

December 9, 2019

To: Hugh Thomas, Executive Director
Suwannee River Water Management District
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Hugh.Thomas@srwmd.org
386-362-1001

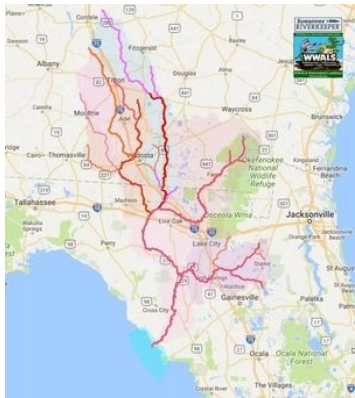
Cc: Lindsey Garland
Public Communications
Coordinator
SRWMD
Lindsey.Garland@srwmd.org

Re: Please deny and review Nestlé water withdrawal permits

Director Thomas,



Suwannee Riverkeeper for WWALS Watershed Coalition asks the Suwannee River Water Management District (SRWMD) to act for the public good by denying the Seven Springs Water Company permit renewal request at Ginnie Springs on the Santa Fe River, and by reviewing the Nestlé permit for Madison Blue Springs on the Withlacoochee River, among others.



Please Deny Seven Springs permit renewal, Ginnie Springs, Santa Fe River

We must agree with the [Gainesville Sun editorial of December 1, 2019](#), which notes that Seven Springs would pay only a one-time \$115 fee for up to 1.152 million gallons of water per day, which is more than four times the historical rate of 270,000 gallons per day. Even at the old rate, that editorial points out that the Santa Fe River and its springs are already well into environmental harm due to excessive groundwater pumping.

Has SWRMD and or the applicant assessed potential impacts of proposed water withdrawals on Spring flow and groundwater levels using simulation models and other tools that may be available? This information is needed for SWRMD to make an informed decision on the permit applications in question. All findings should be shared with the public.

The purpose of that permit renewal is for Seven Springs to sell the water to Nestlé, which would also result in still more plastic bottles being discarded in our springs and rivers for those of us who care to clean up.

Neither the withdrawals nor the plastic bottles are in the public interest.

Many tens of thousands of people have signed [multiple petitions against](#) the Seven Springs permit renewal, and the issue has drawn [national](#) and [international](#) news coverage.

As you know, many local citizens and groups are opposed to the Seven Springs permit. We would especially like to applaud [the great work on this issue by Our Santa Fe River \(OSFR\)](#).

Missing SRWMD Board Members

We also must agree with the Gainesville Sun editorial of September 24, 2019, which noted that [appointees to the vacant SRWMD board slots](#) are key to protecting the environment. It is a travesty that the board posts for where most of the population of the Suwannee River Basin in Florida resides are vacant: for the Upper Suwannee Basin (including the Withlacoochee and Alapaha Rivers), the Santa Fe & Waccassa Basins, and the Aucilla Basin. Only the Governor can fix that by finishing the job of appointing SRWMD board members, including some to represent environmental concerns.

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WWALS is an IRS 501(c)(3) nonprofit charity est. June 2012.
Mission: WWALS advocates for conservation and stewardship of the Withlacoochee, Willacoochee, Alapaha, Little, Santa Fe, and Suwannee River watersheds in south Georgia and north Florida through education, awareness, environmental monitoring, and citizen activities.



Yet the SRWMD Board has managed to vote with only 6 of 9 board members since [September 18, 2019, when half of those six were on the telephone](#). And SRWMD already has statutory authority to deal with water withdrawal issues; see below.

Potential new legislation

As you no doubt know, perhaps from the [December 3, 2019 article by Cindy Swirko in the Gainesville Sun](#):

Sen. Annette Taddeo, a Democrat from District 40 in Miami-Dade County, on Tuesday filed [Senate Bill 1112](#) to tax bottlers 12.5 cents per gallon they withdraw from state waters such as the aquifer and springs. The money would go into a trust fund for wastewater treatment and stormwater management....

“They should pay no differently than the other bottlers like Coke and Pepsi. That’s where I got the 12.5 cents — I just want parity with other bottlers,” Taddeo said. “Obviously, (soft drink bottlers) are getting water from municipalities, but they are paying for it.”

