



**Clearinghouse Rule 10-109 – NR 860 Water Use Permitting**  
**Testimony for the Senate Committee on Natural Resources and Environment**  
By Kristy Rogers, Water Supply Specialist

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Thank you Chairman Kedzie and committee members. My name is Kristy Rogers. I am a Water Supply Specialist and the lead author of Wisconsin Administrative Code NR 860. Joining me today is Eric Ebersberger. Eric is the Chief of the Water Use Section. I am happy to provide you information and answer your questions concerning NR 860 on behalf of the Department of Natural Resources.

Wisconsin Administrative Code NR 860 is one of five rules that the Department of Natural Resources has drafted in the last year to implement the new Water Use Program and Great Lakes Compact legislation passed in 2008. The first three rules that the Department drafted impacted large withdrawers statewide. This rule, NR 860 Water Use Permitting only impacts certain withdrawers in the Great Lakes basin. This rule directly implements portions of the Great Lakes Compact.

The purpose of NR 860 Water Use Permitting is to define the process and procedures for the water use permit program in the Great Lakes basin. Starting on December 8, 2011, permits are required for certain existing and new water withdrawals.

NR 860 impacts persons in the Great Lakes basin who actually withdraw water in quantities that average 100,000 gallons per day or more in any 30-day period. Examples include public water systems, high capacity well owners, fish farms, golf courses, paper and power companies.

The new permit program consists of general permits and individual permits and impacts both existing and new withdrawers. Most existing withdrawers are grandfathered and the Department of Natural Resources will automatically issue them a permit no later than December 8, 2011. The process is very minimal for existing withdrawers.

The rule defines the process for the application, review, and issuance of permits. The rule also establishes the public participation process for certain permits. Public participation is required for the department's issuance of the general permit and individual permits that have to meet a decision making standard.

Based on information that we have already collected, we know that approximately 1400 withdrawers may need a permit. We expect that the majority of these withdrawers will fall into the general permit category with less than 10% requiring an individual permit.

Public hearings were held last fall in Milwaukee, Green Bay, and Ashland. There was a low turn out at the hearings however the department received 80 written comments from 6 organizations. The comments came from Ed Wilusz with the Wisconsin Paper Council, Lawrie Kobza with Municipal Environmental Group, Jordan Lamb representing the Wisconsin Potato and Vegetable Growers, Pat Osborne and Pat Goss with the Aggregate Producers of Wisconsin and Wisconsin Transportation Builders Association, Ed Glatfelter from the Alliance for the Great Lakes, and Karen Hobbs from the Natural Resources Defense Council. The comments were very constructive and the department was able to incorporate changes to the rule to accommodate the concerns addressed in the comments. I wanted to specifically mention the names of the individuals that commented because Department Staff appreciated the time they took to provide feedback. The feedback helped create a clearer and more useable rule.

Two final items about NR 860:

1. The rule does not deviate from the statute.
2. The rule was written to be flexible enough to implement future Water Division permit streamlining initiatives.