

HOUSE BILL No. 4151

February 2, 2005, Introduced by Reps. Kolb, Condino, Miller, Bieda, Kathleen Law, Lipsey, Whitmer, Meisner, Alma Smith, McConico, Donigan, Bennett, Angerer, McDowell, Wojno, Hopgood, Anderson, Polidori, Vagnozzi, Kehrl, Gonzales, Gillard, Gleason, Hunter, Farrah, Sak, Espinoza and Tobocman and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 32701, 32702, 32705, 32706, 32707, 32708,
32709, 32710, 32711, 32712, and 32713 (MCL 324.32701, 324.32702,
324.32705, 324.32706, 324.32707, 324.32708, 324.32709, 324.32710,
324.32711, 324.32712, and 324.32713), sections 32701, 32705, 32707,
and 32708 as amended by 2003 PA 148, sections 32702, 32709, 32710,
32711, and 32713 as added by 1995 PA 59, and sections 32706 and
32712 as amended by 1996 PA 434, and by adding sections 32702a,
32712a, 32712b, 32712c, 32712d, 32712e, 32712f, 32712g, 32713a,
32715, 32716, and 32717.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32701. As used in this part:

2 (a) "Agricultural purpose" means the agricultural production
3 of those plants and animals useful to human beings produced by
4 agriculture and includes, but is not limited to, forages and sod
5 crops, grains and feed crops, field crops, dairy **ANIMALS** and dairy
6 products, poultry and poultry products, cervidae, livestock,
7 including breeding and grazing, equine **ANIMALS**, fish and other
8 aquacultural products, bees and bee products, berries, herbs,
9 fruits, vegetables, flowers, seeds, grasses, nursery stock, trees
10 and tree products, mushrooms, and other similar products, or any
11 other product, as determined by the commission of agriculture, that
12 incorporates the use of food, feed, fiber, or fur.

13 (b) "Consumptive use" means that portion of water withdrawn or
14 withheld from the Great Lakes basin and assumed to be lost or
15 otherwise not returned to the Great Lakes basin due to evaporation,
16 incorporation into products, or other processes.

17 (c) "Department" means the department of environmental
18 quality.

19 **(D) "DIVERSION" MEANS A TRANSFER OF WATER FROM THE GREAT LAKES**
20 **BASIN INTO ANOTHER WATERSHED OUTSIDE THE GREAT LAKES BASIN.**

21 **(E) "ENVIRONMENTALLY SOUND AND ECONOMICALLY FEASIBLE WATER**
22 **CONSERVATION MEASURE" MEANS ANY BENEFICIAL REDUCTION IN WATER LOSS,**
23 **WASTE, OR USE ACCOMPLISHED BY THE IMPLEMENTATION OF WATER**
24 **MANAGEMENT PRACTICES AND WATER EFFICIENCY MEASURES THAT ARE**
25 **ECONOMICALLY FEASIBLE BASED ON A COST-BENEFIT ANALYSIS THAT**
26 **INCLUDES AVOIDED ENVIRONMENTAL AND ECONOMIC COSTS.**

27 **(F) —(d)— "Farm" means that term as it is defined in section**

1 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

2 (G) ~~-(e)-~~ "Great Lakes basin" means the watershed of the
3 Great Lakes and the St. Lawrence river.

4 (H) ~~-(f)-~~ "Great Lakes charter" means the document
5 establishing the principles for the cooperative management of the
6 Great Lakes water resources, signed by the governors and premiers
7 of the Great Lakes region on February 11, 1985.

8 (I) **"GREAT LAKES BASIN ECOSYSTEM" MEANS THE INTERACTING**
9 **COMPONENTS OF AIR, LAND, WATER, AND LIVING ORGANISMS, INCLUDING**
10 **HUMANKIND, WITHIN THE GREAT LAKES BASIN.**

11 (J) ~~-(g)-~~ "Great Lakes region" means the geographic region
12 composed of the states of Illinois, Indiana, Michigan, Minnesota,
13 New York, Ohio, and Wisconsin, the commonwealth of Pennsylvania,
14 and the provinces of Ontario and Quebec, Canada.

15 (K) **"IMPROVEMENT TO THE WATERS AND WATER-DEPENDENT NATURAL**
16 **RESOURCES OF THE GREAT LAKES BASIN" MEANS ADDITIONAL BENEFICIAL,**
17 **RESTORATIVE EFFECTS TO THE PHYSICAL, CHEMICAL, AND BIOLOGICAL**
18 **INTEGRITY OF THE WATERS AND WATER-DEPENDENT NATURAL RESOURCES OF**
19 **THE BASIN, RESULTING FROM ASSOCIATED CONSERVATION MEASURES, OR**
20 **ENHANCEMENT OR RESTORATION MEASURES, WHICH INCLUDE, BUT ARE NOT**
21 **LIMITED TO, SUCH PRACTICES AS MITIGATING ADVERSE EFFECTS OF**
22 **EXISTING WATER WITHDRAWALS, RESTORING ENVIRONMENTALLY SENSITIVE**
23 **AREAS, OR IMPLEMENTING CONSERVATION MEASURES IN AREAS OR FACILITIES**
24 **THAT ARE NOT PART OF THE SPECIFIC PROPOSAL UNDERTAKEN BY OR ON**
25 **BEHALF OF THE WITHDRAWER.**

26 (L) ~~-(h)-~~ "Industrial or processing facility" means an
27 operating plant or other entity, including a thermoelectric power

1 generation plant, carrying on a common manufacturing activity,
2 trade, or business on a common site, including similar plants or
3 entities under common ownership or control located on contiguous
4 properties. Plants or entities under common ownership or control
5 located on separate sites shall be considered separate facilities.
6 Industrial or processing facility does not include an irrigation
7 facility or a farm.

8 (M) ~~(i)~~ "Irrigation facility" means all wells, pumps,
9 intakes, gates, tanks, pipes, or other equipment under common
10 ownership or control and located either on the same site or on
11 separate sites, which are used to withdraw, convey, or distribute
12 water for the purposes of irrigating golf courses, parks,
13 recreational areas, or other grounds. Irrigation facility does not
14 include a farm.

15 (N) "LAKE AUGMENTATION FACILITY" MEANS ALL WELLS, PUMPS,
16 INTAKES, PIPES, OR OTHER EQUIPMENT AND CONVEYANCES USED TO
17 SUPPLEMENT THE WATER VOLUME IN A LAKE FOR THE PURPOSE OF
18 MAINTAINING OR INCREASING WATER LEVELS OR FLOWS.

