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## MCWC End of Pandemic Year Summary - 2020/21

This will be known as the year of the pandemic. Beginning in March, 2020 everything changed and MCWC along with all other groups suddenly had to do business in a different way. All events cancelled, no in person meetings, everything done on zoom, phone or email, economic fall out affecting everyone's funding and possibilities. The only entity that didn't bother to slow down and take a break was EGLE. Permitting continued, court decisions were finalized, a reshuffled staff took over and continued in the same path as the old one had, facilitating the implementation of Nestle's permit and setting up technical obstacles to our challenges rather than rule on the merits of our case.

MCWC successes were largely seen through our supportive role in the coalitions we helped create or have belonged to for a number of years.

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We worked with the **People's Water Board Coalition** to force the Governor to put a moratorium on water shut offs and turn water back on during the pandemic. We continue to participate in efforts to make that moratorium permanent and get affordability plans adopted at the state and national level. ( See article by Diane Weckerle) We have supported water bills that will direct resources to restore public water infrastructure across the state.

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The **Oil & Water Don't Mix Coalition**, which we helped initiate seven years ago, finally achieved an order from the Governor to shut down Line 5 by May of 2021. In recent years we have done very little with OWDM other than magnify demands and share news, but we have remained present, with Glenna Manake attending the regular meetings and letting us know when there are responses needed from us. We still have signs we would have sold had there been farmer's markets and events. We continue to share developments on our social media. Numerous allied organizations like FLOW, Clean Water Action, Sierra Club, as well as several Tribes are working tirelessly to counter the international propaganda campaign Enbridge has mounted to justify the tunnel and the continued operation of Line 5. **We will be at the Straits or in Lansing on May 13 to support the Governor's order to shut down Line 5 on that day.**

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We have continued to connect **environmental justice** to our work opposing Nestle, consistently raising issues around the Flint water disaster, Detroit shut-offs, waste treatment facilities targeting minority and immigrant communities, injection wells coming to poor rural communities. We have done well connecting the dots and building alliances across the region that do the same. We joined the Poor People's Campaign in sending letters to US Senators to demand the federal government provide

Medicare for life to all Flint residents who lived through the years of the lead poisoning, just as residents of Libby Montana have been covered since environmental disaster there. The pandemic has limited us in many ways. But our persistence has meant that we can continue the focus on justice through media access resulting from the Nestle work. Although we are not often front page anymore, given all the other pressing issues this year, we are still sought for comment and occasionally get those comments out there.

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The **potash mine** seems to be at a standstill. EGLE continues to defend its granting of the permits for the injection wells needed for the operation and the Attorney General's office continues to uphold the flawed process by which those permits were granted. The Contested Case is mired in unfavorable rulings by the Administrative Law Judge and technical maneuvers on the part of Michigan Potash. EGLE continues to argue over our standing in opposition

to a destructive mine bordering the property of three of our members. This approach has become a standard method of EGLE to avoid dealing with the merits of the case. So we continue. (See update by Ken Ford)

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The coalition that worked so hard to stop the expansion of **US Ecology**, though unable to stop that permit, has built a strong multinational community of activists working to protect their neighborhoods from pollution, seeking environmental justice.

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Two coalitions have formed around the battle against Nestle. **The Troubled Waters Campaign**, initiated by Story of Stuff, brought together the frontline communities in the US and Canada to deal with the potential sale of Nestle bottle operations and the demands we need to make regarding this sale. We are not only linking to each other's struggles, we are forming a united statement and set of demands to take to all levels of government and the public. Though the sale is now almost complete (see article that follows) the coalition has given the frontline groups valuable connections to each other to pool our information and strategize within the larger picture of bottled water, plastic waste, and overall privatization of water.

The Ad-hoc coalition formed to respond to the **EGLE Dismissal of our Contested Case against the Nestle permit** to expand withdrawal in Osceola Township to 400 gpm, includes our allies in Michigan who want to help us respond and have promised help with money and communications resources. To date we have been given financial support from Fresh Water Future, Story of Stuff, SumOfUs, Detroit People's Water Board. We have legal expertise donated by FLOW. With this assistance we were able

to go ahead with the Petition for Judicial Review. We have received a Communications Grant from Fresh Water Future to upgrade our technology and integrate our communications processes. Clean Water Action, Sierra Club and the Grand Traverse Band have contributed to this coalition by magnifying our efforts to secure meetings with government officials. Pushed by this coalition, we have produced a response from all three offices, but only one actual meeting has resulted to date.

