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BILL ANALYSIS



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Senate Bill 876 (as introduced 11-9-05)

Sponsor: Senator Patricia L. Birkholz

Committee: Natural Resources and Environmental Affairs

Date Completed: 12-2-05

CONTENT

The bill would amend the Safe Drinking Water Act to require the Department of Environmental Quality (DEQ) to evaluate whether a proposed waterworks system that would provide new or increased withdrawal capacity of at least 2.0 million gallons per day would cause adverse resource impacts; and require the DEQ to reject the plans and specifications for the system if it determined that that would be the case, subject to certain exceptions.

The bill is tie-barred to Senate Bill 850, which would amend the Natural Resources and Environmental Protection Act to prohibit a person from making a large quantity withdrawal that caused an adverse resource impact to a designated trout stream; and would require a person to obtain a water withdrawal permit for new withdrawals of more than 2.0 million gallons per day over 90 consecutive days. The bill would define "adverse resource impact" as decreasing the base flow of a stream, or decreasing the level of a body of surface water, so that it no longer will support characteristic fish populations. "New or increased withdrawal capacity" would mean new or additional water withdrawal capacity to support a common distribution center that is an increase from the person's water withdrawal capacity that existed on the bill's effective date; the term would not include maintenance or replacement of existing capacity.

Under the Safe Drinking Water Act, upon receiving the plans and specifications for a proposed waterworks system, the DEQ must evaluate the adequacy of the proposed system to protect the public health by supplying water meeting State drinking water standards. The DEQ may reject plans and specifications for a system that it determines will not satisfactorily provide for the protection of public health.

Senate Bill 876 would require the DEQ to evaluate the environmental impact of a proposed system as described below, if applicable. The DEQ could reject the plans and specifications if it determined that the system would not satisfactorily provide for the protection of the environment.

Under the bill, for a proposed waterworks system that would provide new or increased withdrawal capacity of more than 2.0 million gallons of water per day, the DEQ would have to evaluate whether the proposed system would cause adverse resource impacts. The Department would have to reject the plans and specifications for a proposed system if it determined that the system would cause adverse resource impacts, unless it determined that there was no other reasonable alternative location for the withdrawal and included in the approval conditions related to depth, pumping capacity, rate of flow, and ultimate use

that ensured that the environmental impact of the withdrawal was balanced by its public benefit related to public health, safety, and welfare.

MCL 325.1004

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Jessica Runnels

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