

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4343

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 32710 and 32725 (MCL 324.32710 and 324.32725),
section 32710 as added by 1995 PA 59 and section 32725 as added by
2006 PA 36.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 32710. (1) The department shall do all of the following:
- 2 (a) Cooperate with the states and provinces in the Great Lakes
- 3 region to develop and maintain a common base of information on the
- 4 use and management of the water of the Great Lakes basin and to
- 5 establish systematic arrangements for the exchange of this
- 6 information.
- 7 (b) Collect and maintain information regarding the locations,

1 types, and quantities of water use, including water withdrawals and
2 consumptive uses, in a form that the department determines is
3 comparable to the form used by other states and provinces in the
4 Great Lakes region.

5 (c) Collect, maintain, and exchange information on current and
6 projected future water needs with the other states and provinces in
7 the Great Lakes region.

8 (d) Cooperate with other states and provinces in the Great
9 Lakes region in developing a long-range plan for developing,
10 conserving, and managing the water of the Great Lakes basin.

11 (e) Participate in the development of a regional consultation
12 procedure for use in exchanging information on the effects of
13 proposed water withdrawals and consumptive uses from the Great
14 Lakes basin.

15 (f) Develop procedures for notifying water users and potential
16 water users of the requirements of this part.

17 (G) IF THE DEPARTMENT RECEIVES A REGISTRATION FOR A ZONE B OR
18 A ZONE C WITHDRAWAL OR ISSUES A PERMIT UNDER SECTION 32723 OR THE
19 SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO 325.1023, FOR
20 A ZONE B OR ZONE C WITHDRAWAL, PLACE A NOTICE ON THE DEPARTMENT'S
21 WEBSITE AND NOTIFY BY ELECTRONIC MAIL ALL OF THE FOLLOWING THAT
22 HAVE REQUESTED UNDER SUBSECTION (2) AN ELECTRONIC MAIL
23 NOTIFICATION:

24 (i) CONSERVATION DISTRICTS.

25 (ii) REGIONAL PLANNING AGENCIES.

26 (iii) WATERSHED MANAGEMENT PLANNING COMMITTEES.

27 (iv) STORM WATER COMMITTEES ESTABLISHED UNDER PART 31.

1 (v) THE CHIEF ELECTED OFFICIALS OF THE LOCAL UNITS OF
2 GOVERNMENT.

3 (vi) COMMUNITY SUPPLIES OWNED BY POLITICAL SUBDIVISIONS.

4 (vii) A WATER USERS COMMITTEE ESTABLISHED UNDER SECTION 32725.

5 (2) AN ORGANIZATION LISTED IN SUBSECTION (1) (G) THAT WISHES TO
6 RECEIVE AN ELECTRONIC MAIL NOTIFICATION OF WITHDRAWALS DESCRIBED IN
7 SUBSECTION (1) (G) THAT ARE LOCATED IN ITS VICINITY SHALL PROVIDE TO
8 THE DEPARTMENT AN ELECTRONIC MAIL ADDRESS.

9 (3) UPON RECEIPT OF NOTIFICATION FROM THE DEPARTMENT UNDER
10 SUBSECTION (1) (G), THE NOTIFIED ENTITIES MAY FORM A WATER RESOURCES
11 ASSESSMENT AND EDUCATION COMMITTEE IN ORDER TO ASSESS TRENDS IN
12 WATER USE IN THE VICINITY OF THE WITHDRAWAL AND EDUCATE WATER
13 USERS. THE DEPARTMENT SHALL ASSIST IN THE FORMATION OF THESE WATER
14 RESOURCES ASSESSMENT AND EDUCATION COMMITTEES AND MAY PROVIDE THEM
15 WITH TECHNICAL INFORMATION REGARDING WATER USE AND CAPACITY WITHIN
16 THEIR VICINITY, AGGREGATED AT THE STREAM REACH LEVEL. MEETINGS OF
17 WATER RESOURCES ASSESSMENT AND EDUCATION COMMITTEES SHALL BE OPEN
18 TO THE GENERAL PUBLIC. A WATER RESOURCES ASSESSMENT AND EDUCATION
19 COMMITTEE FORMED UNDER THIS SUBSECTION MAY PROVIDE EDUCATIONAL
20 MATERIALS AND RECOMMENDATIONS REGARDING ANY OF THE FOLLOWING:

21 (A) LONG-TERM WATER RESOURCES PLANNING.

22 (B) USE OF CONSERVATION MEASURES.

23 (C) DROUGHT MANAGEMENT ACTIVITIES.

24 (D) OTHER TOPICS RELATED TO WATER USE AS IDENTIFIED BY THE
25 COMMITTEE.