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**MCWC setbacks and on-going challenges include the following:**

Two very important board members have needed to resign from our board in the last year and although they remain as supporters in the background and will help when they can, we have not yet been able to entirely adjust to their absences or the loss of their counsel and work. We have also been affected by COVID - 19, with half our activist board members still recovering from the virus or dealing with family members who are very sick.

The EGLE dismissal of our contested Case was quite a disappointment and an injustice and we are now required by our role in the water rights movement to go to Circuit Court to continue, something we were hoping to avoid.

The granting of the permit to US Ecology was a loss and that battle is not over as we hoped it would be, particularly with a new administration.

**The Water is Life Alliance** has been restricted in the past year due to the virus and member groups were overwhelmed with work at their local levels. The border is still closed. It is basically on hold for now as we pursue its mission within our groups and through other coalitions composed of the groups in the Alliance and addressing particular issues.

We have not done enough to keep the injustices in Flint on the front page, though we have tried. The compensation settlement is a joke and so are the charges against officials involved. We have not come up with a good plan for how to be relevant allies when our travel and in person events are so restricted by the virus.

We do not have a sufficient plan for organizing around the various injection wells still seeking to bombard Michigan and have not been able to update our materials to educate on this issue. Though we were able to participate with Ban Michigan Fracking in making comment objecting to the EPA granting of Primacy over Class II Injection wells to EGLE, we do not currently have enough human resources to mobilize at the community level or to update our educational campaign on this issue.

We have been hoping to recruit new board members to replace those who have had to leave. We are in particular need of young people. We have not developed enough of a new volunteer base to help us develop educational programming and materials. We will need more volunteers to become part of the official monitoring process should we

gain access to it. Health issues and the Pandemic have hampered our citizen science efforts in the past year.

Our website is currently stagnant and uninviting due to lack of staff time and glitches with access to its pages. That should change as we activate the resource available from the new grant.

We are still in debt for the Contested Case. Current debt stands at about \$70,000 and there will be more as the Judicial Review gets underway.

It is officially spring now, and though winter hibernation looked very appealing, it was not really possible since those who would privatize, pollute and plunder our waters did not break at all. Nothing has changed at EGLE. The old regime still holds the power. Covid-19 still has a grip on us, though many of us are now getting vaccinated and are preparing to get back out into the real world soon. We anticipate continued challenges that will require even more from those of us who commit to water conservation and water justice. Our grandchildren are getting bigger. They expect us to protect them and provide a future for them.

***-from the Board of MCWC***

### **Moratorium on Water Shutoffs Ends as Covid Spreads**

At the beginning of the pandemic last year, Detroit People's Water Board and several organizations in southeast Michigan, including MCWC, advocated to the governor for an immediate moratorium on water shutoffs, so everyone in the state would have access to clean running water and prevent the spread of the virus. Our advocacy was successful. First through executive action and then through the legislature, temporary measures were passed to stop shutoffs and restore water to households where there was no water. But on March 31st the moratorium ended when legislators refused to extend the measure, despite soaring Covid cases.

We may soon see the fallout with residents receiving accumulated bills, unable to pay, with water shutoffs beginning again or the water bills being rolling over to real estate taxes, possible foreclosures and more Covid cases. We must continue to advocate for an end to water shutoffs and fair affordability plans, based on income. We also continue to advocate for transparency and consistency in billing by the water companies and for an end to criminalization of those who, in desperation, turn their water back on. Water is a human right and vital to mitigate the spread of the pandemic.

But we must also pressure for the federal government to implement a country wide moratorium on shutoffs. On this Earth Day, several state senators sent a letter to President Biden urging intervention with financial assistance and a federal moratorium on shutoffs.

— — — Diane Weckerle

## **Dear Members and Allies,**

As I consider what should be shared with you in this spring newsletter, it seems important to review just who we are after 21 years as a grassroots, non-profit, all volunteer organization. Many of you have been with MCWC since the beginning and you surely have stories to tell your grandchildren about what it was like to take on some of the largest corporations in the world to defend the waters of your homelands from privatization, pollution and plunder.

