

HOUSE BILL No. 5725

February 21, 2002, Introduced by Reps. Howell, Lipsey, Ruth Johnson, Mans and Birkholz and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 328.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 328 AQUIFER PRESERVATION

2 SEC. 32801. AS USED IN THIS PART:

3 (A) "AQUIFER" MEANS ANY WATER BEARING BED OR STRATUM OF
4 EARTH OR ROCK CAPABLE OF YIELDING GROUNDWATER TO A WATER WELL IN
5 SUFFICIENT QUANTITIES THAT CAN BE WITHDRAWN.

6 (B) "ARTESIAN AQUIFER" MEANS AN AQUIFER OVERLAIN BY A LAYER
7 OF MATERIAL OF LESS PERMEABILITY THAN THE AQUIFER AND WHERE THE
8 AQUIFER IS UNDER SUFFICIENT PRESSURE SO THAT WHEN IT IS PENE-
9 TRATED BY A WELL, THE GROUNDWATER WILL RISE NATURALLY ABOVE THE
10 TOP OF THE AQUIFER.

1 (C) "AVAILABLE DRAWDOWN" MEANS THE DIFFERENCE IN DEPTH
2 BETWEEN THE STATIC WATER LEVEL AND THE BOTTOM OF THE AQUIFER.

3 (D) "CLASS 1 GROUNDWATER WITHDRAWAL FACILITY" MEANS A
4 GROUNDWATER WITHDRAWAL FACILITY WHERE ANY OF THE FOLLOWING CONDI-
5 TIONS EXIST:

6 (i) THE GROUNDWATER WITHDRAWAL FACILITY IS LOCATED IN AN
7 AREA WHERE THE DEPARTMENT HAS REASONABLE EVIDENCE THAT THE POTEN-
8 TIAL FOR A GROUNDWATER WITHDRAWAL CONFLICT DOES NOT EXIST.

9 (ii) THE DEPARTMENT HAS ADEQUATE GROUNDWATER DATA TO DETER-
10 MINE THAT A SUFFICIENT QUANTITY OF GROUNDWATER EXISTS IN THE
11 AREA.

12 (iii) THE APPLICANT HAS SUBMITTED TO THE DEPARTMENT A
13 DETAILED HYDROGEOLOGIC STUDY THAT CONCLUDES THAT THE PROPOSED
14 GROUNDWATER WITHDRAWAL WILL NOT EXCEED THE SUSTAINABLE YIELD.

15 (E) "CLASS 2 GROUNDWATER WITHDRAWAL FACILITY" MEANS A
16 GROUNDWATER WITHDRAWAL FACILITY THAT IS LOCATED IN AN AREA WHERE
17 EITHER OF THE FOLLOWING CONDITIONS EXISTS:

18 (i) THE DEPARTMENT DOES NOT HAVE ADEQUATE GROUNDWATER DATA
19 UPON WHICH TO BASE A DECISION ON WHETHER THE PROPOSED GROUNDWATER
20 WITHDRAWAL WILL EXCEED THE SUSTAINABLE YIELD.

21 (ii) THE DEPARTMENT HAS REASONABLE EVIDENCE OF AN EXISTING
22 OR POTENTIAL GROUNDWATER WITHDRAWAL CONFLICT.

23 (F) "CONSOLIDATED GEOLOGIC MATERIALS" MEANS GEOLOGIC FORMA-
24 TION MATERIALS, SUCH AS LIMESTONE, DOLOMITE, SANDSTONE, SHALE,
25 BASALT, OR GRANITE, THAT ARE COHERENT DUE TO THE INTERLOCKING OR
26 CEMENTATION OF THEIR MINERAL COMPONENTS.

1 (G) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
2 QUALITY.

3 (H) "FUND" MEANS THE AQUIFER PROTECTION FUND CREATED IN SEC-
4 TION 32808.

5 (I) "GROUNDWATER" MEANS WATER BELOW THE LAND SURFACE IN A
6 ZONE OF SATURATION.

