

Water Use Permit No. 2 – New and Increased Withdrawals

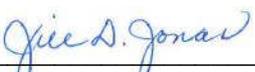


State of Wisconsin Department of Natural Resources
Water Use General Permit No. 2 – New and Increased Withdrawals

Pursuant to section 281.346(4s), Wis. Stats., persons with a new or increased withdrawal from the Great Lakes basin that meet the applicability criteria listed in this general permit and who receive a Notice of Coverage may withdraw water in amounts averaging 100,000 gallons per day or more in any 30-day period but less than 1,000,000 gallons per day for any 30 consecutive days in accordance with the requirements and conditions set forth in this permit.

A Notice of Coverage issued under this general permit will include a withdrawal amount. The department will maintain a database of the withdrawal amounts for all withdrawals covered under this general permit.

State of Wisconsin Department of Natural Resources
For the Secretary

By: 
Jill Jonas, Director
Bureau of Drinking Water and Groundwater

November 30, 2011
Date of Signature

EFFECTIVE DATE: December 8, 2011

EXPIRATION DATE: December 8, 2036

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1. Applicability Criteria

This general permit applies to withdrawals from the waters of the state located in the Great Lakes basin that meet all of the following:

- (1) The person applying for Notice of Coverage is the owner, as defined in s. NR 860.11 (7), Wis. Adm. Code, of the property.
- (2) The owner is proposing to make a new withdrawal as set forth in s. NR 852.03 (18), Wis. Adm. Code or an increased withdrawal as set forth in s. 852.03 (11), Wis. Adm. Code. (Note: A “new withdrawal” is defined in s. NR 852.03(18), Wis. Adm. Code to mean “a withdrawal that started on or after December 8, 2008, and averages 100,000 gallons per day or more in any 30-day period, and a withdrawal that was occurring before December 8, 2008 but was not eligible for a baseline, and that has increased the rate of withdrawal so that it averages 100,000 gallons per day or more in any 30-day period.” An “increased withdrawal” is defined in s. NR 852.03(11), Wis. Adm. Code to mean “ a withdrawal that exceeds the baseline established in accordance with s. 281.346 (2) (e), Stats., or the withdrawal amount established under s. 281.346 (4g), (4s), or (5), Stats.”)
- (3) The owner intends to withdraw an amount averaging 100,000 gallons per day or more in any 30-day period but that does not equal at least 1,000,000 gallons per day for any 30 consecutive days from one property, as defined in s. NR 860.11 (6), Wis. Adm. Code.
- (4) The owner has met the water conservation requirements set forth in ch. NR 852, Wis. Adm. Code.
- (5) If a water supply service area plan is required by ss. 281.346 or 281.348, Wis. Stats., the withdrawal is consistent with the approved water supply service area plan.
- (6) The owner has received all the necessary permits or approvals for the withdrawal under ss. 30.12, 30.18, 281.34, 281.41, Wis. Stats., or s. 281.17, 2001 Stats.

2. Requiring an Individual Permit

Pursuant to s. 281.346(4s)(dm), Wis. Stats., the department may require a person who is making or proposes to make a withdrawal that meets the applicability criteria of this general permit to obtain an individual permit if the withdrawal is located in a groundwater protection area, as defined in s. 281.34 (1) (a), Wis. Stats., or a groundwater management area designated under s. 281.34 (9), Wis. Stats.

3. Granting of Coverage

All persons meeting the applicability criteria of this permit must receive Notice of Coverage from the department to be covered under this general permit, prior to making a new withdrawal or increased withdrawal.

4. Permit Conditions

Persons that receive Notice of Coverage under this general permit shall meet all of the following permit conditions pursuant to s. NR 860.15, Wis. Adm. Code:

- (1) The permittee shall comply with all conditions of the permit. Permit noncompliance is a violation of the permit and may be grounds for enforcement action, permit suspension or revocation, or denial of a redetermination or reissuance. If a permittee violates any terms of the permit, the permittee is subject to the penalties established in ch. 281, Wis. Stats.