Nestle's extraction of spring water has been our signature battle, the reason for our forming. It is our point of pride that we spent 9 years and a million dollars to achieve a victory in Mecosta County and reduced the damaging pumping at Sanctuary Springs. We did not stop there of course. It wasn't only our backyards we cared about. We cared about water as the most essential element of life itself, precious, and sacred. We were also aware of our responsibility, as residents of the Great Lakes Watershed, to steward 20 % of the earth's available fresh water in a responsible way for future generations.

We took a break from Nestle and began working on other crucial threats to Great Lakes waters. We contributed volunteers to the ban fracking and ballot initiative petition drive. We learned about the threats from injection wells popping up all over the state to bury frack waste under our aquifers, and we began to organize community responses to oppose them. We joined the Oil & Water Don't Mix Coalition and began educating about the dangers of Line 5. We jumped into supporting the people of Flint and their grassroots organizations in exposing the true causes of the Flint Water Disaster and demanding relief. We joined the Detroit People's Water Board Coalition and became more active in opposing water shut offs and seeking water justice for all. We connected the dots between the privatization represented by Nestle and the move to privatize water systems in Flint and Detroit that caused those crises. We are still working to expose and oppose the dangers of a potash mine the State agreed to permit in the middle of a sensitive wetland. The mine, if started, would require 3,000,000 gallons of fresh, clean groundwater per day to dissolve the potash salt and bring it to the surface. After that water becomes saturated with toxic brines it would be disposed of via 3 injection wells.

By the time we became aware that Nestle wanted to increase pumping in Osceola Township, well beyond the 150 gallons per minute it had begun pumping in 2011, we were educating and organizing all over the state. We were very busy. Some of our original members living along the creeks in Osceola Township saw the effects of Nestle pumping particularly after they increased it to 250 gpm with no public input, and we were right back to having to spend buckets of money and lots of time on Nestle when they applied to increase pumping to 400 gpm in 2016.

Since then we have had to rebuild our treasury and expand our membership base to be able to take on all this work. We are still all volunteers. We still do not spend a

penny supporting an office or paying for any utilities except internet access for the website. We have a PO Box. The volunteers who lead the organization and do its business donate their time as well as material resources to make it all work. We pay our own phone bills, gas millage (not a big expense this past year), use our own computers. No one seems to ever ask for reimbursement. Over the years since Terry Swier and others started MCWC, a number of amazing volunteers have circulated on and off the board and taken on pieces of the overall work out of a passion for justice and for water conservation.

We are proud of our history and the webs of connection we have made within the water justice and conservation movements. But we are reaching a crossroad now and we must ask the membership and allies to make some choices with us. COVID-19 has simply shone a light on the crossroad. Many of us are getting old. It's a simple fact. We don't move as fast, we can't stay up as late, our bodies don't always cooperate with our visions. Since many of us are retired we have time and benefits so don't need a paying job. But many still do work a job to survive and don't have the time they wish they had to volunteer. We are also short on tech skills and have a growing dependence on young people to navigate the virtual world we find ourselves in now. Yet we do not attract enough young people to do organizational work because they need an income and we simply have a debt.

We are active participants in two international coalitions and three state-wide coalitions. This work has magnified our role in the overall movement and generated some help paying the legal bills. But it has not generated an increase of human resources to get all our work done. We have had to pull back from some of our educational work in this past year since all events and people to people work has been cancelled. Since that kind of ground work has been a crucial part of our mission, there is a limited arena for us to involve new people in our work. There is also a smaller audience for fundraising efforts.

So the crossroad we stand in as an organization is looking like an empty plaza at times. It is waiting for new people to step up and join the volunteer force, particularly people who might not be pushing 80 or beyond, people with some time to offer, a passion to support our mission, some skills to offer that bring us closer to navigating the virtual world and a desire to be a more active part of the organization you support financially already.

If you are reading this newsletter you already think MCWC has been doing important work over these past 21 years and you want to see it continue. You are the heart of MCWC. We are the only organization that has been willing to take Nestle on in the legal arena and we are not finished. We are unique. We have also done our part in building the movement to connect the work of all those across the globe who know that access to clean water and sanitation is access to life and it must be protected for all life, not just for rich humans.

We still need money to pay our legal bills and we thank all of you who have helped with this. But even more we need a new core of volunteers who will maintain the integrity of MCWC, modernize the ways we use technology, and help us expand the education and advocacy work we need to do to remain relevant. Many of us would love to actually retire and spend more time with our grandchildren. But we cannot do that until you step up and take over our “jobs.”

