

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1008

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 317.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 317

2 AQUIFER PROTECTION AND DISPUTE RESOLUTION

3 SEC. 31701. AS USED IN THIS PART:

4 (A) "AGRICULTURAL WELL" MEANS A HIGH-CAPACITY WELL THAT IS
5 USED FOR AN AGRICULTURAL PURPOSE.

6 (B) "COMPLAINT" MEANS A COMPLAINT SUBMITTED UNDER SECTION
7 31702 ALLEGING A POTENTIAL GROUNDWATER DISPUTE.

8 (C) "CONSTRUCTION" MEANS THE PROCESS OF BUILDING A BUILDING,
9 ROAD, UTILITY, OR ANOTHER STRUCTURE, INCLUDING ALL OF THE

1 FOLLOWING:

2 (i) ASSEMBLING MATERIALS.

3 (ii) DISASSEMBLING AND REMOVING A STRUCTURE.

4 (iii) PREPARING THE CONSTRUCTION SITE.

5 (iv) WORK RELATED TO ANY OF THE ITEMS DESCRIBED IN
6 SUBPARAGRAPHS (i) TO (iii) .

7 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
8 QUALITY.

9 (E) "DEWATERING WELL" MEANS A WELL OR PUMP THAT IS USED TO
10 REMOVE WATER FROM A MINING OPERATION OR THAT IS USED FOR A LIMITED
11 TIME PERIOD AS PART OF A CONSTRUCTION PROJECT TO REMOVE OR PUMP
12 WATER FROM A SURFACE OR SUBSURFACE AREA AND CEASES TO BE USED UPON
13 COMPLETION OF THE CONSTRUCTION PROJECT OR SHORTLY AFTER COMPLETION
14 OF THE CONSTRUCTION PROJECT.

15 (F) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR
16 HER DESIGNEE.

17 (G) "FARM" MEANS THAT TERM AS IT IS DEFINED IN SECTION 2 OF
18 THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472.

19 (H) "FUND" MEANS THE AQUIFER PROTECTION REVOLVING FUND CREATED
20 IN SECTION 31710.

21 (I) "GROUNDWATER" MEANS THE WATER IN THE ZONE OF SATURATION
22 THAT FILLS ALL OF THE PORE SPACES OF THE SUBSURFACE GEOLOGIC
23 MATERIAL.

24 (J) "GROUNDWATER DISPUTE" MEANS A GROUNDWATER DISPUTE DECLARED
25 BY ORDER OF THE DIRECTOR UNDER SECTION 31703.

26 (K) "HIGH-CAPACITY WELL" MEANS 1 OR MORE WATER WELLS
27 ASSOCIATED WITH AN INDUSTRIAL OR PROCESSING FACILITY, AN IRRIGATION

1 FACILITY, OR A FARM THAT, IN THE AGGREGATE FROM ALL SOURCES AND BY
2 ALL METHODS, HAVE THE CAPABILITY OF WITHDRAWING 100,000 OR MORE
3 GALLONS OF GROUNDWATER IN 1 DAY.

4 (I) "LOCAL HEALTH DEPARTMENT" MEANS THAT TERM AS IT IS DEFINED
5 IN SECTION 1105 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
6 333.1105.

7 (M) "OWNER" MEANS EITHER OF THE FOLLOWING:

8 (i) THE OWNER OF AN INTEREST IN PROPERTY.

9 (ii) A PERSON IN POSSESSION OF PROPERTY.

10 (N) "POTABLE WATER" MEANS WATER THAT AT THE POINT OF USE IS
11 ACCEPTABLE FOR HUMAN CONSUMPTION.

12 (O) "SMALL-QUANTITY WELL" MEANS 1 OR MORE WATER WELLS OF A
13 PERSON AT THE SAME LOCATION THAT, IN THE AGGREGATE FROM ALL SOURCES
14 AND BY ALL METHODS, DO NOT HAVE THE CAPABILITY OF WITHDRAWING
15 100,000 OR MORE GALLONS OF GROUNDWATER IN 1 DAY.

