

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 850

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30103, 32701, 32702, 32703, 32707, 32713, and 32714 (MCL 324.30103, 324.32701, 324.32702, 324.32703, 324.32707, 324.32713, and 324.32714), sections 30103, 32702, 32703, and 32713 as added by 1995 PA 59 and sections 32701, 32707, and 32714 as amended by 2003 PA 148, and by adding sections 32703a, 32704a, 32721, 32722, 32723, 32724, 32726, 32727, and 32728; and to repeal acts and parts of acts.

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

1           Sec. 30103. (1) A permit is not required **UNDER THIS PART** for  
2 any of the following:

1 (a) Any fill or structure existing before April 1, 1966, in  
2 waters covered by former ~~Act No. 291 of the Public Acts of 1965~~  
3 **1965 PA 291**, and any fill or structures existing before January 9,  
4 1973, in waters covered for the first time by former ~~Act No. 346~~  
5 ~~of the Public Acts of 1972~~ **1972 PA 346**.

6 (b) A seasonal structure placed on bottomland to facilitate  
7 private noncommercial recreational use of the water if it does not  
8 unreasonably interfere with the use of the water by others entitled  
9 to use the water or interfere with water flow.

10 (c) Reasonable sanding of beaches to the existing water's edge  
11 by a riparian owner.

12 (d) Construction or maintenance of a private agricultural  
13 drain regardless of outlet.

14 (e) A waste collection or treatment facility that is **ORDERED**  
15 **TO BE CONSTRUCTED OR IS** approved for construction by the  
16 department. ~~of public health or ordered or approved by the~~  
17 ~~department.~~

18 (f) Construction and maintenance of minor drainage structures  
19 and facilities which are identified by rule promulgated by the  
20 department pursuant to section 30110(1). Before such a rule is  
21 promulgated, the rule shall be approved by the majority of a  
22 committee consisting of the director, the director of the  
23 department of agriculture, and the director of the state  
24 transportation department or their designated representatives. The  
25 ~~initial~~ rules shall be ~~issued before July 8, 1973, and shall be~~  
26 reviewed at least annually. ~~after that date.~~

27 (g) Maintenance and improvement of all drains legally

1 established or constructed prior to January 1, 1973, pursuant to  
2 the drain code of 1956, ~~Act No. 40 of the Public Acts of 1956,~~  
3 ~~being sections 280.1 to 280.630 of the Michigan Compiled Laws 1956~~  
4 **PA 40, MCL 280.1 TO 280.630**, except those legally established  
5 drains constituting mainstream portions of certain natural  
6 watercourses identified in rules promulgated by the department  
7 under section 30110.

8 (h) Projects constructed under the watershed protection and  
9 flood prevention act, chapter 656, 68 Stat. 666, 16 ~~U.S.C.~~ **USC**  
10 1001 to 1008 and 1010.

11 (i) Construction and maintenance of privately owned cooling or  
12 storage ponds used in connection with a public utility except at  
13 the interface with public waters.

14 (j) Maintenance of a structure constructed under a permit  
15 issued pursuant to this part and identified by rule promulgated  
16 under section 30110(1), if the maintenance is in place and in kind  
17 with no design or materials modification.

18 **(K) A WATER WITHDRAWAL.**

19 **(2) AS USED IN THIS SECTION, "WATER WITHDRAWAL" MEANS THE**  
20 **REMOVAL OF WATER FROM ITS SOURCE FOR ANY PURPOSE.**

21 Sec. 32701. As used in this part:

22 **(A) "ADVERSE RESOURCE IMPACT" MEANS EITHER OF THE FOLLOWING:**

23 **(i) DECREASING THE FLOW OF A STREAM BY PART OF THE INDEX FLOW**  
24 **SUCH THAT THE STREAM'S ABILITY TO SUPPORT CHARACTERISTIC FISH**  
25 **POPULATIONS IS FUNCTIONALLY IMPAIRED.**

26 **(ii) DECREASING THE LEVEL OF A BODY OF SURFACE WATER SUCH THAT**  
27 **THE BODY OF SURFACE WATER'S ABILITY TO SUPPORT CHARACTERISTIC FISH**

1 **POPULATIONS IS FUNCTIONALLY IMPAIRED.**

2 (B) ~~-(a)-~~ "Agricultural purpose" means the agricultural  
3 production of ~~these~~ plants and animals useful to human beings  
4 ~~produced by agriculture~~ and includes, but is not limited to,  
5 forages and sod crops, grains and feed crops, field crops, dairy  
6 **ANIMALS** and dairy products, poultry and poultry products, cervidae,  
7 livestock, including breeding and grazing, equine, fish and other  
8 aquacultural products, bees and bee products, berries, herbs,  
9 fruits, vegetables, flowers, seeds, grasses, nursery stock, trees  
10 and tree products, mushrooms, and other similar products, or any  
11 other product, as determined by the commission of agriculture, that  
12 incorporates the use of food, feed, fiber, or fur.

13 (C) **"BASELINE CAPACITY" MEANS EITHER OF THE FOLLOWING:**

14 (i) **THE FOLLOWING APPLICABLE WITHDRAWAL CAPACITY AS REPORTED TO**  
15 **THE DEPARTMENT OR THE DEPARTMENT OF AGRICULTURE, AS APPROPRIATE, BY**  
16 **THE PERSON MAKING THE WITHDRAWAL IN THE APRIL 1, 2007 ANNUAL REPORT**  
17 **SUBMITTED UNDER SECTION 32707 OR IN THE APRIL 1, 2007 WATER USE**  
18 **CONSERVATION PLAN SUBMITTED UNDER SECTION 32708:**

19 (A) **FOR A COMMUNITY SUPPLY, THE TOTAL DESIGNED WITHDRAWAL**  
20 **CAPACITY FOR THE COMMUNITY SUPPLY UNDER THE SAFE DRINKING WATER**  
21 **ACT, 1976 PA 399, MCL 325.1001 TO 325.1023, ON THE EFFECTIVE DATE**  
22 **OF THE AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH.**

23 (B) **UNLESS REPORTED UNDER A DIFFERENT PROVISION OF THIS**  
24 **SUBPARAGRAPH, FOR A QUARRY OR MINE THAT HOLDS AN AUTHORIZATION TO**  
25 **DISCHARGE UNDER PART 31 THAT INCLUDES A DISCHARGE VOLUME, THE**  
26 **DISCHARGE VOLUME STATED IN THAT AUTHORIZATION ON THE EFFECTIVE DATE**  
27 **OF THE AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH.**

1 (C) THE SYSTEM CAPACITY USED OR DEVELOPED TO MAKE A WITHDRAWAL  
2 ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
3 SUBPARAGRAPH, IF THE SYSTEM CAPACITY AND A DESCRIPTION OF THE  
4 SYSTEM CAPACITY ARE INCLUDED IN AN ANNUAL REPORT THAT IS SUBMITTED  
5 UNDER THIS PART.

