



January 10, 2018

Dear C. Heidi Grether, Director of DEQ
Jon W. Allan, Director of Office of Great Lakes

We appreciate the opportunity to respond to your letter of December 20th, 2017 and provide you with the findings of our data collection efforts over the summer of 2017. We will also share our position on the environmental status of Twin and Chippewa Creeks in Osceola Township in Osceola County.

According to a prior communication from you to Michigan Citizens for Water Conservation (MCWC), the January 5, 2016 SSR authorization was incomplete and a conditional authorization only in the sense that Nestle must also obtain a permit under Section 17 of the Safe Drinking Water Act to increase its water pumping rate from 150 gallons per minute to 250 gallons per minute; NOT the 250 gallons per minute to 400 gallons per minute stated in your December 20th letter. Also in your December 20th letter, you stated the permit application had NOT been submitted BEFORE the site specific review was APPROVED. We find this to be irregular and wonder whether procedural fidelity was followed.

MCWC objects to the lack of public notice and awareness, prior to the DEQ's SSR Jan. 2016 authorization. The citizens of Michigan deserve as much public notice and transparency as possible in all the permitting actions of the DEQ. Clearly MCWC feels the DEQ needs to do better in both public notice and transparency with these types of permitting actions in the future.

Before we reference our summer 2017 survey data, MCWC would like to reference the 113 page detailed comments to the DEQ concerning the White Pine Springs Well 101 application by the FLOW organization. Dr. Hyndman and Dr. Luttenton are world-class scientists who documented the significant environmental damages done to Twin and Chippewa Creeks by the water taking by Nestle at 150 or 250 gallons per minute.

It is also important to note, according to the United States Weather Service, the yearly rainfall rates for mid-Michigan was ten inches above normal for the period ending in

July, 2017. This area includes the entire area surrounding Evart, including the Township of Osceola where Twin and Chippewa Creeks are located.

The MCWC Summer 2017 survey on Twin and Chippewa Creeks was conducted on July 31, 2017 by John McLane and Jim Maturen, two MCWC board members. John is a surveyor and the retired lead surveyor for the largest natural gas company in Michigan. Jim is a retired Michigan State Police Officer and a retired County Commissioner from Osceola County.

We have also attached Jim Maturen's report on this survey and the summary reference to the DNR's whirling disease survey on Twin and Chippewa Creeks conducted in 2000. It also should be noted that John McLane led a group of three DNR personnel on a 3-v hour site survey of Twin and Chippewa Creeks in late June of 2017.

The MCWC survey design was simple. Measure the depth of water in the culverts. Measure the normal historic water mark level in the culverts from the bottom of the culverts. Subtract the first measurement from the second to determine whether there was surface water loss. Take the water temperature.

Instruments used were a yard stick and temperature sensor from sport fishing gear.

MCWC Survey - July 31, 2017 - Twin and Chippewa Creeks

| Sites | Marked on Map | Water depth in culvert | Normal water mark | Loss of surface water | Temperature |
|---|---------------|------------------------|-------------------|-----------------------|-------------|
| Chippewa Creek at 90 th Avenue | A | 8 inches | 17 inches | 9 inches | 58 F |
| Chippewa Creek at 8 Mile Road | B | 2 inches | 13 inches | 11 inches | 51 F |
| Chippewa Creek at River Road | C | 16 inches | 27 inches | 11 inches | 60 F |

| | | | | | |
|---------------------------------------|---|-----------|-----------|-----------|------|
| Twin Creek at 110th Ave | D | 4 inches | 9 inches | 5 inches | 54 F |
| Twin Creek at 7 Mile Road | E | 4 inches | 16 inches | 12 inches | 59 F |
| Twin Creek at 95 th Avenue | F | 10 inches | 19 inches | 9 inches | 60 F |
| Twin Creeks at S. Oak (Evert) | G | 8 inches | 16 inches | 8 inches | 58 F |

*verified and completed to immediate depths downstream of the culvert AND not directly affected by alluvial deposits formed by stream velocities.

It is a matter of public record that the Nestle Corporation offered at an Osceola Township meeting in April of 2017 to replace ALL CULVERTS in Osceola Township free of charge. So evidently, should the DEQ become familiar with a culvert in need of replacing, the Nestle Corporation probably would like to buy a new one.

MCWC believes the significant loss of surface waters in Twin and Chippewa Creeks is significant environmental damage that is primarily the result of the water takings by the Nestle Corporation. We believe the surface water loss combined with the significant aquatic life loss on both creeks constitute major environmental damage and warrant establishing a moratorium on Nestle water taking from White Pine Springs well 101, until such time as the historic normal surface water levels are restored to both Twin and Chippewa Creeks.

While it is important to recognize that DEQ must protect Twin and Chippewa Creeks from further environmental damage, it is also important to understand the difficulties the DEQ has had in attempting to administer and monitor the Nestle water taking permits. Clearly, reliance upon administrative rules that allow Nestle to summarize their withdrawals and report annually, leaves the DEQ without important information that the DEQ should have and the public has a right to. MCWC feels the DEQ should review the monitoring and reporting requirements for large scale water taking and revise them to provide much more public transparency and real data availability in the monitoring process.

Finally, MCWC believes the DEQ needs to change the monitoring and data collection process and rules for large scale water takers to require as a condition of permitting that the monitoring and data collection be done by the US Geological Survey.

If you have questions or you would further like to discuss the Summer 2017 survey and/or the ideas presented here, please feel free to contact MCWC.

Sincerely,

Board of Michigan Citizens for Water Conservation

Peggy Case, President 231-275-2244

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John McLane, Jim Maturen, Christopher Swier, Karen Turnbull, Wendy Nystrom,
Diane Weckerle, Pam Gilbert, Shannon Abbott, Ken Ford

Attachments included

CC:

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