Op-ed by MDEQ Director C. Heidi Grether April 2, 2018

Nestle Permit the most extensive analysis of any water withdrawal in Michigan history

The department is required to follow the rule of law when making determinations

I have been in my role as the director of the Michigan Department of Environmental Quality (MDEQ) since August 2016. I have made it clear from the beginning that I fully support MDEQ's commitment to protecting the environment and public health. I also made it clear that under my leadership, the department's decisions would be based on carrying out our statutory and regulatory responsibilities. This underlies everything we do.

Absent the rule of law and related implementing regulations we would have chaos. Like them or not, the law and rules provide all regulatory bodies with the roadmap for decision-making. Every one of us has something we disagree with regarding the regulatory process, but at the end of the day, it is MDEQ's responsibility to follow the roadmap we are constitutionally charged to uphold.

The laws and rules are the foundation of MDEQ's work. The department has a highly trained and educated workforce that is committed to being leaders in environmental stewardship, partners in economic development, and providers of excellent customer service to the public.

Supporting our core mission entails conducting complete, comprehensive, thorough reviews of the 8,000 to 9,000 permits that MDEQ receives and processes each year to assure that they are protective of public health and the environment.

MDEQ recently approved a permit to allow Nestlé Waters North America, Inc. (Nestlé) to increase its groundwater withdrawal for the purpose of bottling drinking water. This is the first permit issued under Section 17 of the Michigan Safe Drinking Water Act, which imposes stringent requirements to produce bottled drinking water if the water is from a new or increased large-quantity withdrawal of more than 200,000 gallons of water per day from the waters of the state.

The scope and detail of the department's review of the Nestlé permit application represents the most extensive analysis of any water withdrawal in Michigan history.

It is very clear this permit decision is of great interest to not only residents in the surrounding counties, but to Michiganders across the state as well. This was evident given the more than 80,000 public comments the department received. MDEQ staff reviewed each of them and will share a detailed, comprehensive report capturing the comments received and how specific technical comments were incorporated into the final decision in the near future.

In full transparency, the majority of the public comments were in opposition of the permit, but most of them related to issues of public policy which are not, and should not be, part of an administrative permit decision. We cannot base our decisions on public opinion because our department is required to follow the rule of law when making determinations.

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We are hopeful that whether residents agree with the Nestlé permitting decision or not, they will acknowledge and respect the work that MDEQ staff did to thoroughly and conscientiously apply the law in reviewing the permit.

MDEQ is proud of the commitment and expertise of its staff and we will continue to act toward protecting public health and the improvement of land, water, and air quality on behalf of Michiganders within the boundaries established by the state constitution and state laws.