6 (ii) IF THE PERSON MAKING THE WITHDRAWAL DOES NOT REPORT UNDER  
7 SUBPARAGRAPH (i), THE HIGHEST ANNUAL AMOUNT OF WATER WITHDRAWN AS  
8 REPORTED UNDER THIS PART FOR CALENDAR YEAR 2002, 2003, 2004, OR  
9 2005.

10 (D) "COMMUNITY SUPPLY" MEANS THAT TERM AS IT IS DEFINED IN  
11 SECTION 2 OF THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL  
12 325.1002.

13 (E) ~~(b)~~ "Consumptive use" means that portion of water  
14 withdrawn or withheld from the Great Lakes basin and assumed to be  
15 lost or otherwise not returned to the Great Lakes basin due to  
16 evaporation, incorporation into products ~~—~~ OR AGRICULTURAL  
17 PRODUCTS, USE AS PART OF THE PACKAGING OF PRODUCTS OR AGRICULTURAL  
18 PRODUCTS, or other processes. CONSUMPTIVE USE INCLUDES A WITHDRAWAL  
19 OF WATERS OF THE GREAT LAKES BASIN THAT IS PACKAGED WITHIN THE  
20 GREAT LAKES BASIN IN A CONTAINER OF 5.7 GALLONS (20 LITERS) OR  
21 LESS.

22 (F) ~~(e)~~ "Department" means the department of environmental  
23 quality.

24 (G) "DESIGNATED TROUT STREAM" MEANS A TROUT STREAM IDENTIFIED  
25 ON THE DOCUMENT ENTITLED "DESIGNATED TROUT STREAMS FOR THE STATE OF  
26 MICHIGAN", AS ISSUED UNDER ORDER OF THE DIRECTOR OF THE DEPARTMENT  
27 OF NATURAL RESOURCES, FO-210.04, ON OCTOBER 10, 2003.

1 (H) "DIVERTED" MEANS A TRANSFER OF WATER BY PIPELINE, CANAL,  
2 TUNNEL, AQUEDUCT, CHANNEL, MODIFICATION OF THE DIRECTION OF A  
3 WATERCOURSE, TANKER SHIP, TANKER TRUCK, RAIL TANKER, OR SIMILAR  
4 MEANS FROM THE GREAT LAKES BASIN INTO A WATERSHED OUTSIDE OF THE  
5 GREAT LAKES BASIN. DIVERTED INCLUDES A TRANSFER OF WATER WITHDRAWN  
6 FROM THE WATERS OF THE GREAT LAKES BASIN THAT IS REMOVED FROM THE  
7 GREAT LAKES BASIN IN A CONTAINER GREATER THAN 5.7 GALLONS (20  
8 LITERS). DIVERTED DOES NOT INCLUDE ANY OF THE FOLLOWING:

9 (i) A CONSUMPTIVE USE.

10 (ii) THE SUPPLY OF VEHICLES, INCLUDING VESSELS AND AIRCRAFT,  
11 WHETHER FOR THE NEEDS OF THE PERSONS OR ANIMALS BEING TRANSPORTED  
12 OR FOR BALLAST OR OTHER NEEDS RELATED TO THE OPERATION OF VEHICLES.

13 (iii) USE IN A NONCOMMERCIAL PROJECT ON A SHORT-TERM BASIS FOR  
14 FIREFIGHTING, HUMANITARIAN, OR EMERGENCY RESPONSE PURPOSES.

15 (I) "ENVIRONMENTALLY SOUND AND ECONOMICALLY FEASIBLE WATER  
16 CONSERVATION MEASURES" MEANS THOSE MEASURES, METHODS, TECHNOLOGIES,  
17 OR PRACTICES FOR EFFICIENT WATER USE AND FOR REDUCTION OF WATER  
18 LOSS AND WASTE OR FOR REDUCING A WITHDRAWAL, CONSUMPTIVE USE, OR  
19 DIVERSION THAT MEET ALL OF THE FOLLOWING:

20 (i) ARE ENVIRONMENTALLY SOUND.

21 (ii) REFLECT BEST PRACTICES APPLICABLE TO THE WATER USE SECTOR.

22 (iii) ARE TECHNICALLY FEASIBLE AND AVAILABLE.

23 (iv) ARE ECONOMICALLY FEASIBLE AND COST-EFFECTIVE BASED ON AN  
24 ANALYSIS THAT CONSIDERS DIRECT AND AVOIDED ECONOMIC AND  
25 ENVIRONMENTAL COSTS.

26 (v) CONSIDER THE PARTICULAR FACILITIES AND PROCESSES INVOLVED,  
27 TAKING INTO ACCOUNT THE ENVIRONMENTAL IMPACT, AGE OF EQUIPMENT AND

1 **FACILITIES INVOLVED, THE PROCESS EMPLOYED, ENERGY IMPACTS, AND**  
2 **OTHER APPROPRIATE FACTORS.**

3 (J) ~~—(d)—~~ "Farm" means that term as it is defined in section 2  
4 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

5 (K) **"GENERALLY ACCEPTED WATER MANAGEMENT PRACTICES" MEANS**  
6 **STANDARDS OR GUIDELINES FOR WATER USE THAT ENSURE WATER IS USED**  
7 **EFFICIENTLY.**

8 (L) ~~—(e)—~~ "Great Lakes basin" means the watershed of the Great  
9 Lakes and the St. Lawrence river.

10 (M) ~~—(f)—~~ "Great Lakes charter" means the document  
11 establishing the principles for the cooperative management of the  
12 Great Lakes water resources, signed by the governors and premiers  
13 of the Great Lakes region on February 11, 1985.

14 (N) ~~—(g)—~~ "Great Lakes region" means the geographic region  
15 composed of the states of Illinois, Indiana, Michigan, Minnesota,  
16 New York, Ohio, and Wisconsin, the commonwealth of Pennsylvania,  
17 and the provinces of Ontario and Quebec, Canada.