16 (P) "WATER WELL" MEANS AN OPENING IN THE SURFACE OF THE EARTH,
17 HOWEVER CONSTRUCTED, THAT IS USED FOR THE PURPOSE OF WITHDRAWING
18 GROUNDWATER. WATER WELL DOES NOT INCLUDE A DRAIN AS DEFINED IN
19 SECTION 3 OF THE DRAIN CODE OF 1956, 1956 PA 40, MCL 280.3.

20 (Q) "WELL DRILLING CONTRACTOR" MEANS A WELL DRILLING
21 CONTRACTOR REGISTERED UNDER PART 127 OF THE PUBLIC HEALTH CODE,
22 1978 PA 368, MCL 333.12701 TO 333.12771.

23 SEC. 31702. (1) THE OWNER OF A SMALL-QUANTITY WELL MAY SUBMIT
24 A COMPLAINT ALLEGING A POTENTIAL GROUNDWATER DISPUTE IF THE SMALL-
25 QUANTITY WELL HAS FAILED TO FURNISH THE WELL'S NORMAL SUPPLY OF
26 WATER OR THE WELL HAS FAILED TO FURNISH POTABLE WATER AND THE OWNER
27 HAS CREDIBLE REASON TO BELIEVE THAT THE WELL'S PROBLEMS HAVE BEEN

1 CAUSED BY A HIGH-CAPACITY WELL. A COMPLAINT SHALL BE SUBMITTED TO
2 THE DIRECTOR OR TO THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE
3 AND RURAL DEVELOPMENT IF THE COMPLAINT INVOLVES AN AGRICULTURAL
4 WELL. THE COMPLAINT SHALL BE IN WRITING AND SHALL BE SUBMITTED IN
5 PERSON, VIA CERTIFIED MAIL, VIA THE TOLL-FREE FACSIMILE TELEPHONE
6 NUMBER PROVIDED IN SUBSECTION (6), OR VIA OTHER MEANS OF ELECTRONIC
7 SUBMITTAL AS DEVELOPED BY THE DEPARTMENT. HOWEVER, THE DIRECTOR OR
8 THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT
9 MAY REFUSE TO ACCEPT AN UNREASONABLE COMPLAINT. THE COMPLAINT SHALL
10 INCLUDE ALL OF THE FOLLOWING INFORMATION:

11 (A) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE OWNER OF
12 THE SMALL-QUANTITY WELL.

13 (B) THE LOCATION OF THE SMALL-QUANTITY WELL, INCLUDING THE
14 COUNTY, TOWNSHIP, TOWNSHIP SECTION, AND ADDRESS OF THE PROPERTY ON
15 WHICH THE SMALL-QUANTITY WELL IS SITUATED, AND ALL OTHER AVAILABLE
16 INFORMATION THAT DEFINES THE LOCATION OF THAT WELL.

17 (C) A WRITTEN ASSESSMENT BY A WELL DRILLING CONTRACTOR THAT
18 THE SMALL-QUANTITY WELL FAILURE WAS NOT THE RESULT OF WELL DESIGN
19 OR EQUIPMENT FAILURE. THE ASSESSMENT SHALL INCLUDE A DETERMINATION
20 OF THE STATIC WATER LEVEL IN THE WELL AT THE TIME OF THE ASSESSMENT
21 AND, IF READILY AVAILABLE, THE TYPE OF PUMP AND EQUIPMENT.

22 (D) AN EXPLANATION OF WHY THE SMALL-QUANTITY WELL OWNER
23 BELIEVES THAT A HIGH-CAPACITY WELL HAS INTERFERED WITH THE PROPER
24 FUNCTION OF THE SMALL-QUANTITY WELL AND ANY INFORMATION AVAILABLE
25 TO THE SMALL-QUANTITY WELL OWNER ABOUT THE LOCATION AND OPERATION
26 OF THE HIGH-CAPACITY WELL.

27 (E) THE DATE OR DATES ON WHICH THE INTERFERENCE BY A HIGH-

1 CAPACITY WELL OCCURRED.

2 (F) SUFFICIENT EVIDENCE TO ESTABLISH A REASONABLE BELIEF THAT
3 THE INTERFERENCE WAS CAUSED BY A HIGH-CAPACITY WELL.

