


## MEMORANDUM

**TO:** Honorable Mayor and City Council Members AUG 19 2008  
**FROM:** Paul Johnson – Public Works Director  BY: 11:30am RBY  
**DATE:** August 26, 2008  
**SUBJECT:** Opposition to issuance of a Consumptive Use Permit to Niagara Bottling, LLC

**STRATEGIC PLAN TRACKING NUMBER: G1-OB1**

---

**PURPOSE:** To notify the St. Johns River Water Management District of Orange City's opposition to their issuance of a Consumptive Use to Niagara Bottling, LLC.

**BACKGROUND:** Niagara Bottling, LLC submitted an application for consumptive uses of water on November 2, 2007 for the Project Falls Bottling Plant. This plant would be a facility that would manufacture plastic bottles and purify groundwater to fill those bottles for export and retail. This type usage does not allow for any recharge of the aquifer or eventual processing for reclaimed water.

Since Orange City has restrictions as to the quantities of water we can withdraw from the aquifer, staff recommends that City Council send a strong message to the St. Johns River Water Management District in opposition to the issuance of this C.U.P. Orange City like many other governmental agencies is being faced with having to reduce future withdrawals from the aquifer and supplement its water supply with an alternative source.

Although the quantity of water requested by Niagara Bottling, LLC might be "insignificant" to some, the Mission Statement of the St. Johns River Water Management District is to "... ensure the sustainable use and protection of water sources for the benefit of the people of the District and the State of Florida". Staff believes allowing our water to be bottled and shipped out of state is contrary to this belief.

**RECOMMENDATION:** Staff recommends City Council approve Resolution 492-08.

**RESOLUTION NO. 492-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, OPPOSING NIAGARA BOTTLING, LLC'S CONSUMPTIVE USE PERMIT APPLICATION SUBMITTED TO THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; REGISTERING AN OBJECTION TO THE ISSUANCE OF A CONSUMPTIVE USE PERMIT TO NIAGARA BOTTLING, LLC; DIRECTING THE CITY CLERK TO PROVIDE A COPY OF THIS RESOLUTION TO ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, the mission statement of the St. Johns Water Management District (SJRWMD) is to "... ensure the sustainable use and protection of water sources for the benefit of the people of the District and the State of Florida"; and

**WHEREAS**, on November 2, 2007, Niagara Bottling, LLC, a California based company, submitted a permit application for consumptive uses of water for the Project Falls Bottling Plant, a water bottling facility that will manufacture plastic water bottles and purify groundwater to fill the water bottles; and

**WHEREAS**, approval of this consumptive use permit will allow Niagara Bottling, LLC to withdraw and export 490,000 gallons of water each day or 178.85 million gallons of water per year for profit; and

**WHEREAS**, the SJRWMD predicts that the public water supply demand in the District is expected to nearly double by 2025, and Florida's traditional water source - fresh water from the Floridan Aquifer - will not be able to meet future needs; and

**WHEREAS**, Orange City has a vested interest in the ability to provide adequate, affordable, and sustainable future water supplies that do not adversely impact the environment; and

**WHEREAS**, Orange City wishes to notify the St. Johns Water Management District of its objection to Niagara Bottling, LLC's application and its proposed use.

**NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1.** Orange City objects to Niagara Bottling, LLC's permit application for Consumptive Uses of Water that seeks to withdraw 178.85 million gallons of water per year and 490,000 gallons of water per day the Floridan Aquifer for the purpose of bottling water.

**SECTION 2.** Orange City, by passage of this Resolution, registers its objection to Niagara Bottling, LLC's application with St. Johns River Water Management District and further registers its objection to the issuance of a Consumptive Use Permit to Niagara Bottling, LLC.

**SECTION 3.** The Orange City Council directs the City Clerk to provide a copy of this Resolution to the St. Johns River Water Management District.

**SECTION 4.** That this resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

**ROLL CALL VOTE AS FOLLOWS (Resolution No. 479-08):**

Jim Mahoney	_____	Donald C. Sherrill	_____
Donald Sandford	_____	Tom Abraham	_____
Tom Laputka	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.**

ATTEST:

AUTHENTICATED:

\_\_\_\_\_  
Deborah J. Renner, CMC, City Clerk

\_\_\_\_\_  
Harley Strickland, Mayor

This Resolution approved  
as to form and legal sufficiency:

\_\_\_\_\_  
W. E. Reischmann, City Attorney