Please contact me directly by email or phone if you want to be a more active member of the volunteer staff. Due to COVID-19, the volunteers who normally check organizational emails are temporarily unavailable. We are in a bit of a health crisis at this time on our activist board. So be patient with those of us left standing for the next few months as we get vaccinated and restore our health, individually and as an organization. Help us re-open by adding your skills and passion. I for one plan on tabling once again at my local farmer’s market this spring. Let me know if you want to do the same at yours. That’s only one of the jobs we hope to fill with your help. See the list of volunteer needs elsewhere in this newsletter

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MCWC will once again be tabling at the Elberta Farmers Market near Frankfort this summer. We will have literature, yard signs, buttons and bumper stickers. There will be a friendly volunteer to talk to you about current water work.

Market is every Thursday morning beginning May 27. If you want to table for MCWC at a market near you, please email us at [info@savemewater.org](mailto:info@savemewater.org)

## Nestle Takes Its Profits and Runs

It is official. Nestle is selling its North American bottle water brands to a private equity corporation called One Rock Capital Partners LLC and another entity called Metropoulos, Inc which will actually run its operations. The sale is worth \$4.3 billion dollars. Nestle says it wants to focus on its premier brands that are more profitable. We suspect they have faced enough opposition over the years and sales have declined enough that they need to get out from under our scrutiny.

One Rock will apparently manage the investment end of things and Metropoulos will manage the actual operations using the same staff Nestle has, at least in Michigan. One Rock's stated goal is to increase profitability and expand the market for bottled water. Their other goal of course is to continue the process of turning water into a commodity traded on the market and therefore potentially available in the future only to those with wealth. They do not claim to have any experience running a bottled water operation. Their experience is solely in making money for investors. We tried to warn them that we didn't plan to quietly allow bottled water operations to grow any time soon.

In alliance with the other groups that have battled Nestle over the years in Maine, Florida, Colorado, California, Ontario and British Columbia, we are still trying to determine just what Nestle thinks it has sold to a private investment firm. The issues differ in different parts of North America as the water laws differ. Canada, the western US and the states east of the Mississippi constitute three different sectors. We share the same opposition to privatization of water and damage of ecosystems.

As we share information about this development we will be working on strategies for monitoring and education. We encourage our members to assist by sharing any information they discover regarding the changes that may occur in operations as the ownership transfer unfolds. We also seek more information regarding just how much Nestle has actually withdrawn from investment and operation. We know One Rock plans to rebrand at least some of these acquired assets as Blue Triton, a name that may come from Mitsubishi, a One Rock partner. We seek more information on what assets are being transferred. We know in Michigan that water itself cannot be sold and remains in the public trust. But permits can apparently be transferred to extract that water and put it in little plastic bottles. What will the State do with the permit we are still contesting? We are asking them to review it in light of the sale. They have not indicated they intend to do that. A little pressure from the public might help.

Many individuals donate to MCWC through Pay Pal on our website at [saveMiwater.org](http://saveMiwater.org) and receive a confirmation on line. We sincerely thank you.

Many of you donate by mailing a check to MCWC at P.O. Box 1, Mecosta, MI 49332. You receive a handwritten thank you from volunteer Jeanne Peters expressing our gratitude.



### **Statement by *Story of Stuff Project***

“Over the last decade, Nestlé Waters and its bottled water brands have encountered vocal community opposition to the impacts of its business practices, from the depletion of water sources to the plastic waste it creates, and more. This sale raises a number of pressing concerns that require the immediate attention of lawmakers, regulators and others charged with overseeing water bottling.

Nestlé must not be allowed to simply walk away from the consequences it has imposed on communities and the environment in Canada and the US.

The entry of two private equity firms -- who will be motivated to increase profitability through cost cutting -- increases the likelihood that the limited commitments Nestlé has made to the communities that host its operations and to environmental sustainability will go down the drain. Indeed, as recently as last month Nestle was talking up its environmental and social credentials in efforts to win new permits to remove water in Florida and Colorado

In fact, Nestlé appears to be engaged in a historic feat of greenwashing, ducking its commitments to reduce the company’s plastics footprint by jettisoning its bulk bottled water brands in favor of brands like Pellegrino and Acqua Panna that are more likely to be packaged in aluminum or glass. For three years running, Nestlé has been one of the top three corporate polluters in the Break Free from Plastic movement’s annual brand audit.

