

Michigan's Water Withdrawal Regulations

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Session Outline

- Brief history
- Summary of current regulations
- Applicability to common activities
- Question and Answer

Michigan Water Law History

- Through 2008
 - Riparian Doctrine
 - Common law (case precedent)
 - Property rights
 - No limits – reasonable use
- The Great Lakes Compact
 - 2008 – It's Official
 - Federal ban on diversions
 - Must demonstrate house in order
 - States must act and enact
 - Michigan had desire to lead

Michigan's Regulations

- In development since 2002
- Simultaneous enactment with Compact
- Part 327 of NREPA amended
- Heavily influenced by high-profile case
- New high-capacity withdrawals must meet environmental impact standard
- Limit on cumulative reduction in streamflows due to withdrawals
- Predictive – prior to use
- Had to be quick, simple, cheap

Water Withdrawal Assessment

- Statewide groundwater / streamflow depletion model
- Tracks cumulative impact by stream segment (5,600 watersheds)

Water Withdrawal Regulations

- Apply to all pumps 70 gpm +
- Exemptions
 - Contamination remediation
 - Non-commercial, residential well not for lake augmentation
 - Short-term, temporary, low-volume*
- Short-term, temporary, low-volume “exemption
- Definition of regulated withdrawal
 - 100,000 gal/day average over 30 days
 - 100,000 gal. x 30 days = 3,000,000 gal