7 (J) "GROUNDWATER WITHDRAWAL CONFLICT" MEANS THE FAILURE OF
8 AN EXISTING WATER WELL TO FURNISH ITS NORMAL SUPPLY OF GROUNDWA-
9 TER BECAUSE OF A PROGRESSIVE DECLINE OF THE WATER LEVEL WITHIN
10 THE AQUIFER DUE TO THE WITHDRAWAL OF GROUNDWATER FROM THE AQUIFER
11 BY A HIGH-CAPACITY WELL OR SUMP.

12 (K) "GROUNDWATER WITHDRAWAL FACILITY" MEANS A WATER WELL OR
13 SUMP, OR A COMBINATION OF WELLS AND SUMPS EQUIPPED WITH, OR
14 INTENDED TO BE EQUIPPED WITH, A PUMP OR PUMPS CAPABLE OF EXTRACT-
15 ING GROUNDWATER AT A RATE OF MORE THAN 70 GALLONS PER MINUTE.
16 TWO OR MORE GROUNDWATER WITHDRAWAL FACILITIES ON CONTIGUOUS PAR-
17 CELS UNDER THE SAME OWNERSHIP AND PUMPING FROM THE SAME AQUIFER
18 SHALL BE CONSIDERED A SINGLE GROUNDWATER WITHDRAWAL FACILITY.

19 (L) "POTENTIALLY IMPACTED WELL" MEANS A WATER WELL THAT MAY
20 BE SUBJECT TO A GROUNDWATER WITHDRAWAL CONFLICT.

21 (M) "STATIC WATER LEVEL" MEANS THE DISTANCE BETWEEN THE
22 GROUND SURFACE AND THE WATER LEVEL WITHIN A WELL THAT IS NOT
23 BEING PUMPED OR IS NOT UNDER THE INFLUENCE OF A WELL THAT IS
24 BEING PUMPED.

25 (N) "SUMP" MEANS AN EXCAVATION, PIT, INFILTRATION GALLERY,
26 OR OTHER STRUCTURE THAT IS INSTALLED FOR THE PURPOSE OF LOWERING
27 THE GROUNDWATER LEVEL AT A GROUNDWATER WITHDRAWAL FACILITY.

1 (O) "SUSTAINABLE YIELD" MEANS THE AMOUNT OF GROUNDWATER,
2 GIVING DUE CONSIDERATION TO EXISTING GROUNDWATER WITHDRAWALS,
3 THAT CAN BE WITHDRAWN FROM AN AQUIFER BASED ON 100 DAYS OF CON-
4 TINUAL PUMPING AT THE RATED PUMP CAPACITY WITHOUT RECHARGE AND
5 WITHOUT CAUSING ANY OF THE FOLLOWING CONDITIONS:

6 (i) A PROGRESSIVE DECLINE OF THE WATER LEVEL OF AT LEAST 5
7 FEET BELOW THE STATIC WATER LEVEL WITHIN A POTENTIALLY IMPACTED
8 WELL THAT IS COMPLETED IN UNCONSOLIDATED GEOLOGIC MATERIALS, OR
9 AT LEAST 25 FEET BELOW THE STATIC WATER LEVEL WITHIN AN EXISTING
10 WATER WELL THAT IS COMPLETED IN CONSOLIDATED GEOLOGIC MATERIALS.

11 (ii) A PROGRESSIVE DECLINE OF WATER LEVEL THAT REDUCES THE
12 AVAILABLE DRAWDOWN OF THE AQUIFER ON THE PROPERTY OF ADJACENT
13 GROUNDWATER USERS BY AT LEAST 25%.

14 (P) "UNCONSOLIDATED GEOLOGIC MATERIALS" MEANS GEOLOGIC FOR-
15 MATION MATERIALS THAT ARE LOOSE AND NONCEMENTED, SUCH AS SAND OR
16 GRAVEL.

17 (Q) "WATER TABLE AQUIFER" MEANS AN AQUIFER WHERE GROUNDWATER
18 IS UNDER ATMOSPHERIC PRESSURE.

19 (R) "WATER WELL" MEANS AN OPENING IN THE SURFACE OF THE
20 EARTH THAT IS INTENDED FOR THE REMOVAL OF GROUNDWATER FOR ANY
21 PURPOSE. A WATER WELL INCLUDES, BUT IS NOT LIMITED TO, A VERTI-
22 CAL BOREHOLE.