4 (2) THE OWNER OF A SMALL-QUANTITY WELL MAY CALL THE TOLL-FREE
5 TELEPHONE LINE PROVIDED FOR IN SUBSECTION (6) TO REQUEST A
6 COMPLAINT FORM OR OTHER INFORMATION REGARDING THE DISPUTE
7 RESOLUTION PROCESS PROVIDED IN THIS PART.

8 (3) WITHIN 2 BUSINESS DAYS AFTER RECEIPT OF A COMPLAINT UNDER
9 SUBSECTION (1), THE DIRECTOR OR THE DIRECTOR OF THE DEPARTMENT OF
10 AGRICULTURE AND RURAL DEVELOPMENT, AS APPROPRIATE, SHALL CONTACT
11 THE COMPLAINANT AND THE OWNER OF EACH HIGH-CAPACITY WELL IDENTIFIED
12 IN THE COMPLAINT AND BEGIN AN INVESTIGATION. HOWEVER, IF THE OWNER
13 OF THE HIGH-CAPACITY WELL NOTIFIES THE DEPARTMENT THAT HE OR SHE
14 DOES NOT WISH TO PARTICIPATE IN THE DISPUTE RESOLUTION PROCESS
15 PROVIDED FOR IN THIS PART, THE INVESTIGATION SHALL BE SUSPENDED AND
16 THE DISPUTE SHALL BE RESOLVED AS OTHERWISE PROVIDED BY LAW.

17 (4) WITHIN 5 BUSINESS DAYS AFTER RECEIPT OF A COMPLAINT UNDER
18 SUBSECTION (1), THE DIRECTOR OR THE DIRECTOR OF THE DEPARTMENT OF
19 AGRICULTURE AND RURAL DEVELOPMENT, AS APPROPRIATE, SHALL CONDUCT AN
20 ON-SITE EVALUATION. HOWEVER, IF THE COMPLAINT IS FOR A SMALL-
21 QUANTITY WELL THAT IS IN CLOSE PROXIMITY TO OTHER SMALL-QUANTITY
22 WELLS FOR WHICH DOCUMENTED COMPLAINTS HAVE BEEN RECEIVED AND
23 INVESTIGATED DURING THE PREVIOUS 60 DAYS, THE DEPARTMENT NEED NOT
24 CONDUCT AN ON-SITE EVALUATION UNLESS THE DEPARTMENT DETERMINES THAT
25 AN ON-SITE EVALUATION IS NECESSARY. THE DIRECTOR OR THE DIRECTOR OF
26 THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT, AS
27 APPROPRIATE, SHALL GIVE AFFECTED PERSONS AN OPPORTUNITY TO

1 CONTRIBUTE TO THE INVESTIGATION OF A COMPLAINT. IN CONDUCTING THE
2 INVESTIGATION, THE DIRECTOR OR THE DIRECTOR OF THE DEPARTMENT OF
3 AGRICULTURE AND RURAL DEVELOPMENT, AS APPROPRIATE, SHALL CONSIDER
4 WHETHER THE OWNER OF THE HIGH-CAPACITY WELL IS USING INDUSTRY-
5 RECOGNIZED WATER CONSERVATION MANAGEMENT PRACTICES.

6 (5) AFTER CONDUCTING AN INVESTIGATION, THE DIRECTOR OR THE
7 DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT, AS
8 APPROPRIATE, SHALL MAKE A DILIGENT EFFORT TO RESOLVE THE COMPLAINT.
9 IN ATTEMPTING TO RESOLVE A COMPLAINT, THE DIRECTOR OR THE DIRECTOR
10 OF THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT, AS
11 APPROPRIATE, MAY PROPOSE A REMEDY THAT HE OR SHE BELIEVES WOULD
12 EQUITABLY RESOLVE THE COMPLAINT. IF, WITHIN 14 DAYS FOLLOWING THE
13 SUBMITTAL OF A COMPLAINT, THE DIRECTOR OF THE DEPARTMENT OF
14 AGRICULTURE AND RURAL DEVELOPMENT IS UNABLE TO RESOLVE A COMPLAINT,
15 THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT
16 SHALL REFER THE COMPLAINT, AND PROVIDE ALL RELEVANT INFORMATION, TO
17 THE DIRECTOR.

