



HOUSE BILL No. 5162

October 26, 1993, Introduced by Reps. Alley, Gnodtke and Middaugh and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend the title and sections 2, 11, and 15 of Act No. 198 of the Public Acts of 1975, entitled "Fertilizer act of 1975," being sections 286.752, 286.761, and 286.765 of the Michigan Compiled Laws; and to add section 12a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2, 11, and 15 of Act
2 No. 198 of the Public Acts of 1975, being sections 286.752,
3 286.761, and 286.765 of the Michigan Compiled Laws, are amended
4 and section 12a is added to read as follows:

5 TITLE

6 An act to regulate the manufacture, distribution, sale,
7 labeling, and advertising of fertilizers and soil conditioners;
8 to license manufacturers and distributors; to register
9 fertilizers; TO PROVIDE FOR THE PROTECTION OF GROUNDWATER FROM

1 FERTILIZER CONTAMINATION; to provide a penalty; and to repeal
2 certain acts and parts of acts.

3 Sec. 2. As used in this act:

4 ~~(a) "Fertilizer" means a substance containing one or more~~
5 ~~recognized plant nutrients, which substance is used for its plant~~
6 ~~nutrient content and designed for use, or claimed to have value,~~
7 ~~in promoting plant growth. Fertilizer includes fertilizer mate-~~
8 ~~rials, mixed fertilizers, custom mixed fertilizers, specialty~~
9 ~~fertilizers, and all other fertilizers or mixtures thereof,~~
10 ~~regardless of type or form, except unmanipulated animal manures,~~
11 ~~marl and liming material.~~

12 ~~(b) "Fertilizer material" means any substance containing any~~
13 ~~recognized plant nutrient, which is used as a fertilizer or for~~
14 ~~compounding mixed fertilizers.~~

15 ~~(c) "Mixed fertilizer" means a fertilizer containing any~~
16 ~~combination or mixture of fertilizer materials designed for use~~
17 ~~or claimed to have value in promoting plant growth, including~~
18 ~~mixtures of fertilizer and pesticide.~~

19 ~~(d) "Custom mixed fertilizer" means a mixed fertilizer for~~
20 ~~mulated according to individual specifications furnished by the~~
21 ~~consumer before mixing.~~

22 ~~(e) "Specialty fertilizer" means any fertilizer distributed~~
23 ~~primarily for nonfarm use, such as use in connection with home~~
24 ~~gardens, lawns, shrubbery, flowers, golf courses, parks, and cem-~~
25 ~~eteries, and may include fertilizers used for research or experi-~~
26 ~~mental purposes.~~

1 ~~(f) "Bulk fertilizer" means fertilizer distributed in a~~
2 ~~nonpackaged form.~~

3 ~~(g) "Packaged fertilizer" means any type of fertilizer sold~~
4 ~~in closed containers.~~

5 ~~(h) "Person" means an individual, partnership, association,~~
6 ~~firm, or corporation.~~

7 ~~(i) "Manufacture" means to process, granulate, compound,~~
8 ~~produce, mix, blend, or alter the composition of fertilizer or~~
9 ~~fertilizer materials.~~

10 ~~(j) "Distribute" means to import, consign, sell, offer for~~
11 ~~sale, solicit orders for sale, or otherwise supply fertilizer for~~
12 ~~sale or use in this state.~~

13 ~~(k) "Guaranteed analysis" means the minimum percentage of~~
14 ~~each plant nutrient guaranteed or claimed to be present.~~

15 ~~(l) "Grade" means the percentage guarantee of total nitro-~~
16 ~~gen, available phosphorus, or available phosphoric acid, P_2O_5 ,~~
17 ~~and soluble potassium, or soluble potash, K_2O , stated in the same~~
18 ~~order as listed in this subdivision, except peat or peat moss.~~

19 ~~(m) "Brand or product name" means a name term, design, or~~
20 ~~trademark used in connection with 1 or more grades of~~
21 ~~fertilizer.~~

22 ~~(n) "Official sample" means a sample of fertilizer taken by~~
23 ~~a representative of the department of agriculture in accordance~~
24 ~~with acceptable methods.~~

25 ~~(o) "Ton" means a net ton of 2,000 pounds avoirdupois.~~

26 ~~(p) "Percent and percentage" means the percentage by~~
27 ~~weight.~~

1 ~~(q) "Label" means any written, printed, or graphic matter on~~
2 ~~or attached to packaged fertilizer or which is used to identify~~
3 ~~fertilizer distributed in bulk or held in bulk storage.~~