18 ~~—(h) "Industrial or processing facility" means an operating~~  
19 ~~plant or other entity, including a thermoelectric power generation~~  
20 ~~plant, carrying on a common manufacturing activity, trade, or~~  
21 ~~business on a common site, including similar plants or entities~~  
22 ~~under common ownership or control located on contiguous properties.~~  
23 ~~Plants or entities under common ownership or control located on~~  
24 ~~separate sites shall be considered separate facilities. Industrial~~  
25 ~~or processing facility does not include an irrigation facility or a~~  
26 ~~farm.~~

27 ~~—(i) "Irrigation facility" means all wells, pumps, intakes,~~

1 ~~gates, tanks, pipes, or other equipment under common ownership or~~  
2 ~~control and located either on the same site or on separate sites,~~  
3 ~~which are used to withdraw, convey, or distribute water for the~~  
4 ~~purposes of irrigating golf courses, parks, recreational areas, or~~  
5 ~~other grounds. Irrigation facility does not include a farm.~~

6 ~~—— (j) "Public water supply system" means a water system that~~  
7 ~~provides water for human consumption or other purposes to persons~~  
8 ~~other than the supplier of water.~~

9 (O) "INDEX FLOW" MEANS THE 50% EXCEEDANCE FLOW FOR THE LOWEST  
10 FLOW MONTH OF THE FLOW REGIME, FOR THE APPLICABLE STREAM REACH, AS  
11 DETERMINED OVER THE PERIOD OF RECORD OR EXTRAPOLATED FROM ANALYSES  
12 OF THE UNITED STATES GEOLOGICAL SURVEY STREAM FLOW GAUGES IN  
13 MICHIGAN.

14 (P) "LARGE QUANTITY WITHDRAWAL" MEANS 1 OR MORE CUMULATIVE  
15 TOTAL WITHDRAWALS OF OVER 100,000 GALLONS OF WATER PER DAY AVERAGE  
16 IN ANY CONSECUTIVE 30-DAY PERIOD THAT SUPPLY A COMMON DISTRIBUTION  
17 SYSTEM.

18 (Q) "NEW OR INCREASED LARGE QUANTITY WITHDRAWAL" MEANS A NEW  
19 WATER WITHDRAWAL OF OVER 100,000 GALLONS OF WATER PER DAY AVERAGE  
20 IN ANY CONSECUTIVE 30-DAY PERIOD OR AN INCREASE OF OVER 100,000  
21 GALLONS OF WATER PER DAY AVERAGE IN ANY CONSECUTIVE 30-DAY PERIOD  
22 BEYOND THE BASELINE CAPACITY OF A WITHDRAWAL.

23 (R) "NEW OR INCREASED WITHDRAWAL CAPACITY" MEANS NEW OR  
24 ADDITIONAL WATER WITHDRAWAL CAPACITY TO SUPPLY A COMMON  
25 DISTRIBUTION SYSTEM THAT IS AN INCREASE FROM THE PERSON'S BASELINE  
26 CAPACITY. NEW OR INCREASED CAPACITY DOES NOT INCLUDE MAINTENANCE OR  
27 REPLACEMENT OF EXISTING WITHDRAWAL CAPACITY.

1           (S) "POLITICAL SUBDIVISION" MEANS THAT TERM AS IT IS DEFINED  
2 IN SECTION 2 OF THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL  
3 325.1002.

4           (T) ~~—(k)—~~ "Registrant" means ~~any industrial or processing~~  
5 ~~facility or irrigation facility registered~~ A PERSON WHO REGISTERS  
6 WATER WITHDRAWAL CAPACITY under this part.

7           (U) ~~—(l)—~~ "Water" "WATERS of the Great Lakes basin" means the  
8 Great Lakes and all streams, rivers, lakes, connecting channels,  
9 and other bodies of water, including groundwater, within the Great  
10 Lakes basin.

11           (V) "WATERS OF THE STATE" MEANS GROUNDWATER, LAKES, RIVERS,  
12 AND STREAMS AND ALL OTHER WATERCOURSES AND WATERS, INCLUDING THE  
13 GREAT LAKES, WITHIN THE TERRITORIAL BOUNDARIES OF THE STATE. WATERS  
14 OF THE STATE DO NOT INCLUDE DRAINAGE WAYS AND PONDS DESIGNED AND  
15 CONSTRUCTED SOLELY FOR WASTEWATER CONVEYANCE, TREATMENT, OR  
16 CONTROL.

17           (W) ~~—(m)—~~ "Withdrawal" means the removal of water from its  
18 source for any purpose, other than for hydroelectric generation at  
19 sites certified, licensed, or permitted by the federal energy  
20 regulatory commission.

21           Sec. 32702. (1) The legislature finds and declares that:

22           (a) A diversion of water out of the basin of the Great Lakes  
23 may impair or destroy the Great Lakes. The legislature further  
24 finds that a limitation on such diversions is authorized by and is  
25 consistent with the mandate of section 52 of article IV of the  
26 state constitution of 1963 that the legislature provide for the  
27 protection of the air, water, and other natural resources of the

1 state from pollution, impairment, and destruction.

2 (b) Water use registration and reporting are essential to  
3 implementing the principles of the Great Lakes charter and  
4 necessary to support the state's opposition to diversion of waters  
5 of the Great Lakes basin and to provide a source of information on  
6 water use to protect Michigan's rights when proposed water losses  
7 affect the level, flow, use, or quality of waters of the Great  
8 Lakes basin.

9 (c) The waters of the state are valuable public natural  
10 resources held in trust by the state, and the state has a duty as  
11 trustee to manage its waters effectively for the use and enjoyment  
12 of present and future residents and for the protection of the  
13 environment.

14 (d) The waters of the Great Lakes basin are a valuable public  
15 natural resource, and the states and provinces of the Great Lakes  
16 region and Michigan share a common interest in the preservation of  
17 that resource.

18 (e) Any new diversion of waters of the Great Lakes basin for  
19 use outside of the Great Lakes basin will have significant economic  
20 and environmental impact adversely affecting the use of this  
21 resource by the Great Lakes states and Canadian provinces.

22 (f) The continued availability of water for domestic,  
23 municipal, industrial, and agricultural water supplies, navigation,  
24 hydroelectric power and energy production, recreation, and the  
25 maintenance of fish and wildlife habitat and a balanced ecosystem  
26 are vital to the future economic health of the states and provinces  
27 of the Great Lakes region.

1 (g) Future interbasin diversions and consumptive uses of  
2 waters of the Great Lakes basin may have significant adverse  
3 impacts upon the environment, economy, and welfare of the Great  
4 Lakes region and of this state.

5 (h) The states and provinces of the Great Lakes region have a  
6 duty to protect, conserve, and manage their shared water resources  
7 for the use and enjoyment of present and future residents.