Taddeo added that money for wastewater treatment and stormwater management programs would be eligible for federal matching funds....

Nestlé in that article claimed “It’s a sustainable resource.” How can that be, when Nestlé is asking for still more water, and spring and river levels are decreasing?

See also the [December 3, 2019, article by Scott Powers in FloridaPolitics.com](#):

A water use battle in Gilchrist County has Democratic state [Sen. Janet Cruz](#) proposing legislation to require more oversight and fees on spring water usage and Democratic state Rep. Anna Eskamani calling for opposition to the proposed major new Nestlé Waters North America bottling plant in north-central Florida.

Cruz, of Tampa, [filed SB 1096](#) to require the Florida Department of Environmental Protection to monitor consumptive use permits filed by water bottling companies to ensure they are in compliance with state law.

And Cruz [filed SB 1098](#) to assess a surcharge of 5 cents per gallon of water extracted to bottle. Proceeds from that fee would be put into the state’s Water Protection and Sustainability Program Trust Fund, which has been unfunded since 2009.

Eskamani, of Orlando, sent a letter Monday to members of the [Suwannee River Water Management District](#) urging them to vote down a permit renewal request for the Seven Springs Water Co., which would allow it to pump more than 1 million gallons a day for bottling by Nestlé Waters North America....

We prefer the 12.5 cent per gallon idea, since it has precedent in soft drink bottler fees.

However, SRWMD does not need any new statutory authority to vote down the Seven Springs permit renewal.

Statutory Authority

As I am sure you are aware, [F.S. 373.243\(3\)](#) says:

For violation of any provision of this chapter, the governing board or the department may revoke the permit, in whole or in part, for a period not to exceed 1

year.

Presumably SRWMD could revoke the permit again for another year, etc.

Among provisions of the same chapter, see [373.223 Conditions for a permit.—](#)

- (1) *To obtain a permit pursuant to the provisions of this chapter, the applicant must establish that the proposed use of water:*
 - (a) *Is a reasonable-beneficial use as defined in s. 373.019;*
 - (b) *Will not interfere with any presently existing legal use of water; and*
 - (c) *Is consistent with the public interest.*
- (2) *The governing board or the department may authorize the holder of a use permit to transport and use ground or surface water beyond overlying land, across county boundaries, or outside the watershed from which it is taken if the governing board or department determines that such transport and use is consistent with the public interest, and no local government shall adopt or enforce any law, ordinance, rule, regulation, or order to the contrary.*

And see [373.223\(4\)](#):

The governing board or the department, by regulation, may reserve from use by permit applicants, water in such locations and quantities, and for such seasons of the year, as in its judgment may be required for the protection of fish and wildlife or the public health and safety. Such reservations shall be subject to periodic review and revision in the light of changed conditions. However, all presently existing legal uses of water shall be protected so long as such use is not contrary to the public interest.

The public is saying Nestlé's water withdrawal permits are contrary to the public interest.

Please review Nestlé's permit, Madison Blue Spring, Withlacoochee River

As I mentioned on behalf of WWALS at the SRWMD Board meeting of September 18, 2019, SRWMD can use its statutory authority to review and perhaps revoke Nestlé's permit for water withdrawal at Madison Blue Spring.

If I am not mistaken, [Nestlé paid all of \\$230 back in 2008](#) when SRWMD granted it a permit to withdraw water at Madison Blue Spring. It's true that [on August 13, 2019, the SRWMD Board also approved this](#):

Staff recommends the Governing Board authorize the Executive Director to modify and extend the current revenue contract with Nestlé Waters North America beginning October 1, 2019 through the end of the existing permit on May 6, 2028, with annual payment to the District of \$70,000 for monitoring of the Withlacoochee River and Madison Blue Spring.

As you know, WWALS is all in favor of water quality monitoring. However, there would be less need for it if there were not so many permitted withdrawals lowering the Floridan Aquifer, the rivers, and the springs.

Here is where that annual payment goes:

Staff recommends the Governing Board authorize the Executive Director to enter into an Interagency Joint Funding Agreement with the United States Geological Survey for an amount not to exceed \$828,310 for streamgaging services.



