

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5066

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 32707, 32708, 32708a, and 32709 (MCL  
324.32707, 324.32708, 324.32708a, and 324.32709), section 32707 as  
amended by 2006 PA 33, section 32708 as amended and section 32708a  
as added by 2006 PA 35, and section 32709 as added by 1995 PA 59.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 32707. (1) Except as provided in subsections (2) and (3),  
2   a person who is required to register under section 32705 or holds a  
3   permit under section 32723 shall file a report annually with the  
4   department on a form provided by the department. Reports shall be  
5   submitted by April 1 of each year. Except as provided in subsection  
6   (8), reports shall include the following information:

1 (a) The amount and rate of water withdrawn on an annual and  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

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

4 (c) The use or uses of the water withdrawn.

5 (d) The amount of consumptive use of water withdrawn.

6 (e) If the source of the water withdrawn is groundwater, the  
7 location of the well or wells in latitude and longitude, with the  
8 accuracy of the reported location data to within 25 feet.

9 (f) If the source of water withdrawn is groundwater, the  
10 static water level of the aquifer or aquifers, if practicable.

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

12 (h) At the discretion of the registrant or permit holder, the  
13 baseline capacity of the withdrawal and, if applicable, a  
14 description of the system capacity. ~~If the registrant or permit~~  
15 ~~holder chooses to report the baseline capacity under this~~  
16 ~~subdivision, that information shall be included in the next report~~  
17 ~~submitted by the registrant or permit holder after the effective~~  
18 ~~date of the amendatory act that added this subdivision. Information~~  
19 ~~reported under this subdivision needs only to be reported to the~~  
20 ~~department on 1 occasion.~~

21 (i) At the discretion of the registrant or permit holder, the  
22 amount of water returned to the source watershed.

23 **(J) BEGINNING IN 2010, AN ACKNOWLEDGMENT THAT THE REGISTRANT**  
24 **HAS REVIEWED APPLICABLE ENVIRONMENTALLY SOUND AND ECONOMICALLY**  
25 **FEASIBLE WATER CONSERVATION MEASURES PREPARED UNDER SECTION 32708A.**

26 (2) If a person reports the information required by this  
27 section to the department in conjunction with a permit or for any

1 other purpose, that reporting, upon approval of the department,  
2 ~~shall satisfy~~ **SATISFIES** the reporting requirements of this section.

3 (3) The owner of a farm who reports water use under section  
4 32708 is not required to report under subsection (1).

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

9 (5) The department shall develop forms for reporting under  
10 this section that minimize paperwork and allow for a notification  
11 to the department instead of a report if the annual amount of water  
12 withdrawn by a person required to report under this section is  
13 within 4% of the amount last reported and the other information  
14 required in subsection (1) has not changed since the last year in  
15 which a report was filed.

16 (6) Information described in section ~~32701(e)(i)(C)~~  
17 **32701(D)(i)(B)** that is provided to the department under subsection  
18 (1)(h) is exempt from disclosure under the freedom of information  
19 act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed  
20 unless the department determines that the withdrawal is causing an  
21 adverse resource impact.

22 (7) Except as otherwise provided in this subsection, a person  
23 who files an annual report or notification under this section shall  
24 annually remit a water use reporting fee of \$200.00 to the  
25 department. ~~Beginning when a water withdrawal assessment tool~~  
26 ~~becomes effective upon legislative enactment pursuant to the~~  
27 ~~recommendations of the groundwater conservation advisory council~~

~~under section 32803, a person who files an annual report or notification under this section shall annually remit a water use reporting fee of \$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 withdrawals under section 32708 or for a report under subsection (8).

(8) A person who withdraws less than 1,500,000 gallons of water in any year shall indicate this fact on the reporting form and is not required to provide information under subsection (1)(a) or (d). A person who withdraws less than 1,500,000 gallons of water in any year is not required to pay the water use reporting fee under subsection (7).

Sec. 32708. (1) The owner of a farm that is registered under this part who makes a withdrawal for an agricultural purpose, including irrigation for an agricultural purpose, may report the water use on the farm by annually submitting to the department of agriculture a water use conservation plan. Conservation plans shall be submitted by April 1 of each year. 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.

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

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

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

4 (e) If the source of the water withdrawn is groundwater, the  
5 location of the well or wells in latitude and longitude, with the  
6 accuracy of the reported location data to within 25 feet.

7 (f) If the water withdrawn is not used entirely for  
8 irrigation, the use or uses of the water withdrawn.

9 (g) If the source of water withdrawn is groundwater, the  
10 static water level of the aquifer or aquifers, if practicable.