8 (I) THE WATERS OF THE GREAT LAKES BASIN ARE CAPABLE OF  
9 CONCURRENTLY SERVING MULTIPLE USES, AND SUCH MULTIPLE USES OF WATER  
10 RESOURCES FOR MUNICIPAL, PUBLIC, INDUSTRIAL, COMMERCIAL,  
11 AGRICULTURE, MINING, NAVIGATION, ENERGY DEVELOPMENT AND PRODUCTION,  
12 RECREATION, WATER QUALITY MAINTENANCE, AND THE MAINTENANCE OF FISH  
13 AND WILDLIFE HABITAT AND A BALANCED ECOSYSTEM AND OTHER PURPOSES  
14 ARE ENCOURAGED, RECOGNIZING THAT SUCH USES ARE INTERDEPENDENT AND  
15 MUST BE BALANCED.

16 (2) THE LEGISLATURE HAS THE AUTHORITY UNDER SECTIONS 51 AND 52  
17 OF ARTICLE IV OF THE STATE CONSTITUTION OF 1963 TO REGULATE THE  
18 WITHDRAWAL AND USES OF THE WATERS OF THE STATE, INCLUDING BOTH  
19 SURFACE WATER AND GROUNDWATER, TO PROMOTE THE PUBLIC HEALTH,  
20 SAFETY, AND WELFARE AND TO PROTECT THE NATURAL RESOURCES OF THE  
21 STATE FROM POLLUTION, IMPAIRMENT, AND DESTRUCTION, SUBJECT TO  
22 CONSTITUTIONAL PROTECTIONS AGAINST UNREASONABLE OR ARBITRARY  
23 GOVERNMENTAL ACTION AND THE TAKING OF PROPERTY WITHOUT JUST  
24 COMPENSATION. THIS AUTHORITY EXTENDS TO ALL WATERS WITHIN THE  
25 TERRITORIAL BOUNDARIES OF THE STATE.

26 Sec. 32703. Subject to section 32704, the waters of the Great  
27 Lakes **BASIN** within the boundaries of this state shall not be

Senate Bill No. 850 (H-4) as amended February 9, 2006  
1 diverted out of the ~~drainage basin of the~~ Great Lakes BASIN.

2 SEC. 32703A. (1) IF THE PROHIBITION IN SECTION 32703 IS  
3 DETERMINED TO BE INVALID, THE WATERS OF THE STATE SHALL NOT BE  
4 DIVERTED UNLESS AUTHORIZED BY LAW.

5 (2) WHEN CONSIDERING WHETHER TO GRANT LEGISLATIVE APPROVAL FOR  
6 A DIVERSION, THE LEGISLATURE SHALL CONSIDER [SECTIONS 51 AND 52] OF  
ARTICLE

7 IV OF THE STATE CONSTITUTION OF 1963 AND WHETHER THE PROJECT SERVES  
8 A PUBLIC PURPOSE, WHETHER THE PROJECT WILL RESULT IN NO MATERIAL  
9 HARM TO THE WATERS OF THE STATE, THE PUBLIC TRUST, OR RELATED  
10 PURPOSES, AND WHETHER THE PROJECT WOULD RESULT IN ANY IMPROVEMENT  
11 TO THE WATERS OF THE STATE OR THE WATER DEPENDENT NATURAL RESOURCES  
12 OF THE STATE.

13 SEC. 32704A. THE GOVERNOR SHALL ESTABLISH A PUBLIC COMMENT  
14 PERIOD WITH REGARD TO A PROPOSAL SUBJECT TO 42 USC 1962D-20 TO  
15 DIVERT WATERS OF THE GREAT LAKES BASIN OUTSIDE OF THE GREAT LAKES  
16 BASIN AND SHALL NOTIFY THE STANDING COMMITTEES OF THE LEGISLATURE  
17 WITH JURISDICTION OVER ISSUES PRIMARILY PERTAINING TO NATURAL  
18 RESOURCES AND THE ENVIRONMENT OF HIS OR HER RECEIPT OF THE  
19 PROPOSAL. THE GOVERNOR MAY WAIVE THE COMMENT PERIOD UNDER THIS  
20 SECTION IF HE OR SHE DETERMINES THAT IT IS NECESSARY TO TAKE  
21 IMMEDIATE ACTION TO PROVIDE HUMANITARIAN RELIEF OR FIREFIGHTING  
22 CAPABILITIES.

23 Sec. 32707. (1) Except as provided in subsections (2) and (3),  
24 a person who ~~owns an industrial or processing facility, an~~  
25 ~~irrigation facility, or a farm registered under this part~~ IS  
26 REQUIRED TO REGISTER UNDER SECTION 32705 OR HOLDS A PERMIT UNDER  
27 SECTION 32723 shall file a report annually with the department on a

1 form provided by the department. Reports shall be submitted by  
2 April 1 of each year. ~~Reports~~ **EXCEPT AS PROVIDED IN SUBSECTION**  
3 **(8), REPORTS** shall include the following information:

4 (a) The amount and rate of water withdrawn on an annual and  
5 monthly basis.

6 (b) The source or sources of the water supply.

7 (c) The use or uses of the water withdrawn.

8 (d) The amount of consumptive use of water withdrawn.

9 (e) If the source of the water withdrawn is groundwater, the  
10 location of the well or wells in latitude and longitude, with the  
11 accuracy of the reported location data to within ~~15~~ 25 feet.

12 (f) If the source of water withdrawn is groundwater, the  
13 static water level of the aquifer or aquifers, **IF PRACTICABLE**.

14 (g) Other information specified by rule of the department.

15 **(H) AT THE DISCRETION OF THE REGISTRANT OR PERMIT HOLDER, THE**  
16 **BASELINE CAPACITY OF THE WITHDRAWAL AND, IF APPLICABLE, A**  
17 **DESCRIPTION OF THE SYSTEM CAPACITY. IF THE REGISTRANT OR PERMIT**  
18 **HOLDER CHOOSES TO REPORT THE BASELINE CAPACITY UNDER THIS**  
19 **SUBDIVISION, THAT INFORMATION SHALL BE INCLUDED IN THE NEXT REPORT**  
20 **SUBMITTED BY THE REGISTRANT OR PERMIT HOLDER AFTER THE EFFECTIVE**  
21 **DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION. INFORMATION**  
22 **REPORTED UNDER THIS SUBDIVISION NEEDS ONLY TO BE REPORTED TO THE**  
23 **DEPARTMENT ON 1 OCCASION.**

24 **(I) AT THE DISCRETION OF THE REGISTRANT OR PERMIT HOLDER, THE**  
25 **AMOUNT OF WATER RETURNED TO THE SOURCE WATERSHED.**

26 (2) If a person reports the information required by this  
27 section to the department in conjunction with a permit or for any

1 other purpose, that reporting, upon approval of the department,  
2 shall satisfy the reporting requirements of this section.

