

Water Security Summit Eagle Eye Conference Center Wednesday 6/6/12

Michigan Freedom of Information Act: How About a Copy of those
Plans?

Bob Babcock

Water Operator Training, Certification, Security Chief
MDEQ

babcockr@michigan.gov

517 373 8566

Thanks

- To the Michigan Section of the American Water Works Association...if it weren't for you, we wouldn't be here



News and Events

- Bulletins & Newsletters
- Calendar
- Press Releases
- Citizen Involvement

Training and Workshops

- Operator Training & Certification
- Other Training Opportunities

About the DEQ

Air

Climate Change

Key Topics

Land

Pollution Prevention

Waste

Water

Operator Training and Certifications

Operator Training and Certification with Staff Contact List

The Operator Training & Certification Unit would like to welcome you to its Home Page. The Unit provides rules and regulations, technical assistance, training and certification for Drinking Water and Wastewater System Operators. Whether you are new to the industry or you are a veteran Operator, this web site can answer many of your questions.

> [More](#)

Information

- [NEW Operator Certification & Training Fees Fact Sheet](#) 
- [Certification Boards](#)
- [Drinking Water and Wastewater Training Manuals & Materials](#)
- [Check Your Drinking Water CECs Online](#)
- [List of Approved Courses for CECs](#)
- [Participant Roster for Drinking Water](#) 
- [Approval of Programs for Continuing Education Credit-CEC](#)

Drinking Water

- [Drinking Water Operator Certification](#)
- [Exam Applications and Study Guides](#)
- [Training Courses and Continuing Education Credit Information](#)

Wastewater

- [Certification Renewal Applications](#)
- [Lists of Current Certified Operators](#)
- [Wastewater Operator Training Classes](#)
- [Industrial/Commercial Wastewater Treatment Plant Operator Certification](#)
- [Municipal Wastewater Treatment Plant Operator Certification](#)
- [Storm Water Operator Certification](#)

OTC University

- [Drinking Water](#)
- [Wastewater](#)

Information Security

- The legal part
- The world part



The Legal Part



Rationale

- Water systems need to be protected.
- Circumstances and individuals may cause concern about water system information.

MI FOIA



- **Michigan FREEDOM OF INFORMATION ACT**
- **Act 442 of 1976**
AN ACT to provide for public access to certain public records of public bodies; to prescribe the powers and duties of certain public officers and public bodies;

MI FOIA Water System Security Information Policy

- [...]

Section 13

(1) A public body may exempt from disclosure as a public record under this act any of the following:



MI FOIA exclusions



- [...]

(y) Records or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs

MI FOIA exclusions



- to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z,

MI FOIA exclusions



- emergency response plans, risk planning documents, threat assessments, and domestic preparedness strategies,

MI FOIA exclusions



- unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance.

MI FIOA Exclusion Section

- **History:** 1976, Act 442, Eff. Apr. 13, 1977
- ...-- Am. 2002, Act 130, Eff. May 1, 2002 ; -
- Am. 2002, Act 437, Eff. Aug. 1, 2002 ;...

Non Disclosure Agreement

Example # 1

- **Non-Disclosure Agreement**
- It is understood and agreed to that the below identified discloser of confidential information may provide certain information that is and must be kept confidential. To ensure the protection of such information, and to preserve any confidentiality necessary under patent and/or trade secret laws, it is agreed that
- 1. The Confidential Information to be disclosed can be described as and includes:
- **Records or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs**

NonDisclosure Ageement Sample

2

- NON-DISCLOSURE AGREEMENT
- BETWEEN (Consultant) AND THE CITY
- Whereas, the City _____ with municipal offices at _____ (“City”) is the owner of certain confidential information relating to its water system and components thereof, which is or may be classified as exempt or restricted information under the Michigan Freedom of Information Act and federal bioterrorism and homeland security laws (collectively referred to as “Confidential Information”).
- Whereas, (Consultant) (referred to as “Receiver”) is desirous of receiving, reviewing, and/or evaluating the Confidential Information for the sole and exclusive purpose of (Project).
-
- It is hereby agreed:
- That, the City shall, in its sole discretion, disclose to Receiver some or all of the Confidential Information, based on Receiver’s request for the Water Supply System:
- (details of information to be given to the Consultant)
- .

The World Part

- Video cameras everywhere: Dirty War: London
- Cell phones
- Digital everything
- If digital, transmittable worldwide quickly
- What Is the speed of an electron: 186,000 miles per second
- Images/video

What

- Plans
- Blueprints
- Drawings
- Specifications
- Documents
- More being digitized due to costs / transmittability

Who

- Internal personnel
- Engineer
- Consultant
- Public
- Regulatory personnel

Work

- 34 % of people work from a single location
- The majority of people work from more than one location

Work

- Work is increasingly digital

Work

- Often the answer to the question 'why' is 'because you can'

Work

- Just because you can, doesn't mean you should

Internet images

- The following were found on the Internet.

**Figure 5
General Plan Land Use**

Land Use

- Residential (0-1 DUs/Ac)
- Suburban Residential (1-3 DUs/Ac)
- Low Density Residential (3-5 DUs/Ac)
- Medium Density Residential (5-8 DUs/Ac)
- Medium-High Density Residential (8-15 DUs/Ac)
- High Density Residential (15-21 DUs/Ac)
- Surprise Center
- Original Townsite
- Commercial
- Employment
- Mixed Use Gateway
- Agriculture
- Landfill
- Military
- Open Space
- Public Facilities
- Preserve Grounds
- Report Development
- MPA

