

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5067

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding sections 32706c and 32706d;  
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 32706C. (1) IF THE ASSESSMENT TOOL DETERMINES THAT A  
2 PROPOSED WITHDRAWAL IS A ZONE B WITHDRAWAL IN A COLD-TRANSITIONAL  
3 RIVER SYSTEM, OR A ZONE C OR ZONE D WITHDRAWAL, THE PROPERTY OWNER  
4 SHALL SUBMIT TO THE DEPARTMENT A REQUEST FOR A SITE-SPECIFIC  
5 REVIEW. ADDITIONALLY, IF THE ASSESSMENT TOOL DETERMINES THAT A  
6 PROPOSED WITHDRAWAL IS A ZONE A WITHDRAWAL, OR A ZONE B WITHDRAWAL  
7 IN A COOL RIVER SYSTEM OR A WARM RIVER SYSTEM AND THE PROPERTY  
8 OWNER WISHES TO HAVE A SITE-SPECIFIC REVIEW, THE PROPERTY OWNER MAY

1 SUBMIT TO THE DEPARTMENT A REQUEST FOR A SITE-SPECIFIC REVIEW. A  
2 REQUEST FOR A SITE-SPECIFIC REVIEW SHALL BE SUBMITTED TO THE  
3 DEPARTMENT IN A FORM REQUIRED BY THE DEPARTMENT AND SHALL INCLUDE  
4 ALL OF THE FOLLOWING:

5 (A) THE INFORMATION DESCRIBED IN SECTION 32706A(3).

6 (B) THE INTENDED MAXIMUM MONTHLY AND ANNUAL VOLUMES AND RATES  
7 OF THE PROPOSED WITHDRAWAL, IF DIFFERENT FROM THE CAPACITY OF THE  
8 EQUIPMENT USED FOR MAKING THE PROPOSED WITHDRAWAL.

9 (C) IF THE AMOUNT AND RATE OF THE PROPOSED WITHDRAWAL WILL  
10 HAVE SEASONAL FLUCTUATIONS, THE RELEVANT INFORMATION RELATED TO THE  
11 SEASONAL USE OF THE PROPOSED WITHDRAWAL.

12 (D) A DESCRIPTION OF HOW THE WATER WILL BE USED AND THE  
13 LOCATION, AMOUNT, AND RATE OF ANY RETURN FLOW.

14 (E) ANY OTHER INFORMATION THE PROPERTY OWNER WOULD LIKE THE  
15 DEPARTMENT TO CONSIDER IN MAKING ITS DETERMINATION UNDER THIS  
16 SECTION.

17 (2) UPON RECEIPT OF A REQUEST FOR A SITE-SPECIFIC REVIEW, THE  
18 DEPARTMENT SHALL CONSIDER THE INFORMATION SUBMITTED TO THE  
19 DEPARTMENT UNDER SUBSECTION (1) AND SHALL CONSIDER THE ACTUAL  
20 STREAM OR RIVER FLOW DATA OF ANY AFFECTED STREAM REACH. THE  
21 DEPARTMENT SHALL ALSO APPLY THE DRAINAGE AREA AGGREGATION STANDARDS  
22 PROVIDED IN SECTION 32706A(2)(A), (B), AND (C), IF APPLICABLE, AND  
23 ACCOUNT FOR CUMULATIVE WITHDRAWALS AS PROVIDED FOR IN SECTION  
24 32706E. THE DEPARTMENT SHALL NOT RELY ON THE ASSESSMENT TOOL'S  
25 DETERMINATION IN MAKING ITS DETERMINATION UNDER A SITE-SPECIFIC  
26 REVIEW.

27 (3) THE DEPARTMENT SHALL COMPLETE ITS SITE-SPECIFIC REVIEW

1 WITHIN 10 WORKING DAYS OF SUBMITTAL OF A REQUEST FOR A SITE-  
2 SPECIFIC REVIEW. IF THE DEPARTMENT DETERMINES, BASED UPON A SITE-  
3 SPECIFIC REVIEW, THAT THE PROPOSED WITHDRAWAL IS A ZONE A OR A ZONE  
4 B WITHDRAWAL, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTIFICATION TO  
5 THE PROPERTY OWNER AND THE PROPERTY OWNER MAY REGISTER THE  
6 WITHDRAWAL AND MAY PROCEED WITH THE WITHDRAWAL.

7 (4) SUBJECT TO SUBSECTION (5), IF THE DEPARTMENT DETERMINES IN  
8 CONDUCTING A SITE-SPECIFIC REVIEW THAT THE PROPOSED WITHDRAWAL IS A  
9 ZONE C WITHDRAWAL, THE PROPERTY OWNER MAY REGISTER THE WITHDRAWAL  
10 AND PROCEED TO MAKE THE WITHDRAWAL IF THE PROPERTY OWNER SELF-  
11 CERTIFIES THAT HE OR SHE IS IMPLEMENTING APPLICABLE ENVIRONMENTALLY  
12 SOUND AND ECONOMICALLY FEASIBLE WATER CONSERVATION MEASURES  
13 PREPARED UNDER SECTION 32708A THAT THE PROPERTY OWNER CONSIDERS TO  
14 BE REASONABLE OR HAS SELF-CERTIFIED THAT HE OR SHE IS IMPLEMENTING  
15 APPLICABLE ENVIRONMENTALLY SOUND AND ECONOMICALLY FEASIBLE WATER  
16 CONSERVATION MEASURES DEVELOPED FOR THE WATER USE ASSOCIATED WITH  
17 THAT SPECIFIC WITHDRAWAL THAT THE PROPERTY OWNER CONSIDERS TO BE  
18 REASONABLE.