4 ~~(r) "Labeling" means all labels and other written, printed,~~
5 ~~or graphic matter upon or accompanying fertilizer at any time,~~
6 ~~and includes advertising or sales literature.~~

7 ~~(s) "Soil conditioner" means a substance which is used or~~
8 ~~intended for use solely for the improvement of the physical~~
9 ~~nature of soil and for which no claims are made for plant nutri-~~
10 ~~ent content. "Soil conditioner" does not include guaranteed~~
11 ~~plant nutrients, hormones, bacterial inoculants, and products~~
12 ~~used in directly influencing, or controlling plant growth.~~

13 ~~(t) "Department" means the department of agriculture.~~

14 (A) "AQUIFER" MEANS A GEOLOGIC FORMATION, A GROUP OF FORMA-
15 TIONS, OR PART OF A FORMATION CAPABLE OF YIELDING A SIGNIFICANT
16 AMOUNT OF GROUNDWATER TO WELLS OR SPRINGS.

17 (B) "AQUIFER SENSITIVITY" MEANS A HYDROGEOLOGIC FUNCTION
18 REPRESENTING THE INHERENT ABILITIES OF MATERIALS SURROUNDING THE
19 AQUIFER TO ATTENUATE THE MOVEMENT OF PESTICIDES OR NITROGEN FER-
20 TILIZERS INTO THAT AQUIFER.

21 (C) "BRAND OR PRODUCT NAME" MEANS A TERM, DESIGN, OR TRADE-
22 MARK USED IN CONNECTION WITH 1 OR MORE GRADES OF FERTILIZER.

23 (D) "BULK FERTILIZER" MEANS FERTILIZER DISTRIBUTED IN A NON-
24 PACKAGED FORM.

25 (E) "CONFIRMED CONTAMINANT" MEANS A CONTAMINANT THAT HAS
26 BEEN DETECTED IN AT LEAST 2 GROUNDWATER SAMPLES COLLECTED FROM

1 THE SAME GROUNDWATER SAMPLING POINT AT AN INTERVAL OF GREATER
2 THAN 14 DAYS.

3 (F) "CONTAMINANT" MEANS ANY FERTILIZER ORIGINATED CHEMICAL,
4 RADIONUCLIDE, ION, SYNTHETIC ORGANIC COMPOUND, MICROORGANISM OR
5 WASTE THAT DOES NOT OCCUR NATURALLY IN GROUNDWATER OR THAT NATU-
6 RALLY OCCURS AT A LOWER CONCENTRATION THAN DETECTED.

7 (G) "CONTAMINATION" MEANS THE DIRECT OR INDIRECT INTRODUC-
8 TION INTO GROUNDWATER OF ANY CONTAMINANT CAUSED IN WHOLE OR IN
9 PART BY HUMAN ACTIVITY.

10 (H) "CUSTOM MIXED FERTILIZER" MEANS A MIXED FERTILIZER FOR-
11 MULATED ACCORDING TO INDIVIDUAL SPECIFICATIONS FURNISHED BY THE
12 CONSUMER BEFORE MIXING.

13 (I) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

14 (J) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS
15 OR HER DESIGNEE.

16 (K) "DISTRIBUTE" MEANS TO IMPORT, CONSIGN, SELL, BARTER,
17 OFFER FOR SALE, SOLICIT ORDERS FOR SALE, OR OTHERWISE SUPPLY FER-
18 TILIZER FOR SALE OR USE IN THIS STATE.

19 (L) "ENVELOPE MONITORING" MEANS MONITORING OF GROUNDWATER IN
20 AREAS ADJACENT TO PROPERTIES WHERE GROUNDWATER IS CONTAMINATED TO
21 DETERMINE THE CONCENTRATION AND SPATIAL DISTRIBUTION OF THE CON-
22 TAMINANT IN THE AQUIFER.

