

Clearinghouse Rule 10-059

Report to
Legislative Council Rules Clearinghouse
NR 856, Wis. Adm. Code
Natural Resources Board Order No. DG-25-10

Wisconsin Statutory Authority

Sections 227.11 (2)(a) and 281.346(3), Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule – Rule Effect – Reason for the Rule

This rule is being proposed to further define and clarify new statewide statutory requirements for withdrawals of waters of the state and diversions of water from the Great Lakes Basin. The rule was triggered by the adoption of 2007 Wisconsin Act 227. The rule provides specific processes and methods for measuring, registering, and reporting withdrawals and diversions from the Great Lakes Basin.

Any person who has or proposes to have a water supply system with the capacity to withdraw 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. Any person who is registered will have to measure the volume of water withdrawn monthly and report to the Department annually if the withdrawal averages 100,000 gallons per day or more in any 30-day period. Examples of regulated persons include high capacity well owners, agricultural irrigators, public water systems, paper mills, food processors, and power producers.

The rule sets forth definitions, procedures and information requirements for registrations, procedures for amending and terminating registrations, methods for measuring withdrawals, and procedures for annual reporting.

This rule will affect small businesses that supply their own water with water supply systems that have the capacity to withdraw over 100,000 gallons per day. Small businesses, like other entities that are affected by this rule, will have to determine the amount of water used on a monthly basis and report that water use annually. Small businesses that receive water solely from a public water supply will not be impacted by this rule. Specific standards will provide clarity and consistency in the registration and reporting process.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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