19 (O) "PERMIT" MEANS A WATER USE PERMIT ISSUED UNDER THIS PART.

20 (P) ~~(j)~~ "Public water supply system" means a water system
21 that provides water for human consumption or ~~other~~ HOUSEHOLD
22 purposes to persons other than the supplier of water AND IS SUBJECT
23 TO THE REQUIREMENTS OF THE SAFE DRINKING WATER ACT, 1976 PA 399,
24 MCL 325.1001 TO 325.1023.

25 (Q) ~~(k)~~ "Registrant" means any industrial or processing
26 facility or irrigation facility registered under this part.

27 (R) "RETURN FLOW" MEANS THE PORTION OF WITHDRAWN WATER THAT

1 RETURNS NATURALLY OR IS RETURNED TO THE SOURCE WATERSHED AFTER USE
2 AND THUS BECOMES AVAILABLE FOR FURTHER USE.

3 (S) "WATER-DEPENDENT NATURAL RESOURCES" MEANS THE INTERACTING
4 COMPONENTS OF LAND, WATER, AND LIVING ORGANISMS AFFECTED BY THE
5 WATER OF THE GREAT LAKES BASIN.

6 (T) ~~(I)~~ "Water of the Great Lakes basin" means the Great
7 Lakes and all streams, rivers, lakes, connecting channels, and
8 other bodies of water, including groundwater, within the Great
9 Lakes basin.

10 (U) ~~(M)~~ "Withdrawal" means the removal of water from its
11 source for any purpose, other than for hydroelectric generation at
12 sites certified, licensed, or permitted by the federal energy
13 regulatory commission.

14 Sec. 32702. The legislature finds and declares that:

15 (a) A diversion of water out of the basin of the Great Lakes
16 may impair or destroy the Great Lakes. The legislature further
17 finds that a limitation on such diversions is authorized by and is
18 consistent with the mandate of section 52 of article IV of the
19 state constitution of 1963 that the legislature provide for the
20 protection of the air, water, and other natural resources of the
21 state from pollution, impairment, and destruction.

22 (b) Water use **PERMITTING**, registration, and reporting are
23 essential to implementing the principles of the Great Lakes charter
24 and necessary to support the state's opposition to diversion of
25 waters of the Great Lakes basin and to provide a source of
26 information on water use to protect Michigan's rights when proposed
27 water losses affect the level, flow, use, or quality of waters of

1 the Great Lakes basin.

2 (c) The waters of the state are valuable public natural
3 resources held in trust by the state, and the state has a duty as
4 trustee to manage its waters effectively for the use and enjoyment
5 of present and future residents and for the protection of the
6 environment.

7 (d) The waters of the Great Lakes basin are a valuable public
8 natural resource, and the states and provinces of the Great Lakes
9 region and Michigan share a common interest in the preservation of
10 that resource.

11 (e) Any new diversion of waters of the Great Lakes basin for
12 use outside of the Great Lakes basin will have significant economic
13 and environmental impact adversely affecting the use of this
14 resource by the Great Lakes states and Canadian provinces.

15 (f) The continued availability of water for domestic,
16 municipal, industrial, and agricultural water supplies, navigation,
17 hydroelectric power and energy production, recreation, and the
18 maintenance of fish and wildlife habitat and a balanced ecosystem
19 are vital to the future economic health of the states and provinces
20 of the Great Lakes region.

21 (g) Future interbasin diversions and consumptive uses of
22 waters of the Great Lakes basin may have significant adverse
23 impacts upon the environment, economy, and welfare of the Great
24 Lakes region and of this state.

25 (h) The states and provinces of the Great Lakes region have a
26 duty to protect, conserve, and manage their shared water resources
27 for the use and enjoyment of present and future residents.

1 EFFECTIVE MANAGEMENT OF THE GREAT LAKES BASIN WATER RESOURCES
2 REQUIRES THE JOINT EXERCISE OF SUCH JURISDICTION, RIGHTS, AND
3 RESPONSIBILITIES IN THE INTEREST OF ALL OF THE PEOPLE OF THE GREAT
4 LAKES REGION, ACTING IN A CONTINUING SPIRIT OF COMITY AND MUTUAL
5 COOPERATION.

6 (I) MICHIGAN AS A GREAT LAKES STATE REAFFIRMS ITS RIGHT AND
7 OBLIGATION TO USE, CONSERVE, AND PROTECT GREAT LAKES BASIN WATER
8 RESOURCES, AS EXPRESSED IN THE BOUNDARY WATERS TREATY OF 1909, THE
9 GREAT LAKES WATER QUALITY AGREEMENT OF 1978, THE GREAT LAKES
10 CHARTER OF 1985, AND THE GREAT LAKES CHARTER ANNEX OF 2001.

11 (J) THE STATE SHALL CONSERVE THE WATERS OF THE STATE BY
12 IMPLEMENTING SUITABLE POLICIES AND BY ENCOURAGING PRIVATE EFFORTS
13 TO CONSERVE WATER.

14 SEC. 32702A. (1) THE DEPARTMENT SHALL IMPLEMENT THIS PART IN
15 COORDINATION WITH OTHER APPLICABLE LAW AND DEPARTMENT POLICY
16 PERTAINING TO THE PROTECTION OF WATER QUALITY.

17 (2) THE INTERESTS AND RIGHTS OF NATIVE AMERICAN TRIBES OF THE
18 GREAT LAKES REGION SHALL BE CONSIDERED BY THE DEPARTMENT IN THE
19 IMPLEMENTATION OF THIS PART.

20 Sec. 32705. (1) Subject to subsection (2), a person who makes
21 a withdrawal shall register with the department on a form provided
22 by the department if, during the calendar year in which the
23 withdrawal occurs, any of the following apply:

24 (a) The person owns **OR OPERATES** an industrial or processing
25 facility **OR LAKE AUGMENTATION FACILITY** that has the capacity to
26 withdraw over 100,000 gallons of water per day average in any
27 consecutive 30-day period from the waters of the Great Lakes basin.

1 (b) The person owns **OR OPERATES** an irrigation facility that
2 has the capacity to withdraw over 100,000 gallons of water per day
3 average in any consecutive 30-day period from the waters of the
4 Great Lakes basin.

5 ~~(c) Beginning 1 year after the effective date of the~~
6 ~~amendatory act that added this subdivision, the~~ **THE** person owns **OR**
7 **OPERATES** a farm that has the capacity to withdraw over 100,000
8 gallons of water per day average in any consecutive 30-day period
9 from the waters of the Great Lakes basin.