23 (M) "FERTILIZER" MEANS A SUBSTANCE CONTAINING 1 OR MORE REC-
24 OGNIZED PLANT NUTRIENTS WHICH IS USED FOR ITS PLANT NUTRIENT CON-
25 TENT AND WHICH IS DESIGNED FOR USE, OR CLAIMED TO HAVE VALUE, IN
26 PROMOTING PLANT GROWTH. FERTILIZER DOES NOT INCLUDE
27 UNMANIPULATED ANIMAL AND VEGETABLE MANURES, MARL, LIME,

1 LIMESTONE, WOOD ASHES, AND OTHER MATERIALS EXEMPTED BY RULES
2 PROMULGATED UNDER THIS ACT.

3 (N) "FERTILIZER MATERIAL" MEANS ANY SUBSTANCE CONTAINING ANY
4 RECOGNIZED PLANT NUTRIENT, WHICH IS USED AS A FERTILIZER OR FOR
5 COMPOUNDING MIXED FERTILIZERS.

6 (O) "GRADE" MEANS THE PERCENTAGE GUARANTEE OF TOTAL NITRO-
7 GEN, AVAILABLE PHOSPHORUS, OR AVAILABLE PHOSPHORIC ACID, P2O5,
8 AND SOLUBLE POTASSIUM, OR SOLUBLE POTASH, K2O, OF A FERTILIZER
9 AND SHALL BE STATED IN THE SAME ORDER AS LISTED IN THIS
10 SUBDIVISION. INDICATION OF GRADE DOES NOT APPLY TO PEAT OR PEAT
11 MOSS, OR SOIL CONDITIONERS.

12 (P) "GROUNDWATER" MEANS UNDERGROUND WATER WITHIN THE ZONE OF
13 SATURATION.

14 (Q) "GROUNDWATER PROTECTION RULE" MEANS A RULE PROMULGATED
15 UNDER THIS ACT THAT DEFINES A MINIMUM OPERATIONAL STANDARD FOR
16 STRUCTURES, ACTIVITIES, AND PROCEDURES THAT MAY HAVE OR MAY CON-
17 TRIBUTE TO THE CONTAMINATION OF GROUNDWATER AND THAT DEFINES THE
18 SCOPE OF A GROUNDWATER PROTECTION RULE, THE REGION OF IMPLEMENTA-
19 TION OF A GROUNDWATER PROTECTION RULE, AND IMPLEMENTATION PERIOD
20 FOR THOSE RULES. AS USED IN THIS SUBDIVISION:

21 (i) "STRUCTURES, ACTIVITIES, AND PROCEDURES" INCLUDE, BUT
22 ARE NOT LIMITED TO, MIXING, LOADING, AND RINSE PADS, STORAGE,
23 APPLICATION EQUIPMENT, APPLICATION TIMING, APPLICATION RATES,
24 CROP ROTATION, AND IRRIGATION SCHEDULING.

25 (ii) "THE SCOPE OF A GROUNDWATER PROTECTION RULE" MAY DEFINE
26 A PARTICULAR NITROGEN FERTILIZER USE, STRUCTURE, ACTIVITY, AND
27 PROCEDURE.

1 (iii) "THE REGION OF IMPLEMENTATION OF A GROUNDWATER
2 PROTECTION RULE" MAY INCLUDE SPECIFIC SOIL TYPES OR AQUIFER SEN-
3 SITIVITY REGIONS OR OTHER GEOGRAPHIC BOUNDARY.

4 (R) "GROUNDWATER RESOURCE PROTECTION LEVEL" MEANS A MAXIMUM
5 CONTAMINANT LEVEL AS ESTABLISHED BY THE UNITED STATES ENVIRONMEN-
6 TAL PROTECTION AGENCY OR, IF THE UNITED STATES ENVIRONMENTAL PRO-
7 TECTION AGENCY HAS NOT ESTABLISHED A MAXIMUM CONTAMINANT LEVEL, A
8 LEVEL ESTABLISHED BY THE DIRECTOR OF PUBLIC HEALTH USING THE PRO-
9 TOCOL DEFINED BY THE UNITED STATES ENVIRONMENTAL PROTECTION
10 AGENCY FOR ESTABLISHING MAXIMUM CONTAMINANT LEVELS.

11 (S) "GROUNDWATER RESOURCE RESPONSE LEVEL" MEANS A NUMERICAL
12 VALUE EXPRESSING THE CONCENTRATION OF A SUBSTANCE IN GROUNDWATER
13 THAT IS 30% OF THE SUBSTANCES GROUNDWATER RESOURCE PROTECTION
14 LEVEL.

15 (T) "GROUNDWATER STEWARDSHIP PRACTICES" MEANS ANY OF A SET
16 OF VOLUNTARY PRACTICES ADOPTED BY THE COMMISSION OF AGRICULTURE
17 PURSUANT TO THE GROUNDWATER AND FRESHWATER PROTECTION ACT
18 DESIGNED TO PROTECT GROUNDWATER FROM CONTAMINATION BY
19 FERTILIZERS.

