



**House  
Legislative  
Analysis  
Section**

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**GREAT LAKES WATER DATA MGMT.**

NOV 19

**House Bill 5186 as introduced**  
**First Analysis (10-18-89)**

Mich. State Law Library

**Sponsor: Rep. Debbie Stabenow**  
**Committee: Conservation, Recreation, & Environment**

***THE APPARENT PROBLEM:***

Protection of the water quality of the Great Lakes and preventing the diversion of their waters are two issues of increasing importance to Michigan as the demand for its water resources continues to grow. Since approximately 40 percent of the Great Lakes are located within the state's boundaries, it is important that Michigan take the lead role in development of programs that will address use of the Great Lakes. Therefore, the state recently joined the seven other Great Lakes states (Indiana, Illinois, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin) and two Canadian provinces (Ontario and Quebec) in signing the Great Lakes Charter to facilitate better management of the Great Lakes.

One of the requirements of the charter is that each state develop a water use reporting system in order to assess current uses of the lakes. However, Michigan and Pennsylvania are the only states that have not complied with the charter's provision mandating the development of a water use reporting system. In addition, the Water Planning Commission's recently completed water management plan notes that reliable information about water resources in Michigan is fundamental to sound planning and management and recommends increasing basic data collection for water resources, including a statewide water use reporting system. Legislation has been introduced in the House and the Senate (Senate Bill 602) to establish a water use reporting system in Michigan.

***THE CONTENT OF THE BILL:***

The bill would create the Great Lakes Water Data Management Act to facilitate the gathering and analysis of information on Great Lakes water use in order to better protect, manage and develop water resources.

Registration. The bill would require an owner of a power generation plant that had capacity to withdraw over 100,000 gallons of water per day to register with the Department of Natural Resources. Information required on the registration form would include the name and address of the registrant, sources and uses of water supply, total water withdrawal capacity of the registrant, and location of industrial or processing discharges. Facilities currently in existence would register by December 31, 1991, and registration received under this provision would be effective as of that date. Facilities constructed after December 31, 1991 would be registered within 6 months after the facility was completed.

Reports. An owner of a facility registered under the bill would also be required to file an annual report with the department. The report would include information regarding the amount and rate of water withdrawn on an annual and monthly basis, sources and uses of water supply, and the amount of consumptive water use resulting from industrial or processing water withdrawals. Registrants would submit the first report to the department by March 31, 1992, and subsequent reports would be due

within three months after the end of each calendar year. Public water supply systems that are required to report water withdrawals under the Safe Drinking Water Act would be exempt from the bill's provisions. The department would prepare an annual water use report which would include aggregated data for major water uses organized by county and watershed.

Penalties. The department could request the attorney general's office to begin civil action, including a permanent or temporary injunction, for relief for violation of the bill. In addition to any other relief granted, the Ingham County Circuit Court could impose a civil fine of not more than \$1,000, and the office could also file suit to recover the full value of the costs of surveillance and enforcement by the state resulting from the violation. Further, the bill would specify that a person who violated the bill would be guilty of a misdemeanor punishable by a fine of up to \$500 for each violation.

***FISCAL IMPLICATIONS:***

According to the Department of Natural Resources, the bill would necessitate the hiring of two full time employees to administer the program and an additional \$100,000 to establish a data management system, register water users, and compile and analyze annual water use information. (10-17-89)

***ARGUMENTS:***

***For:***

Until the state develops a reporting system, it will not be formally recognized as a participant in the charter agreement and will not be consulted when issues such as the diversion of the Great Lakes are addressed by the Great Lakes region states within that process. Further, without development of a reliable water use reporting system, the state will not be able to implement some of the recommendations within the Water Planning Commission's water management plan. The bill will address these issues and will help facilitate better identification of existing water needs and future demands on the Great Lakes water supply by providing for the analysis of current uses.

***For:***

In the 1982 case of Sporhase v. Nebraska, the U.S. Supreme Court ruled that when proving the constitutionality of restricting its water use from outside sources, a state (Nebraska) must have a comprehensive water management plan in addition to other items detailing the scarcity of the water supply and the need for its conservation. Michigan now has a management plan but has no way of implementing it without the necessary data. The bill will help ensure the compilation of data needed to assess the use of water resources of the Great Lakes within the state and will also help ensure the legality of any attempts made by the state to restrict the use of the Great Lakes water resources.

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**Against:**

The bill should not exempt public water supply systems and hydroelectric power plants from its reporting requirements. All water users should have to comply with the reporting requirements.

**Response:** Public water supplies are already required to report water use levels under the Michigan Safe Drinking Water Act and hydroelectric power plants are exempted because their water use occurs instream; thus, no water is withdrawn from the Great Lakes.

**Against:**

The bill is another mandate for the Department of Natural Resources to gather information without provision being made to address the costs of collection and analysis and for staff needed to properly carry out the mandate. In addition, the bill is perceived to be a thinly veiled attempt to establish a water use permitting system.

**Response:** Although the water management plan does detail alternative water management models, which include the regulation of water use through a permitting system, the plan clearly states that the proposed permitting system is suggested only for inland surface and ground water. Further, the bill specifies that it is not a prelude to a permitting process for water use privileges.

**Against:**

The bill does not provide for a common water use database between Great Lakes states, therefore the information gathered may not be easily transferred or analyzed between states. This inaccessibility to information will slow the decision making process of the charter states regarding water uses. In addition, the bill does not require the exchange of water data with other states and does not clarify that the information is to be used for development of long-range planning for water resources of the Great Lakes basin.

**Response:** The bill contains a legislative finding that Michigan is committed to join with other Great Lakes states in compiling data on Great Lakes basin water use, and that the information is necessary for management and development of the water resources of the Great Lakes. Thus, it is implied that this information will be shared between states in conjunction with other information to develop better management of the state's Great Lakes water resources.

**POSITIONS:**

The Department of Natural Resources supports the bill. (10-17-89)

The Michigan Association of Conservation Districts supports the bill. (10-17-89)

The Michigan Environmental Council supports the bill. (10-17-89)

The Michigan Farm Bureau supports the bill. (10-17-89)

The Michigan Irrigation Association supports the bill. (10-17-89)

The Michigan Manufacturing Association supports the bill. (10-17-89)

The Michigan United Conservation Clubs supports the bill. (10-17-89)

The Sierra Club — Mackinac Chapter supports the bill. (10-17-89)

The League of Women Voters of Michigan supports the concept of the bill. (10-17-89)