



# HOUSE BILL No. 5875

May 9, 1996, Introduced by Reps. Brater, Bobier, Dolan, Bodem, Alley, Gagliardi, Middaugh, LaForge, Gire and Walberg and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend the title and sections 32701, 32706, 32707, 32708, and 32712 of Act No. 451 of the Public Acts of 1994, entitled

"Natural resources and environmental protection act," as added by Act No. 59 of the Public Acts of 1995, being sections 324.32701, 324.32706, 324.32707, 324.32708, and 324.32712 of the Michigan Compiled Laws; and to add sections 32714 and 32715.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. The title and sections 32701, 32706, 32707,  
2 32708, and 32712 of Act No. 451 of the Public Acts of 1994, as  
3 added by Act No. 59 of the Public Acts of 1995, being  
4 sections 324.32701, 324.32706, 324.32707, 324.32708, and  
5 324.32712 of the Michigan Compiled Laws, are amended and  
6 sections 32714 and 32715 are added to read as follows:

## TITLE

1  
2 An act to protect the environment and natural resources of  
3 the state; to codify, revise, consolidate, and classify laws  
4 relating to the environment and natural resources of the state;  
5 to regulate the discharge of certain substances into the environ-  
6 ment; to regulate the use of certain lands, waters, and other  
7 natural resources of the state; to prescribe the powers and  
8 duties of certain state and local agencies and officials; to pro-  
9 vide for certain charges, fees, and assessments; TO PROVIDE CER-  
10 TAIN APPROPRIATIONS; to prescribe penalties and provide remedies;  
11 to repeal certain parts of this act on a specific date; and to  
12 repeal certain acts and parts of acts.

13 Sec. 32701. As used in this part:

14 (a) "Agricultural purpose" means the agricultural production  
15 of forestry, livestock, food, feed, or fiber.

16 (b) "Consumptive use" means that portion of water withdrawn  
17 or withheld from the Great Lakes basin and assumed to be lost or  
18 otherwise not returned to the Great Lakes basin due to evapora-  
19 tion, incorporation into products, or other processes.

20 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL  
21 QUALITY.

22 (D) ~~(c)~~ "Great Lakes basin" means the watershed of the  
23 Great Lakes and the St. Lawrence river.

24 (E) ~~(d)~~ "Great Lakes charter" means the document estab-  
25 lishing the principles for the cooperative management of the  
26 Great Lakes water resources, signed by the governors and premiers  
27 of the Great Lakes region on February 11, 1985.

1 (F) ~~(e)~~ "Great Lakes region" means the geographic region  
2 composed of the states of Illinois, Indiana, Michigan, Minnesota,  
3 New York, Ohio, and Wisconsin, the commonwealth of Pennsylvania,  
4 and the provinces of Ontario and Quebec, Canada.

5 (G) ~~(f)~~ "Industrial or processing facility" means an oper-  
6 ating plant or other entity, including a thermoelectric power  
7 generation plant, carrying on a common manufacturing activity,  
8 trade, or business on a common site, including similar plants or  
9 entities under common ownership or control located on contiguous  
10 properties. Plants or entities under common ownership or control  
11 located on separate sites shall be considered separate  
12 facilities. Industrial or processing facility does not include  
13 an irrigation facility.

14 (H) ~~(g)~~ "Irrigation facility" means all wells, pumps,  
15 intakes, gates, tanks, pipes, or other equipment under common  
16 ownership or control and located either on the same site or on  
17 separate sites, which are used to withdraw, convey, or distribute  
18 water for the purposes of irrigating golf courses, parks, recrea-  
19 tional areas, or other grounds, but not including irrigation for  
20 an agricultural purpose.

21 (I) ~~(h)~~ "Public water supply system" means a water system  
22 that provides water for human consumption or other purposes to  
23 persons other than the supplier of water.

24 (J) ~~(i)~~ "Registrant" means any industrial or processing  
25 facility or irrigation facility registered under this part.