3 (3) The owner of a farm who reports water use under section  
4 32708 is not required to report under subsection (1).

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

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

16 (6) **INFORMATION DESCRIBED IN SECTION 32701(C) (i) (C) THAT IS**  
17 **PROVIDED TO THE DEPARTMENT UNDER SUBSECTION (1) (H) IS EXEMPT FROM**  
18 **DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL**  
19 **15.231 TO 15.246, AND SHALL NOT BE DISCLOSED UNLESS THE DEPARTMENT**  
20 **DETERMINES THAT THE WITHDRAWAL IS CAUSING AN ADVERSE RESOURCE**  
21 **IMPACT.**

22 (7) ~~-(6)-A~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A**  
23 **person who files an annual report or notification under this**  
24 **section shall annually remit a water use reporting fee of ~~-\$100.00~~**  
25 **\$200.00 to the department. BEGINNING WHEN A WATER WITHDRAWAL**  
26 **ASSESSMENT TOOL BECOMES EFFECTIVE UPON LEGISLATIVE ENACTMENT**  
27 **PURSUANT TO THE RECOMMENDATIONS OF THE GROUNDWATER CONSERVATION**

1 **ADVISORY COUNCIL UNDER SECTION 32803, A PERSON WHO FILES AN ANNUAL**  
2 **REPORT OR NOTIFICATION UNDER THIS SECTION SHALL ANNUALLY REMIT A**  
3 **WATER USE REPORTING FEE OF \$100.00 TO THE DEPARTMENT.** Water use  
4 reporting fees shall be remitted to the department in conjunction  
5 with the annual report or notification submitted under this  
6 section. The department shall transmit water use reporting fees  
7 collected under this section to the state treasurer to be credited  
8 to the water use protection fund created in section 32714. A water  
9 use reporting fee is not required for a report or notification  
10 related to a farm that reports ~~water use~~ **WITHDRAWALS** under  
11 section 32708 **OR FOR A REPORT UNDER SUBSECTION (8).**

12 **(8) A PERSON WHO WITHDRAWS LESS THAN 1,500,000 GALLONS OF**  
13 **WATER IN ANY YEAR SHALL INDICATE THIS FACT ON THE REPORTING FORM**  
14 **AND IS NOT REQUIRED TO PROVIDE INFORMATION UNDER SUBSECTION (1) (A)**  
15 **OR (D). A PERSON WHO WITHDRAWS LESS THAN 1,500,000 GALLONS OF WATER**  
16 **IN ANY YEAR IS NOT REQUIRED TO PAY THE WATER USE REPORTING FEE**  
17 **UNDER SUBSECTION (7).**

18 Sec. 32713. The department may request the attorney general to  
19 commence a civil action for appropriate relief, including a  
20 permanent or temporary injunction, for a violation of this part or  
21 a rule promulgated under this part. An action under this section  
22 shall be brought in the circuit court for the county of Ingham or  
23 for the county in which the defendant is located, resides, or is  
24 doing business. The court has jurisdiction to restrain the  
25 violation and to require compliance. In addition to any other  
26 relief granted, the court may impose a civil fine of not more than  
27 \$1,000.00. **HOWEVER, A PERSON WHO KNOWINGLY VIOLATES SECTION 32721**

1 OR 32723 OR THE TERMS OF A PERMIT ISSUED UNDER SECTION 32723 IS  
2 RESPONSIBLE FOR THE PAYMENT OF A CIVIL FINE OF NOT MORE THAN  
3 \$5,000.00 PER DAY OF VIOLATION. In addition to a fine, the attorney  
4 general may file a suit in a court of competent jurisdiction to  
5 recover the full value of the costs of surveillance and enforcement  
6 by the state resulting from the violation.

7 Sec. 32714. (1) The water use protection fund is created  
8 within the state treasury.

9 (2) The state treasurer may receive money or other assets from  
10 any source for deposit into the fund. The state treasurer shall  
11 direct the investment of the fund, and shall credit to the fund  
12 interest and earnings from fund investments.

13 (3) Money in the fund at the close of the fiscal year shall  
14 remain in the fund and shall not lapse into the general fund.

15 (4) The department may expend money from the fund, upon  
16 appropriation, only for 1 or more of the following:

17 (a) The implementation and administration of this part.

18 (b) The preparation of the statewide groundwater inventory and  
19 map under section 32802.

20 (C) THE EXPENSES OF THE GROUNDWATER CONSERVATION ADVISORY  
21 COUNCIL UNDER PART 328.

22 (D) ~~(e)~~ The implementation and administration of part 317.

23 SEC. 32721. (1) A PERSON SHALL NOT MAKE A NEW OR INCREASED  
24 LARGE QUANTITY WITHDRAWAL FROM THE WATERS OF THE STATE THAT CAUSES  
25 AN ADVERSE RESOURCE IMPACT TO A DESIGNATED TROUT STREAM.

26 (2) BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF THE  
27 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT MAKE A

1 NEW OR INCREASED LARGE QUANTITY WITHDRAWAL FROM THE WATERS OF THE  
2 STATE THAT CAUSES AN ADVERSE RESOURCE IMPACT.

3 (3) THIS SECTION DOES NOT APPLY TO THE BASELINE CAPACITY OF A  
4 LARGE QUANTITY WITHDRAWAL OR A WELL CAPABLE OF MAKING A LARGE  
5 QUANTITY WITHDRAWAL THAT EXISTED ON THE EFFECTIVE DATE OF THE  
6 AMENDATORY ACT THAT ADDED THIS SECTION.

7 (4) THIS SECTION DOES NOT APPLY TO A WITHDRAWAL THAT IS  
8 UTILIZED SOLELY FOR FIRE SUPPRESSION.

9 SEC. 32722. (1) UNTIL A WATER WITHDRAWAL ASSESSMENT TOOL  
10 BECOMES EFFECTIVE UPON LEGISLATIVE ENACTMENT PURSUANT TO THE  
11 RECOMMENDATIONS OF THE GROUNDWATER CONSERVATION ADVISORY COUNCIL  
12 UNDER SECTION 32803, THERE IS A REBUTTABLE PRESUMPTION THAT A NEW  
13 OR INCREASED LARGE QUANTITY WITHDRAWAL WILL NOT CAUSE AN ADVERSE  
14 RESOURCE IMPACT IN VIOLATION OF SECTION 32721 UNDER EITHER OF THE  
15 FOLLOWING CIRCUMSTANCES:

16 (A) THE LOCATION OF THE WITHDRAWAL IS MORE THAN 1,320 FEET  
17 FROM THE BANKS OF A DESIGNATED TROUT STREAM.

