

## **RESOLUTION NO. 2014-08**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, 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.; PROVIDING AN EFFECTIVE DATE.**

**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 CUP's 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

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

**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 County-Orange County boundary, all within the CFCA; and

**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

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

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:**

**SECTION 1.** The foregoing recitals are incorporated herein.

**SECTION 2.** It is the Board's position that allocation by the District of ground water to a private entity for production of bottled water that may be shipped out of state of Florida for use is inconsistent with the requirements and limitations imposed on public supply water utilities in the CFCA.

**SECTION 3.** Allocating a substantial amount of ground water from the Floridian aquifer for this type of use, while at the same time requiring Orange County as well as other public supply 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.

**SECTION 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 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 of Orange County residents and residents of other communities in the CFCA to allow additional, non-essential withdrawals to occur from the Floridian aquifer, such as the 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 resources.

**SECTION 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 water for bottling.

**SECTION 6.** A copy of this Resolution shall be transmitted to the Governing Board of the St. Johns River Water Management.

**SECTION 7.** This Resolution shall become effective immediately upon its passage and adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida held at City Hall on this 8<sup>th</sup> day of September, 2008.

  
\_\_\_\_\_  
David C. Strong, Mayor

Attest:

  
\_\_\_\_\_  
Cynthia S. Bonham, City Clerk