

SENATE BILL No. 852

October 27, 2005, Introduced by Senators VAN WOERKOM, BIRKHOLZ, SIKKEMA, PATTERSON, GILBERT, BROWN, ALLEN, GEORGE and GARCIA and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 32705, 32707, and 32708 (MCL 324.32705,
324.32707, and 324.32708), as amended by 2003 PA 148, and by adding
section 32708a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32705. (1) ~~Subject to subsection (2), a person who makes~~
2 ~~a withdrawal shall register with the department on a form provided~~
3 ~~by the department if, during the calendar year in which the~~
4 ~~withdrawal occurs, any of the following apply:~~ BEGINNING 90 DAYS
5 AFTER THE EFFECTIVE DATE OF THE 2005 AMENDMENTS TO THIS SECTION,
6 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE OWNER OF REAL
7 PROPERTY WHO DEVELOPS NEW OR INCREASED WITHDRAWAL CAPACITY ON THAT

1 PROPERTY OF AN ADDITIONAL 100,000 GALLONS OF WATER PER DAY AVERAGE
2 IN ANY CONSECUTIVE 30-DAY PERIOD FROM THE WATERS OF THE STATE SHALL
3 REGISTER WITH THE DEPARTMENT. THE REGISTRATION SHALL BE SUBMITTED
4 ON A FORM PROVIDED BY THE DEPARTMENT PRIOR TO BEGINNING A
5 WITHDRAWAL THAT USES THE NEW OR INCREASED CAPACITY. HOWEVER, THIS
6 SUBSECTION DOES NOT LIMIT A PROPERTY OWNER'S ABILITY TO WITHDRAW
7 WATER FROM A TEST WELL CONSTRUCTED IN ASSOCIATION WITH THE
8 DEVELOPMENT OF NEW OR INCREASED CAPACITY.

9 ~~—— (a) The person owns an industrial or processing facility that~~
10 ~~has the capacity to withdraw over 100,000 gallons of water per day~~
11 ~~average in any consecutive 30-day period from the waters of the~~
12 ~~Great Lakes basin.~~

13 ~~—— (b) The person owns an irrigation facility that has the~~
14 ~~capacity to withdraw over 100,000 gallons of water per day average~~
15 ~~in any consecutive 30-day period from the waters of the Great Lakes~~
16 ~~basin.~~

17 ~~—— (c) Beginning 1 year after the effective date of the~~
18 ~~amendatory act that added this subdivision, the person owns a farm~~
19 ~~that has the capacity to withdraw over 100,000 gallons of water per~~
20 ~~day average in any consecutive 30-day period from the waters of the~~
21 ~~Great Lakes basin.~~

22 ~~—— (2) The owner of a farm who registers under section 32708 is~~
23 ~~not required to register under subsection (1).~~

24 (2) A REGISTRATION UNDER THIS SECTION BY THE OWNER OF A FARM
25 IN WHICH THE WITHDRAWAL IS INTENDED FOR AN AGRICULTURAL PURPOSE,
26 INCLUDING IRRIGATION FOR AN AGRICULTURAL PURPOSE, SHALL BE
27 SUBMITTED TO THE DEPARTMENT OF AGRICULTURE INSTEAD OF THE

1 **DEPARTMENT.**

2 (3) In calculating the total amount of an existing or proposed
3 withdrawal for the purpose of this section, a person shall combine
4 all separate withdrawals that the person makes or proposes to make,
5 whether or not these withdrawals are for a single purpose or are
6 for related but separate purposes.

7 **(4) A PERSON HOLDING A PERMIT UNDER SECTION 32723 IS NOT**
8 **REQUIRED TO REGISTER UNDER THIS SECTION.**

9 Sec. 32707. (1) Except as provided in subsections (2) and (3),
10 a person who ~~owns an industrial or processing facility, an~~
11 ~~irrigation facility, or a farm registered under this part~~ **IS**
12 **REQUIRED TO REGISTER UNDER SECTION 32705 OR HOLDS A PERMIT UNDER**
13 **SECTION 32723** shall file a report annually with the department on a
14 form provided by the department. Reports shall be submitted by
15 April 1 of each year. Reports shall include the following
16 information:

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

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

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

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

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

25 (f) If the source of water withdrawn is groundwater, the
26 static water level of the aquifer or aquifers.

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

1 (2) If a person reports the information required by this
2 section to the department in conjunction with a permit or for any
3 other purpose, that reporting, upon approval of the department,
4 shall satisfy the reporting requirements of this section.

5 (3) The ~~owner of a farm who reports water use under section~~
6 ~~32708 is~~ **FOLLOWING PERSONS ARE** not required to report under
7 subsection (1): —

8 (A) **THE OWNER OF A FARM WHO REPORTS WITHDRAWALS UNDER SECTION**
9 **32708.**

10 (B) **A PUBLIC WATER SUPPLY SYSTEM THAT REPORTS WITHDRAWALS**
11 **UNDER THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO**
12 **325.1023.**

13 (C) **THE OWNER OF A NONCOMMERCIAL WELL ON RESIDENTIAL PROPERTY.**

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

18 (5) The department shall develop forms for reporting under
19 this section that minimize paperwork and allow for a notification
20 to the department instead of a report if the annual amount of water
21 withdrawn by a person required to report under this section is
22 within 4% of the amount last reported and the other information
23 required in subsection (1) has not changed since the last year in
24 which a report was filed.