23 SEC. 32802. (1) BEGINNING JANUARY 1, 2003, EXCEPT AS PRO-
24 VIDED IN SUBSECTIONS (2) AND (3), A GROUNDWATER WITHDRAWAL FACIL-
25 ITY SHALL NOT EXTRACT GROUNDWATER AT A RATE OF MORE THAN 70 GAL-
26 LONS PER MINUTE UNLESS A GROUNDWATER WITHDRAWAL PERMIT HAS BEEN
27 OBTAINED FROM THE DEPARTMENT.

1 (2) A FACILITY WITHDRAWING GROUNDWATER ON THE EFFECTIVE DATE
2 OF THE AMENDATORY ACT THAT ADDED THIS SECTION IS NOT REQUIRED TO
3 OBTAIN A GROUNDWATER WITHDRAWAL PERMIT UNLESS ADDITIONAL WATER
4 WELLS ARE PROPOSED TO BE ADDED OR THE PUMPING CAPACITY IS PRO-
5 POSED TO BE INCREASED AFTER THE EFFECTIVE DATE OF THE AMENDATORY
6 ACT THAT ADDED THIS SECTION AND THE TOTAL GROUNDWATER WITHDRAWAL
7 WOULD BE INCREASED BY AT LEAST 70 GALLONS PER MINUTE.

8 (3) THE REQUIREMENT TO OBTAIN A GROUNDWATER WITHDRAWAL
9 PERMIT DOES NOT APPLY TO THE FOLLOWING TYPES OF WATER WELLS:

10 (A) A WATER WELL USED SOLELY FOR FIRE PROTECTION.

11 (B) A DEWATERING WELL, REGULATED UNDER PART 127 OF THE
12 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.12701 TO 333.12771, IF
13 THE PROVISIONS OF R 325.1755 OF THE MICHIGAN ADMINISTRATIVE CODE
14 HAVE BEEN MET.

15 (C) GROUNDWATER CONTAMINATION REMEDIATION WELLS INSTALLED
16 UNDER THIS ACT.

17 SEC. 32803. (1) THE OWNER OF A GROUNDWATER WITHDRAWAL
18 FACILITY OR A PROPOSED GROUNDWATER WITHDRAWAL FACILITY OR THE
19 OWNER'S AUTHORIZED REPRESENTATIVE MAY APPLY FOR A GROUNDWATER
20 WITHDRAWAL PERMIT BY SUBMITTING AN APPLICATION TO THE DEPARTMENT
21 ON A FORM PROVIDED BY THE DEPARTMENT. THE APPLICANT SHALL PRO-
22 VIDE THE DEPARTMENT WITH THE FOLLOWING INFORMATION:

23 (A) THE LOCATION OR PROPOSED LOCATION OF THE GROUNDWATER
24 WITHDRAWAL FACILITY.

25 (B) THE PROPOSED WELL OR SUMP LOCATIONS AT THE GROUNDWATER
26 WITHDRAWAL FACILITY, INCLUDING THE TOWNSHIP NAME, TOWNSHIP

1 NUMBER, RANGE NUMBER, SECTION NUMBER, AND FRACTIONAL DESCRIPTION
2 OF THE LOCATION WITHIN THE SECTION, AND THE COUNTY.

3 (C) THE RATED PUMPING CAPACITY OF PUMPING EQUIPMENT TO BE
4 INSTALLED IN THE WATER WELLS OR SUMPS.

5 (D) THE INTENDED USE OF THE GROUNDWATER.

6 (E) PROOF OF OWNERSHIP OF THE PROPERTY FROM WHICH THE
7 GROUNDWATER WITHDRAWAL WILL OCCUR.

8 (F) A DETAILED HYDROGEOLOGIC STUDY, IF REQUIRED FOR A CLASS
9 2 GROUNDWATER WITHDRAWAL FACILITY UNDER SECTION 32806(2), OR AT
10 THE OPTION OF THE APPLICANT IF THE APPLICATION IS FOR A CLASS 1
11 GROUNDWATER WITHDRAWAL FACILITY.

12 (G) OTHER INFORMATION AS REQUIRED ON THE APPLICATION.