18 (6) THE DIRECTOR SHALL PROVIDE FOR THE USE OF A TOLL-FREE
19 FACSIMILE LINE TO RECEIVE COMPLAINTS AND A TOLL-FREE TELEPHONE LINE
20 FOR OWNERS OF SMALL-QUANTITY WELLS TO REQUEST COMPLAINT FORMS AND
21 TO OBTAIN OTHER INFORMATION REGARDING THE DISPUTE RESOLUTION
22 PROCESS PROVIDED IN THIS PART.

23 (7) THE DIRECTOR AND THE DIRECTOR OF THE DEPARTMENT OF
24 AGRICULTURE AND RURAL DEVELOPMENT SHALL DO BOTH OF THE FOLLOWING:

25 (A) PUBLICIZE THE TOLL-FREE FACSIMILE LINE AND THE TOLL-FREE
26 TELEPHONE LINE PROVIDED FOR IN SUBSECTION (6).

27 (B) ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT DESCRIBES

1 THE PROCESS THAT WILL BE FOLLOWED BY EACH DIRECTOR WHEN A COMPLAINT
2 INVOLVES AN AGRICULTURAL WELL.

3 (8) A COMPLAINANT WHO SUBMITS MORE THAN 2 UNVERIFIED
4 COMPLAINTS UNDER THIS SECTION WITHIN 1 YEAR MAY BE ORDERED BY THE
5 DIRECTOR TO PAY FOR THE FULL COSTS OF INVESTIGATION OF ANY THIRD OR
6 SUBSEQUENT UNVERIFIED COMPLAINT. AS USED IN THIS SUBSECTION,
7 "UNVERIFIED COMPLAINT" MEANS A COMPLAINT IN RESPONSE TO WHICH THE
8 DIRECTOR DETERMINES THAT THERE IS NOT REASONABLE EVIDENCE TO
9 DECLARE A GROUNDWATER DISPUTE.

10 SEC. 31703. (1) THE DIRECTOR SHALL, BY ORDER, DECLARE A
11 GROUNDWATER DISPUTE IF AN INVESTIGATION OF A COMPLAINT DISCLOSES
12 ALL OF THE FOLLOWING, BASED UPON REASONABLE SCIENTIFICALLY BASED
13 EVIDENCE, AND WITHIN A REASONABLE AMOUNT OF TIME THE DIRECTOR IS
14 UNABLE TO RESOLVE THE COMPLAINT:

15 (A) THAT THE SMALL-QUANTITY WELL HAS FAILED TO FURNISH THE
16 WELL'S NORMAL SUPPLY OF WATER OR FAILED TO FURNISH POTABLE WATER.

17 (B) THAT THE SMALL-QUANTITY WELL AND THE WELL'S EQUIPMENT WERE
18 FUNCTIONING PROPERLY AT THE TIME OF THE FAILURE. THE DETERMINATION
19 UNDER THIS SUBDIVISION SHALL BE MADE BASED UPON AN ASSESSMENT FROM
20 A WELL DRILLING CONTRACTOR THAT IS PROVIDED BY THE OWNER OF THE
21 SMALL-QUANTITY WELL.

22 (C) THAT THE FAILURE OF THE SMALL-QUANTITY WELL WAS CAUSED BY
23 THE LOWERING OF THE GROUNDWATER LEVEL IN THE AREA.

24 (D) THAT THE LOWERING OF THE GROUNDWATER LEVEL EXCEEDS NORMAL
25 SEASONAL WATER LEVEL FLUCTUATIONS AND SUBSTANTIALLY IMPAIRS
26 CONTINUED USE OF THE GROUNDWATER RESOURCE IN THE AREA.

27 (E) THAT THE LOWERING OF THE GROUNDWATER LEVEL WAS CAUSED BY

1 AT LEAST 1 HIGH-CAPACITY WELL.

2 (F) THAT THE OWNER OF THE SMALL-QUANTITY WELL DID NOT
3 UNREASONABLY REJECT A REMEDY PROPOSED BY THE DIRECTOR OR THE
4 DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT
5 UNDER SECTION 31702(5).

