

HOUSE BILL No. 5369

October 26, 2005, Introduced by Reps. Sak, Gillard, Murphy, Anderson, Alma Smith, Whitmer, Byrum, Kathleen Law, Meisner, Wojno, Bieda, Bennett, Clack, Angerer, Gleason, Kehrl, Polidori, Gonzales, Donigan, Farrah, Clemente, Vagnozzi, Leland, Tobocman, Sheltroun, Cushingberry, Lemmons, Jr., Brandenburg, Miller, Byrnes, Hopgood, Espinoza, McDowell, Gaffney, Stewart, Nofs and Lemmons, III and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32701 and 32706 (MCL 324.32701 and 324.32706), section 32701 as amended by 2003 PA 148 and section 32706 as amended by 1996 PA 434, and by adding section 32707a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32701. As used in this part:

2 (a) "Agricultural purpose" means the agricultural production
3 of ~~those~~ plants and animals useful to human beings ~~produced by~~
4 ~~agriculture~~ and includes, but is not limited to, forages and sod
5 crops, grains and feed crops, field crops, dairy **ANIMALS** and dairy
6 products, poultry and poultry products, cervidae, livestock,
7 including breeding and grazing, equine **ANIMALS**, fish and other

1 aquacultural products, bees and bee products, berries, herbs,
2 fruits, vegetables, flowers, seeds, grasses, nursery stock, trees
3 and tree products, mushrooms, and other similar products, or any
4 other product, as determined by the commission of agriculture, that
5 incorporates the use of food, feed, fiber, or fur.

6 (b) "Consumptive use" means that portion of water withdrawn or
7 withheld from the Great Lakes basin and assumed to be lost or
8 otherwise not returned to the Great Lakes basin due to evaporation,
9 incorporation into products, or other processes.

10 (c) "Department" means the department of environmental
11 quality.

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

14 **(E) "GENERALLY ACCEPTED CONSERVATION PRACTICES" MEANS ANY**
15 **BENEFICIAL REDUCTION IN WATER LOSS, WASTE, OR USE ACCOMPLISHED BY**
16 **THE IMPLEMENTATION OF WATER MANAGEMENT PRACTICES AND WATER**
17 **EFFICIENCY MEASURES THAT ARE ECONOMICALLY FEASIBLE BASED ON A COST-**
18 **BENEFIT ANALYSIS THAT INCLUDES AVOIDED ENVIRONMENTAL AND ECONOMIC**
19 **COSTS, INCLUDING INFRASTRUCTURE AND OPERATION AND MAINTENANCE**
20 **COSTS.**

21 **(F) ~~(e)~~** "Great Lakes basin" means the watershed of the Great
22 Lakes and the St. Lawrence river.

23 **(G) ~~(f)~~** "Great Lakes charter" means the document
24 establishing the principles for the cooperative management of the
25 Great Lakes water resources, signed by the governors and premiers
26 of the Great Lakes region on February 11, 1985.

27 **(H) ~~(g)~~** "Great Lakes region" means the geographic region

1 composed of the states of Illinois, Indiana, Michigan, Minnesota,
2 New York, Ohio, and Wisconsin, the commonwealth of Pennsylvania,
3 and the provinces of Ontario and Quebec, Canada.

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

13 (J) ~~(i)~~ "Irrigation facility" means all wells, pumps,
14 intakes, gates, tanks, pipes, or other equipment under common
15 ownership or control and located either on the same site or on
16 separate sites, which are used to withdraw, convey, or distribute
17 water for the purposes of irrigating golf courses, parks,
18 recreational areas, or other grounds. Irrigation facility does not
19 include a farm.

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

23 (L) ~~(k)~~ "Registrant" means any industrial or processing
24 facility or irrigation facility registered under this part.

25 (M) ~~(l)~~ "Water of the Great Lakes basin" means the Great
26 Lakes and all streams, rivers, lakes, connecting channels, and
27 other bodies of water, including groundwater, within the Great

1 Lakes basin.

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

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

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

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

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

14 (d) The actual or estimated average annual and monthly volumes
15 and rate of withdrawal.

16 (e) The actual or estimated average annual and monthly volumes
17 and rates of consumptive use from the withdrawal.

18 (F) SELF-CERTIFICATION BY THE REGISTRANT THAT THE REGISTRANT
19 IS UTILIZING GENERALLY ACCEPTED CONSERVATION PRACTICES AS PROVIDED
20 BY RULE PROMULGATED PURSUANT TO SECTION 32707A OR, IF APPLICABLE,
21 BY GUIDELINES ESTABLISHED BY THE DEPARTMENT OF AGRICULTURE.

22 SEC. 32707A. (1) THE DEPARTMENT SHALL ESTABLISH, BY RULE,
23 GENERALLY ACCEPTED CONSERVATION PRACTICES FOR SECTORS OF WATER
24 WITHDRAWAL USERS OTHER THAN AGRICULTURAL SECTORS SUBJECT TO
25 GUIDELINES ESTABLISHED BY THE DEPARTMENT OF AGRICULTURE. THE
26 DEPARTMENT SHALL REVIEW THESE RULES AT LEAST EVERY 5 YEARS TO
27 DETERMINE WHETHER THE RULES SHOULD BE UPDATED AND, IF SO, SHALL

1 PROMULGATE UPDATED RULES.

2 (2) COMPLIANCE WITH GENERALLY ACCEPTED CONSERVATION PRACTICES
3 DOES NOT AUTHORIZE A WATER WITHDRAWAL THAT IS OTHERWISE PROHIBITED
4 BY LAW.