

Maine Water News

A Publication of the Maine Water Utilities Association

September 2012, Number 165

Who in the world is Food and Water Watch??

Jon Ziegler, 2012 President

This past weekend I logged on and researched Food and Water Watch to find out who they were and what they were all about. From what little I did know about FWW, I expected a “sky is falling”, extreme leftist website. I was not disappointed. However, what surprised me most was how well researched, organized and complete the website was as well as how cogent, albeit misguided, most of the arguments were. It was an interesting afternoon of reading and I must say I, a somewhat cynical right-winger, actually found some common ground.

I grew up in, and know a lot about, agriculture. I also have a fair knowledge of the water industry; this is where FWW lives. I can actually get with the sustainable agriculture, food security, food safety and ethical treatment of farm animals part of their message. My wife and I are “localvores” either raising our own food or buying as much as possible grown as close as possible. I am somewhat cautiously on-board with their message.

However, as I suspected, the more I read, the more the wheels came off and message crashed and burned! Even through this, I was impressed with their intense organization.

I mean really, an activism playbook?

No kidding they have a “How To” guide for attaining their various objectives. For instance, the current *evil of the month* is “fracking”. I don’t know much about fracking, at least as it pertains to natural gas, but the lead off picture of a water faucet looking more like a flame-thrower was an attention getter, leaving little doubt as to FWW’s position on the issue. Being a history buff, their playbook reads more like George S. Patton’s battle plan; have a clear goal, identify “**targets**”, allies and opponents, timelines, TACTICS, and strategy.

Oh yeah, FWW is unabashedly anti-Nestlé (by default anti-Poland Springs) and very proud of it too.

So what on earth does this have to do with MWUA?

FWW, a multinational activist organization, has set up shop in Maine with the singular focus of relegating the state’s ground water to state property. Maine is an **absolute dominion** state, meaning if a water purveyor owns property, she/he owns the renewable resource underneath it and, as long as proper DEP requirements are met, has the right to extract and do with it as she/he wishes.

FWW would prefer a more communitist approach.

Please don’t think for a minute that this is just an issue for Poland Springs, or the wicked Nestlé empire, it goes much, much deeper than that. The storm on the horizon is not only Poland Springs’ problem but will, by default, drag every water district, big and small, using groundwater as its source into the fray. Municipal well owners will be in good company too. The same can be said for all of the local farmers that use wells for irrigation, brewers that make some of the finest beer in the land, ski areas which so many Mainers depend on for their livelihood and who knows who else. Simply put, for the good of the people and economy of Maine, **Maine needs to remain an absolute dominion state.**

We all need to sit up, take notice, get educated and get vocal. Food and Water Watch is a well-funded, well led, very seasoned, well-educated and motivated adversary which commands respect.

Oh, by the way, right out of their *battle plan*, they are meeting to organize on October 4, 2012 in Hallowell. Just saying...

October Meeting

The October Meeting is scheduled for the 11th, and it will be held in the beautiful coastal town of Boothbay. Come and enjoy some good food, networking, and learn about the merging of utilities from presentations on four different merging experiences in Maine. See page 7 for more information, the agenda and registration form!

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Annual Golf Tournament Results

1st Place Team
Porter Gervais
Brian McGuire
Josh McGuire
Mike Pelkey

3rd Place Team
Steve Clements
Thomas Holt
Don Ladd
Porter Gervais

2nd Place Team
Greg Cataldo
Steve Cox
Keith Levasseur
Greg Leighton

Closest to Pin #3
Josh McGuire

Closest to Pin #11
Dan Burdin

Mens Long Drive
Josh McGuire



Winning Team at the 2012 Golf Tournament... Again

The Annual Golf Tournament and Clambake

MWUA's golf tournament was once again held at the Val Halla Golf Course in Cumberland on Wednesday, August 8th. It was a beautiful summer day, and the players were extremely generous in donating to the scholarship fund by participating in raffles. MWUA would like to thank the coordinators of this event who once again did an excellent job. All the sponsors are greatly appreciated as well.