20 (U) "GUARANTEED ANALYSIS" MEANS THE MINIMUM PERCENTAGE OF
21 EACH PLANT NUTRIENT GUARANTEED OR CLAIMED TO BE PRESENT.

22 (V) "LABEL" MEANS ANY WRITTEN, PRINTED, OR GRAPHIC MATTER ON
23 OR ATTACHED TO PACKAGED FERTILIZER OR WHICH IS USED TO IDENTIFY
24 FERTILIZER DISTRIBUTED IN BULK OR HELD IN BULK STORAGE.

25 (W) "LABELING" MEANS ALL LABELS AND OTHER WRITTEN, PRINTED,
26 OR GRAPHIC MATTER UPON OR ACCOMPANYING FERTILIZER AT ANY TIME,
27 AND INCLUDES ADVERTISING OR SALES LITERATURE.

1 (X) "MANUFACTURE" MEANS TO PROCESS, GRANULATE, COMPOUND,
2 PRODUCE, MIX, BLEND, OR ALTER THE COMPOSITION OF FERTILIZER OR
3 FERTILIZER MATERIALS.

4 (Y) "MAXIMUM CONTAMINANT LEVEL" MEANS THAT TERM AS IT IS
5 DEFINED IN TITLE XIV OF THE PUBLIC HEALTH SERVICE ACT, CHAPTER
6 373, 88 STAT. 1660, AND THE REGULATIONS PROMULGATED UNDER THAT
7 ACT.

8 (Z) "MIXED FERTILIZER" MEANS A FERTILIZER CONTAINING ANY
9 COMBINATION OR MIXTURE OF FERTILIZER MATERIALS DESIGNED FOR USE
10 OR CLAIMED TO HAVE VALUE IN PROMOTING PLANT GROWTH, INCLUDING
11 MIXTURES OF FERTILIZER AND PESTICIDE.

12 (AA) "NITROGEN FERTILIZER" MEANS A FERTILIZER THAT CONTAINS
13 NITROGEN AS A COMPONENT.

14 (BB) "OFFICIAL SAMPLE" MEANS A SAMPLE OF FERTILIZER TAKEN BY
15 A REPRESENTATIVE OF THE DEPARTMENT OF AGRICULTURE IN ACCORDANCE
16 WITH ACCEPTABLE METHODS.

17 (CC) "PACKAGE OR PACKAGED" MEANS ANY TYPE OF PRODUCT REGU-
18 LATED BY THIS ACT THAT IS DISTRIBUTED IN INDIVIDUAL CONTAINERS
19 WITH THE CAPACITY NOT EXCEEDING 55 GALLONS FOR LIQUIDS AND NOT
20 EXCEEDING 200 POUNDS FOR SOLIDS.

21 (DD) "PERCENT AND PERCENTAGE" MEANS THE PERCENTAGE BY
22 WEIGHT.

23 (EE) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION,
24 FIRM, OR CORPORATION.

25 (FF) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE ADMIN-
26 ISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS

1 OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED
2 LAWS.

3 (GG) "SOIL CONDITIONER" MEANS A SUBSTANCE WHICH IS USED OR
4 INTENDED FOR USE SOLELY FOR THE IMPROVEMENT OF THE PHYSICAL
5 NATURE OF SOIL AND FOR WHICH NO CLAIMS ARE MADE FOR PLANT NUTRI-
6 ENT CONTENT. "SOIL CONDITIONER" DOES NOT INCLUDE GUARANTEED
7 PLANT NUTRIENTS, HORMONES, BACTERIAL INOCULANTS, AND PRODUCTS
8 USED IN DIRECTLY INFLUENCING, OR CONTROLLING PLANT GROWTH.

9 (HH) "SPECIALTY FERTILIZER" MEANS ANY FERTILIZER DISTRIBUTED
10 PRIMARILY FOR NONFARM USE, SUCH AS USE IN CONNECTION WITH HOME
11 GARDENS, LAWNS, SHRUBBERY, FLOWERS, GOLF COURSES, PARKS, AND CEM-
12 ETORIES, AND MAY INCLUDE FERTILIZERS USED FOR RESEARCH OR EXPERI-
13 MENTAL PURPOSES.

