary if the County were willing to take either step 2 or step 3, below.</li> </ol>

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		<p>2. Alternatively, we believe Mr. Vaughan would probably admit to the 750,000 gallon extraction if asked by an investigator. He speaks freely and injudiciously to anyone who invites the discussion.</p> <p>3. Alternatively, we believe the County Attorney's office could subpoena the records of the well drilling company that drilled these wells, as we believe they would have participated in this extraction.</p>
3/30/2021	LEX Submission/Written Determinations from the Zoning Administrator Request	<p>I am writing on behalf of more than 50 concerned property owners who reside in the Limestone Overlay District. We're writing to ask you to opine on a development matter that presents serious health and safety issues in the LOD.</p> <p>Three very deep commercial wells were recently drilled at 14980/15066 Limestone School Road ("14980/15066 Limestone"), a parcel in the LOD zoned for agricultural use. The wells were placed at the edge of the property; we've been told this is intended to enable easy access for tanker trucks, which will be used to carry water to off-site bottling facilities. We understand from Josh Hepner that permits for a 4th and 5th well were recently issued.</p> <p>We were stunned to hear this, because even agricultural users are prohibited from irrigating from wells in the LOD. (See LOD Ordinance § 4-1907(J).) The reason for this prohibition is to reduce the very foreseeable risk of sinkhole collapse. We further understand that the presumption, under Section 1-203 of the Zoning Ordinance, Unspecified Uses, that "[s]ubject to the Zoning Administrator's interpretive powers as provided for herein, no uses are permitted unless included in a district use list or accessory use list."</p> <p>We urge you to issue an opinion making it clear that Mr. Vaughn's water extraction operation is not a permitted use. The sudden, intense water movement that occurs when water is extracted by truckloads is exactly the type of activity that triggers sinkhole collapse in karst geologies. If the threat of sinkhole risk is so significant that farmers are prohibited from irrigating their fields in the LOD, it follows that those same risks are unacceptable if the water is instead shipped to a neighboring state for sale.</p>

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		<p>Water extraction for commercial bottling presents a significant threat to legitimate agricultural operations in this protected district. It would threaten the integrity of neighboring structures, the viability of other wells, and have a devastating impact on a crucial aquifer for the Loudoun County community at large. It's hard to imagine a more extreme use of wells in this high risk area. If the County allows this use and any of these highly foreseeable harms occur, the litigation and liability risks for the County (and County taxpayers) are significant.</p> <p><b>Water extraction is clearly not an agricultural use</b>, but rather is resource extraction akin to oil or gas extraction. We respectfully request that you opine on the permissibility of this operation, and to do everything in your authority to have your interpretation implemented and enforced.</p>
4/10/2021	<b>Continued land disturbance activities after stop work order</b>	<p>It's our understanding this violates an existing stop work order. Also, just as an aside, when we stop to take photos they send vehicles out to monitor what we're doing.</p>  <p>The photograph shows a rural farm scene. In the background, there is a large white barn with a dark roof and an American flag flying on a pole. To the right of the barn, a yellow excavator is visible, seemingly working on a dirt area. In the foreground, there is a black metal fence that runs across the frame. The ground behind the fence appears to be disturbed earth or a construction site. The sky is overcast.</p>

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4/11/2021	Work continues through the weekend with heavy equipment excavating significant amounts of soil.		
April 10, 2021	Continued land disturbance activities after stop work order		



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April 10, 2021	Continued land disturbance activities after stop work order	

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4/12/21	<p>Well house construction reported on LEx</p> <p>No building Permit applied for or issued.</p>	