26 Sec. 32725. (1) All persons making large quantity withdrawals
27 within a watershed are encouraged to establish a water users

1 committee to evaluate the status of current water resources, water
2 use, and trends in water use within the watershed and to assist in
3 long-term water resources planning. A water users committee may be
4 composed of all registrants, ~~water withdrawal~~ permit holders, and
5 local government officials within the watershed. **UPON ESTABLISHMENT**
6 **OF A WATER USERS COMMITTEE, A PARTICIPATING LOCAL GOVERNMENT**
7 **OFFICIAL MAY CREATE AN AD HOC SUBCOMMITTEE OF RESIDENTS OF THAT**
8 **LOCAL UNIT OF GOVERNMENT TO PROVIDE THAT LOCAL GOVERNMENT OFFICIAL**
9 **WITH INFORMATION AND ADVICE ON WATER RESOURCES, WATER USE, AND**
10 **TRENDS IN WATER USE WITHIN THE LOCAL UNIT OF GOVERNMENT.**

11 (2) IF THE DEPARTMENT AUTHORIZES A ZONE B WITHDRAWAL IN A
12 COLD-TRANSITIONAL RIVER SYSTEM OR A ZONE C WITHDRAWAL, THE
13 DEPARTMENT SHALL NOTIFY ALL REGISTRANTS, PERMIT HOLDERS, AND LOCAL
14 GOVERNMENT OFFICIALS WITHIN THE WATERSHED OF THE WITHDRAWAL AND OF
15 THE AUTHORITY UNDER THIS SECTION TO ESTABLISH A WATER USERS
16 COMMITTEE AND MAY PROVIDE THEM TECHNICAL INFORMATION REGARDING
17 WATER USE AND CAPACITY WITHIN THEIR VICINITY AGGREGATED AT THE
18 STREAM REACH LEVEL.

19 (3) ~~(2)~~ If the department determines by reasonable
20 scientifically-based evidence that adverse resource impacts are
21 occurring or are likely to occur from 1 or more large quantity
22 withdrawals, the department shall notify the water users committee
23 in the watershed or shall convene a meeting of all registrants and
24 ~~water withdrawal~~ permit holders within the watershed and shall
25 attempt to facilitate an agreement on voluntary measures that would
26 prevent adverse resource impacts.

27 (4) ~~(3)~~ If, within 30 days after the department has notified

1 the water users committee or convened the meeting under subsection
2 ~~(2)-(3)~~, the registrants and ~~water withdrawal~~ permit holders are
3 not able to voluntarily agree to measures that would prevent
4 adverse resource impacts, the department may propose a solution
5 that the department believes would equitably resolve the situation
6 and prevent adverse resource impacts. The recommended solution is
7 not binding on any of the parties.

8 (5) ~~(4)~~ The director may, without a prior hearing, order a
9 ~~person holding a water withdrawal permit~~ **HOLDERS** to immediately
10 restrict a withdrawal if the director determines by clear and
11 convincing scientific evidence that there is a substantial and
12 imminent threat that the withdrawal is causing or is likely to
13 cause an adverse resource impact. The order shall specify the date
14 on which the withdrawal must be restricted and the date on which it
15 may be resumed. An order issued under this section shall remain in
16 force and effect for not more than 30 days and may be renewed for
17 an additional 30 days if the director determines by clear and
18 convincing scientific evidence that conditions continue to pose a
19 substantial and imminent threat that the withdrawal is causing or
20 is likely to cause an adverse resource impact. The order shall
21 notify the person that the person may request a contested case
22 hearing under the administrative procedures act of 1969, 1969 PA
23 306, MCL 24.201 to 24.328. The hearing shall be held within 10
24 business days following the request, unless the permittee requests
25 a later date. As an alternative to requesting a contested case
26 hearing, a person subject to an order under this section may seek
27 judicial review of the order as provided in the revised judicature

1 act of 1961, 1961 PA 236, MCL 600.101 to 600.9947.

2 (6) ~~(5)~~—A registrant or ~~water withdrawal~~ permit holder may
3 submit a petition to the director alleging that adverse resource
4 impacts are occurring or are likely to occur from 1 or more water
5 withdrawals. The director shall either investigate the petition or
6 forward the petition to the director of the department of
7 agriculture if the water withdrawals are from an agricultural well.
8 The petition shall be in writing and shall include all the
9 information requested by the director or the director of the
10 department of agriculture, as appropriate.

11 (7) ~~(6)~~—A person who submits more than 2 unverified petitions
12 under this section within 1 year may be ordered by the director to
13 pay for the full costs of investigating any third or subsequent
14 unverified petition. As used in this subsection, "unverified
15 petition" means a petition in response to which the director
16 determines that there is not reasonable evidence to suspect adverse
17 resource impacts.

18 (8) **AS USED IN THIS SECTION, "PERMIT HOLDERS" MEANS PERSONS**
19 **HOLDING A PERMIT UNDER SECTION 32723 AND PERSONS HOLDING A PERMIT**
20 **UNDER THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO**
21 **325.1023.**

22 Enacting section 1. This amendatory act does not take effect
23 unless all of the following bills of the 94th Legislature are
24 enacted into law:

25 (a) Senate Bill No. 212.

26 (b) Senate Bill No. 723.

27 (c) Senate Bill No. 727.

- 1 (d) Senate Bill No. 858.
- 2 (e) Senate Bill No. 859.
- 3 (f) Senate Bill No. 860.
- 4 (g) House Bill No. 5065.
- 5 (h) House Bill No. 5066.
- 6 (i) House Bill No. 5067.
- 7 (j) House Bill No. 5069.
- 8 (k) House Bill No. 5073.