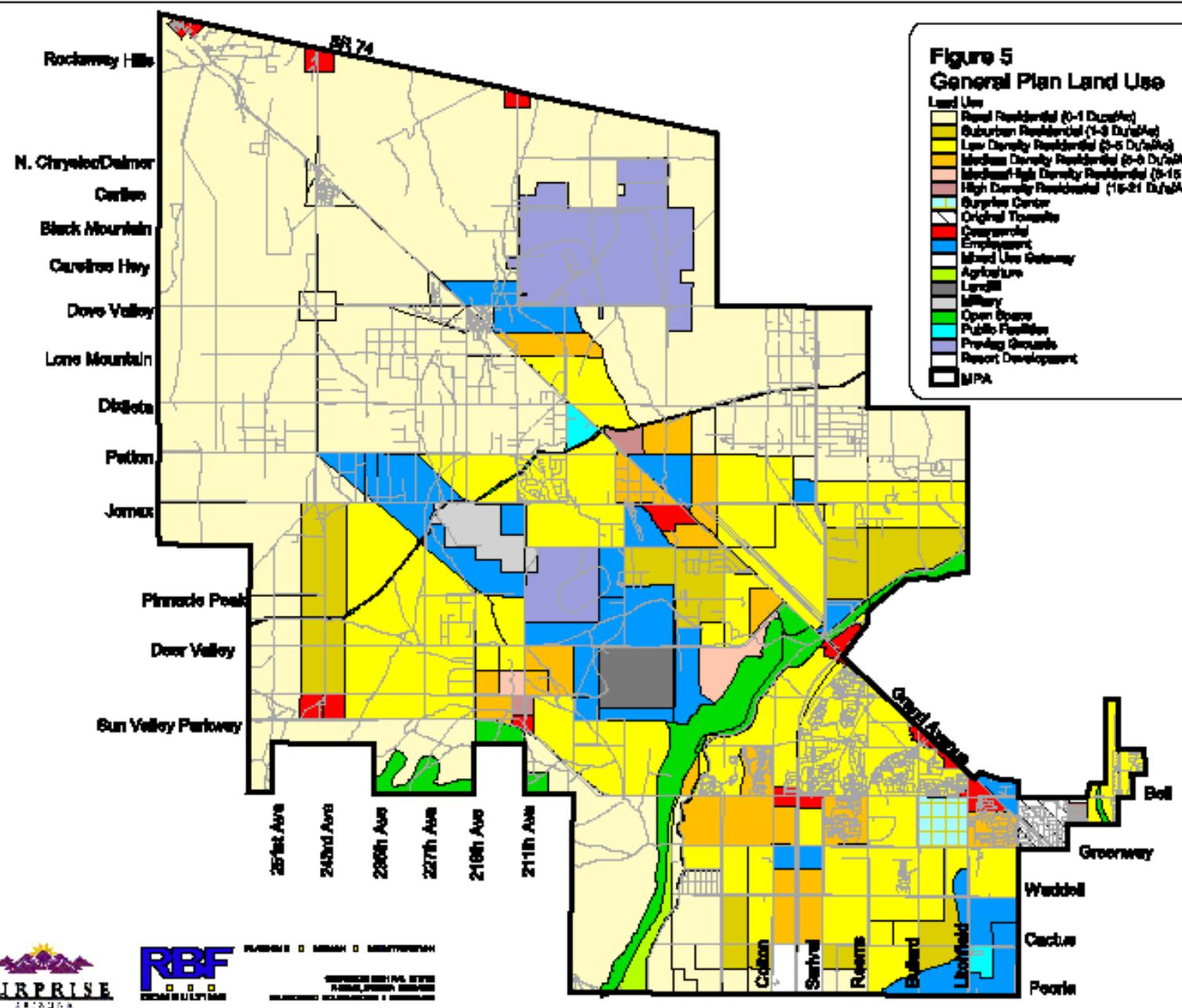
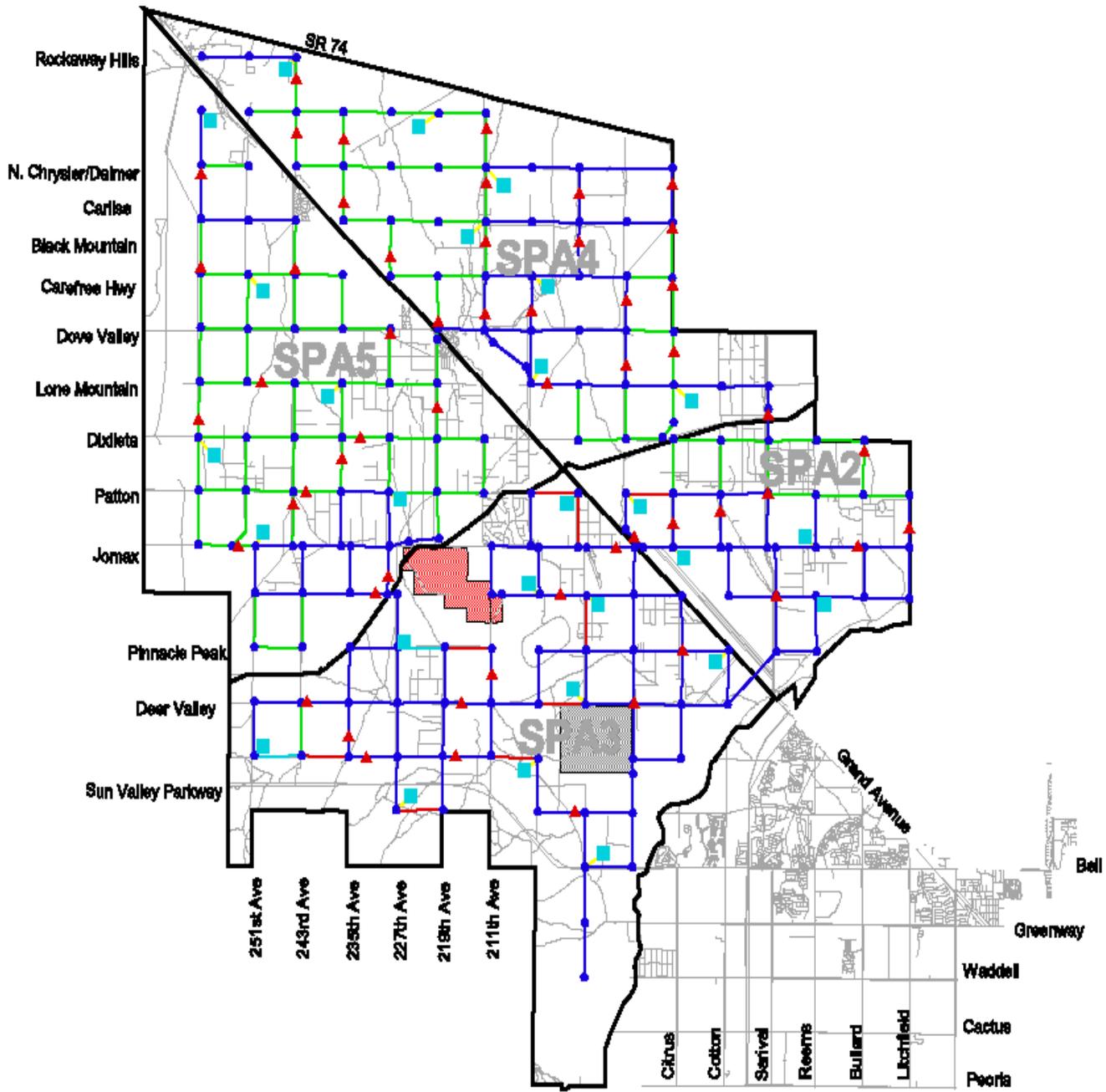


