

This presentation premiered at WaterSmart Innovations

watersmartinnovations.com



WaterSmart'09 Innovations-Las Vegas, NV

**COMMERCIAL
WATER BOTTLING EXTRACTIONS:
WHAT'S CONSERVATION GOT TO DO WITH IT?**

Amy Vickers

Amy Vickers & Associates, Inc.

Amherst, MA

October 7, 2009

Overview

- How significant are the extractions taken by commercial water bottlers?
 - Volumes of spring water, groundwater, and tap water
- Environmental impacts
- Local vs. corporate control of local water supplies
- Infrastructure impacts on water utilities, ratepayers
- Bottled water extraction battlegrounds (partial list)
 - Great Lakes & Canada
 - West (Colorado & Calif.)
 - New England (Maine & Massachusetts)

Maine Water Allies

[How to Contact Us](#)

- [POWWR](#) (Shapleigh, Newfield)
- [Save Our H2O](#) (Kennebunk, Kennebunkport, Wells)
- [Rangeley Crossroads Coalition](#)

[Kennebunk/Wells All news stories](#) • [SOH2O](#)

NEW 9/3 [Water ordinance to go to voters Nov. 3](#)

[Developing water regulations](#)

[Water District Bd votes to flush Nestlé contract](#)

[Gail Darrell on the Wells Vote \(WKNH, May 21\)](#)

[Wise move on water by Wells selectmen](#)

[Wells activists push for water-extraction ban](#)

[Shapleigh/Newfield All news stories](#) • [POWWR](#)

VIDEO [Last Test Well Removed July 24](#)

[Earth Jurisprudence: Legal Rights for Gaia](#)

[State Bill LD-763 Withdrawn](#)

[On Mar. 14 Newfield votes to enact a similar Ordinance](#)

[Shapleigh votes to enact a Rights-based Ordinance](#)

[Ordinance Petition IS constitutional \(letter to ed.\)](#)

[Fryeburg All news stories](#)

[Enough water? Let's figure it out](#)

Funding needed [APPEAL FOR SUPPORT](#)

[Legal struggle Timeline](#)

[Water Waves Newsletter](#)

[Denmark All news stories](#)

NEW ["Can we trust Nestle to stop when asked?"](#)

[Lessons from a youthful activist](#)

[Citizens to fight permit renewal](#)

[Rangeley All news stories](#) • [RCC](#)

[Letters to the Editor of the Sun Journal](#)

[Tell Nestlé to stop taking over community water resources!](#)

Nestlé is looking to build new bottling facilities across the US. At its annual meeting on April 23rd, Nestlé will try to avoid responsibility for its practices by trumpeting its greenwashing initiatives. **Let CEO Kim Jeffery know we see through the ad campaigns and the sponsorships.**



**"Community Bill of Rights"
Thomas Linzey on DNI!**



**Bottling Giant and Maine
Residents Battle over Water**
[Video](#) • [Audio](#) • [Text](#)
PBS News Hour



**The War For Maine Water
Has Just Begun**

Grass Roots Activism in Maine

@ Nestlé/Poland Spring:

- Kennebunk/Wells
- Shapleigh/Newfield
- Fryeburg
- More

Source: <http://www.defendingwaterinmaine.org>



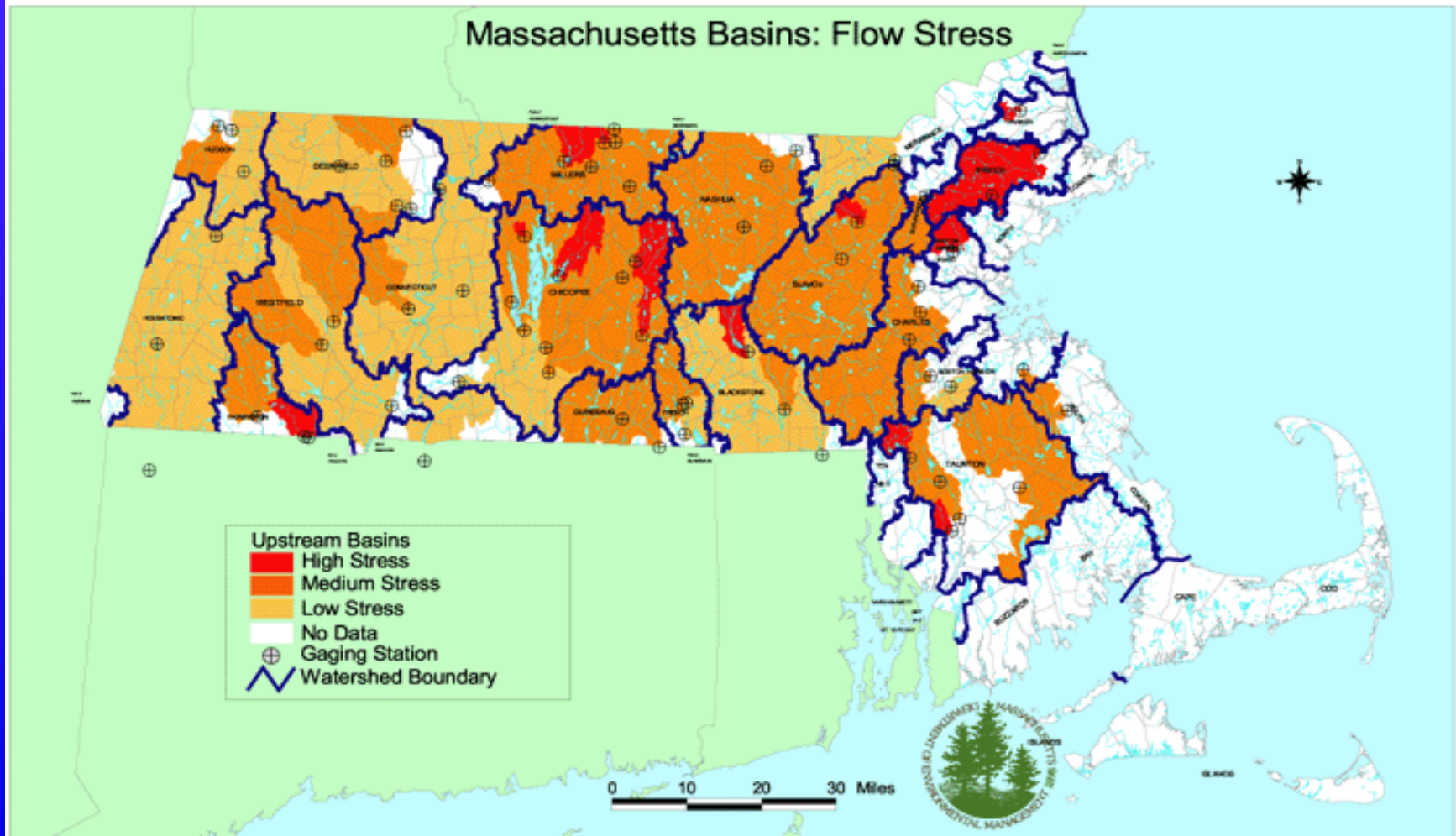
NORTH AMERICA

Nestlé Waters North America and Massachusetts



MA Basins: 79% Medium-High Flow Stress

160 rivers and streams suffer low flows



JUNE 7, 2009

SUN DAY...DIMMER
There's something to start, but
where to go after that.
High 75; low 50; sun 10-12.
Temperature: 75; humidity 70; wind
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Printed in the USA

Tough to swallow: School cafeteria inspections lax

Globe review of local districts finds federal standards often are not met

This story was reported and written by Globe Correspondents in columns, photo by and photo by

At an elementary school in Millicent, the sewage smell was so strong it forced a massed health inspector to leave after 15 minutes. During a five-week period in Weymouth, 17 mice were caught in an elementary school kitchen one

afternoon. And in a Foxborough school, a complaint of hair in the food prompted an inquiry by a local health inspector.