6 (2) IN ADDITION TO THE AUTHORITY UNDER SUBSECTION (1) TO
7 DECLARE A GROUNDWATER DISPUTE, IF THE DIRECTOR HAS CLEAR AND
8 CONVINCING SCIENTIFICALLY BASED EVIDENCE THAT INDICATES THAT
9 CONTINUED GROUNDWATER WITHDRAWALS FROM A HIGH-CAPACITY WELL WILL
10 EXCEED THE RECHARGE CAPABILITY OF THE GROUNDWATER RESOURCE OF THE
11 AREA, THE DIRECTOR, BY ORDER, MAY DECLARE A GROUNDWATER DISPUTE.

12 (3) THE DIRECTOR MAY AMEND OR TERMINATE AN ORDER DECLARING A
13 GROUNDWATER DISPUTE AT ANY TIME.

14 SEC. 31704. (1) AN ORDER DECLARING A GROUNDWATER DISPUTE IS
15 EFFECTIVE WHEN A COPY OF THE ORDER IS SERVED UPON THE OWNER OF A
16 HIGH-CAPACITY WELL THAT IS REASONABLY BELIEVED TO HAVE CAUSED THE
17 FAILURE OF THE COMPLAINANT'S SMALL-QUANTITY WELL.

18 (2) IF A GROUNDWATER DISPUTE REQUIRES ACTION BEFORE SERVICE
19 CAN BE COMPLETED UNDER SUBSECTION (1), ORAL NOTIFICATION IN PERSON
20 BY THE DIRECTOR IS SUFFICIENT UNTIL SERVICE CAN BE COMPLETED. ORAL
21 NOTIFICATION IS EFFECTIVE FOR NOT MORE THAN 96 HOURS.

22 (3) AS SOON AS POSSIBLE AFTER AN ORDER DECLARING A GROUNDWATER
23 DISPUTE HAS BEEN ISSUED, THE DIRECTOR SHALL PROVIDE COPIES OF THE
24 ORDER TO THE LOCAL UNITS OF GOVERNMENT IN WHICH THE HIGH-CAPACITY
25 WELL AND THE SMALL-QUANTITY WELL ARE LOCATED AND TO THE LOCAL
26 HEALTH DEPARTMENTS WITH JURISDICTION OVER THOSE WELLS.

27 SEC. 31705. (1) UPON DECLARATION OF A GROUNDWATER DISPUTE, THE

1 DIRECTOR SHALL, BY ORDER, REQUIRE THE IMMEDIATE TEMPORARY PROVISION
2 AT THE POINT OF USE OF AN ADEQUATE SUPPLY OF POTABLE WATER.

3 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (3), (4), AND (5), IF
4 THE DIRECTOR ISSUES AN ORDER DECLARING A GROUNDWATER DISPUTE, THE
5 DIRECTOR MAY, BY ORDER, RESTRICT THE QUANTITY OF GROUNDWATER THAT
6 MAY BE EXTRACTED FROM A HIGH-CAPACITY WELL UNDER EITHER OF THE
7 FOLLOWING CONDITIONS:

8 (A) IF THE HIGH-CAPACITY WELL IS REASONABLY BELIEVED TO HAVE
9 CAUSED THE FAILURE OF THE COMPLAINANT'S SMALL-QUANTITY WELL AND AN
10 IMMEDIATE TEMPORARY PROVISION OF AN ADEQUATE SUPPLY OF POTABLE
11 WATER HAS NOT BEEN PROVIDED TO THE COMPLAINANT BY THE OWNER OF THE
12 HIGH-CAPACITY WELL.

13 (B) IF THERE IS CLEAR AND CONVINCING SCIENTIFICALLY BASED
14 EVIDENCE THAT CONTINUED GROUNDWATER WITHDRAWALS FROM THE HIGH-
15 CAPACITY WELL WILL EXCEED THE RECHARGE CAPABILITY OF THE
16 GROUNDWATER RESOURCE OF THE AREA.

17 (3) IN ISSUING AN ORDER UNDER SUBSECTION (2), THE DIRECTOR
18 SHALL CONSIDER THE IMPACT THE ORDER WILL HAVE ON THE VIABILITY OF A
19 BUSINESS ASSOCIATED WITH THE HIGH-CAPACITY WELL OR OTHER USE OF THE
20 HIGH-CAPACITY WELL.