This past fall, we joined partners in calling on Nestlé to divest itself of six of its most bitterly disputed water sources in California, Colorado, Michigan, Florida, Maine and Ontario, Canada prior to any sale.

Today, along with our partners in the United States and Canada, we call on elected officials, regulators and advocates to bring the light of public scrutiny to bear on this sale of our water, essential to life, to One Rock and Metropoulos.

In the meantime, regulators should declare all of Nestlé’s current water extraction permits (many of which are disputed) to be void and prevent their transfer to One Rock Capital and Metropoulos.

Elected leaders should also pursue moratoria on any new permits to bottle water, from any source, by any corporation in Canada and the US.”

We wish to thank the organizations that have given us grants in the past year to support our work. We couldn’t do it without this kind of support from our allies.

Thank you to:

Fresh Water Future

Sum of Us

Detroit People’s Water Board

Story of Stuff Project

**MCWC Press Release - April 1, 2021**

**Nestle Completes Sale of North America Bottled Water Assets to One Rock Capital Partners, LLC and Metropoulos, Inc.**

Michigan Citizens for Water Conservation, along with groups around the country and in Canada, has been warning the public and government officials that this event was in the works. Why would we be concerned? After all, many of us have been hoping to rid our communities of Nestle water grabs for years. Perhaps the fact that they are baling out is a sign of our success. As Nestle has admitted, it is becoming more and more difficult to maximize its profits with the brands it is now throwing into the private equity market. Nestle is turning its attention to more profitable products. It sold its assets to a private equity firm with no experience in bottled water.

We ask what will become of the rather limited agreements Nestle has made with communities to at least appear to sustain the environment in which they operate and give something back to those communities. What assets do they think they have sold to a private equity firm with no ties to these communities. Certainly they have not sold the water, for, at least in Michigan and states east of the Mississippi, that water is held in the public trust and is not for sale. It is also not a commodity, but a natural resource necessary for all life. Are they selling the permits they have acquired, some of which are being contested? Are they selling the plants that put the water of our ecosystems in toxic little plastic bottles? None of this is acceptable.

We have asked state government to investigate this sale because we see it as one more step in the direction of privatizing water, turning it into a commodity traded on the stock and futures markets, and manufacturing scarcity to increase corporate profit. These two companies making the purchase have made it clear that their goal is to maximize their profit by growing their investments in a natural resource essential to life. They promise to “develop a comprehensive business plan focused on growing the enterprise and its profitability to enhance long-term value.” (News release from One Rock Capital) This is not a road to making access to clean water available to all regardless of income.

These firms not only intend to contribute to increasing the manufactured market for bottled water which Nestle so successfully created, they intend to streamline the operations to increase the profit. What does this mean for our already damaged ecosystems like Twin and Chippewa Creeks in Osceola County? Nestle already expanded the bottling plant in Stanwood and has been purchasing more land. We encourage the public to beware of new permit applications for further water grabs from the Muskegon River Watershed. We will certainly be watching and will be holding State officials accountable for opening the permitting processes to public scrutiny.

from the Board

## Volunteer Team Development:

MCWC is a unique organization with a special role in the water justice movement. We have no paid staff and no office to support so all the funds we raise can be put to our programs and projects. We occasionally receive a grant from other non-profits. The majority of our funding has come from our own fundraisers over the years and from our generous members and individual donors.

We are all volunteers and it is time to build up our volunteer base as we age and need to expand our reach at the same time. Our members have been generous in funding the work you believe in doing. We now ask that you help us fill some important volunteer spots that allow us to do the actual work you expect from this organization.

### What is needed now:

**Tech support team** - We have just received a Communications Grant from Fresh Water Future to help us upgrade and integrate our communications and website. Looking for additions to that committee with tech savvy, able to navigate websites, social media, virtual events and meetings, etc.

**Research and educational materials development** - Looking for volunteers to help update some of our existing fliers and pamphlets on issues and create new ones for our outreach program. Graphic design and content research skills are always needed. New content is needed for our website also.