School cafeteria inspections in communities throughout Greater Boston last year found problems ranging from expired milk and rotting meat to disposable utensils and a metal slicer stored in employee bathrooms.

But, in many ways, that was the

good news.

Those cafeterias were inspected, their problems identified for correction. Cafeterias in 7 percent of public and public elementary and secondary schools across Massachusetts were never inspected at all in the 2007-2008 school year, according to state records, and 28 percent were inspected just once, though federal law requires ten health inspections annually.

The Massachusetts state health department's data gathered from school districts is only part of the story. A closer look at



CAETERIAS, PAGE A12 The Globe checked records for more than 1,000 schools.



Remembering the longest day

US Army Specialist Robert Jara from Fort Benning, Ga., walked through the US cemetery in Colleville-sur-Mer yesterday before ceremonies to mark the 65th anniversary of the Allied landings in Normandy, then occupied by Nazi Germany. President Obama led the commemorations above Omaha Beach, where more than 9,000 US troops fought and died. A2



Scandals cast shadow on state Democrats

As gloom deepens, new vows on ethics

By Matt Viner
There was a recent bit of work with Representative Louis E. Goyers on track in bumper-to-bumper traffic on Interstate 93. He was in his red Toyota Matrix, sporting old campaign bumper stickers

and a special House of Representatives license plate meant to let an honor bestowed on elected officials.

Former Obama adviser rallies young Democrats at convention, B1

But after the indictment of former House speaker Salvatore F. DiMasi — the first Democrat to face criminal charges in 11 months — residents are in no mood

to give much respect to those who work on Beacon Hill.

One resident joined his middle finger squarely at Goyers. Shortly after, another resident did the same.

"A lot of us are in shock," said Goyers' daughter, Dawn Jackson. "This is shock." Democrats have never had more power in Massachusetts, and it has been on their watch that the political and ethical

BEACON HILL, PAGE A11

Concerns are rising on water overuse

Fish stock, rivers drop as lawns soak

By Beth Daley
GLOBE STAFF

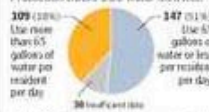
Almost 100 Massachusetts communities from Sunderland to Somerset are enforcing state guidelines that aim to limit residential water use to 60 gallons a day per person, drawing down water in dozens of Massachusetts rivers and streams and imperiling the region's beauty of freshwater fish.

Much of the excess water is used to bewitch expansive green yards in affluent communities like Lincoln and Weymouth and feed automated sprinklers that burst forth even when rain pours from the sky. At the same time, hundreds of homeowners are digging private irrigation wells each year in part to duck local watering restrictions — but drawing from the same aquifers means the rules are meant to protect.

With less watering season just getting underway, the state says there are 100 rivers and streams in the state that already suffer from low flows or water levels. Some, like parts of the Taunton River in Kingstons, run bone dry some summers.

And a new state Department of Fish & Game report shows river fish are dropping.

The state Department of Environmental Protection tracks 200 water districts.



