

News Outlets owe Wells Voters the Truth before Nov. 3rd

Most news outlets in southern Maine are not aware of recent-mails from DEP Director Andy Fisk that confirm our current Town of Wells Chapter 145 Land Use ordinance is sufficient to stop any prospective commercial groundwater extractor from being granted a State DEP Significant Groundwater Well (SGW) permit.¹ In other words, the Town of Wells currently has an ordinance in place that does not permit large-scale water extraction within the Town; and, the DEP will not override the Town's denial of a site license for a use that is not listed as being permitted.

The idea that we need to amend this ordinance to include large-scale groundwater extraction as a permitted use is being pushed by outside commercial interests, such as Nestlé Waters North America Inc. and by a number of landowners who own property overlying or adjacent to certain known, significant sand and gravel aquifers within the Town; and, who could likely retire permanently, should a company such as Nestlé purchase their groundwater property rights and commence an extraction operation on that property. Some of these landowners are on the Ordinance Review Committee, the Board of Selectmen, and in the State Legislature.

The suggestion by selectmen that practically everyone in Wells owns land that is situated over an aquifer is simply not true.²

This is not to say that government officials, who happen to be landowners whose properties overlie Town aquifers, are necessarily in a purposeful conflict of interest with regard to favoring the extraction ordinance. Nevertheless, the facts stated above represent the present situation in Wells with regard to the proposed ordinance.

Most southern Maine news outlets appear to discount the fact that a Nestlé groundwater extraction operation in Michigan was recently found by the Michigan courts to have caused significant environmental harm to a stream, watersheds, and connecting water bodies and cost Michigan residents \$1,000,000 in legal costs alone over an 8-year period.³ Rather than read the resulting Michigan court opinions, news outlets frequently blindly quote Nestlé spokespersons, who apparently deny any such harm ever occurred.^{4,5}

¹ These e-mails were forwarded by a member of PWW to the Town of Wells, Town Manager's Office and the Planning Department on October 23, 2009 with a request to forward the material to the Board of Selectmen.

² How Much Water Does Wells Have?, <http://www.protectwellswater.com/files/HowMuchWaterWells-20090828-1s.pdf>

³ Is Nestle Really A Threat?, http://www.protectwellswater.com/files/Is_Nestle_Really_A_Threat-20091022.pdf

⁴ Steve Bodnar, Water activist warns against allowing Nestle in, York County Coast Star, October 22, 2009, <http://www.seacoastonline.com/articles/20091022-NEWS-910229966>

Wells selectmen suggest that, if their ordinance is voted down on Nov. 3rd, in all zoning districts, large-scale groundwater extraction will continue to not be listed as a permitted use; and, a potential ground water extractor, such as Nestlé, could take the Town to court and win.

Our response is, let's Vote NO on this ordinance; and, take the chance that an extractor such as Nestlé will take us to court. Firstly, we would much rather the Town spends \$20,000 now to take the issue to the Maine Supreme Judicial Court than risk having an extractor like Nestlé cause us a protracted \$1,000,000 legal problem. Secondly, any extractor that takes the Town to court over groundwater extraction rights will likely lose significant goodwill throughout the State. Therefore, they might decide to forego taking us to court and move on to their next town of interest, as Nestlé recently opted to do when they were rejected by Shapleigh and Newfield. Thirdly, the extractor is not guaranteed to win in court. Fourthly, if we did lose in court, we could enact another groundwater extraction moratorium while we fix the many problems that are obvious within the extremely lax ordinance that the Board of Selectmen is pushing on us. For starters, we could demand that the ordinance at least include all of the standards that the State's Natural Resources Protection Act requires for SGWs.⁶ The reason the proposed ordinance doesn't include all of these standards is that the Town based its ordinance on the Town of Denmark ordinance, which was last amended on October 9, 2006;⁷ whereas, the SGW legislation was enacted a year later; and, the Town boards apparently never bothered to closely study this relatively new legislation.

The above information is critical to Wells voters, if they are to make an informed decision at the polls. Local news outlets have a civic, ethical and professional responsibility to present this information in an unbiased manner to the public.

We would hope that, during the next few days before Nov. 3rd, southern Maine news outlets would finally do some intensive, old-fashioned, gumshoe-style, investigative reporting on this issue.

We urge Wells voters to vote "NO" on Question 1 on the Town ballot; and, not enact the lax ordinance that the Board of Selectmen is pushing on us.



⁵ Water Wars With Poland Spring In Wells, WGME 13, October 24, 2009, http://www.wgme.com/newsroom/top_stories/videos/wgme_vid_1059.shtml

⁶ 38 M.R.S. §480-D. Standards, <http://www.mainelegislature.org/legis/statutes/38/title38sec480-D.html>

⁷ Denmark Water Extraction Ordinance, October 9, 2006, accessible from http://townofdenmark.org/index.asp?Type=B_BASIC&SEC={308A298D-F9D9-4650-B736-3D89E5A7AA08}