10 **(D) THE PERSON OWNS OR OPERATES A PUBLIC WATER SUPPLY SYSTEM**
11 **THAT HAS THE CAPACITY TO WITHDRAW OVER 100,000 GALLONS OF WATER PER**
12 **DAY AVERAGE IN ANY CONSECUTIVE 30-DAY PERIOD FROM THE WATERS OF THE**
13 **GREAT LAKES BASIN, IF THE PERSON IS NOT OTHERWISE REQUIRED TO**
14 **REPORT WATER WITHDRAWALS UNDER THE SAFE DRINKING WATER ACT, 1976 PA**
15 **399, MCL 325.1001 TO 325.1023.**

16 (2) The owner of a farm who registers under section 32708 is
17 not required to register under subsection (1). **A PERSON WHO HAS**
18 **OBTAINED A PERMIT UNDER SECTION 32711 IS NOT REQUIRED TO REGISTER**
19 **UNDER SUBSECTION (1).**

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

25 Sec. 32706. **(1)** Each registration under ~~this part~~ **SECTION**
26 **32705** shall consist of a statement and supporting documentation
27 that includes all of the following:

1 (a) The place and source of the proposed or existing
2 withdrawal.

3 (b) The location of any discharge or return flow.

4 (c) The location and nature of the proposed or existing water
5 user.

6 (d) The actual or estimated average annual and monthly volumes
7 and rate of withdrawal.

8 (e) The actual or estimated average annual and monthly volumes
9 and rates of consumptive use from the withdrawal.

10 (2) BEGINNING JANUARY 1, 2009, EACH PERSON WHO MAKES A
11 WITHDRAWAL FROM THE WATERS OF THE STATE THAT EXCEEDS 2,000,000
12 GALLONS PER DAY IN A 30-DAY AVERAGE OR 100,000,000 GALLONS PER YEAR
13 WHO IS NOT REQUIRED TO OBTAIN A PERMIT SHALL INCLUDE WITH HIS OR
14 HER NEXT REGISTRATION UNDER SECTION 32705 OR ANNUAL REPORT UNDER
15 SECTION 32707 A 5-YEAR WATER MANAGEMENT AND CONSERVATION PLAN FOR
16 REVIEW AND APPROVAL BY THE DEPARTMENT.

17 (3) A WATER MANAGEMENT AND CONSERVATION PLAN REQUIRED UNDER
18 SUBSECTION (2) SHALL CONTAIN ALL OF THE FOLLOWING:

19 (A) THE ANTICIPATED EFFECTS, IF ANY, THAT CONTINUATION OF THE
20 WITHDRAWAL AND CONSUMPTIVE USE AT THE PRESENT VOLUMES AND RATES IS
21 EXPECTED TO HAVE ON EXISTING USERS OF WATER RESOURCES AND RELATED
22 LAND USES WITHIN THE GREAT LAKES BASIN AND ON THE WATERS AND WATER-
23 DEPENDENT NATURAL RESOURCES OF THE GREAT LAKES BASIN.

24 (B) A DESCRIPTION OF THE WATER MANAGEMENT AND CONSERVATION
25 PRACTICES CURRENTLY EMPLOYED IN CONNECTION WITH THE WITHDRAWAL.

26 (C) A DESCRIPTION OF ENVIRONMENTALLY SOUND AND ECONOMICALLY
27 FEASIBLE WATER CONSERVATION MEASURES THAT THE APPLICANT PROPOSES TO

1 IMPLEMENT OVER THE NEXT 5 YEARS.

2 (D) AN ANALYSIS OF THE EXPECTED BENEFITS IN TERMS OF REDUCTION
3 IN THE AMOUNT OR RATE OF WITHDRAWAL OR CONSUMPTIVE USE ASSOCIATED
4 WITH EACH ENVIRONMENTALLY SOUND AND ECONOMICALLY FEASIBLE WATER
5 CONSERVATION MEASURE AND AN ANALYSIS OF THE CORRESPONDING COSTS.

6 (E) AN ANALYSIS OF ALTERNATIVE ENVIRONMENTALLY SOUND AND
7 ECONOMICALLY FEASIBLE WATER CONSERVATION MEASURES CONSIDERED BY THE
8 PERSON FOR USE AT THE FACILITY AND AN EXPLANATION OF WHY THESE
9 MEASURES WERE REJECTED.

10 (F) ANY OTHER INFORMATION RELATIVE TO THE PURPOSES OF THIS
11 PART THE DEPARTMENT REQUIRES BY RULE.

12 (4) THE DEPARTMENT SHALL REVIEW EACH WATER MANAGEMENT AND
13 CONSERVATION PLAN TO DETERMINE WHETHER THE PLAN IDENTIFIES
14 REASONABLE ENVIRONMENTALLY SOUND AND ECONOMICALLY FEASIBLE WATER
15 CONSERVATION MEASURES THAT ARE LIKELY TO REDUCE THE VOLUMES AND
16 RATES OF WITHDRAWAL OR CONSUMPTIVE USE AND TO IDENTIFY WHETHER THE
17 PLAN MINIMIZES ANY ADVERSE ENVIRONMENTAL IMPACTS ASSOCIATED WITH
18 THE WITHDRAWAL. IF THE DEPARTMENT DETERMINES THAT THE WATER
19 MANAGEMENT AND CONSERVATION PLAN FAILS TO INCORPORATE ADEQUATE
20 INFORMATION OR REASONABLE ENVIRONMENTALLY SOUND AND ECONOMICALLY
21 FEASIBLE WATER CONSERVATION MEASURES, THE DEPARTMENT MAY REJECT THE
22 PLAN AND PROVIDE AN EXPLANATION OF THE BASIS FOR ITS REJECTION TO
23 THE PERSON SUBMITTING THE PLAN. WITHIN 60 DAYS AFTER RECEIPT OF THE
24 DEPARTMENT'S WRITTEN EXPLANATION, THE PERSON SHALL RESUBMIT A
25 REVISED WATER MANAGEMENT AND CONSERVATION PLAN MEETING THE
26 REQUIREMENTS OF THIS SECTION.