11 (h) Applicable water conservation practices and an  
12 implementation plan for those practices. **BEGINNING IN 2010, THE**  
13 **WATER USE CONSERVATION PLAN SHALL INCLUDE AN ACKNOWLEDGMENT THAT**  
14 **THE OWNER OF THE FARM HAS REVIEWED APPLICABLE ENVIRONMENTALLY SOUND**  
15 **AND ECONOMICALLY FEASIBLE WATER CONSERVATION MEASURES PREPARED**  
16 **UNDER SECTION 32708A.**

17 (i) At the discretion of the registrant, the baseline capacity  
18 of the withdrawal based upon system capacity and a description of  
19 the system capacity. ~~If the registrant chooses to report the~~  
20 ~~baseline capacity under this subdivision, that information shall be~~  
21 ~~included in the next report submitted by the registrant after the~~  
22 ~~effective date of the amendatory act that added this subdivision.~~  
23 ~~Information reported under this subdivision needs only to be~~  
24 ~~reported to the department of agriculture on 1 occasion.~~

25 (2) The department and the department of agriculture in  
26 consultation with Michigan state university shall validate and use  
27 a formula or model to estimate the consumptive use of withdrawals

1 made for agricultural purposes consistent with the objectives of  
2 section 32707.

3 (3) Subject to subsection (4), information provided to the  
4 department of agriculture under subsection (1)(a), (d), and (e)  
5 shall be forwarded to the department for inclusion in the statewide  
6 groundwater inventory and map prepared under section 32802.

7 (4) Information provided under subsection (1)(a), (e), and (i)  
8 is exempt from disclosure under the freedom of information act,  
9 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by  
10 the department, the department of agriculture, or the department of  
11 natural resources unless the department determines that the  
12 withdrawal is causing an adverse resource impact.

13 Sec. 32708a. ~~(1) Within 12 months after the effective date of~~  
14 ~~the amendatory act that added this section, each water user's~~  
15 ~~sector shall begin designing guidelines for generally accepted~~  
16 ~~water management practices or environmentally sound and~~  
17 ~~economically feasible water conservation measures within that~~  
18 ~~sector. Within 24 months after the effective date of the amendatory~~  
19 ~~act that added this section, the department shall review and report~~  
20 ~~to the appropriate standing committees of the legislature on~~  
21 ~~whether or not there are reasonably detailed criteria for assisting~~  
22 ~~a facility in determining whether water is being used in an~~  
23 ~~efficient manner. Such guidelines may be adopted by an established~~  
24 ~~statewide professional or trade association representing that~~  
25 ~~sector.~~

26 (1) NOT LATER THAN MARCH 31, 2009, THE DEPARTMENT SHALL  
27 PREPARE, BASED UPON RECOMMENDATIONS FROM REPRESENTATIVE TRADE

1 ASSOCIATIONS, A SET OF GENERIC WATER CONSERVATION MEASURES THAT ARE  
2 APPLICABLE TO ALL PERSONS MAKING LARGE QUANTITY WITHDRAWALS. THE  
3 DEPARTMENT SHALL POST THESE GENERIC WATER CONSERVATION MEASURES ON  
4 ITS WEBSITE.

5 (2) SUBJECT TO SUBSECTION (3), EACH WATER USER'S SECTOR MAY  
6 PREPARE AND SUBMIT TO THE DEPARTMENT WATER CONSERVATION MEASURES  
7 THAT ARE APPLICABLE FOR WATER USERS WITHIN ITS SECTOR. UPON RECEIPT  
8 OF WATER CONSERVATION MEASURES FROM A WATER USER'S SECTOR, THE  
9 DEPARTMENT SHALL REVIEW THE WATER CONSERVATION MEASURES, AND, IF  
10 THE DEPARTMENT DETERMINES THAT THOSE WATER CONSERVATION MEASURES  
11 ARE APPROPRIATE FOR THAT SECTOR, THE DEPARTMENT SHALL ACCEPT THOSE  
12 WATER CONSERVATION MEASURES. UPON ACCEPTANCE, THE DEPARTMENT SHALL  
13 POST THE WATER CONSERVATION MEASURES ON ITS WEBSITE AND THOSE WATER  
14 CONSERVATION MEASURES SHALL SUPERSEDE THE GENERIC WATER  
15 CONSERVATION MEASURES PREPARED UNDER SUBSECTION (1) FOR WATER USERS  
16 WITHIN THAT SECTOR. IF THE DEPARTMENT DETERMINES THAT THE WATER  
17 CONSERVATION MEASURES ARE NOT APPROPRIATE FOR THE WATER USER'S  
18 SECTOR, THE DEPARTMENT SHALL PROVIDE COMMENTS TO THE WATER USER'S  
19 SECTOR AND SUGGESTIONS THAT WOULD RESULT IN THE DEPARTMENT'S  
20 ACCEPTANCE OF THE WATER CONSERVATION MEASURES. A WATER USER'S  
21 SECTOR MAY RESUBMIT WATER CONSERVATION MEASURES IN RESPONSE TO THE  
22 DEPARTMENT'S COMMENTS AND SUGGESTIONS.

