



## Mecosta judge orders halt to Ice Mountain bottling operation

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BIG RAPIDS, Mich. (AP) — A judge has ordered the company that produces Ice Mountain bottled water to stop pumping water from wells in Mecosta County, saying the operation is damaging the surrounding environment.

Circuit Court Judge Lawrence Root, in a written decision released Tuesday, expressed concern that the water bottling operation has damaged neighboring lakes, streams and wetlands.

In the suit that Michigan Citizens for Water Conservation filed in Mecosta County Circuit Court in June 2001, the group asked for a halt to production at the bottling facility in Mecosta Township near Stanwood, about 50 miles north of Grand Rapids.

It also sought damages, claiming the plant's groundwater withdrawals violate state environmental protections and have harmed, or likely will harm, the environment and members of the citizen's group.

A message seeking comment was left Wednesday with Ice Mountain Spring Water Co., which is a subsidiary of Greenwich, Conn.-based parent company, Nestle Waters North America Inc., formerly Perrier Group of America Inc.

Terry Swier, a founder of Michigan Citizens for Water Conservation, said Root's decision established an important precedent.

"This sets the stage for another big piece of the puzzle and that is getting water legislation in Michigan — some strong water legislation," she said.

The lawsuit said the plant's high-volume pumping would lower lake and stream levels near the wells from which Ice Mountain draws its water. The company operates four wells in Mecosta County's Morton Township and pumps the water about 13 miles southwest to the plant.

Plant representatives say never before has a company in Michigan done so much testing and monitoring of its groundwater withdrawals, even though the state has no requirements for reporting ongoing withdrawals.

The Michigan Department of Environmental Quality's water division granted a permit allowing the water-bottling plant in southwestern Mecosta County to withdraw up to 400 gallons per minute, or 576,000 gallons per day.

Since production started, the plant's average pumping rate has been around 200 to 250 gallons per minute, company spokeswoman Deborah Wudyka has said.

But the judge said that is still too much.

"I am unable to find that a specific pumping rate lower than 400 gallons per minute, or any other

rate to date, will reduce the effects and impact to a level that is not harmful," Root wrote.

Wudyka says other large businesses in Michigan pump more water from underground aquifers than the Ice Mountain Plant. She also says the bottling has not affected the region's water table, other than to create an expected "cone of depression" within approximately 300 feet of the plant's wells.

Root heard weeks of testimony in the case last spring and summer in the case. The lawsuit was filed against Ice Mountain and its parent company.

Swier, a retired University of Michigan-Flint reference librarian who moved to Mecosta County's Martiny Township in 1999, founded the water conservation group with her husband, Gary, and some neighbors in December 2000 over concerns that the water-bottling project was moving too quickly.

Some companies, like Ice Mountain, periodically report their data to the Michigan Department of Environmental Quality on a voluntary basis.

The debate over the water withdrawals nearly turned violent in September. Ice Mountain workers making a routine check of a Martiny Township pumping station discovered a broken-out glass-block window and found unexploded, homemade firebombs. The radical environmental group Earth Liberation Front claimed responsibility. The FBI is investigating.

Since opening last year, the water-bottling plant has tripled the number of people working there to 155 and expanded its size by 75 percent, with more employment growth expected next year.

The company also is studying possible sites in the Great Lakes states — including Michigan — for another water-bottling plant of about the same size and capacity as the one in Mecosta Township, Wudyka has said. Construction on the new plant is expected to begin in a couple of years.

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On the Net:

Nestle Waters North America Inc., <http://www.nestle-watersna.com/>

Michigan Citizens for Water Conservation, <http://www.savemiwater.org>

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