



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

TO: Local Health Departments
Attention: Environmental Health Directors

FROM: James K. Cleland, Chief
Lansing Operations Division, Water Bureau

DATE: April 16, 2007

SUBJECT: **New Water Use and Water Withdrawal Legislation**

The Michigan Department of Environmental Quality (MDEQ), Water Bureau (WB), is sending this correspondence to inform you of new requirements for water use and large quantity water withdrawals. In February 2006, the Michigan Legislature passed amendments to Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, that established new requirements for water user registration and water use reporting; new environmental standards for the evaluation of large quantity withdrawals (LQWs) from either groundwater or surface water; and a permit program for LQWs over certain thresholds specified in the legislation. The MDEQ requests the assistance of you and your staff in administration of the water use registration requirements. We ask that you convey the requirements for registration at the time of application to the local health department for a well that will become an LQW.

Important or New Definitions

The amendments to Part 327 expanded upon or created new definitions for water withdrawal that are critically important to administration of the new legislation. Expanded or new definitions are as follows:

- *Baseline Capacity – the system capacity in place to make a LQW on February 28, 2006, as reported in the April 1, 2007, annual water use report; or if not stated in that report, the highest annual reported water use from 2002 through 2005.*
- *Large Quantity Withdrawal – one or more cumulative withdrawals of over 100,000 gallons of water per/day (70 gallons per minute [gpm]), as a consecutive 30-day average, that supply a common distribution system.*
- *Withdrawal – the removal of water from its source for any purpose.*

LQW Registration Provisions

Amendments to Part 327 included notification of the MDEQ prior to implementation of an LQW. Specifically, Part 327 states “. . . the owner of real property who has the **capacity** on that property to make a large quantity withdrawal from the waters of this state shall register with the department prior to beginning that withdrawal.” The amendments further stipulate that registration with the MDEQ include the following information:

- The place and source of the proposed withdrawal.
- The location of any discharge or return flow.
- The location and nature of the proposed water use.
- An estimate of the average annual and monthly volumes and rates of withdrawal.
- An estimate of the consumptive use for the withdrawal.

LQWs include a new well in which a 70 gpm or greater pump is to be installed, or an existing well where a new pump is being installed with a capacity of 70 gpm or more over the original pumping rate (i.e., baseline capacity). Note that "test wells" used in site evaluations and wells for domestic use are exempt from the registration requirement. Wells to be used for agricultural purposes should be registered and water use reported to the Michigan Department of Agriculture (MDA).

Occurrence of LQWs

When the new legislation was passed, the WB acknowledged one clear difficulty with its implementation: many new LQWs occur without any involvement on the part of the WB because there was no need prior to the amendment. This is prevalent in the construction of many types of wells. A recent query of Wellogic, the statewide groundwater database, by WB staff indicates that over 150 wells that are LQWs have been installed without prior MDEQ notification since the inception of the legislation early last year. The well types identified in the query included community, noncommunity (both Type II and III), and irrigation wells.

Requested Assistance

The WB recognizes that local health departments are uniquely positioned to assist the MDEQ in the registration of LQW water users as the legislation requires. Accordingly, the WB asks that you do one of two things at the time of application to the local health department for the drilling of a new well that will become an LQW:

- Convey the water use registration requirements to individuals within your jurisdiction that propose constructing a well that will become an LQW.
- Transmit the registration information to the WB on behalf of the well owner.

The registration form and instructions for completion are included with this memo, and also available on the Internet at <http://www.michigan.gov/deqwateruse>.

Contact Information

Inquiries regarding the requirements for registration of new or increased LQWs should be directed to:

Mr. Andrew LeBaron, Environmental Quality Analyst
Source Water Protection Unit
Drinking Water and Environmental Health Section
Water Bureau, Department of Environmental Quality
P.O. Box 30273
Lansing, MI 48909-7773
Phone: 517-241-1435
Fax: 517-241-1328
E-mail: lebarona@michigan.gov

If you have any other questions with regard to the water use program, please contact Mr. Brant Fisher, Environmental Engineer Specialist, Source Water Protection Unit, Drinking Water and Environmental Health Section, WB, at 517-241-1415.

Enclosure

cc: Mr. Robert Pigg, MDA
Mr. Richard A. Powers, MDEQ
Mr. Wm. Elgar Brown, MDEQ
Mr. Rich Overmyer, MDEQ
Mr. Mike Gaber, MDEQ
Mr. Brant Fisher, MDEQ
Mr. Andrew LeBaron, MDEQ
WB District Field Supervisors, MDEQ

A handwritten signature in cursive script that reads "James K. Cleland". The signature is written in dark ink and is positioned in the lower-left quadrant of the page.

