

# SENATE BILL No. 152

February 16, 1989, Introduced by Senators POSTHUMUS, CHERRY and EHLERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend the title and sections 2a, 3, 4, and 11 of Act No. 245 of the Public Acts of 1929, entitled as amended

"An act to create a water resources commission to protect and conserve the water resources of the state, to have control over the pollution of any waters of the state and the Great Lakes, to have control over the alteration of the watercourses and the flood plains of all rivers and streams, with powers to make rules governing the same, and to prescribe the powers and duties of such commission; to require the registration of manufacturing products, production materials and waste products where certain wastes are discharged; to provide for surveillance fees upon discharges to the waters of the state in order to provide for investigation, monitoring and surveillance necessary to prevent and abate water pollution; to require permits to regulate the discharge or storage of any substance which may affect the quality of the waters of the state and to establish restrictions to assure compliance with applicable state standards and to authorize the establishment of permit restrictions and programs to assure compliance with applicable federal law and regulations; to prohibit the pollution of any waters of the state and the Great Lakes; to prohibit the obstruction of the floodways of the rivers and streams of the state; to designate the commission as the state agency to cooperate and negotiate with other governments and agencies in matters concerning the water resources of the state; and to provide penalties for the violation of this act,"

being sections 323.2a, 323.3, 323.4, and 323.11 of the Michigan Compiled Laws; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2a, 3, 4, and 11 of Act  
2 No. 245 of the Public Acts of 1929, being sections 323.2a, 323.3,  
3 323.4, and 323.11 of the Michigan Compiled Laws, are amended to  
4 read as follows:

5 TITLE

6 An act to create a water resources commission to protect and  
7 conserve the water resources of the state, to have control over  
8 the pollution of any waters of the state and the Great Lakes, ~~to~~  
9 ~~have control over the alteration of the watercourses and the~~  
10 ~~flood plains of all rivers and streams,~~ with powers to make  
11 rules governing the same, and to prescribe the powers and duties  
12 of such commission; to require the registration of manufacturing  
13 products, production materials, and waste products where certain  
14 wastes are discharged; to provide for surveillance fees upon dis-  
15 charges to the waters of the state in order to provide for inves-  
16 tigation, monitoring, and surveillance necessary to prevent and  
17 abate water pollution; to require permits to regulate the dis-  
18 charge or storage of any substance which may affect the quality  
19 of the waters of the state and to establish restrictions to  
20 assure compliance with applicable state standards and to autho-  
21 rize the establishment of permit restrictions and programs to  
22 assure compliance with applicable federal law and regulations; to  
23 prohibit the pollution of any waters of the state and the Great  
24 Lakes; ~~to prohibit the obstruction of the floodways of the~~

1 ~~rivers and streams of the state;~~ to designate the commission as  
2 the state agency to cooperate and negotiate with other govern-  
3 ments and agencies in matters concerning the water resources of  
4 the state; and to provide penalties for the violation of this  
5 act.

6       Sec. 2a. (1) The ~~water resources commission~~ DEPARTMENT is  
7 designated the state agency to cooperate and negotiate with other  
8 governments, governmental units and GOVERNMENTAL agencies  
9 ~~thereof~~ in matters concerning the water resources of the  
10 state. ~~, including but not limited to flood control, beach ero-~~  
11 ~~sion control and water quality control planning, development and~~  
12 ~~management. The commission shall have control over the alter-~~  
13 ~~ations of natural or present watercourses of all rivers and~~  
14 ~~streams in the state to assure that the channels and the portions~~  
15 ~~of the flood plains that are the floodways are not inhabited and~~  
16 ~~are kept free and clear of interference or obstruction which will~~  
17 ~~cause any undue restriction of the capacity of the floodway. The~~  
18 ~~commission~~ DEPARTMENT may take such steps as may be necessary  
19 to take advantage of any act of congress ~~heretofore or hereafter~~  
20 ~~enacted~~ which may be of assistance in carrying out the purposes  
21 of this act including the water resources planning act, P.L.  
22 89-80, as amended, 42 U.S.C. 1962 TO 1962-1 AND 1962A TO 1962D-3,  
23 and the federal water pollution control act, CHAPTER 758, 33  
24 U.S.C. 1251 TO 1252, 1253 TO 1257, 1258 TO 1263, 1265 TO 1268,  
25 1281, 1282 TO 1293, 1294 TO 1299, 1311 TO 1313, 1314 TO 1326,  
26 1328 TO 1330, 1341 TO 1345, 1361 TO 1377, AND 1381 TO 1387, as  
27 amended.

1       (2) The ~~commission~~ DEPARTMENT shall report to the governor  
2 and to the legislature at least once in each year any plans or  
3 projects being carried on or considered and shall include in such  
4 report requests for any legislation needed to carry out any pro-  
5 posed projects or agreements made necessary thereby, together  
6 with any requests for appropriations. The ~~commission~~  
7 DEPARTMENT may make recommendations to the governor on the desig-  
8 nation of areawide water quality planning regions and organi-  
9 zations relative to the governor's responsibilities under the  
10 federal water pollution control act.

11       Sec. 3. The ~~commission shall be authorized to~~ DEPARTMENT  
12 MAY bring any appropriate action in the name of the people of the  
13 state of Michigan, either at law or in chancery as may be neces-  
14 sary to carry out ~~the provisions of~~ this act, and to enforce  
15 any and all laws relating to the pollution of the waters ~~and the~~  
16 ~~obstruction of the floodways of the rivers and streams~~ of this  
17 state. Whenever the attorney general ~~deems~~ CONSIDERS it neces-  
18 sary, he OR SHE shall take charge of and prosecute all criminal  
19 cases arising under ~~the provisions of~~ this act.

20       Sec. 4. The ~~commission or any agent duly appointed by it~~  
21 ~~shall have the right to~~ DEPARTMENT'S EMPLOYEES OR AGENTS MAY  
22 enter at all reasonable times in or upon any private or public  
23 property for the purpose of inspecting and investigating condi-  
24 tions relating to the pollution of any waters ~~and the obstruc-~~  
25 ~~tion of the floodways of the rivers and streams~~ of this state.  
26 The ~~commission~~ DEPARTMENT shall have the right to call upon any  
27 officer, board, department, school, university, or other state

1 institution and the officers or employees thereof for any  
2 assistance ~~deemed~~ CONSIDERED necessary to the carrying out of  
3 this act.

4 Sec. 11. As used in this act:

5 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

6 (B) ~~(a)~~ "Person" means any municipality, industry, public  
7 or private corporation, copartnership, firm or any other entity  
8 whatsoever.

9 (C) ~~(b)~~ "Waters of the state" means ~~ground waters~~  
10 GROUNDWATERS, lakes, rivers and streams, and all other ~~water~~  
11 ~~courses~~ WATERCOURSES and waters within the confines of the state  
12 and also the Great Lakes bordering ~~thereon~~ THE STATE.

13 (D) ~~(c)~~ "Municipality" means the state, a county, city,  
14 village, or township or an agency or instrumentality of any of  
15 them.

16 Section 2. Sections 5a and 5b of Act No. 245 of the Public  
17 Acts of 1929, being sections 323.5a and 323.5b of the Michigan  
18 Compiled Laws, are repealed.

19 Section 3. This amendatory act shall not take effect unless  
20 Senate Bill No. 151

21 of the 85th Legislature is enacted into law.