18 (B) THE WITHDRAWAL DEPTH OF THE WELL IS AT LEAST 150 FEET.

19 (2) A PRESUMPTION UNDER SUBSECTION (1) MAY BE REBUTTED BY A  
20 PREPONDERANCE OF EVIDENCE THAT A NEW OR INCREASED LARGE QUANTITY  
21 WITHDRAWAL FROM THE WATERS OF THE STATE HAS CAUSED OR IS LIKELY TO  
22 CAUSE AN ADVERSE RESOURCE IMPACT.

23 SEC. 32723. (1) EXCEPT AS PROVIDED IN SUBSECTION (10), THE  
24 FOLLOWING PERSONS SHALL OBTAIN A WATER WITHDRAWAL PERMIT PRIOR TO  
25 MAKING THE WITHDRAWAL:

26 (A) A PERSON WHO DEVELOPS WITHDRAWAL CAPACITY TO MAKE A NEW  
27 WITHDRAWAL OF OVER 2,000,000 GALLONS OF WATER PER DAY FROM THE

1 WATERS OF THE STATE, OTHER THAN THE GREAT LAKES AND THEIR  
2 CONNECTING WATERWAYS, TO SUPPLY A COMMON DISTRIBUTION SYSTEM.

3 (B) A PERSON WHO DEVELOPS INCREASED WITHDRAWAL CAPACITY BEYOND  
4 BASELINE CAPACITY OF MORE THAN 2,000,000 GALLONS OF WATER PER DAY  
5 FROM THE WATERS OF THE STATE, OTHER THAN THE GREAT LAKES AND THEIR  
6 CONNECTING WATERWAYS, TO SUPPLY A COMMON DISTRIBUTION SYSTEM.

7 (C) A PERSON WHO DEVELOPS WITHDRAWAL CAPACITY TO MAKE A NEW  
8 WITHDRAWAL OF MORE THAN 5,000,000 GALLONS OF WATER PER DAY FROM THE  
9 GREAT LAKES AND THEIR CONNECTING WATERWAYS TO SUPPLY A COMMON  
10 DISTRIBUTION SYSTEM.

11 (D) A PERSON WHO DEVELOPS INCREASED WITHDRAWAL CAPACITY BEYOND  
12 BASELINE CAPACITY OF MORE THAN 5,000,000 GALLONS OF WATER PER DAY  
13 FROM THE GREAT LAKES AND THEIR CONNECTING WATERWAYS TO SUPPLY A  
14 COMMON DISTRIBUTION SYSTEM.

15 (2) A PERSON SHALL APPLY FOR A PERMIT UNDER THIS SECTION BY  
16 SUBMITTING AN APPLICATION TO THE DEPARTMENT CONTAINING THE  
17 INFORMATION DESCRIBED IN SECTION 32706. IN ADDITION, UNTIL 5 YEARS  
18 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
19 SECTION, THE APPLICANT SHALL SUBMIT AN APPLICATION FEE IN THE  
20 AMOUNT OF \$2,000.00. THE DEPARTMENT SHALL TRANSMIT WATER USE  
21 REPORTING FEES COLLECTED UNDER THIS SECTION TO THE STATE TREASURER  
22 TO BE CREDITED TO THE WATER USE PROTECTION FUND CREATED IN SECTION  
23 32714. THE DEPARTMENT SHALL PROVIDE PUBLIC NOTICE OF ALL  
24 APPLICATIONS RECEIVED UNDER THIS SECTION.

25 (3) A PERMIT APPLICATION IS CONSIDERED TO BE ADMINISTRATIVELY  
26 COMPLETE EFFECTIVE 30 DAYS AFTER IT IS RECEIVED BY THE DEPARTMENT  
27 UNLESS THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING, DURING

1 THIS 30-DAY PERIOD THAT THE APPLICATION IS NOT ADMINISTRATIVELY  
2 COMPLETE OR THAT THE FEE REQUIRED TO BE ACCOMPANIED WITH THE  
3 APPLICATION HAS NOT BEEN PAID. IF THE DEPARTMENT DETERMINES THAT  
4 THE APPLICATION IS NOT ADMINISTRATIVELY COMPLETE, THE NOTIFICATION  
5 SHALL SPECIFY THE INFORMATION NECESSARY TO MAKE THE APPLICATION  
6 ADMINISTRATIVELY COMPLETE. IF THE DEPARTMENT NOTIFIES THE APPLICANT  
7 AS PROVIDED IN THIS SUBSECTION, THE 30-DAY PERIOD IS TOLLED UNTIL  
8 THE APPLICANT SUBMITS TO THE DEPARTMENT THE SPECIFIED INFORMATION  
9 OR FEE.

10 (4) THE DEPARTMENT SHALL MAKE A DECISION WHETHER TO GRANT OR  
11 DENY A PERMIT UNDER THIS SECTION WITHIN 120 DAYS OF RECEIPT OF AN  
12 ADMINISTRATIVELY COMPLETE APPLICATION.

13 (5) THE DEPARTMENT SHALL ISSUE A PERMIT UNDER SUBSECTION  
14 (1) (A) OR (B) IF THE DEPARTMENT DETERMINES THAT THE WITHDRAWAL IS  
15 NOT LIKELY TO CAUSE AN ADVERSE RESOURCE IMPACT.

16 (6) THE DEPARTMENT SHALL ISSUE A PERMIT UNDER SUBSECTION  
17 (1) (C) OR (D) IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

18 (A) ALL WATER WITHDRAWN, LESS ANY CONSUMPTIVE USE, IS  
19 RETURNED, EITHER NATURALLY OR AFTER USE, TO THE SOURCE WATERSHED.

20 (B) THE WITHDRAWAL WILL BE IMPLEMENTED SO AS TO ENSURE THAT  
21 THE PROPOSAL WILL RESULT IN NO INDIVIDUAL OR CUMULATIVE ADVERSE  
22 RESOURCE IMPACTS. CUMULATIVE ADVERSE RESOURCE IMPACTS UNDER THIS  
23 SUBDIVISION SHALL BE EVALUATED BY THE DEPARTMENT BASED UPON  
24 AVAILABLE INFORMATION GATHERED BY THE DEPARTMENT.

25 (C) SUBJECT TO SECTION 32726, THE WITHDRAWAL WILL BE  
26 IMPLEMENTED SO AS TO ENSURE THAT IT IS IN COMPLIANCE WITH ALL  
27 APPLICABLE LOCAL, STATE, AND FEDERAL LAWS AS WELL AS ALL LEGALLY

1 BINDING REGIONAL INTERSTATE AND INTERNATIONAL AGREEMENTS, INCLUDING  
2 THE BOUNDARY WATERS TREATY OF 1909.

3 (D) THE PROPOSED USE IS REASONABLE UNDER COMMON LAW PRINCIPLES  
4 OF WATER LAW IN MICHIGAN.

