

Michigan Citizens for Water Conservation

For Immediate Release:
August 29, 2008
8831

Contact: Terry Swier, President MCWC - 231-972-8856
Jim Olson, Attorney MCWC – 231-946-0044 or 231-499-8831

MICHIGAN CITIZENS FOR WATER CONSERVATION BLASTS DEQ'S APPROVAL OF NESTLÉ WATER TAKING NEAR EVART

Mecosta, Michigan – A leading Michigan based citizen water conservation organization took aim at the state's approval yesterday of Nestlé's proposed plan to tap more of the state's waters, this time from the pristine headwaters of two highly prized trout creeks just north of Evert in Osceola County. But, Michigan Citizens for Water Conservation has been through this before.

In the past several years MCWC fought and won a major court victory that limits Nestlé's water taking operation in Mecosta County because the courts found it would unreasonably harm riparian rights in a stream and lake and impair water resources in violation of Michigan's environmental protection laws.

Terry Swier, the President of Michigan Citizens for Water Conservation, blasted the DEQ for approving a plan that would allow Nestlé to take even more water out of Michigan at the expense of the public's right to the state's waters and the environment. "After MCWC proved in the lower and appellate courts of Michigan that spring water that feeds the headwaters of lakes and streams causes harm and should not be removed from Michigan's watershed, the DEQ and Nestlé have teamed up once again," she said. "And, what's really alarming is that the DEQ's approval yesterday comes after Michigan has supposedly enacted a new water law package that is supposed to regulate and stop this kind of nonsense."

Nestlé wants to pump another 150 gallons per minute, adding to its 200 gpm dedicated to it in the City of Evert down stream from Twin and Cedar Creeks and the 218 gpm it takes out of headwaters down in Mecosta. "This means Nestlé can now remove over 300 million gallons a year from the state's streams," Swier added. "Where does this end? When half of our water has been exported because the state failed to live up to its obligation to protect the public trust in our state's waters."

The DEQ gave a nod to the project in February 2007 when it found no likely "adverse resource impacts" to the trout streams based on a report filed by Nestlé's consultants. "MCWC and others filed sound scientific and expert comments that the determination was flawed back in 2007. The company and DEQ relied on monitoring affects and stream measurements far below the headwaters and Decker Pond." Jim Olson, the environmental attorney for MCWC said. "How can you measure the harm of pumping on the upper reach of a valuable trout stream by relying on measurements below the area of influence? That's like taking a blood pressure reading around your foot."

The DEQ approved Nestlé's proposed production well, even another line for additional wells, under the state's Safe Drinking Water Act, admitting in its response to MCWC's comments that the analysis under the SWDA was too narrow to imply any decision about environmental or water resource impacts. Instead, the DEQ reported in its press release that it had considered the impacts question in the February 2007 review, concluding that "Michigan's stringent permitting requirements" had been met and that the proposal is "not likely to pose an adverse impact."

“The DEQ decision simply compounds its error,” Olson said. “In 2007, when MCWC raised objections to the proposal for lack of compliance with laws and insufficient or wrong data and conclusions, the DEQ said the same thing.”

In its 2007 determination, the department acknowledged that “concern that the judgment embodied in the adverse impact determination is a narrow one ... the determination is not a statement as to the overall legality of the proposed withdrawal.” But in response to comments on violations of other laws and the legality of the project yesterday, on the August 28, 2008 permit, the DEQ, like it did in 2007, stated that its approval under the SIDA was narrow and should not be construed as determining whether other environmental or water laws have been violated.

“What this points to is quite discouraging,” Terry Swier said. “All the hoopla about the recently passed water law amendments in Michigan or the Great Lakes Compact basically don’t apply to the removal of spring water from the headwaters of our lakes and streams.”

“Michigan citizens are going to have to elect leaders who stop passing laws that sound good, but leave to many exemptions and holes in the fabric of our water laws,” Jim Olson said. “If our leaders continue to play a game with water, citizens are going to have to amend the constitution once and for all to protect their rights and public trust in our waters and the Great Lakes.”

For background on MCWC, the 2007 and 2008 comments on Nestle’s proposed well near Ewart, and the various water law disputes, DEQ, and Nestlé, see MCWC’s web site at www.saveMIwater.org.

####