14 (II) "TON" MEANS A NET TON OF 2,000 POUNDS AVOIRDUPOIS.

15 (JJ) "USE" MEANS THE LOADING, MIXING, APPLYING, STORING,
16 TRANSPORTING, OR DISPOSING OF A FERTILIZER.

17 Sec. 11. (1) The department shall inspect, sample, and
18 analyze fertilizers and soil conditioners distributed within this
19 state at a time and place, and to the extent necessary to deter-
20 mine compliance with this act.

21 (2) Department representatives and inspectors shall have
22 free access during regular business hours to all premises where
23 fertilizers or soil conditioners are manufactured, sold or
24 stored, and to all trucks or other vehicles and vessels used in
25 the transportation of a fertilizer or soil conditioner in this
26 state to determine compliance with this act. ~~They~~ DEPARTMENT
27 REPRESENTATIVES AND INSPECTORS may stop any conveyance

1 transporting fertilizer or soil conditioner for the purpose of
2 inspecting and sampling the products and examining their
3 labeling.

4 (3) A manufacturer or distributor of fertilizer or soil con-
5 ditioner shall submit to the department ~~on~~ UPON request, prod-
6 uct samples, copies of labeling, or any other data or information
7 ~~which~~ THAT the department may request concerning composition
8 and claims and representations made for fertilizers and soil con-
9 ditioners manufactured or distributed by them within this state.

10 (4) THE DIRECTOR MAY, UPON REASONABLE NOTICE, REQUIRE A
11 PERSON TO FURNISH ANY INFORMATION RELATING TO THE IDENTIFICATION,
12 NATURE, AND QUANTITY OF FERTILIZERS THAT ARE OR HAVE BEEN USED ON
13 A PARTICULAR SITE AND CURRENT OR PAST PRODUCTION PRACTICES THAT
14 MAY HAVE AFFECTED GROUNDWATER QUALITY. INFORMATION REQUIRED
15 UNDER THIS SUBSECTION IS CONFIDENTIAL BUSINESS INFORMATION AND IS
16 NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT, ACT NO. 442 OF THE
17 PUBLIC ACTS OF 1976, BEING SECTIONS 15.231 TO 15.246 OF THE
18 MICHIGAN COMPILED LAWS.

19 SEC. 12A. (1) UPON CONFIRMING CONTAMINATION OF GROUNDWATER
20 BY A NITROGEN FERTILIZER IN CONCENTRATIONS EXCEEDING THE GROUND-
21 WATER RESOURCE RESPONSE LEVEL IN 20% OF WELLS ASSOCIATED WITH AN
22 AQUIFER SENSITIVITY REGION OR FERTILIZER USE ACTIVITY, THE DIREC-
23 TOR MAY DO 1 OR MORE OF THE FOLLOWING:

24 (A) ASSIST IN THE COORDINATION OF LOCAL ACTIVITIES DESIGNED
25 TO PREVENT FURTHER CONTAMINATION OF GROUNDWATER.

26 (B) CONDUCT ENVELOPE MONITORING.

1 (C) PERFORM AN EVALUATION OF ACTIVITIES IN THE ENVELOPE
2 MONITORING REGION THAT MAY HAVE CONTRIBUTED TO THE
3 CONTAMINATION.

4 (D) MAKE A DETERMINATION AS TO THE DEGREE TO WHICH GROUNDWA-
5 TER STEWARDSHIP PRACTICES WERE BEING UTILIZED IN THE ENVELOPE
6 MONITORING REGION.

7 (E) MAKE A DETERMINATION AS TO THE POTENTIAL SOURCE OR
8 SOURCES OF THE CONTAMINATION.

9 (2) THE DIRECTOR MAY, UPON WRITTEN REQUEST, AUTHORIZE PER-
10 SONS TO LAND-APPLY MATERIALS CONTAINING FERTILIZERS AT AGRONOMIC
11 RATES. THIS AUTHORIZATION SHALL PRESCRIBE APPROPRIATE OPER-
12 ATIONAL CONTROL ACTIVITIES TO PROTECT THE APPLICATION LOCATION
13 AND SHALL IDENTIFY BOTH THE LOCATION OF REMEDIATION AND THE LOCA-
14 TION OR LOCATIONS WHERE SUCH A LAND APPLICATION WILL TAKE PLACE.