5 (E) THE APPLICANT HAS CONSIDERED VOLUNTARY GENERALLY ACCEPTED  
6 WATER MANAGEMENT PRACTICES OR ENVIRONMENTALLY SOUND AND  
7 ECONOMICALLY FEASIBLE WATER CONSERVATION MEASURES.

8 (7) A PERMIT ISSUED UNDER PART 31 PURSUANT TO 33 USC 1326(B)  
9 SHALL BE CONSIDERED SUFFICIENT TO DEMONSTRATE THAT THERE WILL NOT  
10 BE AN ADVERSE RESOURCE IMPACT UNDER SECTION 32721 AND SATISFIES THE  
11 CONDITIONS FOR A PERMIT UNDER THIS SECTION. UPON RECEIPT OF A  
12 PERMIT APPLICATION AND EVIDENCE THAT THE APPLICANT HOLDS A PART 31  
13 PERMIT DESCRIBED IN THIS SUBSECTION, THE DEPARTMENT SHALL GRANT THE  
14 APPLICANT A PERMIT UNDER THIS SUBSECTION.

15 (8) THE DEPARTMENT MAY REVOKE A PERMIT ISSUED UNDER THIS  
16 SECTION IF THE DEPARTMENT DETERMINES FOLLOWING A HEARING, BASED  
17 UPON CLEAR AND CONVINCING SCIENTIFIC EVIDENCE, THAT THE WITHDRAWAL  
18 IS CAUSING AN ADVERSE RESOURCE IMPACT.

19 (9) A PERSON WHO IS AGGRIEVED BY A DETERMINATION OF THE  
20 DEPARTMENT UNDER THIS SECTION RELATED TO A PERMIT MAY FILE A SWORN  
21 PETITION WITH THE DEPARTMENT SETTING FORTH THE GROUNDS AND REASONS  
22 FOR THE COMPLAINT AND ASKING FOR A CONTESTED CASE HEARING ON THE  
23 MATTER PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969  
24 PA 306, MCL 24.201 TO 24.328. A PETITION FILED MORE THAN 60 DAYS  
25 AFTER ACTION ON THE PERMIT MAY BE REJECTED BY THE DEPARTMENT AS  
26 BEING UNTIMELY. THE DEPARTMENT SHALL ISSUE A FINAL DECISION ON A  
27 PETITION FOR A CONTESTED CASE HEARING WITHIN 6 MONTHS AFTER

1 RECEIVING THE PETITION. A DETERMINATION, ACTION, OR INACTION BY THE  
2 DEPARTMENT FOLLOWING A CONTESTED CASE HEARING IS SUBJECT TO  
3 JUDICIAL REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF  
4 1969, 1969 PA 306, MCL 24.201 TO 24.328.

5 (10) THE FOLLOWING ARE NOT REQUIRED TO OBTAIN A PERMIT UNDER  
6 THIS SECTION:

7 (A) A COMMUNITY SUPPLY OWNED BY A POLITICAL SUBDIVISION THAT  
8 HOLDS A PERMIT UNDER THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL  
9 325.1001 TO 325.1023.

10 (B) A PERSON WHO MAKES SEASONAL WITHDRAWALS OF NOT MORE THAN  
11 2,000,000 GALLONS OF WATER PER DAY AVERAGE IN ANY CONSECUTIVE 90-  
12 DAY PERIOD TO SUPPLY A COMMON DISTRIBUTION SYSTEM.

13 (C) A PERSON ENGAGED IN PRODUCING BOTTLED DRINKING WATER WHO  
14 RECEIVES APPROVAL BY THE DEPARTMENT UNDER A WATER SOURCE REVIEW  
15 CONDUCTED UNDER SECTION 17 OF THE SAFE DRINKING WATER ACT, 1976 PA  
16 399, MCL 325.1017.

17 (11) AS USED IN THIS SECTION:

18 (A) "GREAT LAKES AND THEIR CONNECTING WATERWAYS" MEANS LAKES  
19 SUPERIOR, MICHIGAN, HURON, ERIE, AND ONTARIO AND THEIR CONNECTING  
20 WATERWAYS INCLUDING THE ST. MARYS RIVER, LAKE ST. CLAIR, THE ST.  
21 CLAIR RIVER, AND THE DETROIT RIVER. FOR PURPOSES OF THIS SECTION,  
22 LAKES HURON AND MICHIGAN SHALL BE CONSIDERED A SINGLE GREAT LAKE.

23 (B) "SOURCE WATERSHED" MEANS THE WATERSHED FROM WHICH A  
24 WITHDRAWAL ORIGINATES. IF WATER IS WITHDRAWN DIRECTLY FROM A GREAT  
25 LAKE, THEN THE SOURCE WATERSHED SHALL BE CONSIDERED TO BE THE  
26 WATERSHED OF THAT GREAT LAKE AND ITS CONNECTING WATERWAYS. IF WATER  
27 IS WITHDRAWN FROM THE WATERSHED OF A STREAM THAT IS A DIRECT

1 TRIBUTARY TO A GREAT LAKE, THEN THE SOURCE WATERSHED SHALL BE  
2 CONSIDERED TO BE THE WATERSHED OF THAT GREAT LAKE, WITH A  
3 PREFERENCE FOR RETURNING WATER TO THE DIRECT TRIBUTARY STREAM  
4 WATERSHED FROM WHICH IT WAS WITHDRAWN.

5 SEC. 32724. (1) A PERSON WHO INTENDS TO MAKE A NEW OR  
6 INCREASED LARGE QUANTITY WITHDRAWAL FOR WHICH A PERMIT IS NOT  
7 REQUIRED UNDER SECTION 32723 MAY PETITION THE DEPARTMENT FOR A  
8 DETERMINATION THAT THE NEW OR INCREASED WITHDRAWAL IS NOT LIKELY TO  
9 CAUSE AN ADVERSE RESOURCE IMPACT.

