

Department of Environmental Quality
 Michigan Water Withdrawal Assessment Process
 Fiscal Year 2015 Annual Report
 Program Year Six
 (Reporting Period July 9, 2014-July 8, 2015)

Background

- Michigan must fulfill its commitment to its citizens and the other Great Lakes states under the Great Lakes Compact to protect Great Lakes basin water resources from harmful diversions and withdrawals, which it does under Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. This commitment includes sharing annual water use reporting data and voluntary water conservation.
- Proposed large quantity withdrawals that do not cause an adverse resource impact (ARI) are registered using Michigan’s nationally recognized online screening tool. Withdrawals that cannot be authorized by the online tool must be authorized by a site-specific review (SSR) or permit.
- The percentage of proposed withdrawals authorized by SSRs increased from 20 percent in 2009-2010 to 30 percent in 2014-2015 due to increasing demand for water in certain areas of the state, particularly southwest Michigan. SSR complexity correspondingly increases as more watersheds approach or reach the point where ARIs are likely.
- The Water Use Advisory Council, formed to advise the Department of Environmental Quality (DEQ) on all aspects of the Water Use Program, completed its final report on December 12, 2014, which includes 69 recommendations covering the technical underpinnings and decision process, monitoring and data analysis, water user groups, water conservation, and protection of inland lakes and ponds. Many of these recommendations will improve the transparency and/or the effectiveness of the Water Use Program.
- Recommendations require significant staff and nonstaff investment in monitoring, data management and analysis, procedure and policy development, modeling, engagement of water users, and development of water conservation metrics and strategies.

The DEQ is required under Subsection 32706a(8) of Part 327 to report annually on the following:

Reporting Period July 9, 2014-July 8, 2015 (Program Year Six):

Number of Zone C withdrawal SSRs requested by applicants.	43
Number of Zone C withdrawal SSR determinations that resulted in changes from Zone C to Zone B.	4
Number of Zone C withdrawal SSR determinations that resulted in changes from Zone C to Zone A.	4
Number of Zone C withdrawal SSR determinations that resulted in a Zone D withdrawal determination.	0
Number of SSR determinations where the DEQ failed to meet statutory time lines.*	97
Number of registered assessment tool determinations for Zone A.	175
Number of registered assessment tool determinations for Zone B.	74
Number of voluntary requests for SSRs that were submitted to the DEQ and whether the DEQ failed to meet statutory time lines on these SSRs.	0 N/A
Number of registrations submitted to the DEQ under this part.	381

*SSR Timeliness:

Subsection 32706c(3) of Part 327 requires the DEQ to make its SSR decision within ten business days of receipt. This time frame presents challenges, especially in depleted watersheds that are at or approaching the point where an ARI is likely. In all cases, DEQ staff notifies the applicant when an SSR will not be completed within the ten-business day deadline. In many cases, the property owner requests that the DEQ keep the SSR request open to give more time to complete the SSR review, negotiate project modifications, and/or submit additional data to the DEQ to support the SSR request. Of the 132 SSR requests received in year six of the Water Use Program, 73 (55.3 percent) were predicted by the Water Withdrawal Assessment Tool to cause an ARI.

The following table provides a breakdown of the reasons why the 97 SSR determinations in year six were late:

Reasons for Late Responses	Year Six
Applicant Negotiations	17
Compliance Issues	11
Complex Issues*	50
Department of Natural Resources (DNR) Coordination	0
DEQ Staff Workload**	19
Water Withdrawal Assessment Tool Technical Issues	0
Total	97

*Signifies complex reviews or a combination of two more of the other categories.

**This category includes secretarial support and stream index flow reviews and perennial versus nonperennial stream determinations conducted by other staff in the DEQ's Water Resources Division.

The DEQ's Water Use Program currently has two full-time equivalent (FTE) positions dedicated to conducting SSRs, plus an additional 0.25 FTE that provides technical support for stream index flow reviews and additional DEQ and DNR staff providing some portion of their time assisting with perennial versus nonperennial stream determinations. In year six, the backlog of 46 SSRs still pending at the end of year five was reduced to 24 SSRs that are awaiting additional information and continue to be reviewed.