26 (K) ~~(j)~~ "Water of the Great Lakes basin" means the Great  
27 Lakes and all streams, rivers, lakes, connecting channels, and

1 other bodies of water, including groundwater, within the Great  
2 Lakes basin.

3 (l) ~~(k)~~ "Withdrawal" means the removal of water from its  
4 source for any purpose, other than for hydroelectric generation  
5 at sites certified, licensed, or permitted by the federal energy  
6 regulatory commission.

7 Sec. 32706. ~~(+)~~ Each registration under this part shall  
8 consist of a statement and supporting documentation that includes  
9 all of the following:

10 (a) The place and source of the proposed or existing  
11 withdrawal.

12 (b) The location of any discharge or return flow.

13 (c) The location and nature of the proposed or existing  
14 water user.

15 (d) The actual or estimated average annual and monthly vol-  
16 umes and rate of withdrawal.

17 (e) The actual or estimated average annual and monthly vol-  
18 umes and rates of consumptive use from the withdrawal.

19 ~~(2) Each registration under this part concerning a with-~~  
20 ~~drawal that will result in a consumptive use averaging in excess~~  
21 ~~of 2,000,000 gallons per day in any consecutive 30 day period~~  
22 ~~shall also provide a statement and supporting documentation that~~  
23 ~~includes all of the following:~~

24 ~~(a) The operating capacity of the withdrawal system identi-~~  
25 ~~fied in the registration.~~

1 ~~(b) If the registration includes a proposed withdrawal~~  
2 ~~increase, the total new or increased operating capacity of the~~  
3 ~~withdrawal system.~~

4 ~~(c) The estimated average annual and monthly rates of dis-~~  
5 ~~charge or return flow.~~

6 ~~(d) A list of all federal, state, and local approvals, per-~~  
7 ~~mits, licenses, and other authorizations required for the exist-~~  
8 ~~ing or proposed withdrawal.~~

9 Sec. 32707. (1) Except as provided in subsection (2), a  
10 person who owns an industrial or processing facility or an irri-  
11 gation facility registered under this section shall file a report  
12 annually with the department on a form provided by the  
13 department. The first report shall be submitted to the depart-  
14 ment by March 31, 1992. Subsequent reports shall be submitted  
15 within 3 months after the end of each calendar year. Reports  
16 shall include the following information:

17 (a) Amount and rate of water withdrawn on an annual and  
18 monthly basis.

19 (b) Source or sources of water supply.

20 (c) Use or uses of water.

21 (d) Amount of consumptive water use.

22 (e) Other information specified by rule of the department.

23 (2) If a person reports the information required by this  
24 section to the department in conjunction with a permit or for any  
25 other purpose, that reporting, upon approval of the department,  
26 shall satisfy the reporting requirements of this section.

1 (3) The department shall, upon request from a person  
2 required to report under this section, accept a formula or model  
3 that provides to the department's satisfaction the information  
4 required in subsection (1).

5 (4) The department shall develop forms for reporting under  
6 this section that minimize paperwork and allow for a notification  
7 to the department instead of a report if the annual amount of  
8 water withdrawn by a person required to report under this section  
9 is within 4% of the amount last reported and the other informa-  
10 tion required in subsection (1) has not changed since the last  
11 year in which a report was filed.

12 (5) A PERSON WHO FILES AN ANNUAL REPORT OR NOTIFICATION PUR-  
13 SUANT TO THIS SECTION SHALL ANNUALLY REMIT A WATER USE REPORTING  
14 FEE OF \$50.00 TO THE DEPARTMENT. WATER USE REPORTING FEES SHALL  
15 BE REMITTED TO THE DEPARTMENT IN CONJUNCTION WITH THE ANNUAL  
16 REPORT OR NOTIFICATION SUBMITTED PURSUANT TO THIS SECTION. THE  
17 DEPARTMENT SHALL TRANSMIT WATER USE REPORTING FEES COLLECTED  
18 UNDER THIS SECTION TO THE STATE TREASURER TO BE CREDITED TO THE  
19 WATER USE PROTECTION FUND CREATED IN SECTION 32714.