27 (5) EACH WATER MANAGEMENT AND CONSERVATION PLAN APPROVED UNDER

1 SUBSECTION (4) SHALL BE EFFECTIVE FOR 5 YEARS. NOT LATER THAN 120
2 DAYS BEFORE THE EXPIRATION OF HIS OR HER APPROVED WATER MANAGEMENT
3 AND CONSERVATION PLAN, EACH PERSON WITH AN APPROVED PLAN SHALL FILE
4 A NEW 5-YEAR WATER MANAGEMENT AND CONSERVATION PLAN FOR REVIEW AND
5 APPROVAL BY THE DEPARTMENT.

6 Sec. 32707. (1) Except as provided in subsections (2) and (3),
7 a person who owns an industrial or processing facility, **A LAKE**
8 **AUGMENTATION FACILITY**, an irrigation facility, or a farm registered
9 under this part shall file a report annually with the department on
10 a form provided by the department. Reports shall be submitted by
11 April 1 of each year. Reports shall include the following
12 information:

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

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

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

17 (d) The amount of consumptive use of **THE** water withdrawn.

18 (e) If the source of the water withdrawn is groundwater, the
19 location of the well or wells in latitude and longitude, ~~with the~~
20 ~~accuracy of the reported location data~~ **ACCURATE** to within 15 feet.

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

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

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

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

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

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

14 (6) A person who files an annual report or notification under
15 this section shall annually ~~remit~~ **SUBMIT TO THE DEPARTMENT WITH**
16 **THE REPORT** a water use reporting fee of \$100.00. ~~to the~~
17 ~~department. Water use reporting fees shall be remitted to the~~
18 ~~department in conjunction with the annual report or notification~~
19 ~~submitted under this section.~~ The department shall transmit water
20 use reporting fees collected under this section to the state
21 treasurer to be credited to the water use protection fund created
22 in section 32714. A water use reporting fee is not required for a
23 report or notification related to a farm that reports water use
24 under section 32708.

25 Sec. 32708. (1) ~~Beginning 1 year after the effective date of~~
26 ~~the 2003 amendatory act that amended this section~~ **EXCEPT AS**
27 **PROVIDED IN SUBSECTION (2)**, the owner **OR OPERATOR** of a farm

1 described in section 32705(1)(c) who makes a withdrawal for an
2 agricultural purpose, including irrigation for an agricultural
3 purpose, may register the farm address and report the water use on
4 the farm by annually submitting to the department of agriculture a
5 water use conservation plan. The water use conservation plan shall
6 include, but need not be limited to, all of the following
7 information:

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

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

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

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

13 (e) If the water withdrawn is not used entirely for
14 irrigation, the use or uses of the water withdrawn.

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

17 (g) Applicable water conservation practices and an
18 implementation plan for those practices.

19 **(2) BEGINNING JANUARY 1, 2009, IN LIEU OF THE WATER USE**
20 **CONSERVATION PLAN REQUIRED UNDER SUBSECTION (1), THE OWNER OR**
21 **OPERATOR OF A FARM WHO MAKES A WITHDRAWAL FROM THE WATERS OF THE**
22 **STATE THAT EXCEEDS 2,000,000 GALLONS PER DAY IN A 30-DAY AVERAGE OR**
23 **100,000,000 GALLONS PER YEAR WHO IS NOT REQUIRED TO OBTAIN A PERMIT**
24 **SHALL INCLUDE WITH HIS OR HER REGISTRATION UNDER THIS SECTION A**
25 **WATER MANAGEMENT AND CONSERVATION PLAN UNDER SECTION 32706.**

26 **(3) ~~-(2)-~~** The department and the department of agriculture in
27 consultation with Michigan state university shall validate and use

1 a formula or model to estimate the consumptive use of withdrawals
2 made for agricultural purposes consistent with the objectives of
3 section 32707.

4 (4) ~~-(3)-~~ The department of agriculture shall use water use
5 conservation plan information received under subsection (1) to
6 determine an estimate of water use and consumptive use data for
7 each township in the state. The department of agriculture shall
8 forward the township water use and consumptive use data to the
9 department for inclusion in the statewide groundwater inventory and
10 map prepared under section 32802.

11 Sec. 32709. The department may contract for the preparation
12 and distribution of informational materials to persons who withdraw
13 water ~~for irrigation or industrial purposes~~ regarding the
14 purposes, benefits, and requirements of this part ~~—~~ and may also
15 provide information on complying with the registration **AND**
16 **PERMITTING** program and on any general or applicable methods for
17 calculating or estimating water withdrawals or consumptive uses.

18 Sec. 32710. The department shall do all of the following:

19 (a) Cooperate with the states and provinces in the Great Lakes
20 region to develop and maintain a common base of information on the
21 use and management of the water of the Great Lakes basin and to
22 establish systematic arrangements for the exchange of this
23 information.

24 (b) Collect and maintain information regarding the locations,
25 types, and quantities of water use, including water withdrawals and
26 consumptive uses, in a form that the department determines is
27 comparable to the form used by other states and provinces in the

1 Great Lakes region.

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

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

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

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

14 **(G) COOPERATE WITH THE OTHER STATES AND PROVINCES IN THE GREAT**
15 **LAKES REGION TO COLLECTIVELY CONDUCT, WITHIN EACH LAKE WATERSHED**
16 **AND WITHIN THE ST. LAWRENCE RIVER BASIN, A PERIODIC ASSESSMENT OF**
17 **THE CUMULATIVE IMPACTS OF WITHDRAWALS, DIVERSIONS, AND CONSUMPTIVE**
18 **USES FROM THE WATERS OF THE GREAT LAKES BASIN.**

19 ~~Sec. 32711. A public water supply system that is required to~~
20 ~~report water withdrawals under the safe drinking water act, Act No.~~
21 ~~399 of the Public Acts of 1976, being sections 325.1001 to 325.1023~~
22 ~~of the Michigan Compiled Laws, is exempt from the requirements of~~
23 ~~this part.~~

24 **(1) A PERSON SHALL NOT MAKE A WITHDRAWAL FROM THE WATERS OF**
25 **THE STATE WITHOUT FIRST HAVING OBTAINED A WATER USE PERMIT IF**
26 **REQUIRED BY THIS PART AND FULLY COMPLYING WITH THIS PART AND ALL**
27 **ORDERS, PERMIT TERMS OR CONDITIONS, OR RULES PROMULGATED UNDER THIS**

1 PART.

2 (2) BEGINNING 18 MONTHS AFTER THE EFFECTIVE DATE OF THE 2005
3 AMENDMENTS TO THIS SECTION, A PERSON PROPOSING A NEW OR INCREASED
4 WITHDRAWAL FROM THE WATERS OF THE STATE SHALL OBTAIN A PERMIT IF
5 THE AMOUNT OF THE NEW OR INCREASED WITHDRAWAL WILL AVERAGE
6 2,000,000 GALLONS PER DAY IN ANY 30-DAY PERIOD OR 100,000,000
7 GALLONS PER YEAR.