15 Sec. 15. (1) The director ~~of agriculture~~ shall enforce
16 this act and may promulgate rules pursuant to THE ADMINISTRATIVE
17 PROCEDURES ACT OF 1969, Act No. 306 of the Public Acts of 1969,
18 as amended, being sections 24.201 to ~~24.315~~ 24.328 of the
19 Michigan Compiled Laws.

20 (2) RULES PROMULGATED UNDER SUBSECTION (1) MAY INCLUDE, BUT
21 ARE NOT LIMITED TO, THE USE OF A FERTILIZER WHEN THAT USE HAS
22 ADVERSELY AFFECTED GROUNDWATER. BEFORE PROMULGATING SUCH A RULE,
23 THE DIRECTOR SHALL CONDUCT SUFFICIENT STUDY TO DETERMINE POTEN-
24 TIAL CONTRIBUTING SOURCES OF THE FERTILIZER COMPONENT BEING CON-
25 FIRMED IN GROUNDWATER.

1 (3) THE DIRECTOR MAY PROMULGATE A GROUNDWATER PROTECTION
2 RULE THAT DEFINES THE SCOPE AND REGION OF IMPLEMENTATION OF THE
3 RULE WHEN ANY OF THE FOLLOWING OCCUR:

4 (A) THE DIRECTOR DETERMINES THAT VOLUNTARY ADOPTION OF THE
5 GROUNDWATER STEWARDSHIP PRACTICES PURSUANT TO THE GROUNDWATER AND
6 FRESHWATER PROTECTION ACT HAVE NOT BEEN EFFECTIVE IN PREVENTING
7 GROUNDWATER CONTAMINANT CONCENTRATIONS FROM EXCEEDING THE GROUND-
8 WATER RESOURCE PROTECTION LEVEL.

9 (B) NITROGEN HAS BEEN CONFIRMED IN GROUNDWATER OF THIS STATE
10 AT LEVELS EXCEEDING THE MAXIMUM CONTAMINANT LEVEL IN 20% OF THE
11 WELLS ASSOCIATED WITH AN AQUIFER SENSITIVITY REGION OR A FERTIL-
12 IZER USE ACTIVITY AS A RESULT OF SIMILAR ACTIVITIES.

13 (4) IN DETERMINING THE NEED FOR AND SCOPE OF A GROUNDWATER
14 PROTECTION RULE, THE DIRECTOR SHALL CONSIDER THE TYPE OF CONTAMI-
15 NANT OR CONTAMINANTS AND THE EXTENT TO WHICH ANY OF THE FOLLOWING
16 APPLY:

17 (A) THE SOURCE OR SOURCES OF THE CONTAMINANT OR CONTAMINANTS
18 CAN BE IDENTIFIED.

19 (B) AN IDENTIFIED SOURCE OR SOURCES ARE ASSOCIATED WITH A
20 SPECIFIC ACTIVITY OR ACTIVITIES.

21 (C) THE LOCAL RESPONSE TO THE CONTAMINATION IS ADEQUATE TO
22 PROTECT GROUNDWATER.

23 (D) THE USE, VALUE, AND VULNERABILITY OF THE RESOURCE AND
24 WHETHER THE GROUNDWATER IS A CURRENTLY OR REASONABLY EXPECTED TO
25 BE A SOURCE OF DRINKING WATER.

26 (E) TECHNICAL AND ECONOMIC FEASIBILITY OF ANY MANDATED
27 PRACTICES ON PERSONS IN THE REGION.

1 (F) THE OVERALL PRODUCTIVITY AND ECONOMIC VIABILITY OF THE
2 STATE'S AGRICULTURE.

3 (5) IN DETERMINING THE REGION OF IMPLEMENTATION FOR A
4 GROUNDWATER PROTECTION RULE, THE DIRECTOR SHALL CONSIDER BOTH OF
5 THE FOLLOWING:

6 (A) THE RELIABILITY AND GEOGRAPHICAL DISTRIBUTION OF GROUND-
7 WATER SAMPLE TEST DATA.

8 (B) THE EXTENT TO WHICH LOCAL AQUIFER SENSITIVITY CONDITIONS
9 CAN BE CONSIDERED CHARACTERISTICS OF A LARGER REGION.

10 (6) THE DIRECTOR MAY APPROVE ALTERNATIVE OPERATIONS TO THOSE
11 DEFINED IN A GROUNDWATER PROTECTION RULE IF THEY CAN BE SHOWN TO
12 BE PROTECTIVE OF GROUNDWATER.