



Nestlé Permit Overview

Nestlé Waters North America, Inc. submitted an application to the Michigan Department of Environmental Quality (MDEQ) in July 2016 seeking approval under Section 17 of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), to increase water production from an existing well located near Ewart, known as “White Pine Spring,” for the purpose of bottling it. The company proposes to increase its withdrawal to a continuous pumping rate of 400 gallons per minute (gpm).

Background

- Nestlé currently pumps at a capacity of up to 250 gpm.
- Nestlé cannot begin to increase pumping up to 400 gpm for the purpose of bottling unless authorized by a Section 17 Permit.
 - While Section 17 has been in effect since 2008, this is the first permit application to qualify and be reviewed by the MDEQ.
- Section 17 requires the MDEQ to evaluate if the water is safe to drink and that there are no adverse impact to the watershed.
 - To make that determination the MDEQ evaluates the environmental, hydrological, and hydrogeological conditions that exist and the predicted effects of the intended withdrawal.
 - Information provided by Nestlé and public comment as well as research by MDEQ scientists is considered during the review.
- Nestlé is required, and has paid, the \$5,000 application fee under Section 17.
- An annual water use reporting fee of \$200 per withdrawal site is required under Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
 - Nestlé has already been paying the annual fee for the site and will continue to pay it as long as the withdrawal is active, regardless of whether the increase is approved.
- The proposed increase also requires a construction permit to equip the well with a larger pump and other appurtenances.
 - The issuance of the construction permit by the Central Michigan District Health Department is contingent upon a Section 17 permit being issued by the MDEQ.
- More than 50,000 comments have been received along with 340,000 signatures via petition. Types of comments include environmental protection/damage/impact, resources rights, and water quality.



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Timeline

- In 2001 Nestlé reported baseline capacity of 150 gpm at an existing well located near Evert, known as White Pine Spring, for the purpose of bottling.
- In April 2015, Nestlé was authorized for a 100 gpm increase (to 250 gpm) through the Water Withdrawal Assessment Tool (WWAT).
- In December 2015, Nestlé followed with an additional request for an increase to 400 gpm.
 - This request was reviewed by the MDEQ using a site-specific review (SSR) as the increased withdrawal did not pass the initial WWAT screening.
- Under Part 327, the MDEQ authorized the increase to 400 gpm based on the SSR in January 2016.
- The approval also requires a review under Section 17 as the cumulative request of 150 gpm to 400 gpm was more than 200,000 gallons per day.
 - Nestlé submitted a permit application under Section 17 in July 2016.
- Public comment on the Section 17 application began on September 19, 2016, and has been extended twice to allow for the collection of additional information from Nestlé and accommodate the intense public interest.
- The public comment period will close at 5 p.m. on Friday, April 21, 2017.
 - Given the volume of information to review an exact decision date is not known.