23 (3) WATER CONSERVATION MEASURES FOR AGRICULTURAL PURPOSES  
24 SHALL BE DEVELOPED AND APPROVED BY THE COMMISSION OF AGRICULTURE  
25 AND SHALL BE UPDATED ANNUALLY AS PART OF THE PROCESS FOR REVIEW AND  
26 UPDATE OF GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES  
27 UNDER THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.471 TO

1 286.474. WATER CONSERVATION MEASURES APPROVED UNDER THIS SUBSECTION  
2 SHALL BE POSTED ON THE DEPARTMENT OF AGRICULTURE'S WEBSITE AND  
3 SHALL BE FORWARDED TO THE DEPARTMENT FOR POSTING ON ITS WEBSITE.

4 (4) BY APRIL 1, 2010, THE DEPARTMENT SHALL REPORT TO THE  
5 STANDING COMMITTEES OF THE LEGISLATURE WITH JURISDICTION PRIMARILY  
6 RELATED TO NATURAL RESOURCES AND THE ENVIRONMENT ON THE STATUS OF  
7 THE PREPARATION AND ACCEPTANCE OF WATER USER SECTOR CONSERVATION  
8 MEASURES.

9 (5) IF THE DEPARTMENT RECEIVES A REGISTRATION FOR A ZONE C  
10 WITHDRAWAL, THE DEPARTMENT SHALL NOTIFY ALL OTHER REGISTRANTS AND  
11 PERMIT HOLDERS WHOSE WITHDRAWALS ARE FROM THE SAME WATER SOURCE AS  
12 THE ZONE C WITHDRAWAL OF THE STATUS OF THE WATER SOURCE. UPON  
13 RECEIPT OF NOTIFICATION UNDER THIS SUBSECTION, EACH OF THESE  
14 REGISTRANTS AND PERMIT HOLDERS SHALL REVIEW AND CONSIDER  
15 IMPLEMENTING THE APPLICABLE WATER CONSERVATION MEASURES PREPARED  
16 UNDER THIS SECTION.

17 (6) ~~(2) Compliance with generally accepted water management~~  
18 ~~practices or environmentally sound and economically feasible water~~  
19 conservation measures does not authorize a water withdrawal that is  
20 otherwise prohibited by law.

21 (7) AS USED IN THIS SECTION:

22 (A) "PERMIT HOLDERS" MEANS PERSONS HOLDING A PERMIT UNDER  
23 SECTION 32723 AND PERSONS HOLDING A PERMIT UNDER THE SAFE DRINKING  
24 WATER ACT, 1976 PA 399, MCL 325.1001 TO 325.1023.

25 (B) "WATER CONSERVATION MEASURES" MEANS ENVIRONMENTALLY SOUND  
26 AND ECONOMICALLY FEASIBLE WATER CONSERVATION MEASURES.

27 Sec. 32709. The department may contract for the preparation



1 and distribution of informational materials to ~~persons who withdraw~~  
 2 ~~water for irrigation or industrial purposes regarding the~~ **MEMBERS**  
 3 **OF THE PUBLIC RELATED TO ANY OF THE FOLLOWING:**

4 (A) **THE** purposes, benefits, and requirements of this part. ~~7~~  
 5 ~~and may also provide information~~

6 (B) **INFORMATION** on complying with the registration ~~program~~  
 7 **REQUIREMENT OF THIS PART** and on any general or applicable methods  
 8 for calculating or estimating water withdrawals or consumptive  
 9 uses.

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

13 (a) Senate Bill No. 212.

14 (b) Senate Bill No. 723.

15 (c) Senate Bill No. 727.

16 (d) Senate Bill No. 858.

17 (e) Senate Bill No. 859.

18 (f) Senate Bill No. 860.

19 (g) House Bill No. 4343.

20 (h) House Bill No. 5065.

21 (i) House Bill No. 5067.

22 (j) House Bill No. 5069.

23 (k) House Bill No. 5073.