Figure 16
SPA2-5 Water Buildout



- Legend**
- Reservoir
 - 1.0 Size (MG)
 - ▲ PRV
 - Pressure Node
- Pipe Diameter**
- 12
 - 16
 - 20
 - 48
- No Service Areas**
- Landfill
 - Military

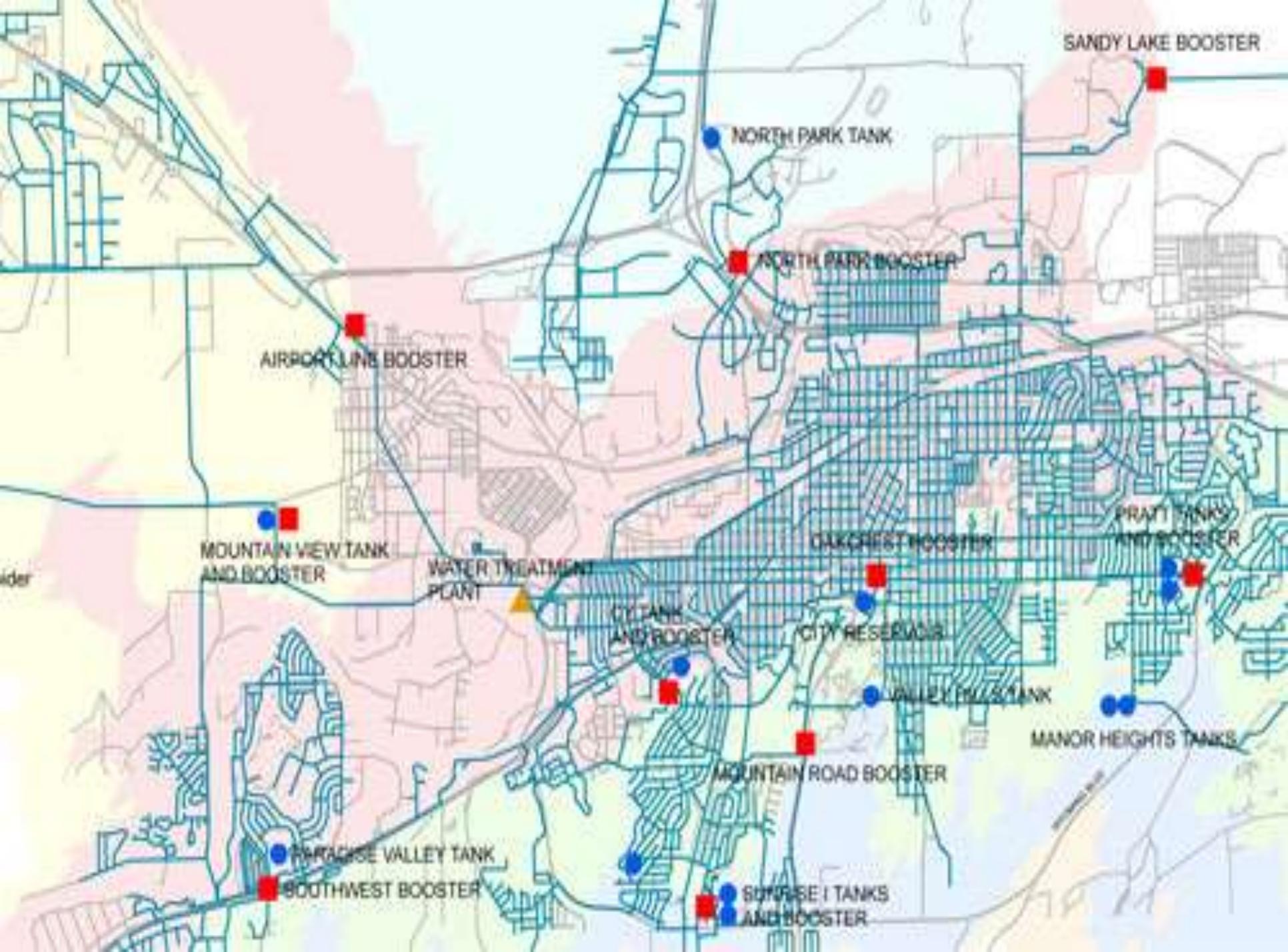


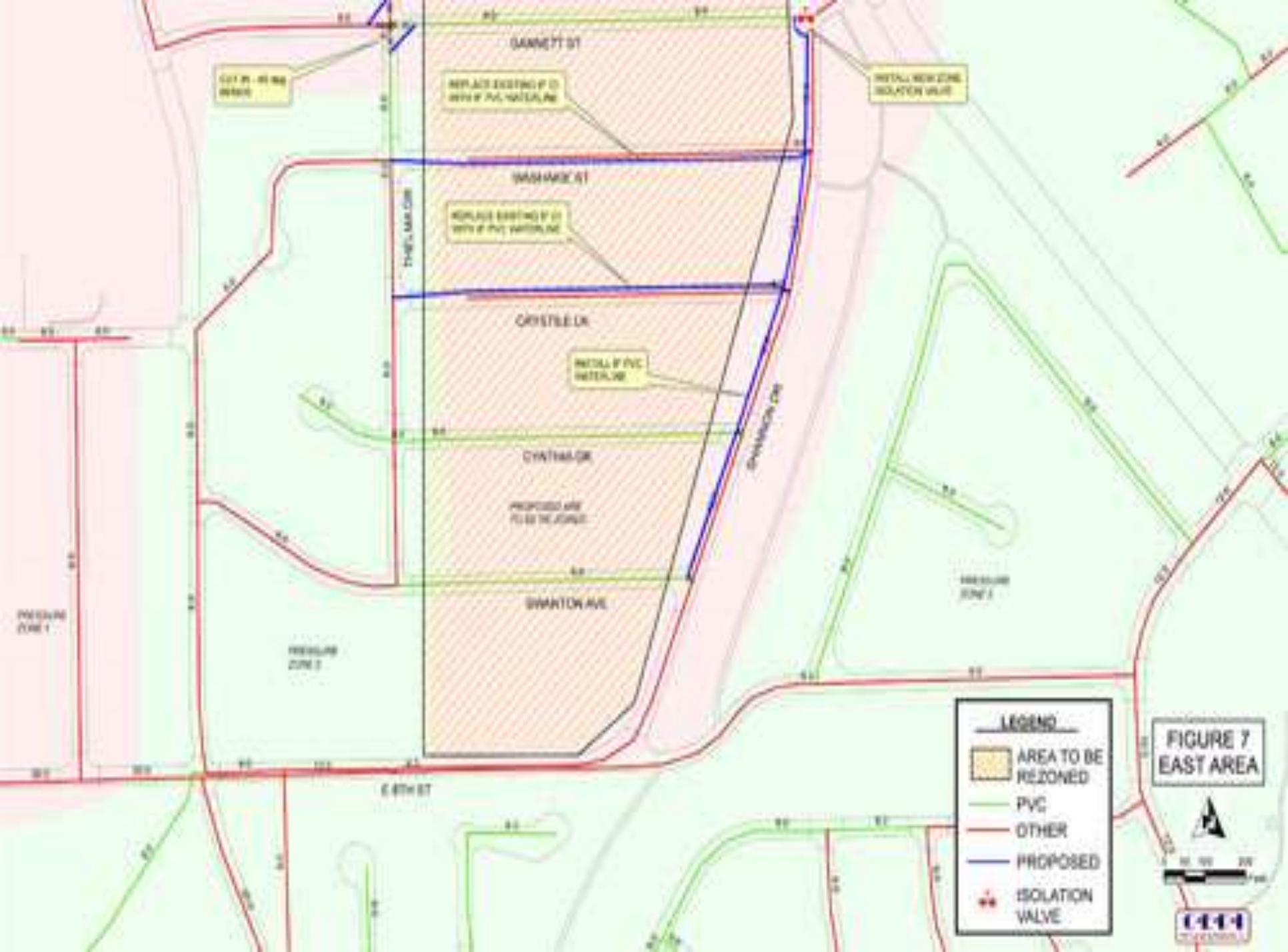
SURPRISE
ARIZONA

RBF
CONSULTING

PLANNING DESIGN CONSULTING

Water services with passion. Service with pride. Building the future.