SOURCE: Mass. DEP

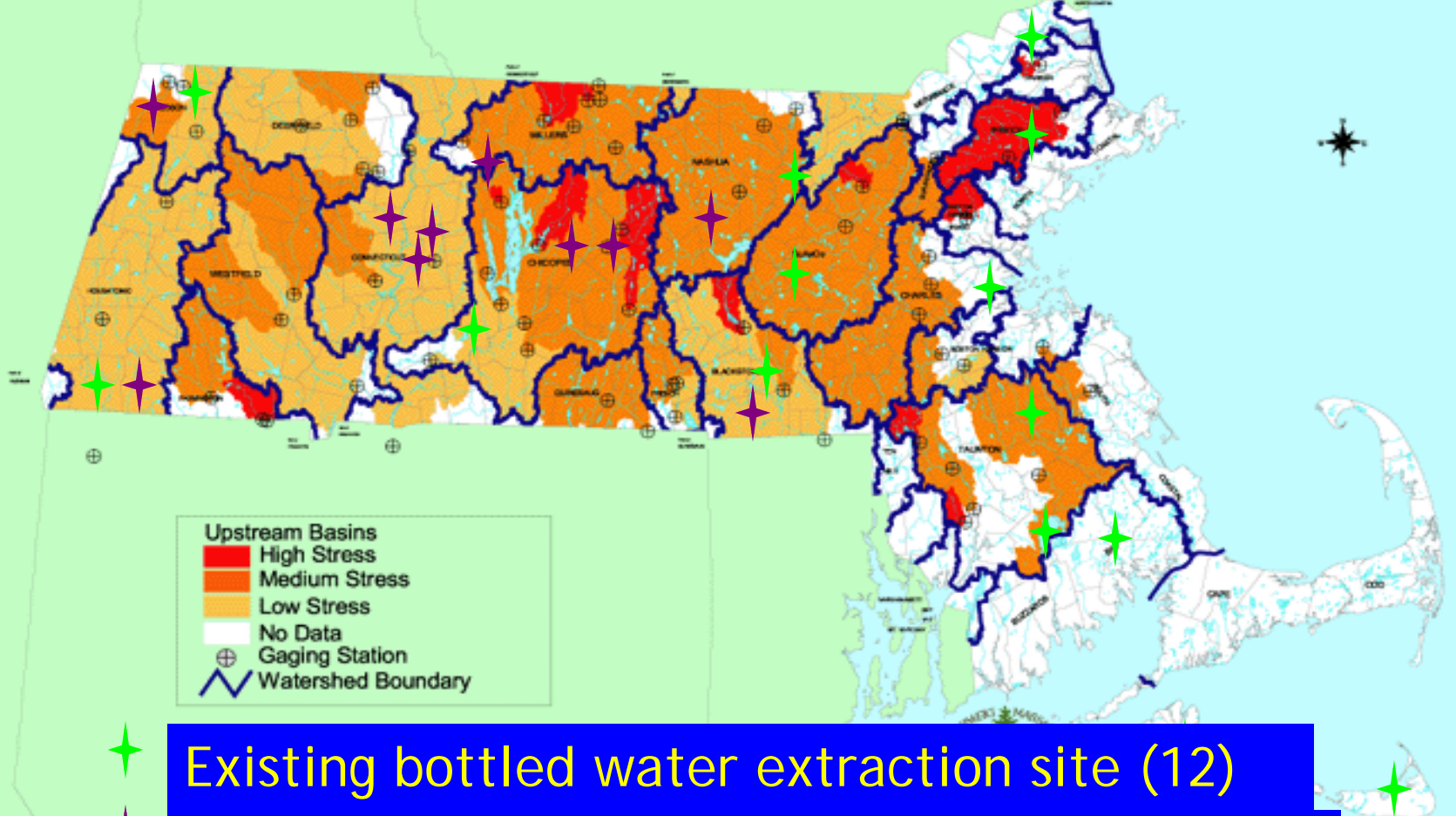
~100 communities exceed 65 rgpcd guidelines.

“Overwatering is to blame...”

State “permitting some communities to loosen restrictions on watering lawns - and not tying those rules to how a waterway is faring.”

“...little oversight of the 400 to 500 new private irrigation wells drilled each year....”

Massachusetts Basins: Flow Stress



MA Water Withdrawal Rules:

Public Suppliers vs. Commercial Bottlers

Public Drinking Water Suppliers (~200)

- Extensive permitting process
- New or increased withdrawal permits subject to conservation “rules”
 - Maximum 65 rgpcd (combined SF and MF)
 - Maximum 10% unaccounted-for water (UFW)

MA Water Withdrawal Rules:

Public Suppliers vs. Commercial Bottlers

Commercial Water Bottling Extractors (12+)

- <100,000 gal/day: no permit required
 - DEP: “We learn about them from the newspaper”
- >100,000 gal/day: permit required
 - None denied to date
 - MA Water Management Act: Safe Yield determination can limit or deny
 - *Catch: state is years late in making SY determinations!*

