



## Water Use Program Summary of Proposed Rules – May 2010

The Department will be proposing seven new administrative rules related to large water withdrawals statewide to implement the Great Lakes Compact and related legislation. The new laws and rules are the foundation for achieving our goal of sustainable water use. Wisconsin's mission –

*“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.”*

In May 2010, the Department will seek Natural Resource Board (NRB) permission to hold public hearings on three of the new rules with four additional rules proposed in August 2010. This fact sheet briefly summarizes the purpose and key elements of the first three proposed rules that the Department will present to the NRB in May. Additional information can be found at <http://dnr.wi.gov/org/water/greatlakes/annex2001/>.

### NR 856 Water Use Registration and Reporting

WHAT IS THE PURPOSE OF THE RULE? The purpose of the rule is to clarify and further define new statewide registration and reporting requirements for large withdrawals of water and diversions of water from the Great Lakes Basin. Information gathered from the process will be used to develop an inventory that will help us answer the following questions about our water use in Wisconsin.

- How much water are we using?
- Where are we using it?
- What are we using it for?

WHO DOES THE RULE IMPACT? The rule impacts persons who have the capacity to withdraw or take water from groundwater or surface water in quantities that average 100,000 gallons per day or more in any 30-day period and persons who divert any amount of water from the [Great Lakes Basin](#). Examples include public water systems, high capacity well owners, and certain people who withdraw water from lakes and streams. (Note – 100,000 gallons per day is equivalent to 70 gallons per minute operated for 24 hours per day)

WHAT ARE THE KEY ELEMENTS OF THE RULE?

#### 1. Registration

- Any person in the state who has or proposes to have a water supply system with the capacity to withdraw an average of 100,000 gallons per day or more in any 30-day period or who diverts water in any amount from the Great Lakes Basin is required to register with the Department.
- The rule sets forth the procedures and information required for registration.

2. Measurement

- Any person registered must measure the volume of water withdrawn every month.
- The rule identifies a range of options for measuring withdrawals including an option that allows for tailoring a measurement process on a case by case basis for challenging situations like aquaculture facilities.
- The purchase of new metering devices is NOT required by the rule.

3. Reporting

- Any person in the state who withdraws an average of 100,000 gallons per day or more in any 30-day period or who diverts any amount from the Great Lakes Basin must annually report to the Department their monthly volumes of withdrawal or diversion.
- Reporting for each calendar year is required by March 1 the following year.
- The rule provides flexibility in how the information is collected to help eliminate duplication of reporting to the Department.

**NR 850 Water Use Fees**

WHAT IS THE PURPOSE OF THE RULE? The purpose of the rule is to establish fees for persons who withdraw more than 50,000,000 gallons per year from the Great Lakes Basin as directed by the new statute (2009 Wisconsin Act 28, the 2009-11 biennial budget). Please note that the statutes established an annual fee of \$125 for all registered withdrawals statewide. The rule does not seek to change this annual fee.

WHO DOES THE RULE IMPACT? The rule impacts persons who withdraw more than 50,000,000 gallons per year from the Great Lakes Basin.

WHAT ARE THE KEY ELEMENTS OF THE RULE?

- The rule establishes fees based on an increasing block rate structure. The fee increases as the withdrawal amount increases. The following table summarizes the fee structure. (Note: MGY = millions of gallons per year)

HOW WILL THE FEE REVENUE BE USED?

Revenue from the fees will be used for Great Lakes Compact (Compact) related programs including:

- Building a water resources inventory.
- Developing methods to monitor groundwater and surface water quantity and to assess the impacts of withdrawals.
- Implementation of the registration, reporting, permitting and all other related requirements of the Compact.

<b>Great Lakes Basin-Specific Fee for Withdrawals &gt; 50 MGY</b>	
<u>Amount Withdrawn</u>	<u>Fee Per Million Gallons</u>
50 MGY to 100 MGY	\$1.50
100 MGY to 150 MGY	\$2.00
150 MGY to 200 MGY	\$2.50
200 MGY to 250 MGY	\$3.00
250 MGY to 300 MGY	\$3.50
300 MGY to 350 MGY	\$4.00
350 MGY to 400 MGY	\$4.50
400 MGY to 450 MGY	\$5.00
450 MGY to 500 MGY	\$5.50
500 MGY +	\$6.00

- The Great Lakes Basin-specific fee for one facility or property is capped at \$9500.

**EXAMPLES – FEE CALCULATIONS IN THE GREAT LAKES BASIN**

- A large dairy operation withdrawing 75 MGY would pay the annual base fee of \$125, plus a Great Lakes Basin-specific fee of \$37.50 for an annual total of \$162.50.
- A public water system withdrawing 500 MGY would pay the annual base fee of \$125, plus a Great Lakes Basin-specific fee of \$1,575, for an annual total of \$1,700.
- A power company withdrawing 2100 MGY would pay the annual base fee of \$125, plus a Great Lakes Basin-specific fee capped @ \$9,500, for an annual total of \$9,625.

**NR 852 Water Conservation and Water Use Efficiency**

WHAT IS THE PURPOSE OF THE RULE? The purpose of the rule is to establish mandatory water conservation and efficiency measures for certain types of large water withdrawals and to promote voluntary water conservation for all water users. This rule is part of [Wisconsin's Objectives for Water Use Efficiency and Conservation](#).

WHO DOES THE RULE IMPACT? The rule provides mandatory requirements for the following types of water withdrawals and diversions:

- New and increased regulated withdrawals in the Great Lakes Basin.
- New and increased diversions of Great Lakes water.
- New and increased intrabasin transfers within the Great Lakes Basin.
- New and increased withdrawals statewide that have a water loss greater than 2,000,000 gallons per day in any 30-day period.

WHAT ARE THE KEY ELEMENTS OF THE RULE?

- Water conservation is not required for existing facilities at their current level of water withdrawal.
- The rule categorizes withdrawals and diversions into one of three tiers. The conservation requirements increase with each tier.
- CEMs that involve retrofitting are optional.

**4 BASIC CONSERVATION AND EFFICIENCY MEASURES**

- Conduct a water audit.
- Develop a leak detection and repair program.
- Educate your staff or customers about your water conservation activities.
- Measure all sources of water.

<b>Rule Requirements</b>	<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
Develop a water conservation plan.	X	X	X
Implement 4 prescribed basic Conservation and Efficiency Measures (CEMs).	X	X	X
Implement 4 prescribed intermediate CEMs <b>OR</b> choose your own CEMs to reduce water use or increase efficiency by 10%.		X	X
Identify and implement all available CEMs that are environmentally sound and economically feasible.			X