CUT IN - 18\"/>

REPLACE EXISTING 12\"/>

INSTALL NEW ZONE ISOLATION VALVE

REPLACE EXISTING 12\"/>

INSTALL 8\"/>

PROPOSED AND FILL IN JOINTS

LEGEND

- AREA TO BE REZONED
- PVC
- OTHER
- PROPOSED
- ISOLATION VALVE

**FIGURE 7
EAST AREA**

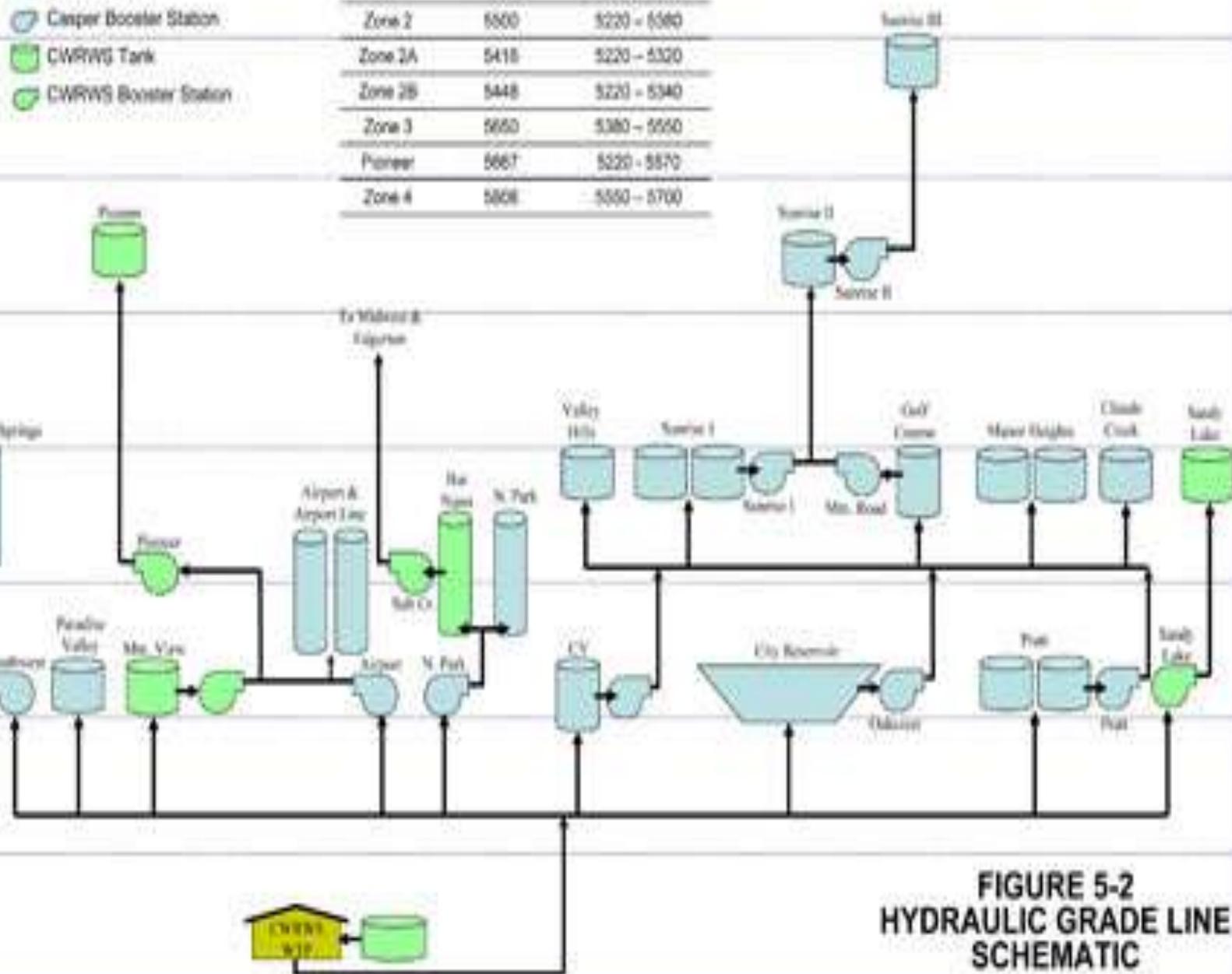


LEGEND

-  Casper Tank
-  Casper Booster Station
-  CWRWS Tank
-  CWRWS Booster Station

Zone	Overflow El.	Service El.
Zone 1	5338	5100 - 5220
Zone 2	5500	5220 - 5380
Zone 2A	5418	5220 - 5320
Zone 2B	5448	5220 - 5340
Zone 3	5650	5380 - 5550
Pioneer	5667	5220 - 5570
Zone 4	5808	5550 - 5700

5800
5700
5600
5500
5400
5300
5200
5100



**FIGURE 5-2
HYDRAULIC GRADE LINE
SCHEMATIC**

Control

- The MI Freedom of Information Act gives drinking water systems the control of system information.