MA Water Withdrawal Rules: Public Suppliers vs. Commercial Bottlers

De facto "rules" in force:

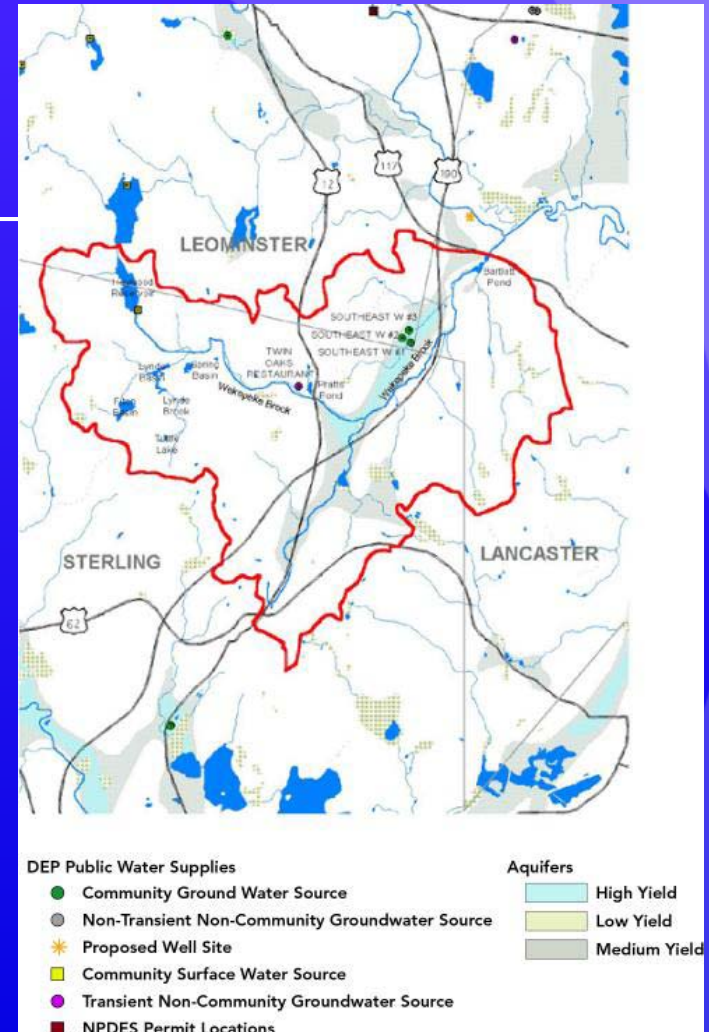
- Public suppliers and residential users: water use restrictions imposed.
- Commercial water bottlers: take as much water and wherever you want.

Montague, MA: 1500-acre State Wildlife Management Area



- State trout hatchery
- Home wells, small farms
- Future source for Montague
- "No": State constitution Article 97 limits private use of state land.

Sterling, MA: 600-acre Wekepeke Reservation



Map: Sterling Concerned Citizens.
<http://www.sterlingcitizens.org/whats-happening.php>

Putting a cap on the bottled water industry

The Boston Globe

Email | Print | Single Page | Text size  

By Amy Vickers

July 7, 2008

OVER A half-billion dollars of Massachusetts' taxpayer money will be spent this year on clean drinking water program loans to communities, yet Beacon Hill has been strangely silent about - and invested not one penny in defense of - small- and often low-income rural towns that stand alone against what many see as a threat to their drinking water supplies: Swiss-based Nestlé Waters.