**Fundraising support** - Help in organizing in-person events as we come out of the Pandemic. Creation of funding appeals for public engagement. Grant writing to non-profits and search for other opportunities consistent with our principles. Coordinating product development and sales of things like water bottles, buttons, bumper stickers, etc.

**Volunteer Environmental Monitors** - To be trained for monitoring the streams and lakes affected by Nestle/ One Rock pumping operations and participate in data



gathering with experts. On the ground monitoring in Osceola and Mecosta Counties and any other locations Nestle attempts to develop.

**LTE and Opinion piece team** - Be available to write letters to the editor or opinion pieces using MCWC developed talking points in response to current affairs. Need volunteers to coordinate these teams.

**Monitor Government sites** - Need volunteers to keep up with EPA, DNR and EGLE websites and postings and inform us of permit requests, hearings, rulings, etc. of importance to our water work.

**Speakers Bureau** - Help develop talking points and powerpoint presentations for various issues to be ready for the time we can hold public events. Need speakers to present when we get invitations. Need volunteers to develop those invitations. Need help designing and producing webinars of our own.

These are all volunteer opportunities already being performed to some degree by a core of people who are aging, have been affected by Covid-19 in serious ways, still want to continue this important work, but are definitely in need of help if we are to continue to engage at the level we want to engage.

We take this time to rebuild as too many of us recover from the Pandemic. Everyone has been affected. We ask that you look at your passions, interests, and skill sets and see what you can offer to keep MCWC strong and relevant in this high tech world.

## **EPA granting Primacy to EGLE over Injection Wells**

The EPA has decided to grant Primacy to EGLE over Class II Injection wells in Michigan. This issue has been debated for several years, beginning during the Snyder administration as the Oil & Gas industry has sought to further restrict public scrutiny of these toxic wells by eliminating the hearing process established by EPA. The industry prefers using the secrecy provisions that MDEQ/EGLE operate with that exclude public input.

MCWC has been working to expose these permit requests to dump toxic waste into wells that threaten our aquifers for a number of years. Yet we were not informed of an initial hearing on the issue of Primacy and got no notification about the latest comment period on the issue. Alerted by Ban Michigan Fracking, we scrambled to submit comments before the deadline April 19 and are requesting an extension on the comment period and a new hearing.

Considering the dismal performance of MDEQ and now EGLE in regulating and monitoring these wells and their tendency to never see a permit they don't like, we object to primacy for the State of Michigan. Michigan is committed to promoting the maximum extraction of oil and gas, and thus the maximum generation of toxic waste. It is also willing to take waste from fracking operations in other state's. Why would we even consider allowing EGLE to oversee these wells? The EPA has been dis-functional for the last four years and it will take a while for it to recover its real mission of environmental protection. So this is not the time to give its work out to an agency which is incapable of protecting the environment at this time.

*We submitted the following comment to the EPA and hope to hear that there will be a new hearing. Perhaps the EPA will make this one more accessible. The convoluted links now needed to comment and navigate the Federal Registry were not a welcome development for the public. We will testify along with our allies at Ban Michigan Fracking.*

**To the EPA**  
**re: Docket ID No. EPA-HQ-OW-2020-0595**

We are requesting that the EPA extend the comment period of this application from the State of Michigan for Primacy over Class II Injection wells for at least 30 days. We also request that EPA hold a public hearing on this matter with ample public notification.

Michigan Citizens for Water Conservation has been involved in educating citizens about the risks that injection wells can pose to drinking water if not properly permitted and monitored. We have attended previous hearings on particular wells and worked with community groups concerned about the threats posed by Michigan's tendency to grant permits with little investigation and oversight. We would have expected to be notified about such an important application for primacy, but in fact we heard nothing about a comment opportunity until this past week from unofficial sources. This is the kind of suppression of citizen input that we are accustomed to from MDEGLE. It is one reason we do not want to see EGLE gain primacy. There are numerous other reasons we could outline.

The laws and policies still operative in Michigan put protection of the environment in direct contradiction with the interests of the oil & gas industry. As long as EGLE is mandated to foster the maximum production of oil & gas reserves and is determined to expand the number of injection facilities to take the waste from these operations, there is no way the standards for protection that have prevailed at the EPA in the past can be enforced in Michigan. It would be a giant step backward to grant primacy to an agency that cannot even submit its enforcement program with the application and cannot provide the required data on its history in managing these wells in a responsible way. Nothing has changed at EGLE in the two years of the new administration since the issue of primacy was raised during the previous administration. EPA needs to take a

much closer look at what it proposes to grant the industry now that it is able to emerge from a period of its own dormancy and get back to work protecting the environment. New administrations at the state and national levels should produce a careful review of policy and commitment.

