

Act No. 327  
Public Acts of 1990  
Approved by the Governor  
December 20, 1990  
Filed with the Secretary of State  
December 21, 1990

**STATE OF MICHIGAN**  
**85TH LEGISLATURE**  
**REGULAR SESSION OF 1990**

Introduced by Reps. Stabenow, Alley, Gubow, Jondahl, Dolan, DeMars, Hickner, Berman, Emerson, Scott, Trim, Middaugh, Gnodtke, Sikkema, Miller, Pitoniak, Nye, Perry Bullard, DeBeaussaert, Ciaramitaro, Kosteva, Honigman, Pridnia, Bandstra, Crandall, Camp and Brown

# **ENROLLED HOUSE BILL No. 5186**

AN ACT to amend Act No. 130 of the Public Acts of 1985, entitled as amended "An act to limit the diversion of the waters of the Great Lakes out of the basin of the Great Lakes; and to repeal this act on a specific date," as amended, being sections 323.71 to 323.76 of the Michigan Compiled Laws, by adding sections 8, 9, 10, 11, 12, 13, 14, and 15.

*The People of the State of Michigan enact:*

Section 1. Act No. 130 of the Public Acts of 1985, as amended, being sections 323.71 to 323.76 of the Michigan Compiled Laws, is amended by adding sections 8, 9, 10, 11, 12, 13, 14, and 15 to read as follows:

Sec. 8. (1) Each registration under this act shall consist of a statement and supporting documentation that includes all of the following:

- (a) The place and source of the proposed or existing withdrawal.
- (b) The location of any discharge or return flow.
- (c) The location and nature of the proposed or existing water user.
- (d) The actual or estimated average annual and monthly volumes and rate of withdrawal.
- (e) The actual or estimated average annual and monthly volumes and rates of consumptive use from the withdrawal.

(2) Each registration under this act concerning a withdrawal that will result in a consumptive use averaging in excess of 2,000,000 gallons per day in any consecutive 30-day period shall also provide a statement and supporting documentation that includes all of the following:

- (a) The operating capacity of the withdrawal system identified in the registration.
- (b) If the registration includes a proposed withdrawal increase, the total new or increased operating capacity of the withdrawal system.
- (c) The estimated average annual and monthly rates of discharge or return flow.
- (d) A list of all federal, state, and local approvals, permits, licenses, and other authorizations required for the existing or proposed withdrawal.

Sec. 9. (1) Except as provided in subsection (2), a person who owns an industrial or processing facility or an irrigation facility registered under this section shall file a report annually with the department on a form provided by the department. The first report shall be submitted to the department by March 31, 1992. Subsequent reports shall be submitted within 3 months after the end of each calendar year. Reports shall include the following information:

- (a) Amount and rate of water withdrawn on an annual and monthly basis.
- (b) Source or sources of water supply.
- (c) Use or uses of water.
- (d) Amount of consumptive water use.
- (e) Other information specified by rule of the department.

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

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

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

Sec. 10. The department and the department of agriculture in consultation with the cooperative extension service and the soil conservation districts shall develop a formula or model to determine the amount of water withdrawn for agricultural purposes consistent with the objectives of section 9. For a period of not more than 5 years after the effective date of this section, a person using water for an agricultural purpose, who withdraws over 100,000 gallons of water per day average in any consecutive 30-day period for irrigation, shall provide the location of the irrigation water source or sources and other information as needed by the department in the calculations of the formula or model as provided in this section.

Sec. 11. The department may contract for the preparation and distribution of informational materials to persons who withdraw water for irrigation or industrial purposes regarding the purposes, benefits, and requirements of this act, and may also provide information on complying with the registration program and on any general or applicable methods for calculating or estimating water withdrawals or consumptive uses.

Sec. 12. The department shall do all of the following:

- (a) Cooperate with the states and provinces in the Great Lakes region to develop and maintain a common base of information on the use and management of the water of the Great Lakes basin and to establish systematic arrangements for the exchange of this information.
- (b) Collect and maintain information regarding the locations, types, and quantities of water use, including water withdrawals and consumptive uses, in a form that the department determines is comparable to the form used by other states and provinces in the Great Lakes region.
- (c) Collect, maintain, and exchange information on current and projected future water needs with the other states and provinces in the Great Lakes region.
- (d) Cooperate with other states and provinces in the Great Lakes region in developing a long-range plan for developing, conserving, and managing the water of the Great Lakes basin.
- (e) Participate in the development of a regional consultation procedure for use in exchanging information on the effects of proposed water withdrawals and consumptive uses from the Great Lakes basin.
- (f) Develop procedures for notifying water users and potential water users of the requirements of this act.

Sec. 13. A public water supply system that is required to report water withdrawals under the safe drinking water act, Act No. 399 of the Public Acts of 1976, being sections 325.1001 to 325.1023 of the Michigan Compiled Laws, is exempt from the requirements of this act.

Sec. 14. This act shall not be construed to authorize the department to impose or collect fees, to mandate any permit, or to regulate the withdrawal of water covered under this act.

Sec. 15. The department may request the attorney general to commence a civil action for appropriate relief, including a permanent or temporary injunction, for a violation of this act or a rule promulgated under this act. An action under this subsection shall be brought in the circuit court for the county of Ingham or for the county in which the defendant is located, resides, or is doing business. The court has jurisdiction to restrain the violation and to require compliance. In addition to any other relief granted, the court may impose a civil fine of not more than \$1,000.00. In addition to a fine, the attorney general may file a suit in a court of competent jurisdiction to recover the full value of the costs of surveillance and enforcement by the state resulting from the violation.

Section 2. This amendatory act shall not take effect unless Senate Bill No. 602 of the 85th Legislature is enacted into law.

This act is ordered to take immediate effect.

.....  
Clerk of the House of Representatives.

.....  
Secretary of the Senate.

Approved.....

.....  
Governor.