



# MCWC

## Michigan Citizens for Water Conservation

VOLUME 9 ISSUE 2

AUGUST 2009

### **CONGRATULATIONS MCWC!!**

MCWC stopped Nestlé's bid to pump additional water from a stressed stream and lake for its Ice Mountain bottled water operations here in Mecosta, Michigan on July 6, 2009.

Nestlé came to MCWC 3 days before the hearing asking again to negotiate. On the first day of the weeklong hearing, MCWC and Nestlé reached an out of court settlement. The hearing was scheduled to resolve opposing claims on whether Nestlé's pumping should be reduced or increased under the criteria of a 2006 injunction order.

Nestlé has agreed to reduce its pumping earlier in the Spring and continue its low pumping rates during the Summer months. This should maintain more water and eliminate the more serious impacts to the stream that have occurred in the drier years such as 2005 and 2007.

In 2003, MCWC won a major victory when Judge Larry Root shut down Nestlé's plan to pump 210 million gallons of water from the Sanctuary Site for its bottled water operation in Stanwood. Nestlé entered into a stipulation and injunction in January 2006 limiting its pumping based on flows and levels obtained from monitoring locations downstream from the well field on the Sanctuary Site.

MCWC's David and Goliath battle is the longest running bottled water battle with Nestlé anywhere, having started in December 2000 and gone through Circuit Court, the Court of Appeals, the Michigan Supreme Court, and remand injunction proceedings for almost 9 years. MCWC and its 2000 members funded this by bake sales, raffles, garage sales, and an occasional grant, raising over \$1 million for

expert witness fees, attorney fees, and costs over the first 8 years. This has been an extraordinary effort by us all.

Nestlé was permitted, by the Department of Environmental Quality, to withdraw 400 gallons per minute in 2001 and it now has been reduced to 218 gallons per minute yearly average. The modified injunction order reached by agreement July 6 will become a final and permanent injunction that has reduced Nestlé's water removal by almost 50%.

This major victory for MCWC protects the spring, lake, stream, and wetlands from excessive water removal. Now MCWC can work on other water issues such as assuring water remains owned by the public, free from those who take it for free without regards to the needs of the environment or community. MCWC's 9 year battle tells us we still need better science and better laws.

MCWC will now move on to other issues such as closing the loopholes in Michigan's laws and the Compact, boycotting Nestlé and bottled water, in the hopes that other grassroots organizations do not have to go to battle with giant corporations.

"Never doubt that a small group of thoughtful committed citizens can change the world: indeed it's the only thing that ever has" said Margaret Mead. That is what MCWC has done over the last 8 ½ years. The world has not seen the last of MCWC.

**Thanks to all of you who have supported MCWC and will continue to support it.**



**COME CELEBRATE!**

MCWC VS NESTLÉ

**The Battle is Over!**

**Party on the Beach!**

**Where:** Round Lake Resort  
11133 11 Mile (M-20)  
Mecosta, MI

**When:** August 15, 2009 1:00 pm --?

Bring a dish to pass, your own table service,  
a \$5.00 donation per couple,  
beverage of choice and a lawn chair

Hot dogs and Ice Cream will be Provided

Parking is across the street next to red barn -  
a shuttle service will be available

## **What Can YOU Do?**

**Choose tap water over bottled water whenever possible!**

### **Did You Know?**

#### **Bottled water is not safer!**

The Federal government requires strict and frequent safety testing of municipal drinking water. Bottled water companies don't have to make their test results public and therefore are not held accountable. Currently there is an initiative to enforce all water bottlers to site their water source and testing results.

#### **Bottled water is more expensive!**

At \$2 for a 20-ounce container, bottled water costs thousands of times more than tap water.

#### **Bottled water hurts the environment!**

Not only does extracting the water from aquifers, springs and wetlands hurt our environment but also, millions of barrels of oil are used to produce and ship plastic water bottles. Ninety percent of those plastic water bottles end up in landfills instead of being recycled.

#### **Economics**

In the United States, consumers spent **\$11 billion** on bottled water in 2006. In some cases, consumers are buying the same municipal water in a bottle that already flows from their tap.

#### **Legislation**

Write your elected officials at local, state and federal levels asking them to support water conservation legislation.

***Clean, safe water is a basic human right, not a commodity to be privatized!***

## **Summary of Proposed Legislative Actions**

### **Michigan Legislation**

State Representative Dan Scripps (D-Leland) says, "Legislation is about to be introduced in the Michigan House that would put the people of Michigan back in the driver's seat of controlling Michigan's water. Reversing the Supreme Court's MEPA decision that gutted citizen standing and a firm commitment to public trust are expected to be highlights of the legislative package, as well as a number of other initiatives to protect Michigan's water for future generations."

### **Federal Initiative — Closing the Compact Loophole**

U. S. Rep. Bart Stupak's ( D - MI) House Resolution 551 states that water is a public trust, not a private commodity and cannot be treated as a product and cannot be sold for commercial profit.

Congress passed the Great Lakes-St. Lawrence Seaway Compact in 2008 that was meant to ban diversions and exports of water outside of the Great Lakes Basin. The ban contains a major loophole that allows water to leave the Basin as long as it is held in containers smaller than 5.7 gallons.

Rep. Stupak's resolution states that water cannot be treated as a product and cannot be sold for commercial profit. His resolution would close the loopholes. For more information on the Compact's privatization loophole, visit FLOW's web site, [www.flowforwater.org](http://www.flowforwater.org).