EGLE has effectively shut out citizen participation in permitting decisions through secrecy clauses, refusal to hold public hearings that are not prescreened by industry supporters, manipulations of statutes and failure to properly notice the public. We ask you to extend participation and give us time to submit the will of the people who will be most affected by this decision.

Michigan Citizens for Water Conservation

*These comments were sent in to the EPA by member John McLane who has worked tirelessly to call attention to this issue and keep tabs on industry antics.*

**re: Docket ID No. EPA-HQ-OW-2020-0595**

I urge the EPA to reject the application of the Michigan Department of Environment, Great Lakes & Energy to be granted Primacy over Class II Injection wells for the following reasons:

Promulgation of Part 615 of Administrative Rules in Michigan is contrary to the people's interest in protecting the environment during injection.

The Oil & Gas industry is overly eager for Michigan to achieve primacy which suggests they anticipate very little oversight.

Michigan Primacy would go hand in hand with Rule Change 17, with too much emphasis upon "streamlining" the process and too little concern for such things as public notification.

Michigan thinks it has a mandate to promote the economics of the Oil & Gas industry and maximize its production, and thus its waste. This is counter to a reasonable mandate for environmental protection.

DEGLE needs to "clean house" FIRST because it is pending a criminal action having to do with a person in charge of surety and construction bonds as part of the process. This kind of corruption within the department suggests it is unfit to take over from the EPA.

With responsibility for enforcement in Michigan spread over too many departments for safety standards, it appears supervision is too diffuse to be effective.

The application itself omits a whole section of required compliance history, information about the state’s enforcement program, failure rates, previous complaints, and more. It is incomplete and cannot be used to grant primacy as it stands.

I urge you to extend the comment period and grant a hearing on this issue. No notification was given to groups and citizens known to be interested in this issue and already involved in advocacy regarding injection wells. EPA should grant more time for our comments and provide more public notification to that effect.

John McLane

## Update on Potash Mine Contested Case

In March, an Administrative Law Judge for EGLE ruled on motions for summary disposition in MCWC’s contested case petition challenging permits issued for three disposal wells associated with the Michigan Potash venture in Osceola County. The ALJ ruled in favor of respondents, Michigan Potash Operating Company (MPO) and EGLE, dismissing all but one of the issues raised by MCWC. On the surviving issue, relating to an air quality permit allowing MPO to periodically release toxic hydrogen sulfide gas in the area of the disposal wells, the ALJ ruled that the matter will go forward to an evidentiary hearing, where MCWC must show that the permitted activity “pose(s) a threat to public safety due to uncontrolled release of hydrogen sulfide.”

MPO has asked te ALJ to reconsider his ruling on this remaining issue. In response to that request, MCWC argues that EGLE issued the permit without sufficient supporting evidence and that the burden of establishing compliance with hydrogen sulfide standards should rest with the applicant (MPO) and EGLE, the permitting agency. It’s EGLE’s job to protect the environment and public safety by requiring applicants to prove compliance with regulations. Citizens should not have to prove that the applicant’s activities are unsafe. A hearing on these motions is pending.



Site preparation work for the drilling pad was done in Fall of 2019. As far as can be observed from the public right of way, no further development of the site has occurred since.

— —-Ken Ford

Michigan Citizens for Water Conservation

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MCWC is A 501c3 grassroots group organized in December 2000. Our mission is to protect our surface and ground waters from pollution, plunder and privatization through education, advocacy and actions. We work to protect and promote human and ecosystem rights to water and defend the public trust doctrine. All staff are volunteer. Your donation is tax-deductible.

Please send your check to P.O. Box 1, Mecosta, MI 49332

Or pay via our Website: [www.saveMIwater.org](http://www.saveMIwater.org)

We promise to apply your donation to the work of saving our waters into the 7<sup>th</sup> Generation.

**Please help support MCWC as we continue to support communities through research, information distribution, and coalition building.**

**Together, we can help to stop the privatization and commodification of our natural water resources.**

**Water is Life.**

**HELP BY DONATING TODAY**

