

**PA 33** (2006) amended Parts 301 (Inland Lakes and Streams) and 327 (Great Lakes Preservation) of the Natural Resources and Environmental Protection Act (NREPA) to do the following:

- Exempt a water withdrawal from the requirement for a permit under Part 301.
- Require the Governor to establish a public comment period for any proposal to divert water outside of the Great Lakes Basin and notify the Legislature of receipt of the proposal.
- Require legislative approval for diversions outside the Basin, if an existing ban on such diversions is declared invalid.
- Add Section 32721 to prohibit a person from making a large quantity withdrawal that causes an adverse resource impact to a designated trout stream; or, beginning February 28, 2008, from making a large quantity withdrawal that causes any adverse resource impact.
- Establish a rebuttable presumption that a new or increased large quantity withdrawal meeting specified criteria is not likely to cause an adverse resource impact, until the enactment of a water withdrawal assessment tool (as required by Senate Bill 851).
- Add Section 32723 to require certain users to obtain a water withdrawal permit, and prescribe a \$2,000 application fee for five years after the bill's effective date.
- Prescribe a maximum civil fine of \$5,000 per day for a knowing violation of Section 32721 or 32723.
- Increase the annual water use reporting fee from \$100 to \$200 until the water withdrawal assessment tool becomes effective.
- Exempt a person who withdraws less than 1.5 million gallons of water annually from certain reporting requirements and the water use reporting fee.
- Allow a person who intends to make a new or increased large quantity withdrawal for which a permit is not required to petition the DEQ for a determination that the withdrawal is not likely to cause an adverse resource impact; and prescribe a \$5,000 petition fee.
- Require the DEQ to submit a biennial report to the Legislature identifying the Department's costs in reviewing petitions and permit applications, as well as revenue generated from permit and reporting fees.
- Prohibit a local unit of government from enacting or enforcing an ordinance that regulates an adverse resource impact caused by a large quantity withdrawal.
- Exempt withdrawals related to hazardous waste management, solid waste management, environmental remediation, and leaking underground storage tanks from the requirements of Part 327.
- Repeal Section 32711, which exempted from Part 327 a public water supply system required to report water withdrawals under the Safe Drinking Water Act.
- Repeal Section 32712, which specified that the DEQ was not authorized to mandate any permit or regulate water withdrawals covered under Part 327.

**PA 34** (2006) amended Part 328 (Aquifer Protection) of NREPA to do the following:

- Transfer the Groundwater Conservation Advisory Council from the DEQ to the Department of Natural Resources (DNR).
- Eliminate a provision disbanding the Council.
- Expand the Council's duties.
- Require the appointment of additional members to the Council to assist it in carrying out the additional duties.
- Require the Council to appoint a technical advisory committee of individuals with specific technical and legal expertise relevant to the Council's responsibilities.
- Require the Council, in consultation with the DEQ, the DNR, the Michigan Department of Agriculture (MDA), and the technical advisory committee to design a water withdrawal

assessment tool to be used by a person proposing a new or increased large quantity withdrawal, to assist in determining whether the withdrawal would cause an adverse resource impact.

- Require the Council, the specified departments, and the advisory committee to determine an appropriate timetable for periodic changes to the tool, and submit to the Legislature by July 1, 2007, a report on its findings and recommendations.
- Require the Legislature to provide for the adoption of the tool.

**PA 35** (2006) amended Part 327 to do the following:

- Extend the requirements for registering with the DEQ to the owner of real property who has the capacity on that property to make a large quantity withdrawal from the waters of this State.
- Require the DEQ to aggregate information received by the State related to large quantity withdrawal capacities within and large quantity withdrawals in the State.
- Require each sector of water users to begin designing generally accepted water management practices or environmentally sound and economically feasible water conservation measures by February 28, 2007.
- Require the DEQ, by February 28, 2008, to report to the Legislature on whether there are reasonably detailed criteria for assisting a facility in determining whether water is being used in an efficient manner.

**PA 36** (2006) amended Part 327 to do the following:

- Encourage large quantity users in a watershed to form a water users committee through which the DEQ can facilitate the resolution of a situation in which a withdrawal causes an adverse resource impact.
- Allow the DEQ to order a permit holder immediately to restrict a withdrawal that presents the substantial and imminent threat of an adverse resource impact.
- Allow a registrant or permit holder to submit to the DEQ Director a petition alleging that adverse resource impacts are occurring or are likely to occur from a withdrawal.

**PA 37** (2006) amended the Safe Drinking Water Act to do the following:

- Require the DEQ to evaluate the impact of a proposed waterworks system that meets certain criteria.
- Require the DEQ to reject the plans and specifications for the system if it determines it would not meet specified standards, subject to certain exceptions.
- Require a person who proposes to produce bottled drinking water from a new or increased large quantity water withdrawal of more than 250,000 gallons per day to demonstrate to the DEQ that certain conditions will be met; and submit a \$5,000 application fee.

Each of these statutes took effect on **February 28, 2006**.