***MCWC has been able to remain closely involved with all of the legal actions over the last nine years with the help of the Traverse City law firm Olson Bzdok & Howard and, in particular, Jim Olson of that firm.***

***Thank you Jim and Ruthann Liebziets and the rest of the employees at OBH.***

## ONWARD MCWC !!

Who would have thought MCWC's growing membership (MCWC's membership is now over 2,100) would be the first citizen group to put spring water mining and pumping limits on the world's largest food and beverage producer, Nestle/Ice Mountain?!

Much remains on our agenda to protect and conserve Michigan water:

- Support U.S. Representative Bart Stupak's efforts to close the bottled water diversion loophole in the Great Lakes Compact; please write your own Congress member to support House Resolution 551;
- Join with many other Michigan environmentalists to find a way to extend the Michigan recycling bottle bill to include non-carbonated beverages;
- Support the legal efforts of other environmental groups to reverse the 4-3 Michigan Supreme Court decision that denied legal standing to ANY Michigan resident to bring law suits under the Michigan Environmental Protection Act (MEPA);

- Seek legislation or a constitutional amendment initiative that further clarifies Article IV, Section 52 in the Michigan Constitution which states that the water of the state of Michigan belongs to the people of Michigan (the public trust doctrine), thereby empowering our Legislature to regulate such water in the interests of conservation.

None of the above activities involves adding to the considerable debt MCWC now has. Actually, these activities will help MCWC stay prominent so that fund raising activities can help retire our debt. There will be public showings of the two award-winning films, "FLOW" and "BLUE GOLD". MCWC has copies for sale; please go to our website: [www.saveMIwater.org](http://www.saveMIwater.org).

MCWC is excellently highlighted in both of these films. Your ongoing support has enabled MCWC to become well known around the world. It now is common to see headlines such as "Nestle Eyes Spring Water for Bottling, But Small Towns are Fighting Back" (Alternet, 7-13-09). You can feel proud that you inspired a broad-based citizen movement to defeat the bottled water craze.

### BLUE GOLD

The filmmaker Sam Bozzo's award-winning film **Blue Gold: World Water Wars** will be shown in Traverse City on Monday, August 17th at the State Theatre. This film is based on the book *Blue Gold: The fight to Stop the Corporate Theft of the World's Water* by Maude Barlow and Tony Clarke.

The film portrays how corporate giants, private investors, and corrupt governments vie for control of our dwindling fresh water supply, prompting protests, lawsuits, and revolutions from citizens fighting for the right to survive. Past civilizations have collapsed from poor water management. Will ours too?

Check MCWC's e-mails and web site at [www.saveMIwater.org](http://www.saveMIwater.org) for future viewings of both *Flow* and *Blue Gold*.

**SEE: Blue Gold at 7:00 pm on Monday, August 17th, at the State Theatre in Traverse City. Get ticket information at [www.flowforwater.org](http://www.flowforwater.org).  
Sponsored by Great Lakes Bioneers and FLOW.**

## FLOW: FOR THE LOVE OF THE GREAT LAKES

The organization FLOW was formed in November 2008 following the preview of the award-winning film: *Flow*. FLOW will continue to build public awareness and support for 1) correcting the Great Lakes Compact in the US Congress and 2) protecting our State's water by introducing legislation that defines and defends water as a Public Trust Resource. (See separate article on page 4). This action will protect our precious waters from private companies that want to control and export it. FLOW will continue to build a larger coalition of organizations that support this mission both locally, and on the State, National and International levels. MCWC, Food and Water Watch, West Michigan Environmental Action Council and Northern Michigan Action Council are a few of the members of the coalition.

Those interested in learning more or joining this coalition and campaign, visit the coalition website at [www.FlowforWater.org](http://www.FlowforWater.org).

*Yes!* Please send one or more copies of the DVD "*FLOW: For the Love of Water.*" or "*Blue Gold.*" Cost is \$20.00 each plus \$5.00 for shipping and handling or e-mail [tswier@centurytel.net](mailto:tswier@centurytel.net).

Name \_\_\_\_\_

Address \_\_\_\_\_

State/Zip Code \_\_\_\_\_

\_\_\_\_\_ # of DVD's x \$25.00 = \_\_\_\_\_

Please make check payable to MCWC and mail your check to:

MCWC  
P.O. Box 1  
Mecosta, MI 49332

## TO CONTINUE THE FIGHT

MCWC has found that doing the right thing is less stressful than not doing the right thing and we're all in this together. How this all plays out is on everyone's shoulders.

**Help MCWC with on-going expenses by renewing your 2009 membership.** Make a generous donation to MCWC to continue the fight and leave a legacy for our future generations. Donations and memberships can be made on-line at: [www.saveMIwater.org](http://www.saveMIwater.org), or mail your check to:

**MCWC  
P. O. Box 1  
Mecosta, MI 49332**

Name \_\_\_\_\_

Address \_\_\_\_\_

State/ \_\_\_\_\_

Zip \_\_\_\_\_

Email \_\_\_\_\_

Individual \_\_\_\_\_ \$25

Family \_\_\_\_\_ \$40

Lifetime Individual \_\_\_\_\_ \$250

Lifetime Family \_\_\_\_\_ \$500

Other \_\_\_\_\_

**THANK YOU FOR YOUR SUPPORT**

IF YOU CHANGE YOUR EMAIL ADDRESS OR NO LONGER WISHE TO RECEIVE INFORMATION FROM MCWC, PLEASE EMAIL TERRY AT [TSWIER@CENTURYTEL.NET](mailto:TSWIER@CENTURYTEL.NET).