8 (3) BEGINNING 18 MONTHS AFTER THE EFFECTIVE DATE OF THE 2005
9 AMENDMENTS TO THIS SECTION, A PERSON WHO IS WITHDRAWING FROM THE
10 WATERS OF THE STATE IN EXCESS OF 100,000 GALLONS PER DAY IN ANY 30-
11 DAY PERIOD AND, AS DETERMINED BY THE DEPARTMENT, IS CAUSING OR IS
12 LIKELY TO CAUSE AN ADVERSE IMPACT ON THE QUANTITY OR QUALITY OF THE
13 WATERS OR WATER-DEPENDENT NATURAL RESOURCES OF THE GREAT LAKES
14 BASIN, TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR THE ENVIRONMENT,
15 OR TO THE PUBLIC TRUST IN THE NATURAL RESOURCES OF THE STATE OR
16 PUBLIC RIGHTS IN NAVIGABLE WATERS, MAY BE REQUIRED BY THE
17 DEPARTMENT TO FILE AN APPLICATION FOR A PERMIT UNDER SECTION 32712.
18 UPON REVIEW OF THE APPLICATION, THE DEPARTMENT MAY ISSUE A PERMIT
19 IMPOSING LIMITATIONS OR OTHER CONDITIONS ON THE WITHDRAWALS AS
20 APPROPRIATE.

21 (4) BEGINNING JANUARY 1, 2010, A PERSON PROPOSING A NEW OR
22 INCREASED WITHDRAWAL FROM THE WATERS OF THE STATE SHALL OBTAIN A
23 PERMIT IF THE AMOUNT OF THE NEW OR INCREASED WITHDRAWAL OF WATER
24 WILL AVERAGE 100,000 GALLONS PER DAY IN ANY 30-DAY PERIOD.

25 (5) FOR THE PURPOSE OF DETERMINING WHETHER A PERMIT IS
26 REQUIRED UNDER THIS SECTION, IN CALCULATING THE TOTAL AMOUNT OF A
27 NEW OR INCREASED WITHDRAWAL, A PERSON SHALL COMBINE ALL SEPARATE

1 WITHDRAWALS THAT THE PERSON PROPOSES TO MAKE, WHETHER OR NOT THESE
2 WITHDRAWALS ARE FOR A SINGLE PURPOSE OR ARE FOR RELATED BUT
3 SEPARATE PURPOSES.

4 (6) FOR THE PURPOSE OF DETERMINING WHETHER A PERMIT IS
5 REQUIRED UNDER SUBSECTION (2), UNLESS THE AMOUNT OF AN EXISTING
6 WITHDRAWAL IS ESTABLISHED IN A PERMIT ISSUED UNDER THIS PART, THE
7 AMOUNT OF ANY INCREASED WITHDRAWAL SHALL BE DETERMINED BY REFERENCE
8 TO THE HIGHEST ANNUAL PRIOR USAGE THAT CAN BE DOCUMENTED OR
9 OTHERWISE ESTABLISHED WITHIN THE 5 YEARS PRECEDING THE EFFECTIVE
10 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

11 (7) FOR THE PURPOSE OF DETERMINING WHETHER A PERMIT IS
12 REQUIRED UNDER SUBSECTION (4), UNLESS THE AMOUNT OF AN EXISTING
13 WITHDRAWAL IS ESTABLISHED IN A PERMIT ISSUED UNDER THIS PART, THE
14 AMOUNT OF ANY INCREASED WITHDRAWAL SHALL BE DETERMINED BY REFERENCE
15 TO THE HIGHEST ANNUAL PRIOR USAGE THAT CAN BE DOCUMENTED OR
16 OTHERWISE ESTABLISHED WITHIN THE 5 YEARS PRECEDING JANUARY 1, 2009.

17 ~~Sec. 32712. This part does not authorize the department to~~
18 ~~mandate any permit or to regulate the withdrawal of water covered~~
19 ~~under this part.~~

20 (1) AN APPLICATION FOR A PERMIT UNDER SECTION 32711 SHALL
21 CONTAIN A STATEMENT OF AND DOCUMENTATION FOR ALL OF THE FOLLOWING:

22 (A) THE CURRENT OPERATING CAPACITY OF THE WITHDRAWAL, IF THE
23 PROPOSED INCREASE REQUIRES THE EXPANSION OF AN EXISTING SYSTEM.

24 (B) THE TOTAL NEW OR INCREASED OPERATING CAPACITY OF THE
25 WITHDRAWAL.

26 (C) THE PLACE AND SOURCE OF THE PROPOSED WITHDRAWAL.

27 (D) THE LOCATION OF ANY DISCHARGE OR RETURN FLOW.

1 (E) THE LOCATION AND PURPOSE OF THE PROPOSED WATER USE.

2 (F) THE ESTIMATED WITHDRAWAL, INCLUDING DAILY, MONTHLY,
3 SEASONAL, AND ANNUAL MEAN AND PEAK VOLUMES OF WITHDRAWALS.

4 (G) THE ESTIMATED CONSUMPTIVE USE FROM THE WITHDRAWAL,
5 INCLUDING DAILY, MONTHLY, AND ANNUAL MEAN AND PEAK VOLUMES AND
6 RATES OF CONSUMPTIVE USE.

7 (H) THE ANTICIPATED EFFECTS, IF ANY, THAT THE WITHDRAWAL WILL
8 HAVE ON EXISTING USES OF WATER RESOURCES AND RELATED LAND USES
9 WITHIN THE GREAT LAKES BASIN.

10 (I) A LIST OF ALL FEDERAL, STATE, AND LOCAL APPROVALS,
11 PERMITS, LICENSES, AND OTHER AUTHORIZATIONS REQUIRED FOR ANY
12 PROPOSED CONSTRUCTION.

13 (J) A DESCRIPTION OF ALTERNATE SOURCES OR OTHER WAYS THE
14 APPLICANT'S NEED FOR WATER MAY BE SATISFIED IF THE APPLICATION IS
15 DENIED OR MODIFIED.