25 (6) A person who files an annual report or notification under
26 this section shall annually remit a water use reporting fee of
27 \$100.00 to the department. Water use reporting fees shall be

remitted to the department in conjunction with the annual report or notification submitted under this section. The department shall transmit water use reporting fees collected under this section to the state treasurer to be credited to the water use protection fund created in section 32714. A water use reporting fee is not required for a report or notification related to a farm that reports ~~water use~~ **WITHDRAWALS** under section 32708 **OR A PUBLIC WATER SUPPLY THAT REPORTS WITHDRAWALS UNDER THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO 325.1023.**

Sec. 32708. (1) ~~Beginning 1 year after the effective date of the 2003 amendatory act that amended this section, the~~ **THE** owner of a farm ~~described in section 32705(1)(e)~~ **THAT IS REGISTERED UNDER THIS PART** who makes a withdrawal for an agricultural purpose, including irrigation for an agricultural purpose, may ~~register the farm address and~~ report the water use on the farm by annually submitting to the department of agriculture a water use conservation plan. The water use conservation plan shall include, but need not be limited to, all of the following information:

(a) The amount and rate of water withdrawn on an annual and monthly basis in either gallons or acre inches.

(b) The type of crop irrigated, if applicable.

(c) The acreage of each irrigated crop, if applicable.

(d) The source or sources of the water supply.

(E) IF THE SOURCE OF THE WATER WITHDRAWN IS GROUNDWATER, THE LOCATION OF THE WELL OR WELLS IN LATITUDE AND LONGITUDE, WITH THE ACCURACY OF THE REPORTED LOCATION DATA TO WITHIN 25 FEET.

(F) ~~—(e)—~~ If the water withdrawn is not used entirely for

1 irrigation, the use or uses of the water withdrawn.

2 (G) ~~—(f)—~~ If the source of water withdrawn is groundwater, the
3 static water level of the aquifer or aquifers.

4 (H) ~~—(g)—~~ Applicable water conservation practices and an
5 implementation plan for those practices.

6 (2) The department and the department of agriculture in
7 consultation with Michigan state university shall validate and use
8 a formula or model to estimate the consumptive use of withdrawals
9 made for agricultural purposes consistent with the objectives of
10 section 32707.

11 (3) ~~The department of agriculture shall use water use~~
12 ~~conservation plan information received under subsection (1) to~~
13 ~~determine an estimate of water use and consumptive use data for~~
14 ~~each township in the state. The department of agriculture shall~~
15 ~~forward the township water use and consumptive use data to the~~
16 ~~department—~~ **SUBJECT TO SUBSECTION (4), INFORMATION PROVIDED TO THE**
17 **DEPARTMENT OF AGRICULTURE UNDER SUBSECTION (1) (A), (D), AND (E)**
18 **SHALL BE FORWARDED TO THE DEPARTMENT** for inclusion in the statewide
19 groundwater inventory and map prepared under section 32802.

20 (4) **INFORMATION PROVIDED UNDER SUBSECTION (1) (A) AND (E) IS**
21 **EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976**
22 **PA 442, MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED BY THE**
23 **DEPARTMENT, THE DEPARTMENT OF AGRICULTURE, OR THE DEPARTMENT OF**
24 **NATURAL RESOURCES UNLESS THE DEPARTMENT OF NATURAL RESOURCES**
25 **DETERMINES THAT THE WITHDRAWAL IS CAUSING AN ADVERSE RESOURCE**
26 **IMPACT.**

27 **SEC. 32708A. THE DEPARTMENT, IN CONJUNCTION WITH THE**

1 DEPARTMENT OF AGRICULTURE, SHALL ENCOURAGE EACH SECTOR OF WATER
2 WITHDRAWAL USERS TO DEVELOP WATER USE CONSERVATION PRACTICES. THE
3 DEPARTMENT SHALL IDENTIFY THOSE SECTORS OF WATER WITHDRAWAL USERS
4 THAT HAVE DEVELOPED WATER USE CONSERVATION PRACTICES AND SHALL
5 REPORT THAT INFORMATION TO THE STANDING COMMITTEES OF THE SENATE
6 AND HOUSE OF REPRESENTATIVES WITH PRIMARY JURISDICTION OVER NATURAL
7 RESOURCES AND THE ENVIRONMENT.

8 Enacting section 1. This amendatory act does not take effect
9 unless all of the following bills of the 93rd Legislature are
10 enacted into law:

11 (a) Senate Bill No. 850.

12
13 (b) Senate Bill No. 851.