21 (4) IF AN OPERATOR OF A HIGH-CAPACITY WELL WITHDRAWS WATER BY
22 A MEANS OTHER THAN PUMPING, THE DIRECTOR MAY, BY ORDER, TEMPORARILY
23 RESTRICT THE QUANTITY OF GROUNDWATER THAT MAY BE EXTRACTED ONLY IF
24 THE CONDITIONS OF SUBSECTION (2) (A) OR (B) HAVE NOT BEEN MET.

25 (5) THE DIRECTOR SHALL NOT ISSUE AN ORDER THAT DIMINISHES THE
26 NORMAL SUPPLY OF DRINKING WATER OR THE CAPABILITY FOR FIRE
27 SUPPRESSION OF A PUBLIC WATER SUPPLY SYSTEM OWNED OR OPERATED BY A

1 LOCAL UNIT OF GOVERNMENT.

2 SEC. 31706. IF A GROUNDWATER DISPUTE HAS BEEN DECLARED, THE
3 OWNER OF A HIGH-CAPACITY WELL SHALL, SUBJECT TO AN ORDER OF THE
4 DIRECTOR, PROVIDE TIMELY AND REASONABLE COMPENSATION AS PROVIDED IN
5 SECTION 31707 IF THERE IS A FAILURE OR SUBSTANTIAL IMPAIRMENT OF A
6 SMALL-QUANTITY WELL AND THE FOLLOWING CONDITIONS EXIST:

7 (A) THE FAILURE OR SUBSTANTIAL IMPAIRMENT WAS CAUSED BY THE
8 GROUNDWATER WITHDRAWALS OF THE HIGH-CAPACITY WELL.

9 (B) THE SMALL-QUANTITY WELL WAS CONSTRUCTED PRIOR TO FEBRUARY
10 14, 1967 OR, IF THE SMALL-QUANTITY WELL WAS CONSTRUCTED ON OR AFTER
11 FEBRUARY 14, 1967, THE WELL WAS CONSTRUCTED IN COMPLIANCE WITH PART
12 127 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.12701 TO
13 333.12771.

14 SEC. 31707. (1) TIMELY AND REASONABLE COMPENSATION UNDER
15 SECTION 31706 CONSISTS OF AND IS LIMITED TO EITHER OR BOTH OF THE
16 FOLLOWING:

17 (A) THE REIMBURSEMENT OF EXPENSES REASONABLY INCURRED BY THE
18 COMPLAINANT BEGINNING 30 DAYS PRIOR TO THE DATE ON WHICH A
19 COMPLAINT WAS MADE UNDER SECTION 31702 IN DOING THE FOLLOWING:

20 (i) PAYING FOR THE COST OF CONDUCTING A WELL ASSESSMENT TO
21 DETERMINE THAT THE SMALL-QUANTITY WELL AND THE WELL'S EQUIPMENT
22 WERE FUNCTIONING PROPERLY AT THE TIME OF THE FAILURE.

23 (ii) PAYING FOR THE COST OF OBTAINING AN IMMEDIATE TEMPORARY
24 PROVISION AT THE PRIOR POINT OF USE OF AN ADEQUATE SUPPLY OF
25 POTABLE WATER.

26 (iii) OBTAINING 1 OF THE FOLLOWING:

27 (A) THE RESTORATION OF THE AFFECTED SMALL-QUANTITY WELL TO THE

1 WELL'S NORMAL SUPPLY OF WATER.

2 (B) THE PERMANENT PROVISION AT THE POINT OF USE OF AN
3 ALTERNATIVE POTABLE SUPPLY OF EQUAL QUANTITY.

4 (B) IF AN ADEQUATE REMEDY IS NOT ACHIEVABLE UNDER SUBDIVISION
5 (A), THE RESTRICTION OR SCHEDULING OF THE GROUNDWATER WITHDRAWALS
6 OF THE HIGH-CAPACITY WELL SO THAT THE AFFECTED SMALL-QUANTITY WELL
7 CONTINUES TO PRODUCE EITHER OF THE FOLLOWING:

8 (i) THE WELL'S NORMAL SUPPLY OF WATER.

9 (ii) THE NORMAL SUPPLY OF POTABLE WATER IF THE WELL NORMALLY
10 FURNISHES POTABLE WATER.

