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To Senator Brenner, Representative Gramlich, and Members of the Joint Committee for Environment and Natural Resources

From Bradley Sawyer, Deputy Director

Date May 3, 2023

Re. Testimony in Opposition to L D 1418, An Act Concerning Single-use Disposable Water Bottles and Water Refill Stations

Senator Brenner, Representative Gramlich, and Members of the Joint Committee for Environment and Natural Resources, thank you for the ability to provide brief testimony in respectful opposition to L.D 1418, An Act Concerning Single-use Disposable Water Bottles and Water Refill Stations

The Maine Rural Water Association does not object to the promotion of reusable water bottles nor an effort to use less plastic. We oppose this measure for two reasons: community health and safety, and financial concerns for small and mid-size consumer owned utilities.

Our first concern stems from Section 2, "Sales and purchasing prohibitions; state and political subdivisions Beginning January 1, 2024" Subsection B which states "An agency, department, board, commission or institution of the State or of a political subdivision may not purchase uncarbonated, unflavored drinking water in single-use beverage containers."

Water main breaks are an unfortunate reality in our industry. Age of infrastructure certainly plays a role but there are natural forces that stress and move these pipes every day. One cannot predict when these breaks will happen, with what frequency they will happen, or how large the impact will be when they happen. There are times, luckily rarely, that these breaks cause customers of public water systems to be without water, either potable water or all water for consumption and sanitary purposes. These events could last for a few hours, or days, or weeks, depending on the severity of the break and the complicated nature of the repair.

During these times that ratepayers are out of water it is common for a state agency, such as MEMA, or the water utility and/or the municipality to provide replacement drinking water. This water often comes in the form of single use bottles. We are lucky in Maine to have corporate partners that donate bottled water during such times of turmoil but there are times when that water must be purchased. This bill would disallow that practice and leave the burden on individuals, or the generosity of others. We recognize that this legislation as written includes an exemption for times of emergency as declared by the Governor, however water main breaks are often hyper-localized from a state perspective and do not rise to meet the threshold for a State of Emergency.

The second issue we see stems from Section 3 of the bill. Section 3 states: "Water refill stations; state and political subdivisions Beginning January 1, 2024, each facility or function of the State or of a political subdivision that is open to the public or that is regularly used by employees of the State or of a political subdivision must include a reasonably accessible water refill station."

Our first concern with this language is the definition of regular. Water and wastewater facilities have many locations that are checked on a regular basis but may not be stayed at for a long period of time. Some of these facilities are plumbed for water while others do not have potable, or any, water. To

bring a water source online at all facilities that are regularly visited would incur quite a cost, one that would be borne by utility ratepayers.

Maine also has several very small utilities in the state of Maine, including dozens with annual revenues of less than \$50,000, that would be impacted by this legislation. Information from the Sustainability Institute at Penn State University estimates that a new water bottle filling station costs roughly \$4,000 to \$4,500 but can vary depending on proximity to existing electrical and plumbing infrastructure.¹ There is also a regular maintenance cost that varies depending on usage. For the State to mandate these utilities to spend 10% of their annual income on a water bottle filling station is harmful to the handful of ratepayers that will be required to cover the cost. We believe that forcing the political subdivisions of the state to install water refill systems constitutes an unfunded mandate and should this legislation move forward we respectfully request that such language be attached.

Ultimately, we understand and respect the desire to cut down on plastic waste in this state and recognize that single use water bottles appear to be an easy place to start. However, this legislation will have numerous unintended consequences to water and wastewater utilities and that burden will be borne by the ratepayers of the consumer owned utilities in Maine. We request this bill be limited exclusively to State owned facilities or be voted ought not to pass.

Thank you for your time today. If you have any questions, please do not hesitate to contact me at Bradley.Sawyer@MaineRWA.org or 207-737-9014.

¹ [https://sustainability.psu.edu/water-bottle-refill/# ~:text=The%20average%20cost%20to%20install,adjacent%20plumbing%20and%20electrical%20services](https://sustainability.psu.edu/water-bottle-refill/#~:text=The%20average%20cost%20to%20install,adjacent%20plumbing%20and%20electrical%20services)