19 (5) EXCEPT FOR WITHDRAWALS EXEMPT FROM OBTAINING A WATER  
20 WITHDRAWAL PERMIT UNDER SECTION 32723, IF A SITE-SPECIFIC REVIEW  
21 DETERMINES THAT A PROPOSED WITHDRAWAL IS A ZONE C WITHDRAWAL WITH  
22 CAPACITY IN EXCESS OF 1,000,000 GALLONS OF WATER PER DAY FROM THE  
23 WATERS OF THE STATE TO SUPPLY A COMMON DISTRIBUTION SYSTEM, THE  
24 PERSON PROPOSING THE WITHDRAWAL SHALL NOT REGISTER THE WITHDRAWAL  
25 AND SHALL NOT PROCEED WITH MAKING THE WITHDRAWAL UNLESS THE PERSON  
26 OBTAINS A WATER WITHDRAWAL PERMIT UNDER SECTION 32723.

27 (6) IF THE DEPARTMENT DETERMINES, BASED UPON A SITE-SPECIFIC

1 REVIEW, THAT THE PROPOSED WITHDRAWAL IS A ZONE D WITHDRAWAL, THE  
2 PROPERTY OWNER SHALL NOT REGISTER THE WITHDRAWAL AND SHALL NOT MAKE  
3 THE WITHDRAWAL UNLESS HE OR SHE APPLIES FOR A WATER WITHDRAWAL  
4 PERMIT UNDER SECTION 32723 AND THE WITHDRAWAL IS AUTHORIZED UNDER  
5 THAT SECTION.

6 (7) AFTER A PROPERTY OWNER REGISTERS A WITHDRAWAL FOLLOWING A  
7 SITE-SPECIFIC REVIEW, IF, IN DEVELOPING THE CAPACITY TO MAKE THE  
8 WITHDRAWAL, THE CONDITIONS OF THE WITHDRAWAL DEVIATE FROM THE  
9 SPECIFIC DATA THAT WERE EVALUATED IN THE SITE-SPECIFIC REVIEW, THE  
10 PROPERTY OWNER SHALL NOTIFY THE DEPARTMENT OF THE CORRECTED DATA  
11 AND THE DEPARTMENT SHALL CONFIRM ITS DETERMINATION UNDER THE SITE-  
12 SPECIFIC REVIEW. IF THE CORRECTED DATA DO NOT CHANGE THE  
13 DETERMINATION UNDER THE SITE-SPECIFIC REVIEW, THE PROPERTY OWNER  
14 MAY PROCEED WITH THE WITHDRAWAL. IF THE CORRECTED DATA CHANGE THE  
15 DETERMINATION UNDER THE SITE-SPECIFIC REVIEW, THE PROPERTY OWNER  
16 SHALL PROCEED UNDER THE PROVISIONS OF THIS PART RELATED TO THE  
17 CORRECTED DETERMINATION.

18 (8) SUBJECT TO SUBSECTION (9), PRIOR TO THE IMPLEMENTATION  
19 DATE OF THE ASSESSMENT TOOL UNDER SECTION 32706A, A PROPERTY OWNER  
20 PROPOSING TO DEVELOP WITHDRAWAL CAPACITY ON HIS OR HER PROPERTY TO  
21 MAKE A NEW OR INCREASED LARGE QUANTITY WITHDRAWAL MAY SUBMIT TO THE  
22 DEPARTMENT A REQUEST FOR AN INTERIM SITE-SPECIFIC REVIEW UNDER THIS  
23 SUBSECTION TO DETERMINE WHETHER OR NOT THE PROPOSED WITHDRAWAL IS  
24 LIKELY TO CAUSE AN ADVERSE RESOURCE IMPACT. THE DEPARTMENT, UPON  
25 REQUEST, SHALL CONDUCT AN INTERIM SITE-SPECIFIC REVIEW UNDER THIS  
26 SUBSECTION WITHIN A REASONABLE TIME PERIOD NOT TO EXCEED 30 DAYS  
27 BASED UPON AN EVALUATION OF REASONABLY AVAILABLE INFORMATION. FOR

1 PURPOSES OF THIS PART, A DETERMINATION UNDER AN INTERIM SITE-  
2 SPECIFIC REVIEW UNDER THIS SUBSECTION SHALL BE AFFORDED THE SAME  
3 STATUS AS A SITE-SPECIFIC REVIEW OTHERWISE CONDUCTED UNDER THIS  
4 SECTION.

