

HOUSE BILL No. 6123

June 6, 2018, Introduced by Reps. VanSingel and Miller and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32801 and 32803 (MCL 324.32801 and 324.32803), as amended by 2008 PA 189.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32801. As used in this part:

2 (a) "Annex 2001" means the Great Lakes charter annex signed by
3 the governors and premiers of the Great Lakes region on June 18,
4 2001.

5 (b) "Aquifer" means any water bearing bed or stratum of earth
6 or rock capable of yielding groundwater to a water well in
7 sufficient quantities that can be withdrawn.

8 (c) "ASSESSMENT TOOL" MEANS THE WATER WITHDRAWAL ASSESSMENT

1 **TOOL PROVIDED FOR IN PART 327.**

2 (D) ~~(e)~~—"Base flow" means groundwater discharge to rivers and
3 streams.

4 (E) ~~(d)~~—"Conflict areas" means an aquifer or a portion of an
5 aquifer in which the department has determined that there is
6 reasonable, scientifically based evidence of a pattern of
7 groundwater withdrawal conflicts or a single extended groundwater
8 withdrawal conflict.

9 (F) ~~(e)~~—"Council" means the water ~~resources conservation~~ **USE**
10 advisory council created under section 32803.

11 (G) ~~(f)~~—"Department" means the department of environmental
12 quality.

13 (H) ~~(g)~~—"Director" means the director of the department.

14 (I) ~~(h)~~—"Groundwater" means water below the land surface in a
15 zone of saturation.

16 (J) ~~(i)~~—"Groundwater withdrawal conflict" means the failure of
17 an existing water well that was constructed in compliance with part
18 127 of the public health code, 1978 PA 368, MCL 333.12701 to
19 333.12771, to furnish its normal supply of groundwater because of a
20 progressive decline of the static water level within the aquifer
21 due to the withdrawal of groundwater from the aquifer by a high-
22 capacity well or sump, as determined based on reasonable,
23 scientifically based evidence.

24 (K) ~~(j)~~—"Static water level" means the distance between the
25 ground surface and the water level within a well that is not being
26 pumped.

27 Sec. 32803. (1) The water ~~resources conservation~~ **USE** advisory

1 council is created within the department. ~~of natural resources.~~ The
2 council shall consist of all of the following members:

3 (a) Four individuals appointed by the senate majority leader
4 as follows:

5 (i) One individual representing business and manufacturing
6 interests.

7 (ii) One individual representing public utilities.

8 (iii) One individual representing a statewide angler
9 association.

10 (iv) One individual representing a statewide agricultural
11 organization.

12 (b) Four individuals appointed by the speaker of the house of
13 representatives as follows:

14 (i) One individual representing registered well drilling
15 contractors with hydrology experience.

16 (ii) One individual representing local units of government.

17 (iii) One individual representing agricultural interests.

18 (iv) One individual ~~with knowledge and expertise in~~
19 ~~limnology.~~ **REPRESENTING WETLANDS CONSERVATION.**

20 (c) Five individuals appointed by the governor as follows:

21 (i) One individual representing municipal water suppliers.

22 (ii) One individual representing a statewide conservation
23 organization.

24 (iii) One individual representing a statewide riparian
25 landowners association.

26 (iv) One individual representing a statewide tourism
27 organization.

- 1 (v) One individual representing Indian tribes.
 2 (d) Four individuals appointed by the director as follows:
 3 (i) One individual representing nonagriculture irrigators.
 4 (ii) One individual representing the aggregate industry.
 5 (iii) One individual representing environmental organizations.
 6 (iv) One individual representing ~~the general public.~~**LOCAL**

7 **WATERSHED COUNCILS.**

8 (e) Four individuals representing the department, the
 9 department of agriculture **AND RURAL DEVELOPMENT**, the department of
 10 natural resources, and the attorney general.

11 (2) The appointments to the council under subsection (1) shall
 12 be made not later than 30 days after the effective date of the **2018**
 13 amendatory act that ~~added this subsection.~~**AMENDED THIS SECTION.**

14 The ~~person~~**INDIVIDUAL** making the appointment under subsection (1)
 15 shall give consideration and deference to individuals who served on
 16 the former ~~groundwater~~**WATER RESOURCES** conservation advisory
 17 council.

18 (3) The council shall appoint a technical advisory committee
 19 of individuals with specific technical and legal expertise relevant
 20 to the council's responsibilities.