20 Sec. 32708. (1) The department and the department of agri-  
21 culture in consultation with the cooperative extension service  
22 and the soil conservation districts shall develop a formula or  
23 model to determine the amount of water withdrawn for agricultural  
24 purposes consistent with the objectives of section 32707. For a  
25 period of ~~not more than 5~~ 3 years ~~after December 21, 1990~~  
26 BEGINNING JANUARY 1, 1997, a person using water for an  
27 agricultural purpose who withdraws over 100,000 gallons of water

1 per day average in any consecutive 30-day period for irrigation  
2 shall provide ~~the location of the irrigation water source or~~  
3 ~~sources and other information as needed by the department in the~~  
4 ~~calculations of the formula or model as provided in this section~~  
5 INFORMATION REGARDING THE LOCATION AND SOURCE OF THE WATER, THE  
6 TYPE OF CROP IRRIGATED, AND THE ACREAGE OF EACH IRRIGATED CROP TO  
7 THE COUNTY SOIL CONSERVATION DISTRICT. THE SOIL CONSERVATION  
8 DISTRICTS AND THE DEPARTMENT OF AGRICULTURE SHALL USE THE MODEL  
9 OR FORMULA DEVELOPED TO AGGREGATE THESE DATA AND PROVIDE COUNTY  
10 AND WATERSHED TOTALS BY WATER SOURCE TO THE DEPARTMENT BY APRIL 1  
11 OF EACH YEAR FOR IRRIGATION WATER USE THAT OCCURRED IN THE PREVI-  
12 OUS YEAR.

13 (2) AT THE END OF THE 3-YEAR PERIOD PROVIDED IN  
14 SUBSECTION (1), THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE  
15 SHALL ASSESS THE RELIABILITY OF ANNUAL IRRIGATION WATER USE DATA  
16 AND DETERMINE IF RELIABLE DATA COULD BE DEDUCED FROM SURVEYS CON-  
17 DUCTED EVERY 2 OR 3 YEARS.

18 Sec. 32712. This part does not authorize the department to  
19 ~~impose or collect fees, to~~ mandate any permit ~~7~~ or to regu-  
20 late the withdrawal of water covered under this part.

21 SEC. 32714. (1) THE WATER USE PROTECTION FUND IS CREATED  
22 WITHIN THE STATE TREASURY.

23 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS  
24 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER  
25 SHALL DIRECT THE INVESTMENT OF THE FUND, AND SHALL CREDIT TO THE  
26 FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

1 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL  
2 REMAIN IN THE FUND AND SHALL NOT LAPSE INTO THE GENERAL FUND.

3 (4) THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND, UPON  
4 APPROPRIATION, ONLY FOR THE IMPLEMENTATION AND ADMINISTRATION OF  
5 THIS PART.

6 (5) BY DECEMBER 31, 1999, THE DEPARTMENT SHALL CONDUCT AN  
7 ASSESSMENT OF THE FUND AND REPORT TO THE LEGISLATURE ON THE OVER-  
8 ALL NUMBER OF IRRIGATION AND INDUSTRIAL OR PROCESSING FACILITIES  
9 REGISTERED IN THE PROGRAM, THE ANNUAL AMOUNT OF WATER USE REPORT-  
10 ING FEES RECEIVED BY THE FUND, AND THE STAFF WORKLOAD NECESSARY  
11 TO IMPLEMENT THIS PART, TO DETERMINE IF THE AMOUNT OF THE ANNUAL  
12 WATER USE REPORTING FEES CAN BE LOWERED.

13 SEC. 32715. THERE IS APPROPRIATED TO THE WATER USE PROTEC-  
14 TION FUND CREATED IN SECTION 32714 \$60,000.00 FROM THE STATE GEN-  
15 ERAL FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1997 ONLY TO  
16 PROVIDE START-UP FUNDING TO IMPLEMENT THE REGISTRATION AND  
17 REPORTING REQUIREMENTS SPECIFIED IN SECTIONS 32705 AND 32707.