11 (2) THE REFUSAL OF AN OWNER OF AN AFFECTED SMALL-QUANTITY WELL
12 TO ACCEPT TIMELY AND REASONABLE COMPENSATION DESCRIBED IN
13 SUBSECTION (1) IS SUFFICIENT GROUNDS FOR THE DIRECTOR TO TERMINATE
14 AN ORDER IMPOSED ON THE OWNER OF A HIGH-CAPACITY WELL.

15 SEC. 31708. THE OWNER OF A HIGH-CAPACITY WELL SUBJECT TO AN
16 ORDER UNDER THIS PART MAY APPEAL THAT ORDER DIRECTLY TO CIRCUIT
17 COURT PURSUANT TO THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
18 MCL 600.101 TO 600.9947.

19 SEC. 31709. THIS PART DOES NOT APPLY TO A POTENTIAL
20 GROUNDWATER DISPUTE INVOLVING EITHER OF THE FOLLOWING:

21 (A) A HIGH-CAPACITY WELL THAT IS A DEWATERING WELL.

22 (B) A HIGH-CAPACITY WELL THAT IS USED SOLELY FOR THE PURPOSE
23 OF FIRE SUPPRESSION.

24 SEC. 31710. (1) THE AQUIFER PROTECTION REVOLVING FUND IS
25 CREATED IN THE STATE TREASURY.

26 (2) THE FUND MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY SOURCE
27 FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL DIRECT THE

1 INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE
2 FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

3 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
4 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

5 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
6 AUDITING PURPOSES.

7 (5) MONEY IN THE FUND SHALL BE EXPENDED BY THE DEPARTMENT ONLY
8 TO IMPLEMENT THIS PART AND TO REIMBURSE THE DEPARTMENT OF
9 AGRICULTURE AND RURAL DEVELOPMENT FOR ITS ACTUAL COSTS INCURRED IN
10 IMPLEMENTING THIS PART.

11 (6) IF MONEY IN THE FUND IS USED TO CONDUCT HYDROGEOLOGICAL
12 STUDIES OR OTHER STUDIES TO GATHER DATA ON THE NATURE OF AQUIFERS
13 OR GROUNDWATER RESOURCES IN THE STATE, THE DEPARTMENT SHALL INCLUDE
14 THIS INFORMATION IN THE GROUNDWATER INVENTORY AND MAP PREPARED
15 UNDER SECTION 32802.

16 SEC. 31711. NOT LATER THAN APRIL 1, 2013, AND EVERY 2 YEARS
17 THEREAFTER, THE DEPARTMENT SHALL PREPARE AND SUBMIT TO THE
18 LEGISLATURE A REPORT THAT INCLUDES BOTH OF THE FOLLOWING:

19 (A) AN ANALYSIS OF THE DEPARTMENT'S COSTS OF IMPLEMENTING THIS
20 PART.

21 (B) RECOMMENDATIONS ON MODIFICATIONS TO THIS PART THAT WOULD
22 IMPROVE THE OVERALL EFFECTIVENESS OF THIS PART.

23 SEC. 31712. (1) A PERSON WHO VIOLATES AN ORDER ISSUED UNDER
24 THIS PART IS RESPONSIBLE FOR A CIVIL FINE OF NOT MORE THAN
25 \$1,000.00 FOR EACH DAY OF VIOLATION, BUT NOT EXCEEDING A TOTAL OF
26 \$50,000.00.

27 (2) A DEFAULT IN THE PAYMENT OF A CIVIL FINE OR COSTS ORDERED

1 UNDER THIS SECTION OR AN INSTALLMENT OF THE FINE OR COSTS MAY BE
2 REMEDIED BY ANY MEANS AUTHORIZED UNDER THE REVISED JUDICATURE ACT
3 OF 1961, 1961 PA 236, MCL 600.101 TO 600.9947.

4 (3) ALL CIVIL FINES RECOVERED UNDER THIS SECTION SHALL BE
5 FORWARDED TO THE STATE TREASURER FOR DEPOSIT INTO THE FUND.

6 (4) THE DIRECTOR MAY BRING AN ACTION IN A COURT OF COMPETENT
7 JURISDICTION TO ENFORCE AN ORDER UNDER THIS PART, INCLUDING
8 INJUNCTIVE OR OTHER EQUITABLE RELIEF.