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- (2) The permittee shall measure and record the amounts of withdrawal monthly, and annually report to the department following the requirements in ss. NR 856.30 and 856.31, Wis. Adm. Code. Annual reporting is required each calendar year for all permittees.
- (3) The permit does not convey any property or water rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state, or local laws, rules, or regulations.
- (4) The permittee shall allow an authorized representative of the department, upon presentation of credentials, to do all of the following:
 - (a) Enter, upon reasonable notice, the owner's premises where a regulated withdrawal is located or conducted, or where records are kept as required under the conditions of the permit.
 - (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit.
 - (c) Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices or operations regulated or required under the permit.
- (5) The permittee shall by March 1 notify the department of changes made in the previous calendar year to the information submitted in the application that require amendment following the requirements in s. NR 860.16, Wis. Adm. Code.

Note: Changes or modifications to the following items require an amendment: property boundaries; property ownership or public water supply ownership; the name, mailing address, telephone number, and email address of the owner and operator; the locations and sources of the withdrawals; the daily withdrawal capacity of the water supply system or individual source or sources; the uses made of the water; the places at which water is used; and the places at which any of the water is discharged.
- (6) The permittee must apply to the department to increase the amount of a withdrawal over the established withdrawal amount in the Notice of Coverage. The permittee must receive a modified withdrawal amount from the department prior to beginning the increased withdrawal.
- (7) The permittee shall implement the applicable water conservation and water use efficiency requirements of an approved water conservation plan and annually report the information required under ch. NR 852, Wis. Adm. Code.
- (8) If a water supply service area plan is required by ss. 281.346 or 281.348, Wis. Stats., the withdrawal shall be consistent with the approved water supply service area plan.
- (9) All other permits and approvals that you have received for the withdrawal(s) remain in effect. This notice of coverage does not replace or change any of the conditions or requirements of the other permits or approvals.
- (10) The department may modify the conditions of this permit as necessary, following established legal procedures.

5. Emergency Order

Pursuant to s. 281.346(7m), Wis. Stats., the department may, without a prior hearing, order a permittee to immediately stop a withdrawal if the department determines that there is a danger of

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imminent harm to the public health, safety, or welfare, to the environment, or the water resources or related land resources of this state.

6. Permit Terms and Redetermination of Coverage

- (1) The term of this general permit is 25 years. Coverage under this general permit ends on December 8, 2036.
- (2) The department will notify permittees no later than December 8, 2035, that redetermination of coverage under a general permit is required before December 8, 2036.
- (3) If you intend to continue a withdrawal that averages 100,000 gallons per day or more in any 30-day period but that does not equal at least 1,000,000 gallons per day for any 30 consecutive days, you shall apply to the department for redetermination of coverage using the methods prescribed by the department by no later than June 11, 2036.

7. Water Use Information – Public Records

All information submitted to the department is a public record and is subject to Wisconsin's open records law under ss. 19.21 to 19.39, Wis. Stats. The location of water withdrawals is sensitive information that may impact domestic security. Open records requests for water withdrawal locational information will be subject to the requirements of s. NR 860.14, Wis. Adm. Code. Information provided to the department may be used by the department as it deems necessary.

8. Notice of Coverage Suspension and Revocation

After an opportunity for a hearing, the department may suspend or revoke coverage under this general permit for cause, including obtaining coverage under the permit by misrepresentation or failure to disclose material facts or substantially violating the terms of the permit.

9. Water Withdrawal Registration and Water Use Fees

- (1) Water Withdrawal Registration is required for persons who have at least one water supply system with the capacity to withdraw an average of 100,000 gallons per day (70 gallons per minute) (Wisconsin Statutes s. 281.346; NR 856 Wisconsin Administrative Code). The Notice of Coverage issued under this general permit fulfills this statutory requirement. You do not need to take any additional steps to register.
- (2) Persons with registered withdrawals must pay an annual water use fee of \$125 which covers all sources of withdrawal on one property. In addition, persons withdrawing over 50 million gallons of water in a calendar year must also pay a Great Lakes basin specific fee, which is based upon the amount of water withdrawn for the year. The department issues fee invoices in the spring of each year to persons with currently registered withdrawals. The fee invoice is based on the previous calendar year's withdrawals and payment is due by June 30th each year. (Wisconsin Statutes s. 281.346 (12); NR 850 Wisconsin Administrative Code)