16 (K) A DESCRIPTION OF THE ENVIRONMENTALLY SOUND AND
17 ECONOMICALLY FEASIBLE WATER CONSERVATION MEASURES THE APPLICANT
18 WILL IMPLEMENT. FOR WITHDRAWALS SUBJECT TO SECTION 32712A(2), THIS
19 INCLUDES A WATER MANAGEMENT AND CONSERVATION PLAN AS DESCRIBED IN
20 SECTION 32706(3) AND STATUS OF IMPLEMENTATION.

21 (L) FOR WITHDRAWALS SUBJECT TO SECTION 32712A(2), A DESCRIPTION
22 OF PROPOSED IMPROVEMENTS.

23 (M) EVIDENCE THAT ALL ADJACENT PROPERTY OWNERS HAVE RECEIVED
24 WRITTEN NOTIFICATION OF THE PROPOSED WITHDRAWAL.

25 (N) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT BY RULE.

26 (O) ANY OTHER INFORMATION THE APPLICANT DETERMINES IS
27 NECESSARY TO ESTABLISH THAT THE CRITERIA OF SECTION 32712C ARE

1 SATISFIED.

2 (2) THE DEPARTMENT SHALL CHARGE AND COLLECT FROM EACH
3 APPLICANT FOR A PERMIT AN APPLICATION FEE AS ESTABLISHED BY THE
4 DEPARTMENT BY RULE. THE DEPARTMENT SHALL ALSO ESTABLISH BY RULE AND
5 COLLECT AN ANNUAL PERMIT FEE FOR EACH PERMITTEE. THE FEES
6 ESTABLISHED UNDER THIS SECTION SHALL BE SUFFICIENT TO ENABLE THE
7 DEPARTMENT TO RECOVER THE REASONABLE COSTS OF ADMINISTERING THIS
8 PART. THE DEPARTMENT SHALL TRANSMIT ALL MONEY COLLECTED UNDER THIS
9 SUBSECTION TO THE STATE TREASURER TO BE CREDITED TO THE WATER USE
10 PROTECTION FUND CREATED IN SECTION 32714.

11 SEC. 32712A. (1) WITHIN 30 DAYS AFTER RECEIVING A COMPLETE
12 APPLICATION FOR A PERMIT, THE DEPARTMENT SHALL POST NOTICE OF THE
13 APPLICATION ON THE DEPARTMENT'S WEBSITE. THE NOTICE SHALL IDENTIFY
14 THE LOCATION AND AMOUNT OF THE PROPOSED WITHDRAWAL AND SHALL
15 CONTAIN INSTRUCTIONS EXPLAINING HOW INTERESTED PERSONS CAN OBTAIN
16 ADDITIONAL INFORMATION OR PROVIDE COMMENTS TO THE DEPARTMENT.

17 (2) IF THE DEPARTMENT RECEIVES AN APPLICATION THAT, IF
18 APPROVED, WILL RESULT IN A NEW OR INCREASED CONSUMPTIVE USE
19 AVERAGING MORE THAN 5,000,000 GALLONS PER DAY IN ANY 30-DAY PERIOD,
20 IN ACCORDANCE WITH THE GREAT LAKES CHARTER, THE DEPARTMENT SHALL
21 NOTIFY THE OFFICE OF THE GOVERNOR OR PREMIER AND THE AGENCY
22 RESPONSIBLE FOR MANAGEMENT OF WATER RESOURCES IN EACH STATE AND
23 PROVINCE OF THE GREAT LAKES REGION. IN MAKING ITS DETERMINATION ON
24 AN APPLICATION, THE DEPARTMENT SHALL CONSIDER ANY COMMENTS OF THE
25 GREAT LAKES GOVERNORS AND PREMIERS THAT ARE RECEIVED WITHIN THE
26 TIME LIMIT ESTABLISHED UNDER SECTION 32712B.

27 SEC. 32712B. (1) FOLLOWING THE RECEIPT OF A PERMIT

1 APPLICATION, WITHIN THE TIME LIMIT ESTABLISHED BY THE DEPARTMENT BY
2 RULE, BUT NOT LATER THAN 6 MONTHS AFTER THE RECEIPT OF A COMPLETE
3 APPLICATION, THE DEPARTMENT SHALL NOTIFY THE APPLICANT THAT THE
4 APPLICATION IS GRANTED, GRANTED WITH MODIFICATION, OR DENIED BASED
5 UPON THE CRITERIA ESTABLISHED IN SECTION 32712C AND, IF IT IS
6 DENIED, THE REASON FOR THE DENIAL.

7 (2) THE DEPARTMENT SHALL PROCESS APPLICATIONS IN THE ORDER IN
8 WHICH THEY ARE RECEIVED, EXCEPT AS FOLLOWS:

9 (A) IF TO DO SO WOULD PREVENT PROMPT APPROVAL OF ROUTINE
10 APPLICATIONS.

11 (B) IF THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE PEOPLE OF
12 THE STATE WOULD BE THREATENED BY DELAY.

13 (C) IF THE DEPARTMENT UNDERTAKES JOINT CONSIDERATION OF
14 PENDING APPLICATIONS PROPOSING TO WITHDRAW WATER FROM THE SAME
15 SOURCE OF SUPPLY.

16 (D) IF THE PROPOSED WITHDRAWAL IS A HIGH-PRIORITY ECONOMIC
17 DEVELOPMENT PROJECT FOR THE MICHIGAN ECONOMIC DEVELOPMENT
18 CORPORATION.

19 (3) PRIOR TO GRANTING OR DENYING A PERMIT UNDER THIS SECTION,
20 THE DEPARTMENT MAY HOLD A PUBLIC HEARING FOR THE PURPOSE OF
21 OBTAINING COMMENTS FROM MEMBERS OF THE PUBLIC, INCLUDING
22 REPRESENTATIVES OF OTHER GREAT LAKES STATES OR PROVINCES. FOR
23 WITHDRAWALS SUBJECT TO SECTION 32712A(2), THE DEPARTMENT SHALL HOLD
24 A PUBLIC HEARING.

25 (4) UNLESS OTHERWISE PROVIDED BY THE DEPARTMENT, A PERMIT IS
26 EFFECTIVE WHEN IT HAS BEEN SIGNED AND ACCEPTED BY THE PERMIT
27 APPLICANT AND RETURNED TO THE DEPARTMENT.

1 (5) A PERMIT ISSUED UNDER THIS SECTION SHALL EXPIRE 20 YEARS
2 FROM THE DATE IT IS APPROVED BY THE DEPARTMENT.