We're all in favor of that, too, but a 12.5 cent excise tax on bottle water pumping could bring in a lot more funds for such purposes.

We ask SRWMD to review Nestlé's Madison Blue Spring Withlacoochee River permit.

Summary

We respectfully request SRWMD to act in the public interest:

1. To deny the Seven Springs permit renewal at Ginnie Springs on the Santa Fe River
2. To review and possibly revoke Nestlé's Madison Blue Spring permit on the Withlacoochee River

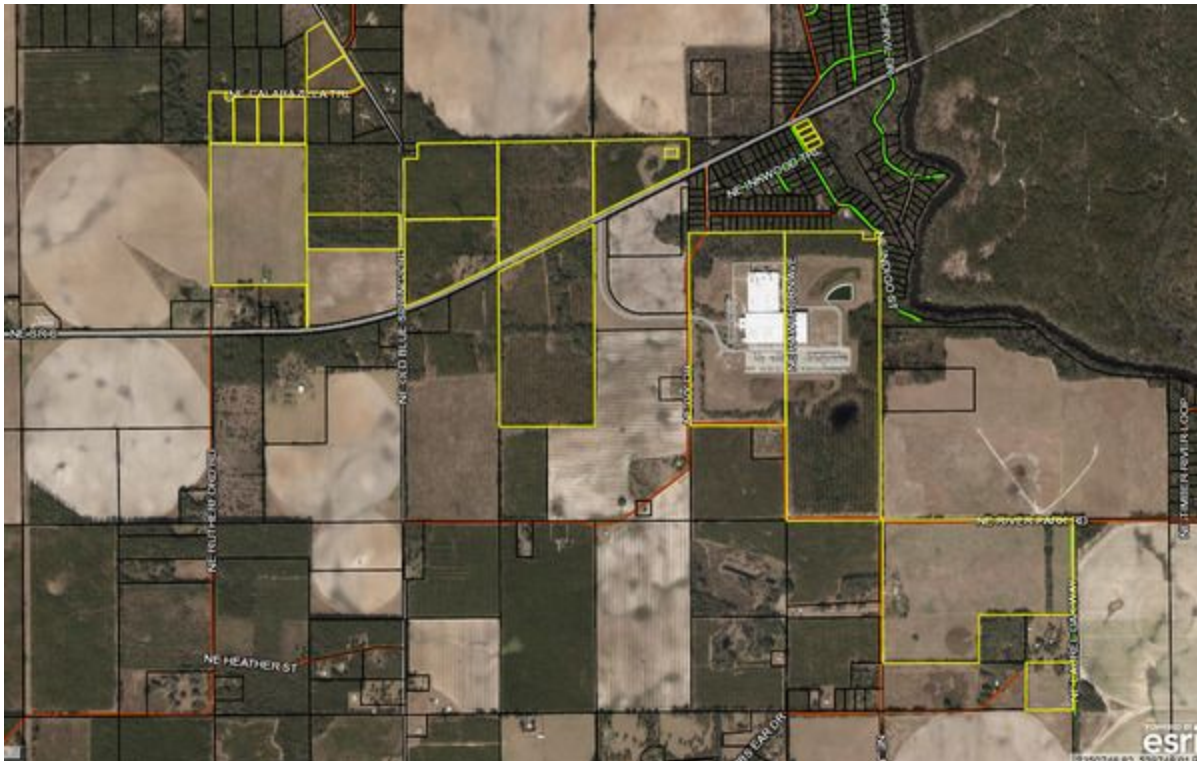
It is not in the public interest for a Swiss company to profit by taking increasingly large amounts of spring water to the detriment of our springs, rivers, and wells.

Thank you for your consideration.

For the rivers and the aquifer,

John S. Quarterman
Suwannee RIVERKEEPER®
/s
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PS: We invite you and the SRWMD Board and Staff to join us on February 1 and 2, 2020, as we paddle down the Santa Fe River past many springs, including Ginnie Springs. See: <http://wwals.net/?p=50691>



Nestlé's landholdings next to Madison Blue Spring, according to the [Madison County Property Appraiser](#)