



NR 860 Water Use Permitting in the Great Lakes Basin April 2011

NR 860 Water Use Permitting is one of several rules related to large water withdrawals that the Department is creating to implement the Great Lakes Compact and related legislation. The new laws and rules are the foundation for achieving Wisconsin's goal of sustainable water use –

“Sustainably manage the quantity and quality of water in the state to ensure that water is available to be used to protect and improve our health, economy and environment now and into the future.”

The Department is seeking final adoption of NR 860 from the Natural Resource Board on April 27, 2011. This fact sheet briefly summarizes the purpose and key elements of the rule. The full text of the rule along with the Department's response to public comments can be found at <http://www.dnr.wi.gov/org/nrboard/2011/April/04-11-3A1.pdf>.

WHAT IS THE PURPOSE OF THE RULE? The purpose of the rule is to define the process and procedures for the water use permit program in the Great Lakes Basin. Starting on December 8, 2011, permits are required for certain existing and new water withdrawals.

WHO DOES THE RULE IMPACT? The rule impacts persons located in the [Great Lakes basin](#) who withdraw water in quantities that average 100,000 gallons per day or more in any 30-day period. Examples include public water systems, high capacity well owners, and certain people and businesses who withdraw water from lakes and streams such as fish farms and golf courses. (Note – 100,000 gallons per day is equivalent to 70 gallons per minute operated for 24 hours straight.) This rule does not impact persons or organizations who receive their water from a public water supply.

WHAT IS A WITHDRAWAL?
WHAT DOES IT MEAN TO WITHDRAW?

Withdraw or withdrawal means the taking of water from surface water or groundwater. There are many different methods for withdrawing water including wells, intake pipes, and ditches. When someone withdraws water, it is taken out of or redirected from its natural course making it unavailable for other purposes, even if only temporarily.

WHAT ARE THE KEY ELEMENTS OF THE RULE?

1. Automatic Issuance of Permits – Existing Withdrawals

- Persons who had a water withdrawal before December 8, 2008 at the level requiring permits (see below) will qualify for automatic issuance of a permit.
- The Department will contact or automatically issue a permit to existing withdrawers that received previous Department approvals – such as a high capacity well approval.
- Existing withdrawers that do not have a previous Department approval must register their withdrawal by November 1, 2011 in order to automatically receive a permit.
- The Department must issue all automatic permits by December 8, 2011. Existing withdrawers that do not receive an automatic permit by that date will have to apply for a water use permit.

2. General Permits – New and Increased Withdrawals

- Starting on December 8, 2011, coverage under a general permit is required for withdrawals that average 100,000 gallons per day (GPD) or more in any 30-day period but do not equal at least 1,000,000 GPD for any 30 consecutive days.
- The Department will process applications in 45 days and issue permit coverage to withdrawers that have an approved water conservation plan and the required permits from other Department programs.
- General permits expire in 25 years.

MORE PERMITTING FACTS

*New and existing withdrawers that want to increase their withdrawal will need to apply to the Department by submitting an application.

*There are no permit application fees.

*Every permit includes an authorized withdrawal amount and requirements for water conservation, monitoring and reporting.

3. Individual Permits – New and Increased Withdrawals

- Starting on December 8, 2011, an individual permit is required for withdrawals that equal at least 1,000,000 GPD for any 30 consecutive days.
- The Department permit review timeline and process depends on the volume of the withdrawal. The Department review timelines range from 60 days to greater than 150 days.
- To obtain an individual permit, larger withdrawals must meet specific decision-making standards. The requirements for each standard are below.
- Individual permits are valid for 10 years.

STATE DECISION-MAKING STANDARD

Requirements for new and increased withdrawals of 1,000,000 GPD.

- Demonstrate that there is no significant adverse impact to the waters of the state from the withdrawal.
- Demonstrate the need for the withdrawal.
- Implement cost-effective water conservation measures.
- Obtain the necessary permits from other department programs.

COMPACT DECISION-MAKING STANDARD

Requirements for new and increased withdrawals of 10,000,000 GPD or more.

- Return all of the withdrawn water to the source watershed less an allowance for consumptive use.
- Demonstrate that there is no significant adverse individual or cumulative impact to the Great Lakes basin, the source watershed, and water dependent natural resources.
- Implement environmentally sound and economically feasible water conservation measures.
- Comply with all applicable local, state, federal laws and interstate and international agreements.
- Demonstrate that the water use is reasonable.

4. Public Participation

- The rule establishes public participation procedures for the issuance of general permits and individual permits that require the state or compact decision-making standard.
- Public participation includes a public notice, 30-day public comment period, and an opportunity to request a public hearing.
- Withdrawals that propose a new or increased water loss of 5,000,000 GPD or more average in any 90-day period must also be reviewed by the other Great Lakes States and Canadian Provinces of Ontario and Quebec.