3 SEC. 32712C. BEFORE ISSUING A PERMIT, THE DEPARTMENT SHALL
4 DETERMINE THAT THE APPLICANT HAS DEMONSTRATED ALL OF THE FOLLOWING:

5 (A) THAT THE WITHDRAWAL WILL NOT POLLUTE, IMPAIR, OR DESTROY
6 THE NATURAL RESOURCES OF THE STATE OR THE PUBLIC TRUST THEREIN AND
7 THAT PUBLIC WATER RIGHTS IN NAVIGABLE WATERS WILL NOT BE ADVERSELY
8 AFFECTED.

9 (B) THAT BOTH THE APPLICANT'S CURRENT WATER USE, IF ANY, AND
10 THE APPLICANT'S PROPOSED PLANS FOR WITHDRAWAL OF WATER RESOURCES
11 INCORPORATE REASONABLE ENVIRONMENTALLY SOUND AND ECONOMICALLY
12 FEASIBLE WATER CONSERVATION MEASURES.

13 (C) THAT THE PROPOSED WITHDRAWAL WILL NOT HAVE AN ADVERSE
14 IMPACT ON THE QUANTITY AND QUALITY OF THE WATERS AND WATER-
15 DEPENDENT NATURAL RESOURCES OF THE GREAT LAKES BASIN.

16 (D) THAT THE PROPOSED WITHDRAWAL IS CONSISTENT WITH THE
17 PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE AND THE
18 ENVIRONMENT AND WILL NOT BE DETRIMENTAL TO THE PUBLIC INTEREST.

19 (E) IF REQUIRED BY OTHER APPLICABLE LAW, THE PROPOSED
20 WITHDRAWAL INCORPORATES PLANS FOR AN IMPROVEMENT TO THE WATERS AND
21 WATER-DEPENDENT NATURAL RESOURCES OF THE GREAT LAKES BASIN.

22 SEC. 32712D. A PERMIT THAT IS ISSUED UNDER THIS PART OR A
23 MODIFICATION OF A PERMIT AS PROVIDED FOR IN SECTION 32712E SHALL
24 SPECIFY ALL OF THE FOLLOWING:

25 (A) THE LOCATION OF THE WITHDRAWAL.

26 (B) THE AMOUNT AND RATES OF THE PERMITTED WATER WITHDRAWAL,
27 INCLUDING THE PROPOSED METHOD OF MEASUREMENT.

1 (C) THE DATES ON WHICH OR SEASONS DURING WHICH WATER MAY BE
2 WITHDRAWN.

3 (D) THE USES FOR WHICH WATER MAY BE WITHDRAWN.

4 (E) THE AMOUNT AND QUALITY OF RETURN FLOW REQUIRED AND THE
5 PLACE OF DISCHARGE.

6 (F) THE REQUIREMENTS FOR REPORTING VOLUMES AND RATES OF
7 WITHDRAWAL AND ANY OTHER DATA SPECIFIED BY THE DEPARTMENT.

8 (G) ANY OTHER CONDITIONS, LIMITATIONS, AND RESTRICTIONS THAT
9 THE DEPARTMENT DETERMINES ARE NECESSARY TO PROTECT THE ENVIRONMENT
10 AND THE PUBLIC HEALTH, SAFETY, AND WELFARE AND TO ENSURE THE
11 CONSERVATION AND PROPER MANAGEMENT OF THE WATERS OF THE STATE.

12 (H) ANY REQUIREMENTS FOR METERING, SURVEILLANCE, AND REPORTING
13 THAT THE DEPARTMENT DETERMINES ARE NECESSARY TO ENSURE COMPLIANCE
14 WITH OTHER CONDITIONS, LIMITATIONS, OR RESTRICTIONS OF THE
15 APPROVAL.

16 (I) THE DATE ON WHICH APPROVAL FOR THE WITHDRAWAL EXPIRES, AND
17 THE DATE BY WHICH A NEW APPLICATION MUST BE SUBMITTED.

18 SEC. 32712E. (1) THE DEPARTMENT MAY AT ANY TIME PROPOSE
19 MODIFICATIONS TO A PERMIT OR ADDITIONAL CONDITIONS, LIMITATIONS, OR
20 RESTRICTIONS DETERMINED TO BE NECESSARY TO ENSURE CONTINUED
21 COMPLIANCE WITH THIS PART OR WITH ANY OTHER APPLICABLE STATUTE OR
22 RULE.

23 (2) IF THE DEPARTMENT DETERMINES THAT A PERSON TO WHOM A
24 PERMIT HAS BEEN ISSUED WILL BE UNABLE UNDER ANY CONDITIONS,
25 LIMITATIONS, OR RESTRICTIONS TO COMPLY WITH THIS PART OR ANOTHER
26 APPLICABLE STATUTE OR RULE, THE DEPARTMENT MAY REVOKE, LIMIT, OR
27 OTHERWISE CONDITION THE PERMIT.

1 (3) IF THE DEPARTMENT DETERMINES THAT A PERSON TO WHOM A
2 PERMIT HAS BEEN ISSUED OBTAINED THAT PERMIT THROUGH THE SUBMISSION
3 OF FALSE INFORMATION, THE DEPARTMENT SHALL REVOKE THE PERMIT.

4 (4) THE PERSON HOLDING A PERMIT IS ENTITLED TO A CONTESTED
5 CASE HEARING UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969
6 PA 306, MCL 24.201 TO 24.328, BEFORE A REVOCATION OR MODIFICATION
7 TAKES EFFECT. ANY OTHER PERSON WHO MAY BE ADVERSELY AFFECTED BY A
8 PROPOSED MODIFICATION MAY PETITION THE DEPARTMENT FOR A CONTESTED
9 CASE HEARING BEFORE A MODIFICATION TAKES EFFECT.

10 SEC. 32712F. THE DEPARTMENT MAY, WITHOUT A PRIOR HEARING,
11 ORDER A PERSON HOLDING A PERMIT TO IMMEDIATELY STOP A WITHDRAWAL IF
12 THE DEPARTMENT DETERMINES THAT THERE IS A DANGER OF IMMINENT HARM
13 TO THE PUBLIC HEALTH, SAFETY, OR WELFARE, TO THE ENVIRONMENT, OR TO
14 WATER DEPENDENT NATURAL RESOURCES. THE ORDER SHALL SPECIFY THE DATE
15 ON WHICH THE WITHDRAWAL MUST BE STOPPED AND THE DATE, IF ANY, ON
16 WHICH IT MAY BE RESUMED. THE ORDER SHALL NOTIFY THE PERSON THAT THE
17 PERSON MAY REQUEST A CONTESTED CASE HEARING UNDER THE
18 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
19 24.328. THE HEARING SHALL BE HELD WITHIN 10 BUSINESS DAYS FOLLOWING
20 THE REQUEST, UNLESS THE PERMITTEE REQUESTS A LATER DATE. AN
21 EMERGENCY ORDER REMAINS IN EFFECT PENDING THE RESULT OF THE
22 HEARING.