10 (2) A PETITION UNDER SUBSECTION (1) SHALL BE SUBMITTED ON A  
11 FORM PROVIDED BY THE DEPARTMENT. A REPORT SHALL BE SUBMITTED WITH  
12 THE PETITION CONTAINING THE INFORMATION DESCRIBED IN SECTION 32706  
13 AND AN EVALUATION OF ENVIRONMENTAL, HYDROLOGICAL, AND  
14 HYDROGEOLOGICAL CONDITIONS THAT EXIST AND THE PREDICTED EFFECTS OF  
15 THE INTENDED WITHDRAWAL THAT PROVIDES A REASONABLE BASIS FOR THE  
16 DETERMINATION TO BE MADE. THE PETITIONER SHALL ALSO INCLUDE WITH  
17 THE PETITION A FEE OF \$5,000.00. THE DEPARTMENT SHALL TRANSMIT  
18 WATER USE REPORTING FEES COLLECTED UNDER THIS SECTION TO THE STATE  
19 TREASURER TO BE CREDITED TO THE WATER USE PROTECTION FUND CREATED  
20 IN SECTION 32714.

21 (3) A PETITION IS CONSIDERED TO BE ADMINISTRATIVELY COMPLETE  
22 EFFECTIVE 30 DAYS AFTER IT IS RECEIVED BY THE DEPARTMENT UNLESS THE  
23 DEPARTMENT NOTIFIES THE PETITIONER, IN WRITING, DURING THIS 30-DAY  
24 PERIOD THAT THE PETITION IS NOT ADMINISTRATIVELY COMPLETE OR THAT  
25 THE FEE REQUIRED TO BE ACCOMPANIED WITH THE PETITION HAS NOT BEEN  
26 PAID. IF THE DEPARTMENT DETERMINES THAT THE PETITION IS NOT  
27 ADMINISTRATIVELY COMPLETE, THE NOTIFICATION SHALL SPECIFY THE

1 INFORMATION NECESSARY TO MAKE THE PETITION ADMINISTRATIVELY  
2 COMPLETE. IF THE DEPARTMENT NOTIFIES THE PETITIONER AS PROVIDED IN  
3 THIS SUBSECTION, THE 30-DAY PERIOD IS TOLLED UNTIL THE PETITIONER  
4 SUBMITS TO THE DEPARTMENT THE APPROPRIATE INFORMATION OR FEE.

5 (4) WITHIN 120 DAYS AFTER RECEIPT OF AN ADMINISTRATIVELY  
6 COMPLETE PETITION, THE DEPARTMENT SHALL ISSUE A WRITTEN  
7 DETERMINATION TO THE PETITIONER THAT DOES EITHER OF THE FOLLOWING:

8 (A) AFFIRMS THAT THE PROPOSED WITHDRAWAL IS NOT LIKELY TO  
9 CAUSE AN ADVERSE RESOURCE IMPACT.

10 (B) SPECIFIES THE REASONS THAT AN AFFIRMATIVE DETERMINATION  
11 UNDER SUBDIVISION (A) CANNOT BE MADE AND STATES HOW THE PETITIONER  
12 CAN MEET THE CRITERIA TO OBTAIN AN AFFIRMATIVE DETERMINATION.

13 (5) IN MAKING A DETERMINATION UNDER SUBSECTION (4) WITH REGARD  
14 TO A COMMUNITY SUPPLY OWNED BY A POLITICAL SUBDIVISION, THE  
15 DEPARTMENT SHALL CONSIDER THE FACTORS PROVIDED IN SECTION 4(4)(A)  
16 AND (B) OF THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1004.

17 (6) A WATER WITHDRAWAL WITH REGARD TO WHICH AN AFFIRMATIVE  
18 DETERMINATION IS ISSUED UNDER THIS SECTION SHALL BE PRESUMED NOT TO  
19 CREATE AN ADVERSE RESOURCE IMPACT. A PRESUMPTION UNDER THIS  
20 SUBSECTION MAY BE REBUTTED BY A PREPONDERANCE OF EVIDENCE THAT THE  
21 WITHDRAWAL HAS CAUSED OR IS LIKELY TO CAUSE AN ADVERSE RESOURCE  
22 IMPACT.

23 (7) THE DEPARTMENT SHALL SUBMIT A REPORT EVERY 2 YEARS TO THE  
24 SENATE AND HOUSE APPROPRIATIONS COMMITTEES AND TO THE STANDING  
25 COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES WITH  
26 JURISDICTION PRIMARILY RELATED TO NATURAL RESOURCES AND THE  
27 ENVIRONMENT THAT IDENTIFIES THE COSTS TO THE DEPARTMENT IN

Senate Bill No. 850 (H-4) as amended February 9, 2006

1 REVIEWING PETITIONS UNDER THIS SECTION AND IN REVIEWING  
2 APPLICATIONS FOR PERMITS UNDER SECTION 32723. ADDITIONALLY, THE  
3 REPORT SHALL DETAIL THE REVENUES GENERATED FROM PETITIONS UNDER  
4 THIS SECTION, PERMIT APPLICANTS UNDER SECTION 32723, AND REPORTING  
5 FEES UNDER SECTION 32707.

6 SEC. 32726. EXCEPT AS AUTHORIZED BY THE PUBLIC HEALTH CODE,  
7 1978 PA 368, MCL 333.1101 TO 333.25211, A LOCAL UNIT OF GOVERNMENT  
8 SHALL NOT ENACT OR ENFORCE AN ORDINANCE THAT REGULATES A LARGE  
9 QUANTITY WITHDRAWAL. THIS SECTION IS NOT INTENDED TO DIMINISH OR  
10 CREATE ANY EXISTING AUTHORITY OF MUNICIPALITIES TO REQUIRE PERSONS  
11 TO CONNECT TO MUNICIPAL WATER SUPPLY SYSTEMS AS AUTHORIZED BY LAW.

12 SEC. 32727. A WITHDRAWAL PURSUANT TO PART 111, 115, 201, OR  
13 213 IS EXEMPT FROM THE REQUIREMENTS OF THIS PART.

14 SEC. 32728. THIS PART SHALL NOT BE CONSTRUED AS AFFECTING,  
15 INTENDING TO AFFECT, OR IN ANY WAY ALTERING OR INTERFERING WITH  
16 COMMON LAW WATER RIGHTS OR THE APPLICABILITY OF OTHER LAWS  
17 PROVIDING FOR THE PROTECTION OF NATURAL RESOURCES OR THE  
18 ENVIRONMENT.

19 Enacting section 1. Sections 32711 and 32712 of the natural  
20 resources and environmental protection act, 1994 PA 451, MCL  
21 324.32711 and 324.32712, are repealed.

22 Enacting section 2. This amendatory act does not take effect  
23 unless all of the following bills of the 93rd Legislature are  
24 enacted into law:

25 [

26 (a)] Senate Bill No. 851.

27 [(b)] Senate Bill No. 852.

Senate Bill No. 850 (H-4) as amended February 9, 2006

1 [(c)] Senate Bill No. 854.

2 [(d)] Senate Bill No. 857.