



**News Release on Nestle Challenge by  
Michigan Citizens for Water Conservation  
April 27, 2020**

The April 24 ruling by Administrative Law Judge Daniel L. Pulter issued on behalf of the Department of Environment, Great Lakes and Energy (formerly MDEQ) upheld the permit issued to Nestle Corporation by the MDEQ to pump water from the White Pine Springs well in Ewart (PW-101) at a rate of 400 gallons per minute. The Contested Case brought forth by Michigan Citizens for Water Conservation and the Grand Traverse Band of Ottawa and Chippewa Indians was denied.

EGLE successfully argued on behalf of Nestle and in support of the original permit decision granted to Nestle by the Snyder administration on April 2, 2018 following over a year of public comment and protest. Nestle had been granted a permit to withdraw at 150 gpm in March of 2009. It was given an additional permit, without public notice or comment, to add another 100 gpm in April of 2015, thus pumping at 250.

In July of 2016 Nestle applied for the contested permit to increase to 400 gpm. Notice was given to the public in obscure publications and we were not aware of it until notified by a reporter in October when there were only 4 days left of the public comment period. MCWC and others mounted a campaign for comment and the response was so overwhelming in opposition to the permit that the comment period was extended twice, and a public hearing was forced for the spring of 2017. Over 600 people appeared in Big Rapids, 50 testified against the permit, and comments were ultimately taken from roughly 80,000 people with only a handful supporting the permit. It was nevertheless granted by Snyder's MDEQ under the leadership of former BP spokesperson Heidi Grether in April of 2018.

MCWC filed a petition for a contested case hearing and was joined by the Grand Traverse Band. Many other organizations voiced support for our petition. There was eventually hope that the new administration, given numerous campaign promises to reign in the power of corporations to exploit our natural resources, would come to the aid of the petitioners and assist us in interpreting the existing legal frameworks to demonstrate the

basic flaws in allowing computer models to over-ride the real time data generated by past precedent in Mecosta and current conditions in Evart after pumping at 250 gpm.

This did not happen. In fact, we were never even given the courtesy of a face to face meeting with the Attorney General's office or the director of EGLE. We were invited to attend the public relations events held by EGLE but were told we could not discuss the Nestle permits because we were in litigation. Of course, Nestle was in constant contact with EGLE staff and the Assistant Attorneys general assigned to the case since they were arguing on behalf of Nestle's permits throughout. At no time did the organs of the State see fit to consult with or support the petitioners who were asking the State to exercise its public trust responsibility to defend the waters of the commons from exploitation and depletion.

So, we were not surprised that our efforts did not result in victory in the court of EGLE, even after a lengthy and expensive legal battle. In the court of public opinion, we had won long ago. The Court of Appeals had upheld the right of Osceola Township to exercise its zoning rights and deny Nestle a booster station that was not deemed in the public interest.

The injustice of Nestle's water grab, strictly for corporate profit, while many citizens still are without clean water throughout the state, has been well understood, particularly in this time of a major health crisis that demands water access in something other than expensive plastic bottles. Nestle has profited greatly from the Flint water disaster, about to witness a sixth anniversary with no justice still in sight for those responsible. The trucks roll out of the Stanwood bottling plant with even more profit as the corona virus prompts people to clear the store shelves under the false notion that bottled water is essential even for those who already have public water systems that are working. Public pressure from non-profits finally forced the Governor to act to restore public water to Detroiters who had been shut off, though those still without were given more bottled water as Nestle profit mounted.

Nestle's world-wide campaign to promote private bottled water at the expense of affordable public infrastructure is producing predictable consequences during the current Covid-19 crisis. Those who don't need bottled water are hoarding it and those who cannot get public infrastructure funded and fixed are forced to rely on it to get through the crisis.

Unfortunately, the laws of our state still allow private corporations to profit from our natural resources but do not seem to support public health and welfare. Those laws must change so that the human right to clean, affordable water and sanitation becomes the top priority of government, rather than the promotion of corporate greed and destruction of environmental support systems.

MCWC intends to continue its education and advocacy work on behalf of water justice, and in opposition to the pollution, plunder and privatization of the waters of the Great Lakes Basin. This recent set-back, the remnant of antiquated laws and the continuing control of our governments by large corporations, is a temporary set-back. A new world is going to emerge from the current crises, and justice will have to guide us in mounting the even greater existential challenge to control the climate crisis. The lessons learned now will inform the rising movement to achieve a livable future for our children. This little set-back, in one insignificant court, will not deter us from continuing our challenges to business-as-usual or our determination to enact laws and policies that actually serve all the people and preserve our ecosystems.

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