

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.31705 Declaration of groundwater dispute; temporary provision at point of use of adequate supply of potable water; extraction of groundwater; restriction; impact on viability of certain businesses; public water supply owned or operated by local government.

Sec. 31705. (1) Upon declaration of a groundwater dispute, the director or the director of the department of agriculture and rural development, as appropriate, shall, by order, require the immediate temporary provision at the point of use of an adequate supply of potable water.

(2) Except as provided in subsections (3), (4), and (5), if the director or the director of the department of agriculture and rural development, as appropriate, issues an order declaring a groundwater dispute, the director or the director of the department of agriculture and rural development, as appropriate, may, by order, restrict the quantity of groundwater that may be extracted from a high-capacity well under either of the following conditions:

(a) If the high-capacity well is reasonably believed to have caused the failure of the complainant's small-quantity well and an immediate temporary provision of an adequate supply of potable water has not been provided to the complainant by the owner of the high-capacity well.

(b) If there is clear and convincing scientifically based evidence that continued groundwater withdrawals from the high-capacity well will exceed the recharge capability of the groundwater resource of the area.

(3) In issuing an order under subsection (2), the director or the director of the department of agriculture and rural development, as appropriate, shall consider the impact the order will have on the viability of a business associated with the high-capacity well or other use of the high-capacity well.

(4) If an operator of a high-capacity well withdraws water by a means other than pumping, the director or the director of the department of agriculture and rural development, as appropriate, may, by order, temporarily restrict the quantity of groundwater that may be extracted only if the conditions of subsection (2)(a) or (b) have not been met.

(5) The director or the director of the department of agriculture and rural development, as appropriate, shall not issue an order that diminishes the normal supply of drinking water or the capability for fire suppression of a public water supply system owned or operated by a local unit of government.

History: Add. 2012, Act 602, Imd. Eff. Jan. 9, 2013;—Am. 2013, Act 86, Imd. Eff. June 28, 2013.

Compiler's note: Former MCL 324.31705, which pertained to duties of director upon issuance of order declaring groundwater dispute, was repealed by Act 176 of 2009, Imd. Eff. Dec. 15, 2009.

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