23 SEC. 32712G. A PERMIT MAY BE TRANSFERRED TO A SUCCESSIVE OWNER
24 OR OPERATOR OF THE PROPERTY AT WHICH THE WITHDRAWAL IS LOCATED.
25 HOWEVER, THE NEW OWNER OR OPERATOR SHALL NOTIFY THE DEPARTMENT
26 IMMEDIATELY AFTER THE CONVEYANCE AND REQUEST TRANSFER OF THE
27 PERMIT. ALL PERMIT CONDITIONS CONTINUE TO BE BINDING ON THE

1 **SUCCESSIVE PERMITTEE.**

2 Sec. 32713. The department may request the attorney general to
3 commence a civil action for appropriate relief, including a
4 permanent or temporary injunction, for a violation of this part or
5 a rule promulgated **OR PERMIT ISSUED** under this part. An action
6 under this section shall be brought in the circuit court for the
7 county of Ingham or for the county in which the defendant is
8 located, resides, or is doing business. The court has jurisdiction
9 to restrain the violation and to require compliance. In addition to
10 any other relief granted, the court may impose a civil fine of not
11 more than ~~-\$1,000.00-~~ **\$10,000.00 PER DAY**. In addition to a fine,
12 the attorney general may file a suit in a court of competent
13 jurisdiction to recover the full value of the costs of surveillance
14 and enforcement by the state resulting from the violation.

15 **SEC. 32713A. (1) IF THE DEPARTMENT HAS REASON TO BELIEVE THAT**
16 **ANY PERSON HAS VIOLATED THIS PART OR ANY ORDER OR PERMIT ISSUED OR**
17 **RULE PROMULGATED UNDER THIS PART, THE DEPARTMENT MAY ORDER THE**
18 **PERSON TO CEASE THE VIOLATION OR RESTORE THE CONDITION OF THE**
19 **WATERS OF THE STATE AND RELATED LAND RESOURCES TO THEIR CONDITION**
20 **PRIOR TO THE VIOLATION, OR BOTH, AS IS REASONABLY NECESSARY TO THE**
21 **ENFORCEMENT OF THIS PART.**

22 **(2) EXCEPT AS PROVIDED IN SUBSECTION (3), PRIOR TO ISSUING AN**
23 **ORDER TO A PERSON UNDER SUBSECTION (1), THE DEPARTMENT SHALL ISSUE**
24 **AND SERVE ON THAT PERSON A WRITTEN NOTICE OF VIOLATION INDICATING**
25 **THE PROVISIONS, ORDERS, PERMIT TERMS OR CONDITIONS, OR RULES**
26 **ALLEGEDLY VIOLATED AND THE FACTS ALLEGED TO CONSTITUTE THE**
27 **VIOLATION. THE DEPARTMENT SHALL GIVE THE PERSON AN OPPORTUNITY TO**

1 ANSWER THE ALLEGATIONS AND TO APPEAR AT AN ADMINISTRATIVE HEARING
2 TO BE HELD NOT LESS THAN 30 DAYS AFTER THE PERSON WAS SERVED WITH
3 THE NOTICE OF VIOLATION.

4 (3) IF THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS
5 REQUIRING IMMEDIATE CORRECTION OF THE VIOLATION, THE DEPARTMENT
6 SHALL, WITHOUT A HEARING, ISSUE AN ORDER WITH IMMEDIATE EFFECT WITH
7 A HEARING TO FOLLOW WITHIN 10 BUSINESS DAYS OF THE ISSUANCE OF THIS
8 ORDER.

9 SEC. 32715. THIS PART DOES NOT APPLY TO BRINE WELLS REGULATED
10 UNDER PART 625.

11 SEC. 32716. (1) THIS PART DOES NOT LIMIT THE RIGHT TO ANY
12 REMEDY AVAILABLE TO ANY PERSON IN AN ACTION UNDER THE STATUTORY OR
13 COMMON LAW OF THIS STATE.

14 (2) THIS PART, OR ANY PERMIT ISSUED UNDER THIS PART, DOES NOT
15 AUTHORIZE ANY PERSON TO POLLUTE, IMPAIR, OR DESTROY THE NATURAL
16 RESOURCES OF THE STATE OR THE PUBLIC TRUST IN THOSE RESOURCES OR
17 OTHERWISE TO ENDANGER THE PUBLIC HEALTH, SAFETY, OR WELFARE.

18 (3) THIS PART DOES NOT PREEMPT THE AUTHORITY OF ANY LOCAL UNIT
19 OF GOVERNMENT, INCLUDING A LOCAL HEALTH DEPARTMENT, TO REGULATE
20 WATER WITHDRAWALS WITHIN ITS JURISDICTION.

21 (4) THIS PART DOES NOT RELIEVE ANY PERSON OF THE OBLIGATION TO
22 OBTAIN ANY OTHER PERMITS OR APPROVALS REQUIRED BY LAW.

23 (5) THIS PART SHALL NOT BE CONSTRUED TO CREATE, CONVEY, OR
24 TRANSFER ANY PROPERTY INTERESTS IN WATER. A PERMIT ISSUED UNDER
25 THIS PART DOES NOT CONFER ANY PROPERTY INTERESTS ON THE PERMIT
26 HOLDER.

27 SEC. 32717. (1) THE DEPARTMENT MAY PROMULGATE RULES AS

1 NECESSARY TO IMPLEMENT OR ADMINISTER THIS PART.

2 (2) THE DEPARTMENT MAY, BY RULE, PROVIDE FOR A STREAMLINED
3 APPLICATION PROCEDURE FOR CERTAIN WATER WITHDRAWALS AS APPROPRIATE
4 AND MAY ALSO ESTABLISH GENERAL PERMIT CATEGORIES FOR CERTAIN WATER
5 WITHDRAWALS LESS THAN 2,000,000 GALLONS PER DAY AND 100,000,000
6 GALLONS PER YEAR AS APPROPRIATE.