

Changes in Michigan Water Use Reporting Requirements - Key Dates and Timeframes, What Do They Mean For You? - Abigail Eaton, Environmental Resource Specialist, Michigan Department of Agriculture

Recent revisions to the law regulating the registration and reporting of large quantity water withdrawals in Michigan have aroused a bit of concern and confusion. Most of this confusion centers on when certain changes will take place. The following is a simple overview of key dates and timeframes to keep in mind when registering and reporting your agricultural large quantity water withdrawal.

The good news is that if you have the capacity to withdraw 100,000 gallons of water a day (70 gpm), and have already been reporting your water use to the Michigan Department of Agriculture on a yearly basis, the changes in Michigan Water Use Reporting requirements should not affect you. All existing registered uses of waters of the state are essentially "grandfathered in" up to their registered baseline capacity. You will continue to report your yearly water use as before, no later than April 1, 2009, for the 2008 season. The information required is the same but there will be more effort and follow-up to insure that a latitude and longitude is received for all well/groundwater sources, if not previously included in your report(s).

There are several dates to be aware of for those of you who registered or reported for the first time after February 28, 2006, plan to install a new large quantity water withdrawal or plan to increase the capacity of an existing system. A summary of key dates are highlighted below.

February 28, 2006 through February 1, 2009.

If you registered your pump(s) for the first time between these dates you are and will continue to be subject to the definition of Adverse Resource Impact (ARI) that existed in the legislation on February 28, 2006. For this purpose, an ARI is defined as decreasing the flow of a stream, or the level of a body of surface water, such that the stream's or surface water's ability to support characteristic fish populations is functionally impaired. As of February 28, 2006, the operation of your pumping system could not cause an ARI to a designated trout stream.

Although these systems fall under this definition of ARI, they are also granted a rebuttable presumption that the new or increasing large quantity withdrawal will not cause an adverse resource impact if 1) the location of the withdrawal is 1320 feet from the banks of a designated trout stream; and 2) the withdrawal depth of a well is at least 150 feet. In such cases, to rebut there must be a preponderance of evidence that a large capacity withdrawal is causing or will cause an adverse resource impact.

October 1, 2008

The Department of Environmental Quality shall make available to the public for testing and evaluation an internet-based water withdrawal assessment tool. Use of the tool and subsequent approval to install a new withdrawal is not yet required. If, however, you are planning to install a new large quantity water withdrawal system before July 9, 2009, it is to your benefit to consult the tool to determine if a proposed withdrawal falls into a zone that may cause an ARI.

February 1, 2009

New or Expanding Large Quantity Water Withdrawals registered after this date will fall under the new definition of adverse resource impact. In short, this expands to include impacts on all fish populations based on a formula calculating decreased index flow of a defined surface water type resulting in a percentage reduction in either a characteristic or thriving fish population in that particular surface water. Note that is a very brief synopsis of a complicated definition. For the specific language of this definition of ARI, please consult the legislation (Part 327, Act 451 of 1994, as amended).

July 9, 2009

One year after the bill was signed by the Governor. This is the date by which the Water Withdrawal Assessment Tool must be fully operational. At this point, if you want to install a New or Expanding Large Quantity Water Withdrawal system you must first consult the tool or receive a site specific determination by the Michigan Department of Environmental Quality to obtain approval for the location and capacity of the withdrawal.

Once your large quantity water withdrawal is registered with the state, you will continue to report your water use on a yearly basis to the Michigan Department of Agriculture. The due date is April 1 of each year.

If you have any questions about Water Use Reporting for Agricultural Production, please contact Abigail Eaton at 517/930-3006 or eatona@michigan.gov.