



## Quality Watch

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### New Water Legislation Will Affect Dairy Farmers

Last month's Legislative Watch section of the *Messenger* provided a brief overview of Michigan's new water legislation. As was pointed out in the article, Michigan farmers fared quite well in the legislation. However, there are certain requirements farmers will need to follow now that the new law is in place.

#### Water Withdrawal Assessment Tool

One new requirement is to utilize a water withdrawal assessment tool for all expected new water withdrawals exceeding 70 gallons per minute beginning July 9, 2009. The tool is a highly complicated science based formula using a series of calculations that will determine if a farm has the ability to withdraw water without impairing water quality or aquatic life in areas surrounding the farm. These factors will determine if farms will require a permit or authorization from the Michigan Department of Environmental Quality (MDEQ).

Water "withdrawals" under the new law are defined as both water removed from wells and directly from bodies of water. The approval to withdraw water will be based upon the location of the proposed well or withdrawal in relationship to stream size and stream temperatures. "Streams" are categorized as streams, small rivers or large rivers.

The assessment tool takes into consideration the amount of water to be withdrawn and depth of the well. All farmers who propose new withdrawals from wells or streams

with the capacity to draw over 70 gallons a minute or 100,000 gallons per day (equivalent to a 4" well) are required to use the assessment tool, and report to MDA. Existing withdrawals will be grandfathered from using the tool.

Although there is a phase in period to try out the new assessment tool until July 1, 2009 (at which time the water withdrawal assessment tool will take regulatory effect), MMPA encourages any farmer that may be affected by this law to act prior to the deadline. The water withdrawal assessment tool will be available after October 1, 2008 and MMPA will provide the Web site information when the tool is available online. MMPA Member Representatives are currently being trained to use the water withdrawal assessment tool and will be available to help members walk through the assessment process.

#### Reporting Water Use Deadline Extended

A second portion of the legislation allows an extended opportunity for farmers with withdrawals that existed prior to February 28, 2006—but who have not registered and reported their water use to the state—to do so prior to April 1, 2009, in order to establish their baseline use. The extension of time to report is extremely important because those uses that are not reported prior to April 1, 2009 will be considered new withdrawals and will be subject to passing the requirements of the water withdrawal assessment tool. As a result,

it is critical for farmers to report any existing use prior to the April 1, 2009 deadline. Producers can report to MDEQ for a fee or the Michigan Department of Agriculture (MDA) at no cost.

MDA will provide updated information concerning the new legislation and reporting forms. MMPA Member Representatives are also being trained to assist members with water use reporting requirements, can provide copies of the reporting forms and assist members in completing the forms.

Farms from wells or streams that have the capacity to withdraw over 100,000 gallons per day or 70 gallons per minute are required to report their water use. It is likely that a 4" well would reach this capacity level and therefore, nearly all dairy farms in Michigan are required to report. I cannot stress the importance of reporting existing wells enough, since non reported existing uses will be considered new if not reported before April 1, 2009 and will not be allowed to be grandfathered.

MMPA will keep our members informed as additional information on the new water legislation and the new water withdrawal assessment tool becomes available. If you have additional questions regarding water withdrawals, please contact your MMPA Member Representative or the MMPA Member Services Department in Novi.