

# HOUSE BILL No. 5186

October 16, 1989, 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 and referred to the Committee on Conservation, Recreation and Environment.

A bill to require registration and reporting by certain water users; to assist the state in its opposition to a diversion of Great Lakes waters; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "Great Lakes water data management act".

3       Sec. 2. The legislature finds and declares that:

4       (a) The "Great Lakes charter" committed the state to join  
5 with other Great Lakes states in compiling data on Great Lakes  
6 basin water use.

7       (b) Information on water use in the state is necessary for  
8 the state to wisely protect, manage, and develop the water  
9 resources of the state and for the states in the Great Lakes

1 region to protect, manage, and develop the water resources of the  
2 Great Lakes basin.

3 (c) The prudent management and use of water in the Great  
4 Lakes basin are essential to the state's opposition to the diver-  
5 sion of waters of the Great Lakes.

6 Sec. 3. As used in this act:

7 (a) "Consumptive water use" means a loss of water as a  
8 result of evaporation, incorporation of water into a product, or  
9 other consumptive use.

10 (b) "Department" means the department of natural resources.

11 (c) "Great Lakes charter" means the document establishing  
12 the principles for the cooperative management of the Great Lakes  
13 water resources, signed by the governors and premiers of the  
14 Great Lakes region on February 11, 1985.

15 (d) "Industrial or processing facility" means an operating  
16 plant or other entity, including a thermoelectric power genera-  
17 tion plant, carrying on a common manufacturing activity, trade,  
18 or business on a common site, including similar plants or enti-  
19 ties under common ownership or control located on contiguous  
20 properties. Plants or entities under common ownership or control  
21 located on separate sites shall be considered separate  
22 facilities.

23 (e) "Irrigation facility" means all wells, pumps, intakes,  
24 gates, tanks, pipes, or other equipment under common ownership or  
25 control and located either on the same site or on separate sites,  
26 that are used to withdraw, convey, or distribute water for the

1 purposes of irrigating crops, golf courses, parks, recreational  
2 areas, or other grounds.

3 (f) "Person" means an individual, partnership, corporation,  
4 association, irrigation district, local unit of government, this  
5 state, an instrumentality or agency of this state, the federal  
6 government, an instrumentality or agency of the federal govern-  
7 ment, or other legal entity.

8 (g) "Public water supply system" means a water system that  
9 provides water for human consumption or other purposes to persons  
10 other than the supplier of water.

11 (h) "Registrant" means any industrial or processing facility  
12 or irrigation facility registered under section 4.

13 (i) "Rule" means a rule promulgated pursuant to the adminis-  
14 trative procedures act of 1969, Act No. 306 of the Public Acts of  
15 1969, being sections 24.201 to 24.328 of the Michigan Compiled  
16 Laws.

17 (j) "Water withdrawal" means the removal or taking of water  
18 from the waters of the state, including the groundwaters of the  
19 state. For the purposes of this act, the passage of water  
20 through, or storage of water for, a hydroelectric generation  
21 facility, plant, or structure is not a water withdrawal.

22 Sec. 4. (1) A person who owns an industrial or processing  
23 facility or an irrigation facility that has the capacity to with-  
24 draw over 100,000 gallons of water per day from all sources shall  
25 register with the department on a form provided by the  
26 department. Registration required by this section is for  
27 information purposes only and is not intended to change or alter

1 existing common law or riparian rights. The person registering  
2 under this section shall provide all of the following information  
3 to the department:

4 (a) Name and address of the registrant.

5 (b) Source or sources of water supply.

6 (c) Total water withdrawal capability of the registrant.

7 (d) Use or uses to be made of the water.

8 (e) Location of industrial or processing discharge or  
9 discharges.

10 (f) Other information specified by rule of the department.

11 (2) A person who owns an industrial or processing facility  
12 or an irrigation facility described under subsection (1) shall  
13 register under this section by December 31, 1991. All registra-  
14 tion forms received by the department under this subsection shall  
15 be considered effective as of December 31, 1991.

16 (3) An industrial or processing facility or an irrigation  
17 facility described under subsection (1) that is constructed after  
18 December 31, 1991 shall be registered under this section within 6  
19 months after it is completed.

20 (4) A person who owns an industrial or processing facility  
21 or an irrigation facility registered under this section shall  
22 file a report annually with the department on a form provided by  
23 the department. The first report shall be submitted to the  
24 department by March 31, 1992. Subsequent reports shall be sub-  
25 mitted within 3 months after the end of each calendar year. Each  
26 report shall include all of the following information:

1 (a) Amount and rate of water withdrawn on an annual and  
2 monthly basis.

3 (b) Source or sources of water supply.

4 (c) Use or uses of water.

5 (d) Amount of consumptive water use resulting from indus-  
6 trial or processing water withdrawals.

7 (e) Other information specified by rule of the department.

8 Sec. 5. The department shall prepare an annual water use  
9 information report that summarizes water uses in the state. The  
10 report shall include aggregated data for major water uses orga-  
11 nized by county and watershed.

12 Sec. 6. A public water supply system that is required to  
13 report water withdrawals under the safe drinking water act, Act  
14 No. 399 of the Public Acts of 1976, being sections 325.1001 to  
15 325.1023 of the Michigan Compiled Laws, is exempt from the  
16 requirements of this act.

17 Sec. 7. The department may promulgate rules for the admin-  
18 istration of this act.

19 Sec. 8. (1) The department may request the attorney general  
20 to commence a civil action for appropriate relief, including a  
21 permanent or temporary injunction, for a violation of this act or  
22 a rule promulgated under this act. An action under this subsec-  
23 tion shall be brought in the circuit court for the county of  
24 Ingham or for the county in which the defendant is located,  
25 resides, or is doing business. The court has jurisdiction to  
26 restrain the violation and to require compliance. In addition to  
27 any other relief granted, the court may impose a civil fine of

1 not more than \$1,000.00. In addition to a fine, the attorney  
2 general may file a suit in a court of competent jurisdiction to  
3 recover the full value of the costs of surveillance and enforce-  
4 ment by the state resulting from the violation.

5 (2) A default in the payment of a civil fine or costs  
6 ordered under this act or an installment of the fine or costs may  
7 be remedied by any means authorized under the revised judicature  
8 act of 1961, Act No. 236 of the Public Acts of 1961, being sec-  
9 tions 600.101 to 600.9947 of the Michigan Compiled Laws.

10 (3) A person who violates this act or a rule promulgated  
11 under this act is guilty of a misdemeanor, punishable by a fine  
12 of not more than \$500.00 for each violation. An action under  
13 this subsection shall be brought in the district court where the  
14 violation occurred. In addition to a fine, the court in its dis-  
15 cretion may impose probation upon a person for a violation of  
16 this act or a rule promulgated under this act.

17 Sec. 9. This act shall not be construed to authorize the  
18 department to impose or collect fees, to mandate any permit, or  
19 to regulate the withdrawal of water covered under this act.