Thankfully, Thursday's weather was just as nice as the day before, which aided in the making of another successful MWUA clambake. The attendees were able to network with other water professionals, while enjoying good food and a beautiful day right on the water in Brunswick. The attendees were also extremely generous in participating in the MWUA Public Awareness Committee's 50/50 raffle. Between the golf tournament and the clambake, the committee was able to raise over \$1000 for the scholarship fund. Thank you to Brunswick & Topsham Water District for once again being wonderful hosts. We had a great turnout, and look forward to next year's annual festivities.

Who Owns the Water?

From the Editor's Desk ...

President Ziegra's article provides a great lead - in to an issue that we will likely spend much time on during the 126th Maine Legislature. Many will recall that, during the 124th, we were expecting to deal with 12 - 15 pieces of legislation that, essentially, would have put at risk the ownership, operation and management of our sources of supply. The legislative report for that session indicates that the legislators actually only had time to deal with 11 of those bills before they adjourned.

It's tough, in a few sentences, to summarize all that was proposed. The LDs sought to grant municipalities greater oversight and authority over groundwater extraction, and generally impede a water district's ability to utilize its source of supply. There was a bill to impose an excise tax on targeted bottled water operators for the *privilege* of extracting groundwater.

One LD proposed to grant to municipalities the authority to strip a corporation of its constitutional rights. That bill died but, at the same time, two communities in western Maine adopted ordinances which grant rights to ecosystems but deny the rights of personhood to corporations.

Another bill would have placed ground water in the public trust, in essence transferring the ownership of groundwater from the property owner to the state. Fortunately, that bill died.

The 124th did establish a Blue Ribbon Commission to examine the legal and policy implications of groundwater extraction, specifically the potential impact of international trade agreements on ground water withdrawal regulations. The Commission learned that the best defense against challenges under international trade agreements is regulations that are clear, reasonable, have a sound basis, are applied equitably, and that are established through due process.

The Commission concluded, among other things, that "it appears that changing the rule of groundwater ownership involves some risk of significant damages being awarded against the state and little benefit in terms of protecting state regulation from treaty challenges".

So, four years later it's déjà vu all over again. Well, not quite.

Food and Water Watch is embarking on an aggressive campaign to change Maine water law.

In their profile papers they are not shy to express their views on bottled water. They state that: "Nestlé, and other companies, are pumping, bottling and selling millions of gallons of groundwater each year from communities throughout the state, putting freshwater supply and the environment at risk".

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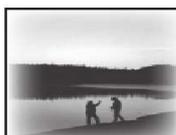
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With that *finding of risk* in place they make the argument that when a resource is held in the public trust it is more difficult for private parties to inflict harm. Their conclusion: to protect Maine's groundwater and the general public's best interest, Maine should hold its groundwater in the public trust.

When viewed through myopic lenses, the message is seductive. However, if you read more of their writings you learn that FWW is a "leading national consumer advocacy organization that runs dynamic, cutting edge organizing campaigns challenging the corporate control and abuse of our food and water resources."

As Jon indicates, this group is very well funded and very well organized. This is not just a job to them; there is a shared commitment to a cause and a passion about what they believe in. Their mission statement makes it clear that their objective is to keep [bring] shared resources under public control.

The battle four years ago was, and still is: *who owns the water?* During the 124th water suppliers get caught in the cross fire and that may very well



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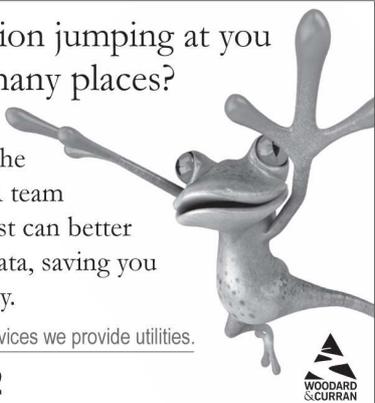
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happen again.

Regardless of whether you are a surface or ground water supply, and regardless of your views on bottled water, water supply professionals need to pay attention. We need to get involved, proactively, and we need to recognize that compromise could open the door to a bad outcome.

Stay tuned and, if anyone wants to discuss this in more detail, please give me a call.

