

HOUSE BILL No. 5149

November 3, 2011, Introduced by Reps. Irwin, Dillon, Heise, Rutledge, Kandrevas, Meadows and Brown and referred to the Committee on Energy and Technology.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32727 (MCL 324.32727), as amended by 2008 PA 183.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32727. (1) The following withdrawals are exempt from the
2 requirements of this part unless they result in a diversion:

3 (a) A withdrawal undertaken as part of an activity authorized
4 by the department under part 111, 115, 201, OR 213. ~~or 615.~~

5 (b) A withdrawal undertaken as part of an activity authorized
6 by the United States environmental protection agency under either
7 of the following:

8 (i) The comprehensive environmental response, compensation, and

1 liability act of 1980, Public Law 96-510.

2 (ii) The resource conservation and recovery act of 1976, Public
3 Law 94-580.

4 (c) A withdrawal that is undertaken for hydroelectric
5 generation at sites certified, licensed, or permitted by the
6 federal energy regulatory commission.

7 (d) A hydroelectric facility authorized under section 12 of
8 chapter 264 of the act of March 3, 1909, commonly known as the
9 river and harbor act of 1909, 35 Stat. 821.

10 (e) A hydroelectric facility authorized under section 1075(c)
11 of the intermodal surface transportation efficiency act of 1991,
12 Public Law 102-240.

13 (f) A hydroelectric facility authorized under Public Law 85,
14 chapter 1368, 34 Stat. 102.

15 (g) Removal of water from an artificially created surface
16 water body that has as its primary source of water either of the
17 following:

18 (i) A withdrawal that is not a new or increased large quantity
19 withdrawal.

20 (ii) A registered new or increased large quantity withdrawal
21 that has been determined by the assessment tool, a site-specific
22 review, or a permit issued under section 32723 to be a withdrawal
23 that is not likely to cause an adverse resource impact.

24 (h) A withdrawal from a noncommercial well located on the
25 following residential property:

26 (i) Single-family residential property unless that well is a
27 lake augmentation well.

1 (ii) Multifamily residential property not exceeding 4
2 residential units and not more than 3 acres in size unless that
3 well is a lake augmentation well.

4 (2) The director of the department shall ensure that data in
5 the possession of the state related to withdrawals that are not
6 regulated under this part are compiled and shared with departmental
7 personnel responsible for implementing this part.