5 (9) EXCEPT FOR WITHDRAWALS EXEMPT FROM OBTAINING A PERMIT  
6 UNDER SECTION 32723, A PROPERTY OWNER WHO, PRIOR TO THE  
7 IMPLEMENTATION OF THE ASSESSMENT TOOL UNDER SECTION 32706A, INTENDS  
8 TO DEVELOP WITHDRAWAL CAPACITY ON HIS OR HER PROPERTY TO MAKE A NEW  
9 OR INCREASED LARGE QUANTITY WITHDRAWAL OF MORE THAN 1,000,000  
10 GALLONS OF WATER PER DAY FROM THE WATERS OF THE STATE TO SUPPLY A  
11 COMMON DISTRIBUTION SYSTEM SHALL OBTAIN AN INTERIM SITE-SPECIFIC  
12 REVIEW UNDER SUBSECTION (8). IF THE INTERIM SITE-SPECIFIC REVIEW  
13 DETERMINES THAT THE PROPOSED WITHDRAWAL IS A ZONE C WITHDRAWAL, THE  
14 PROPERTY OWNER SHALL NOT PROCEED WITH MAKING THE WITHDRAWAL UNLESS  
15 THE PERSON OBTAINS A WATER WITHDRAWAL PERMIT UNDER SECTION 32723.

16 SEC. 32706D. (1) THE DEPARTMENT SHALL DEVELOP A PROTOCOL FOR  
17 THE COLLECTION OF STREAM OR RIVER FLOW MEASUREMENTS BY PERSONS  
18 OTHER THAN THE DEPARTMENT FOR USE BY THE DEPARTMENT IN THE  
19 ADMINISTRATION OF THIS PART. THE PROTOCOL MAY SPECIFY A MINIMUM  
20 NUMBER OF MEASUREMENTS, STREAM OR RIVER FLOW AND WEATHER CONDITIONS  
21 WHEN THE MEASUREMENTS ARE TO BE MADE, AND ANY OTHER CONDITIONS  
22 NECESSARY TO ENSURE THE ADEQUACY AND QUALITY OF THE MEASUREMENTS.  
23 THE PROTOCOL SHALL ENSURE THAT STREAM OR RIVER FLOW MEASUREMENTS  
24 COLLECTED FOR THIS PURPOSE MEET THE SAME DATA QUALITY STANDARDS AS  
25 STREAM OR RIVER FLOW MEASUREMENTS COLLECTED BY THE UNITED STATES  
26 GEOLOGICAL SURVEY. THE DEPARTMENT SHALL CONSULT WITH THE UNITED  
27 STATES GEOLOGICAL SURVEY AND OTHER RECOGNIZED SCIENTIFIC EXPERTS IN

1 DEVELOPING THIS PROTOCOL.

2 (2) THE DEPARTMENT MAY USE STREAM OR RIVER FLOW DATA COLLECTED  
3 USING THE PROTOCOL UNDER SUBSECTION (1) IN CONDUCTING SITE-SPECIFIC  
4 REVIEWS, IN MAKING WATER WITHDRAWAL PERMIT DECISIONS UNDER SECTION  
5 32723, IN ISSUING PERMITS UNDER THE SAFE DRINKING WATER ACT, 1976  
6 PA 399, MCL 325.1001 TO 325.1023, IN UPDATING THE WATER WITHDRAWAL  
7 ASSESSMENT TOOL AS APPROPRIATE, OR IN OTHER ACTIONS REQUIRING AN  
8 EVALUATION OF STREAM OR RIVER FLOW.

9 (3) THE DEPARTMENT MAY ESTABLISH A PROGRAM TO TRAIN AND  
10 CERTIFY INDIVIDUALS IN THE COLLECTION OF STREAM OR RIVER FLOW  
11 MEASUREMENTS. THE DEPARTMENT SHALL CHARGE A FEE SUFFICIENT TO  
12 REIMBURSE THE DEPARTMENT FOR THE COST OF A PROGRAM DEVELOPED UNDER  
13 THIS SUBSECTION. THE DEPARTMENT MAY ENTER INTO A COOPERATIVE  
14 AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY TO PROVIDE  
15 TRAINING AND CERTIFICATION UNDER THIS SECTION.

16 Enacting section 1. Section 32724 of the natural resources and  
17 environmental protection act, 1994 PA 451, MCL 324.32724, is  
18 repealed.

19 Enacting section 2. This amendatory act does not take effect  
20 unless all of the following bills of the 94th Legislature are  
21 enacted into law:

- 22 (a) Senate Bill No. 212.  
23 (b) Senate Bill No. 723.  
24 (c) Senate Bill No. 727.  
25 (d) Senate Bill No. 858.  
26 (e) Senate Bill No. 859.  
27 (f) Senate Bill No. 860.

- 1 (g) House Bill No. 4343.
- 2 (h) House Bill No. 5065.
- 3 (i) House Bill No. 5066.
- 4 (j) House Bill No. 5069.
- 5 (k) House Bill No. 5073.