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- Motor fuel: gasoline, diesel, aviation fuel, or fuel used for an emergency generator
- Fuel used for marketing and distribution: any product that is distributed through retail or wholesale methods.

Maine law requires operators of these facilities to complete a department training program that meets

U.S. Environmental Protection Agency requirements. Maine DEP provides free online training, which can be accessed through the following web link: <http://www.maine.gov/cgibin/online/tanksmart/step04.cg>

Who must be trained? The Federal Underground Storage Tank Compliance Act established three categories of operators which are identified as Class A, B and C.

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A Class B operator is responsible for operation, maintenance and record keeping at the facility on a day to day basis. The Class B operator must be familiar with leak detection and spill prevention systems, spill reporting and response, and record keeping requirements.

A Class C Operator must be trained to know what action to take in response to a leak alarm or an emergency such as a spill at the facility. The Class C

operator notifies the Class A or B operator if such an event occurs.

In Maine, Class A and B operators are combined into one category. In Maine, one person may fulfill the Class A, B and C operator functions for a facility, if desired.

Gary Alan Brackett

Gary Alan Brackett, 50, passed away on Aug. 10th surrounded by his loving family and friends. He was born in Damariscotta on Sept. 6, 1961. He grew up around New Harbor Hill, and after high school he joined the Navy, serving 22 years before his retirement in 2002. For the last three years, he worked for Great Salt Bay Sanitary District as a plant operator. He was an accomplished one-man carpenter, handyman, construction worker and sometimes demolition crew. He could fix anything and was always willing to help someone out. He was a man of few words, but his actions always spoke volumes and everyone in his life knew they were cared about. He was a devoted father. He is survived by his parents, wife, children, sisters and brothers in law, brother and sister in law, and many nieces and nephews.

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CONFERENCE NO. 523

OCTOBER 11, 2012

BOOTHBAY

HOST: Jon Ziegra, Manager, Boothbay Region Water District

LOCATION: McSeagulls: 14 Warf St at Pier 1, Boothbay Harbor, ME 04538 phone: (207) 633-5900

DIRECTIONS: From U.S. Route 1, merge onto ME-27 S/Boothbay Road. Proceed for 11.4 miles to the intersection of Commercial Street. McSeagulls will be on your left.

PROGRAM

- 8:00AM - 8:30AM **Registration & Continental Breakfast**
- 8:30AM - 8:40AM **Introduction & Welcome to Boothbay Harbor**
Tom Woodin, Boothbay Harbor Town Manager
- 8:40AM - 9:55AM **Overview of Boothbay Region Water District**
Jon Ziegra, Boothbay Region Water District
- 9:55AM - 9:05AM **Regulatory Update**
Roger Crouse, Maine Drinking Water Program
- 9:05AM - 9:20AM **Budget Review & Legislative Update**
Jeffrey McNelly, Maine Water Utilities Association
- 9:20AM - 9:30AM **Nominating Committee Report**
John Storer, Nominating Committee Chair
- 9:30AM - 9:45AM **Break**

TECHNICAL PROGRAM

- 9:45AM - 10:15AM **The Merging of Loring & Limestone**, *Steven Hallowell, Wright-Pierce*
Management/operational issues associated with merging two utilities
- 10:15AM - 10:45AM **Maine Water Company's Approach to Evaluating Contract Operations Needs**, *Judy Wallingford, Maine Water Company*
- 10:45AM - 11:15PM **Consolidating Water Systems on a Peninsula**, *Jon Ziegra, Boothbay Region Water District*
- 11:15AM - 11:45PM **Consolidating Water & Sewer Operations & Adding Stormwater Besides**, *Brian Tarbuck, Greater Augusta Utility District*
- 11:45PM - 12:00PM **Q & A**
- 12:00PM **Luncheon**

Jon Ziegra
President

Nicki Pellenz & Michael Broadbent
Program Coordinators

Registration for October 11, 2012 Bi-Monthly Meeting
PLEASE RETURN REGISTRATIONS/RESERVATIONS BY: October 5, 2012
2.0 Training Contact Hours

Name(s):

Affiliation

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<i>Water Systems serving less than 4,000 Customers</i>	_____ @	\$25 _____	\$35 _____

Total enclosed: _____

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