21 (4) The council shall do all of the following:

22 ~~— (a) Not later than 6 months after the effective date of the~~
 23 ~~amendatory act that added this subdivision, study and make~~
 24 ~~recommendations to the senate majority leader, the speaker of the~~
 25 ~~house of representatives, and the standing committees of the~~
 26 ~~legislature with jurisdiction primarily related to natural~~
 27 ~~resources and the environment, and the department on how the~~

1 ~~assessment tool could be updated to reconcile differences between~~
 2 ~~baseline capacity and actual withdrawal amounts to assure the~~
 3 ~~accuracy of the assessment tool's determinations.~~

4 ~~—— (b) When the department makes the assessment tool available~~
 5 ~~for testing and evaluation, conduct testing and evaluate the~~
 6 ~~operation and the accuracy of the assessment tool, including~~
 7 ~~implications of section 32706e. Not later than 9 months after the~~
 8 ~~effective date of the amendatory act that added this subdivision,~~
 9 ~~submit a report to the senate majority leader, the speaker of the~~
 10 ~~house of representatives, and the standing committees of the~~
 11 ~~legislature with jurisdiction primarily related to natural~~
 12 ~~resources and the environment, and the department that contains the~~
 13 ~~results of its testing and evaluation and any recommendations that~~
 14 ~~the council has to improve the operation of the assessment tool.~~

15 **(A) MAKE RECOMMENDATIONS TO THE DEPARTMENT, THE DEPARTMENT OF**
 16 **AGRICULTURE AND RURAL DEVELOPMENT, THE DEPARTMENT OF NATURAL**
 17 **RESOURCES, AND THE LEGISLATURE ON THE IMPLEMENTATION OF PART 327.**

18 **(B) ~~(e)~~—Study and make recommendations, AS NEEDED OR AS**
 19 **REQUESTED BY THE RELEVANT STANDING COMMITTEES OF THE LEGISLATURE OR**
 20 **THE DEPARTMENT, regarding the development and refinement of the**
 21 **WATER WITHDRAWAL assessment tool. PROCESS OF PART 327.**

22 ~~—— (d) Study and make recommendations on whether and how the~~
 23 ~~definition of adverse resource impact in section 32701 should be~~
 24 ~~modified to more specifically address potential impacts to the~~
 25 ~~Great Lakes, inland lakes, and other aquatic systems due to large~~
 26 ~~quantity withdrawals.~~

27 **(C) ~~(e)~~—Make recommendations on reconciling conflicts in state**

1 laws related to the use of the waters of the state.

2 ~~—— (f) Make recommendations on the development and implementation~~
3 ~~of the state's water conservation and efficiency program under~~
4 ~~section 4.2 of the compact.~~

5 ~~—— (g) Develop a framework for evaluating preventative measures~~
6 ~~designed to prevent adverse resource impacts.~~

7 ~~—— (h) In consultation with academic institutions and other~~
8 ~~nonprofit organizations, make recommendations regarding educational~~
9 ~~materials related to the use and availability of water resources.~~

10 (D) ~~(i) Not earlier than 3~~ **AT LEAST EVERY 2** years after the
11 effective date of the **2018** amendatory act that ~~added~~ **AMENDED** this
12 ~~subdivision, submit~~ **SECTION, PROVIDE** a report to the senate
13 majority leader, the speaker of the house of representatives, and
14 the standing committees of the legislature with jurisdiction
15 primarily related to natural resources and the environment that
16 makes recommendations regarding how the water withdrawal assessment
17 process under part 327 could be improved. ~~in order to more~~
18 ~~accurately assess adverse resource impacts.~~ The report shall
19 contain specific recommendations on the use of the assessment tool,
20 the site-specific review process, the permitting process, **THE**
21 **PROCESS OF ASSESSING ADVERSE RESOURCE IMPACTS**, and any other
22 measure that the council determines would improve the water
23 withdrawal assessment process **OF PART 327**.

24 ~~—— (5) The council shall submit the following reports, approved~~
25 ~~by a majority of the voting members of the council, to the senate~~
26 ~~majority leader, the speaker of the house of representatives, and~~
27 ~~the standing committees of the legislature with jurisdiction~~

1 ~~primarily related to natural resources and the environment and to~~
2 ~~the department:~~

3 ~~—— (a) Not later than February 8, 2009, a progress report on the~~
4 ~~council's findings and recommendations under subsection (4) (c) to~~
5 ~~(h) as of that date.~~

6 ~~—— (b) Not later than August 8, 2009, the council's final report~~
7 ~~on its findings and recommendations under subsection (4) (c) to (h).~~

8 ~~—— (6) As used in this section, "assessment tool" means the water~~
9 ~~withdrawal assessment tool provided for in part 327.~~

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.