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Ordinance offers a good start on water protection

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Wells voters will face another decision on water extraction – whether to enact a town-sponsored ordinance regulating removal of large amounts of water.

The proposed ordinance is essential because of the interest shown by Poland Spring in tapping local aquifers for hundreds of thousands of gallons per day. Such an enterprise would be closely regulated by state agencies, but the town must be in a position to defend local interests, if necessary.

Poland Spring gets generally good marks as an employer and an environmentally responsible organization in towns where it does business. But water is a common resource and the Town of Wells should take nothing for granted in setting out the ground rules for those exploiting a claim of ownership.

There are some who regard the water bottling industry with skepticism, and they could have used their energy and insight to help design watertight protection for the town. Instead, they embarked on a losing strategy earlier this year, demanding a vote on a manifesto against corporations and the commercial use of water.

As a result, they weren't in any position to insist on tougher regulatory standards. It is too bad, because the Wells proposal takes a cautious approach toward setting limits.

Such caution may be well-advised. The proposal drafted by the Wells Ordinance Review Committee and certified by the Board of Selectmen for a vote in November enters relatively new legal territory. It needs to be defensible in court and flexible enough to address unexpected circumstances.

But how much water can be extracted under the proposed rules? This question is not addressed directly. It can't be so much that it causes neighboring property to slump, or makes drinking water cloudy or unsafe to drink. Among other generalities the ordinance also cites "the long-term sustainability of the aquifer."

The only number of significance in the ordinance is the threshold – 20,000 gallons per day – that triggers review by the Planning Board. It seems like a large number, but Poland Spring had much larger quantities in mind when it was negotiating with the Kennebunk, Kennebunkport and Wells Water District. A proposed contract set a maximum of 300 gallons per minute – 432,000 gallons per day.

In the end, the Wells ordinance relies on an expert – a "hydrogeologist, geologist, hydrologist, registered professional engineer or other appropriately licensed professional" – to protect the town.

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This is a good start, but is it enough? For those who think it isn't, more can be asked. The place to start is the Maine Legislature, which should consider reasonable bills recognizing that groundwater is more than just part of the property where it is found.

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