13 (2) EXCEPT AS PROVIDED IN SUBSECTION (4), AN APPLICANT FOR A
14 GROUNDWATER WITHDRAWAL PERMIT SHALL SUBMIT A FEE OF \$500.00 AT
15 THE TIME THE APPLICATION IS SUBMITTED. THE DEPARTMENT SHALL FOR-
16 WARD FEES COLLECTED UNDER THIS SUBSECTION TO THE STATE TREASURER
17 FOR DEPOSIT INTO THE FUND.

18 (3) AN INCOMPLETE APPLICATION OR AN APPLICATION SUBMITTED TO
19 THE DEPARTMENT WITHOUT PAYMENT OF THE FEE UNDER SUBSECTION (2)
20 SHALL NOT BE PROCESSED.

21 (4) A PUBLIC WATER SUPPLY, AS DEFINED IN SECTION 2 OF THE
22 SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1002, IS EXEMPT
23 FROM PAYING THE PERMIT FEE UNDER THIS SECTION.

24 SEC. 32804. IF AN APPLICANT FOR A GROUNDWATER WITHDRAWAL
25 PERMIT UNDER SECTION 32803 SUBMITS A HYDROGEOLOGIC STUDY TO THE
26 DEPARTMENT, THE HYDROGEOLOGIC STUDY SHALL INCLUDE AT LEAST THE
27 FOLLOWING INFORMATION:

1 (A) THE LOCATION OF THE WELLS OR SUMPS AT THE GROUNDWATER
2 WITHDRAWAL FACILITY IN ACCORDANCE WITH SECTION 32803(1)(B), AND
3 THE LATITUDE AND LONGITUDE OF THE WELLS OR SUMPS USING A GLOBAL
4 POSITIONING SYSTEM.

5 (B) A SUMMARY OF REGIONAL AND LOCAL HYDROGEOLOGY, INCLUDING
6 AN ESTIMATE OF THE AREAL AND VERTICAL EXTENT OF THE AQUIFER,
7 WHETHER THE AQUIFER IS A WATER TABLE AQUIFER OR AN ARTESIAN AQUI-
8 FER, FLOW DIRECTION OF THE AQUIFER, AND WHETHER THE AQUIFER CON-
9 SISTS OF CONSOLIDATED OR UNCONSOLIDATED GEOLOGIC MATERIALS.

10 (C) AN ESTIMATE OF HYDRAULIC CHARACTERISTICS INCLUDING AQUI-
11 FER STORAGE COEFFICIENT AND TRANSMISSIVITY BASED ON AN AQUIFER
12 TEST OF SUFFICIENT DESIGN AND DURATION.

13 (D) THE PROPOSED RATE OF GROUNDWATER WITHDRAWAL.

14 (E) THE LOCATION OF POTENTIALLY IMPACTED WELLS WITHIN A
15 RADIUS OF 1 MILE OF THE GROUNDWATER WITHDRAWAL FACILITY. IF NO
16 POTENTIALLY IMPACTED WELLS EXIST WITHIN A 1-MILE RADIUS OF THE
17 GROUNDWATER WITHDRAWAL FACILITY, THE NEAREST 4 POTENTIALLY
18 IMPACTED WELLS SURROUNDING THE GROUNDWATER WITHDRAWAL FACILITY
19 SHALL BE IDENTIFIED.

20 (F) A RECORD OF STATIC WATER LEVELS FROM WELLS IN THE VICIN-
21 ITY AS FOLLOWS:

22 (i) IF THERE ARE WELLS LOCATED WITHIN 1 MILE OF THE GROUND-
23 WATER WITHDRAWAL FACILITY, THE STATIC WATER LEVELS SHALL BE
24 OBTAINED IN ACCORDANCE WITH ALL OF THE FOLLOWING:

25 (A) AT A MINIMUM, FROM WELLS LOCATED NORTH, SOUTH, EAST, AND
26 WEST OF THE GROUNDWATER WITHDRAWAL FACILITY.

1 (B) COLLECTED FROM THE WELL OR WELLS AT THE GROUNDWATER
2 WITHDRAWAL FACILITY.

3 (C) COLLECTED FROM 10% OR NOT LESS THAN 4 OF THE POTENTIALLY
4 IMPACTED WELLS IDENTIFIED UNDER SUBDIVISION (E), WHICHEVER IS
5 GREATER.

