

Act No. 509
Public Acts of 2018
Approved by the Governor
December 27, 2018
Filed with the Secretary of State
December 28, 2018
EFFECTIVE DATE: December 28, 2018

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. VanSingel and Miller

ENROLLED HOUSE BILL No. 6123

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” 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:

Sec. 32801. As used in this part:

(a) “Annex 2001” means the Great Lakes charter annex signed by the governors and premiers of the Great Lakes region on June 18, 2001.

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bed or stratum of earth or rock capable of yielding groundwater to a water well in sufficient quantities that can be withdrawn.

(c) “Assessment tool” means the water withdrawal assessment tool provided for in part 327.

(d) “Base flow” means groundwater discharge to rivers and streams.

(e) “Conflict areas” means an aquifer or a portion of an aquifer in which the department has determined that there is reasonable, scientifically based evidence of a pattern of groundwater withdrawal conflicts or a single extended groundwater withdrawal conflict.

(f) “Council” means the water use advisory council created under section 32803.

(g) “Department” means the department of environmental quality.

(h) “Director” means the director of the department.

(i) “Groundwater” means water below the land surface in a zone of saturation.

(j) “Groundwater withdrawal conflict” means the failure of an existing water well that was constructed in compliance with part 127 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771, to furnish its normal supply of groundwater because of a progressive decline of the static water level within the aquifer due to the withdrawal of groundwater from the aquifer by a high-capacity well or sump, as determined based on reasonable, scientifically based evidence.

(k) “Static water level” means the distance between the ground surface and the water level within a well that is not being pumped.

Sec. 32803. (1) The water use advisory council is created within the department. The council shall consist of all of the following members:

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

(i) One individual representing business and manufacturing interests.

(ii) One individual representing public utilities.

(iii) One individual representing a statewide angler association.

(iv) One individual representing a statewide agricultural organization.

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

(i) One individual representing registered well drilling contractors with hydrology and drilling field experience.

(ii) One individual representing local units of government.

(iii) One individual representing agricultural irrigators.

(iv) One individual representing wetlands conservation organizations.

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

(i) One individual representing municipal water suppliers.

(ii) One individual representing a statewide conservation organization.

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

(iv) One individual representing professional hydrologists and hydrogeologists, as defined in section 32706c, with hydrogeology field experience.

(v) One individual representing Indian tribes.

(d) Four individuals appointed by the director as follows:

(i) One individual representing nonagriculture irrigators.

(ii) One individual representing the aggregate industry.

(iii) One individual representing environmental organizations.

(iv) One individual representing local watershed councils.

(e) Six individuals serving as ex officio, nonvoting members, representing the department, the department of agriculture and rural development, the department of natural resources, the office of the Great Lakes, the Michigan geological survey, and the attorney general.

(2) The appointments to the council under subsection (1) shall be made not later than 60 days after the effective date of the 2018 amendatory act that amended this section. The individual making the appointment under subsection (1) shall give consideration and deference to individuals currently serving on the department's water use advisory council.

(3) An individual appointed to the council shall serve for a term of 4 years, and may be reappointed. Individuals appointed to the council serve without compensation. A vacancy on the council shall be filled in the same manner as the original appointment.

(4) The council may elect co-chairs, form committees, set meeting schedules and work plans to address the council's responsibilities as provided by law, address charges from the department, and establish priorities. Members of the council may participate in any committees created by the council. Members of the council shall strive to make recommendations by consensus vote, and may submit opposition statements that must be included in the council's report under subsection (7).

(5) The council may appoint technical advisors with specific scientific, technical, legal, and similar expertise relevant to the council's responsibilities. Technical advisors may participate in any council meetings, committees, or subgroups created by the council but shall not vote on recommendations made by the council to the department or legislature under subsection (7).

(6) A meeting of the council must be held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(7) The council shall do all of the following:

(a) Make recommendations to the department, the department of agriculture and rural development, the department of natural resources, and the legislature on the implementation of part 327, including all of the following:

(i) Strategies for collection, verification, and use of data, including geology, aquifer characteristics, and groundwater and surface water hydrology.

(ii) Improvement, regionalization, and integration of models used in the water withdrawal assessment tool and site-specific review, including models developed by private and public entities, organizations, or individuals.

(iii) Identification of research, public-private partnerships, training, and changes to the water withdrawal assessment tool needed to improve the department's ability to implement part 327 and to improve the water withdrawal assessment process under part 327.

(b) Study and make recommendations, as needed or as requested by the relevant standing committees of the legislature or the department, regarding the development and refinement of the water withdrawal assessment process under part 327.

(c) Make recommendations on reconciling conflicts in state laws related to the use of the waters of the state.

(d) At least every 2 years after the effective date of the 2018 amendatory act that amended this section, provide a report to the senate majority leader, the speaker of the house of representatives, and the standing committees of the legislature with jurisdiction primarily related to natural resources and the environment that makes recommendations regarding how the water withdrawal assessment process under part 327 could be improved. The report shall contain specific recommendations on the use of the assessment tool, the site-specific review process, the permitting process, the staffing, budgetary, software, and other resources required by the departments to successfully implement part 327, and any other measure that the council determines would improve the water withdrawal assessment process under part 327.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor