



# SENATE BILL No. 688

June 8, 1993, Introduced by Senators MC MANUS and GOUGEON  
and referred to the Committee on Agriculture and Forestry.

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:

### TITLE

5  
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 1 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, PWOT,~~  
17 ~~and soluble potassium, or soluble potash, KWO, 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) "DISTRIBUTE" MEANS TO IMPORT, CONSIGN, SELL, BARTER,  
15 OFFER FOR SALE, SOLICIT ORDERS FOR SALE, OR OTHERWISE SUPPLY FER-  
16 TILIZER FOR SALE OR USE IN THIS STATE.

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

21 (L) "FERTILIZER" MEANS A SUBSTANCE CONTAINING 1 OR MORE REC-  
22 OGNIZED PLANT NUTRIENTS WHICH SUBSTANCE IS USED FOR ITS PLANT  
23 NUTRIENT CONTENT AND WHICH IS DESIGNED FOR USE, OR CLAIMED TO  
24 HAVE VALUE, IN PROMOTING PLANT GROWTH. FERTILIZER DOES NOT  
25 INCLUDE UNMANIPULATED ANIMAL AND VEGETABLE MANURES, MARL, LIME,  
26 LIMESTONE, WOOD ASHES, AND OTHER MATERIALS EXEMPTED BY RULES  
27 PROMULGATED UNDER THIS ACT.

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

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

10 (O) "GROUNDWATER" MEANS UNDERGROUND WATER WITHIN THE ZONE OF  
11 SATURATION.

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

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

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

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

4       (Q) "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       (R) "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       (S) "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       (T) "GUARANTEED ANALYSIS" MEANS THE MINIMUM PERCENTAGE OF  
21 EACH PLANT NUTRIENT GUARANTEED OR CLAIMED TO BE PRESENT.

22       (U) "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       (V) "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 (W) "MANUFACTURE" MEANS TO PROCESS, GRANULATE, COMPOUND,  
2 PRODUCE, MIX, BLEND, OR ALTER THE COMPOSITION OF FERTILIZER OR  
3 FERTILIZER MATERIALS.

4 (X) "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 (Y) "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 (Z) "NITROGEN FERTILIZER" MEANS A FERTILIZER THAT CONTAINS  
13 NITROGEN AS A COMPONENT.

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

17 (BB) "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 (CC) "PERCENT AND PERCENTAGE" MEANS THE PERCENTAGE BY  
22 WEIGHT.

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

25 (EE) "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 (FF) "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 (GG) "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 (HH) "TON" MEANS A NET TON OF 2,000 POUNDS AVOIRDUPOIS.

15 (II) "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 this  
16 act and may promulgate rules pursuant to THE ADMINISTRATIVE PRO-  
17 CEDURES ACT OF 1969, Act No. 306 of the Public Acts of 1969, as  
18 amended, being sections 24.201 to ~~24.315~~ 24.328 of the Michigan  
19 Compiled Laws.

20 (2) RULES PROMULGATED UNDER SUBSECTION (1) MAY INCLUDE, BUT  
21 NOT BE 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.