How Commercial Water Bottling Extractions Operations Threaten Public Water Supplies

1. Few if any practical local or state limits exist on consumptive withdrawals.

- Local authority to set limits is superseded by state
 - Maine: local ordinances facing aggressive legal challenges by Nestlé (Poland Spring®)
- State permitting process typically weak, lacking enforcement

How Commercial Water Bottling Extractions Operations Threaten Public Water Supplies

2. Unlimited consumptive withdrawals can create and worsen river basin deficits.

- Withdrawals typically serve out of basin (and usually state) drinking water demands-no return flows!
- “But these are only small volume extractions”
 - Consumptive withdrawals can exceed recharge over time
- Highest quality water pumped and trucked away
 - Private well owners impacted directly, small businesses and farms
 - Vulnerable ecosystems, fish, fauna and vertebrate at risk

How Commercial Water Bottling Extractions Operations Threaten Public Water Supplies

3. Long-term future additional and alternative public water supply options are at risk.

- Hints of a few new local jobs overshadow evaluation of long-term local utility and consumer costs as a result of commercial extractions
- Municipalities and consumers will bear the financial burden to find new sources farther away when local supplies have been tapped out and depleted

Mass. H.B. 778: 2-year Moratorium on New and Expanded Extractions

H.B. 778: A BILL THAT ESTABLISHES A TWO-YEAR MORATORIUM ON NEW AND EXPANDED COMMERCIAL WATER EXTRACTION, STORAGE AND BOTTLING OPERATIONS IN THE COMMONWEALTH OF MASSACHUSETTS

NOW THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS:

SECTION 1. DEFINITIONS.

Commercial water is defined herein to refer to any water that is extracted, withdrawn, taken, stored, pumped, piped, transported, or used in the Commonwealth for the purposes of producing a commercial drinking water product or water beverage that is consumed usually from a bottle or other vessel instead of from a plumbed drinking water tap, faucet or pipe which is supplied from a public or private water supplier and which is subject to federal and state drinking water laws and regulations. Commercial water as defined herein shall not include commercial alcoholic and non-alcoholic drinking products and beverages that include water such as "soda," "pop," "tonic," "seltzer" and other carbonated or sweetened beverages that are sold commercially.

SECTION 2. Notwithstanding any general or special law to the contrary, there shall be a two-year moratorium, effective immediately, that the Secretary of Energy and Environmental Affairs shall administer and the Attorney General shall enforce, on new and expanded extractions and water uses, from any source of water in the Commonwealth of Massachusetts, for the purposes of commercial water storage, bottling or transport.

SECTION 3. Commercial water extraction, storage or bottling operations that use public or private sources of water shall be subject to water use restrictions during the moratorium if the public or private water supplier or location serving a commercial water extraction, storage or bottling operation is subject to voluntary or mandatory water use restrictions on the water supplier's customers and other water users, including but not limited to water use activities by residents, businesses, farms, horticulture, and silviculture.

SECTION 4. No publicly owned municipal, county and state lands may be used for the development, operation, transmission or expansion of commercial water extraction, storage or bottling operations, including but not limited to Article 97 lands, land held by land trusts, conservation commissions, public water suppliers or a state, county, regional or municipal department, agency, or other authority for the benefit of its citizens or for the preservation of land, water, fisheries, aquatic habitat, wildlife, agriculture, livestock, grazing or other natural features.

SECTION 5. This moratorium may be extended pending public review and submittal of reports of significant findings to the Legislature's Joint Committee on Environment, Natural Resources, and Agriculture resulting from the cooperative federal and state Massachusetts Index Streamflows Task Force and the Basin Stress Reclassification Task Force that are directed by the Massachusetts Water Resources Commission which are responsible for evaluations of river basin stress and water availability in stress-designated and heretofore unassessed river basins in the Commonwealth.

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1. Complete state supply deficit and safe yield assessments.
2. Require water bottling operations to adopt water conservation measures when restrictions are placed on other businesses and residents.
3. No extractions from public lands.

What's Needed to Protect Local Water from Excessive Commercial Extractions

- **Local and state rights to limit or deny extractions**
 - Commercial extractions are a unique consumptive use
 - Public Trust Doctrine
 - Coca Cola, Pepsi, Nestlé Waters, et al: unlimited flows all the way to the bank?
 - Protections for local supplies, natural flows?
- **New policy: Prioritization of water uses**
 - Define our water priorities, essential vs. nonessential
 - Sanitation and nature's services-"Yes"
 - Commercial bottling extractions, etc-"Limited" or "No"
 - Model: drought trigger measures

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