

Michigan Water Regulation

Water Related Regulatory and Permitting Authorities

Michigan state and local agencies work together to protect and manage water resources through regulation and review of activities affecting water use, quality and levels.

The Michigan Department of Environmental Quality (MDEQ) is the primary regulatory agency for water issues and includes several divisions that address water management, including the Land & Water Management Division, the Office of the Great Lakes, and the Water Bureau (visit www.michigan.gov/mdeq for more information).

Additionally, the following state agencies have a role in managing and protecting Michigan's water resources:

- Michigan Department of Natural Resources (MDNR): www.michigan.gov/dnr
- Michigan Department of Community Health (MDCH): www.michigan.gov/mdch
- Michigan Department of Agriculture(MDA): www.michigan.gov/mda
- Michigan Department of Transportation (MDOT): www.michigan.gov/mdot

At the local level, cities and counties are involved in numerous activities for managing water quality and water supply, including:

- Managing soil erosion control ordinances to protect water quality
- Monitoring local waters and beaches for compliance with water quality standards
- Managing county drains through the county drain commissioner
- Permitting for non-community water supplies through county health departments

Water Supply Regulation

In accordance with the Great Lakes Charter, Michigan and the other states and provinces in the Great Lakes Region have enacted laws that require major water users to report water withdrawals made within the Great Lakes Basin. Michigan has met these requirements through 2006 updates to the state's Natural Resources and Environmental Protection Act (NREPA) and passage of 2008 PA 185:

- http://www.michigan.gov/documents/deq/deq-wb-dwehs-wateruse-part327_186956_7.pdf
- <http://www.legislature.mi.gov/documents/2007-2008/publicact/pdf/2008-PA-0185.pdf>

By law, a Large Quantity Withdrawal (LQW) with a capacity of 70 gallons per minute or greater must be registered with the MDEQ, or with the MDA if the withdrawal is for agricultural purposes. Part 327 of NREPA prohibits a new or increased LQW from causing an "adverse resource impact."

MDEQ's Water Withdrawal Assessment Tool is used to determine whether a new or increased withdrawal causes an adverse impact. The tool provides an initial, screening-level assessment of the impact of a potential water withdrawal on local stream and river ecosystems. It operates within a Geographic Information System and can be used to examine potential withdrawal sites anywhere in the state. When a proposed withdrawal clearly poses little or no risk to nearby stream and river ecosystems, the automated tool can approve and facilitate on-line registration of the withdrawal.

MDEQ also has regulatory oversight for:

- All public water supplies, including approximately 1,500 community water supplies and 11,000 non-community water supplies.
- Well drilling for drinking water. Michigan has more households (1.12 million) served by private wells than any other state, with approximately 25,000 domestic wells drilled per year.
- Drinking water well contamination and remedial activities at sites of groundwater contamination affecting drinking water wells.
- Registration of water haulers
- Construction, enlargement, repair, alternation, removal, abandonment and reconstruction of state regulated dams.

Water Quality Regulation

MDEQ is the primary state authority for the regulation of water quality. MDEQ is responsible for:

- Establishing water quality standards
- Monitoring and assessing water quality and aquatic habitat
- Issuing permits to regulate the discharge of industrial and municipal wastewaters under the National Pollutant Discharge Elimination System and Ground Water Discharge Permit Program
- Issuing permits for projects that could have impacts on wetlands, coastal shore lands and bottomlands
- Reviewing and approving plans for public water supplies, wastewater collection and treatment facilities, campground and public swimming pool construction, and manufactured housing site water, sanitary sewer, and drainage systems
- Reviewing and approving permits for aquatic nuisance control treatments in surface waters
- Issuing permits for dredging of lake or river bottoms
- Reviewing and approving municipal storm water permits
- Reviewing and approving local non-point source pollution control plans
- Issuing licenses for transporting septic tank waste
- Overseeing ballast water reporting by vessels operating on the Great Lakes and St. Lawrence Seaway

The MDCH and local health departments are also involved in water quality monitoring protection through beach monitoring programs that evaluate pathogen and other contaminant levels in recreational water bodies, and issuance of fish consumption advisories due to contaminant levels.

The MDNR manages several programs, including the Natural Rivers Program, which protect and enhance Michigan's natural water systems and aquatic ecosystems.

The MDA manages several programs to reduce the impacts of agricultural practices on water quality in the state, including the licensing of aquatic nuisance control applicators, implementation of the conservation reserve program, implementation of the Groundwater Stewardship Program, and management of the Michigan Agricultural Environmental Assurance Program.

Water Drainage Regulation

Michigan is the only state in the U.S. with elected ***drain commissioners*** who are responsible for the construction, operation, and maintenance of designated county drains. The Drain Commissioner's office was established under Public Act 40 (the Drain Code) of 1956. The Drain Commissioner ensures that drainage districts are managed to provide: adequate drainage for the protection of property; appropriate flood control infrastructure; and protection against contamination of the surface waters of the county.

The drainage district consists of all of the area that contributes storm water runoff, and the district drains are established through a series of petitions and public hearings. By law, a county drain may be an open ditch, stream, underground pipeline, creek, or river. All drainage work is done through petition of affected property owners or municipalities. Projects are financed through special assessments and the Drain Commission is responsible for apportioning and levying taxes for those costs among beneficiary parties.

Some Drain Commissioners also have authorities for sewer system operation, lake level management, and enforcement of soil erosion codes.

Permits from the Drain Commissioner's office are required for:

- Any new discharge into a county drain
- Any culverts or bridges in a county drain
- Any utility crossing of a county drain
- Any earth change work in a county drain or right-of-way
- Any permanent structures in a right-of-way

For more information visit the Michigan Association of County Drain Commissioners at www.macdc.net.