

AUG 05 2008 JB/LC

RESOLUTION

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of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding
**THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT'S
NOTICE OF INTENT TO APPROVE ISSUANCE OF A
CONSUMPTIVE USE PERMIT FOR 484,000 GALLONS PER
DAY OF GROUND WATER TO NIAGARA BOTTLING, INC.**

Resolution No. 2008-M-29

WHEREAS, as our state has grown, its precious water resources have become increasingly limited, particularly in Central Florida; and

WHEREAS, the limits on water resources in Central Florida are reflected in rules adopted and programs implemented by the three water management districts having jurisdiction over the Central Florida region, the St. Johns River Water Management District, the South Florida Water Management District and the Southwest Florida Water Management District; and

WHEREAS, these three water management districts in 2006 designated all or portions of Orange, Seminole, Lake, Polk and Osceola Counties as the "Central Florida Coordination Area" ("CFCA") and further determined that within the CFCA, ground water resources had become so stressed and the impacts associated with continued withdrawals of ground water from the Florida aquifer so significant to natural resources that no further groundwater withdrawals, beyond the amount calculated necessary to meet demands within the region through 2013, would be allocated through the districts' consumptive use permitting ("CUP") program; and

WHEREAS, in 2007-08, these three water management districts adopted administrative rules imposing strict requirements on public supply utilities, including utilities serving Orange County residents, and a requirement not to permit the allocation of groundwater beyond 2013 demand levels and requiring development of costly and in some instances, controversial alternative water supply sources; and

WHEREAS, Orange County and other public supply water providers in the CFCA have responded to these limitations by accepting CUPs that do not permit new or additional ground water withdrawals from the Florida aquifer after 2013, by expanding production and use of reclaimed water for beneficial water uses, by embarking on the development of new, non-traditional water supply sources to meet post 2013 water demands, by strengthening the requirements of and enforcement of water conservation ordinances and water conservation programs, by implementing monitoring programs to insure that permitted groundwater withdrawals will not cause harm to lakes and wetlands in the region, and by expending public funds to address impacts to areas determined to have been affected by the cumulative water use of the major public water supply providers in the region; and

44 **WHEREAS**, on August 12, 2008 the Governing Board of the St. Johns River Water
46 Management District will consider and vote on a CUP application submitted to it by Niagara
48 Bottling, LLC, seeking an allocation of 484,000 gallons per day (176 million gallons per year) of
ground water from the Floridan aquifer, for a bottling facility to bottle water for sale throughout
the southeastern United States; and

50 **WHEREAS**, the proposed location of Niagara Bottling, LLC's wells and bottling facility
is northeast of Groveland, Florida, in southeastern Lake County, in the vicinity of the Lake
52 County-Orange County boundary, all within the CFCA; and

54 **WHEREAS**, the staff of the St. Johns River Water Management District has given notice
that the District intends to issue the permit as proposed by Niagara Bottling, LLC; and

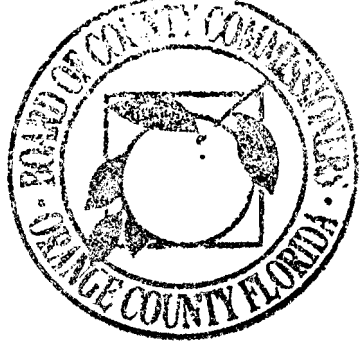
56 **WHEREAS**, it is not in the public's interest to issue a consumptive use permit to Niagara
58 Bottling LLC because it will be detrimental to the wellbeing of the people of Lake and Orange
counties;

60 **NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**
62 **COMMISSIONERS OF ORANGE COUNTY, FLORIDA:**

- 64 1. The foregoing recitals are incorporated herein.
- 66 2. It is the Board's position that allocation by the District of ground water to a private
68 entity for production of bottled water that may be shipped out of the state of Florida for
70 use is inconsistent with the requirements and limitations imposed on public supply
water utilities in the CFCA.
- 72 3. Allocating a substantial amount of ground water from the Floridan aquifer for this type
74 of use, while at the same time requiring Orange County as well as other public supply
76 entities in the CFCA to transition to more costly and controversial alternatives,
including surface water from the St. Johns River, is not consistent with the public
interest.
- 78 4. In response to the resource limitations that caused the restrictions inherent in the rules
and programs implemented by the District for the CFCA, and in response to the
80 specific urging of the District, Orange County has adopted stringent water conservation
restrictions on its residents. It is wholly inconsistent with the sacrifices being required
82 of Orange County residents and residents of other communities in the CFCA to allow
additional, non-essential withdrawals to occur from the Floridan aquifer, such as the
84 withdrawals that would be permitted for Niagara Bottling, LLC if its CUP application
is approved. Such a use does not promote sustainability of the region's water
86 resources.

- 88 5. The Board urges the Governing Board of the St. Johns River Water Management
District to deny the application of Niagara Bottling, LLC for withdrawal of ground
90 water for bottling.
92 6. This Resolution shall become effective upon its adoption by the Board.

ADOPTED this 5th day of August, 2008



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Richard T. Crotty*
Richard T. Crotty
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

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110 By: *Martha O. Haynie*
Deputy Clerk
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