6 (ii) IF NO WELLS ARE LOCATED WITHIN 1 MILE OF THE GROUNDWA-
7 TER WITHDRAWAL FACILITY, STATIC WATER LEVELS SHALL BE COLLECTED
8 FROM NOT LESS THAN THE NEAREST 4 POTENTIALLY IMPACTED WELLS OR
9 FROM NOT LESS THAN 4 WELLS INSTALLED BY THE APPLICANT, WHICH ARE
10 COMPLETED IN THE SAME AQUIFER AS THE WELL OR WELLS SERVING THE
11 GROUNDWATER WITHDRAWAL FACILITY AND WHICH ARE LOCATED IN ACCORD-
12 ANCE WITH SUBPARAGRAPH (i)(A).

13 (G) PROJECTIONS OF DRAWDOWN WITHIN THE AQUIFER AS A FUNCTION
14 OF DISTANCE FROM THE GROUNDWATER WITHDRAWAL FACILITY, INCLUDING A
15 DETERMINATION OF THE SUSTAINABLE YIELD.

16 (H) IDENTIFICATION OF POTENTIALLY IMPACTED WELLS IDENTIFIED
17 UNDER SUBDIVISION (E), WHICH WITHDRAW MORE THAN 70 GALLONS PER
18 MINUTE.

19 SEC. 32805. (1) THE DEPARTMENT SHALL PROCESS ALL ADMINIS-
20 TRATIVELY COMPLETE PERMIT APPLICATIONS IN THE ORDER IN WHICH THEY
21 ARE RECEIVED.

22 (2) WITHIN 45 DAYS OF RECEIPT OF AN ADMINISTRATIVELY COM-
23 PLETE PERMIT APPLICATION UNDER SECTION 32803, THE DEPARTMENT
24 SHALL EVALUATE THE APPLICATION AND SHALL DETERMINE WHETHER THE
25 APPLICATION IS FOR A CLASS 1 GROUNDWATER WITHDRAWAL FACILITY OR A
26 CLASS 2 GROUNDWATER WITHDRAWAL FACILITY.

1 (3) IF AN AGGRIEVED PERSON REQUESTS THE DEPARTMENT TO
2 SCHEDULE A PUBLIC HEARING ON A GROUNDWATER WITHDRAWAL PERMIT
3 APPLICATION, THE REQUEST SHALL BE MADE IN WRITING AND ANY HEARING
4 SHALL BE CONDUCTED PURSUANT TO R 325.10201 AND R 325.10202 OF THE
5 MICHIGAN ADMINISTRATIVE CODE.

6 SEC. 32806. (1) IF THE DEPARTMENT DETERMINED UNDER SECTION
7 32805 THAT THE APPLICATION IS FOR A CLASS 1 GROUNDWATER WITH-
8 DRAWAL FACILITY, THE DEPARTMENT SHALL PROMPTLY ISSUE THE PERMIT.

9 (2) IF THE DEPARTMENT HAS DETERMINED UNDER SECTION 32805
10 THAT THE APPLICATION IS FOR A CLASS 2 GROUNDWATER WITHDRAWAL
11 FACILITY, THE DEPARTMENT SHALL REQUIRE THE APPLICANT TO SUBMIT A
12 HYDROGEOLOGIC STUDY. THE DEPARTMENT SHALL REVIEW THE HYDROGEOLO-
13 GIC STUDY TO DETERMINE THE POTENTIAL IMPACTS OF THE PROPOSED
14 GROUNDWATER WITHDRAWAL, ALTERNATIVES TO MINIMIZE AND MITIGATE
15 ADVERSE IMPACTS, AND THE SUSTAINABILITY OF THE PROPOSED GROUNDWA-
16 TER WITHDRAWAL. TO COVER THE COST OF THE REVIEW OF AN APPLICA-
17 TION FOR A CLASS 2 GROUNDWATER WITHDRAWAL FACILITY, THE APPLICANT
18 SHALL SUBMIT AN ADDITIONAL FEE OF \$500.00. THE DEPARTMENT SHALL
19 FORWARD THIS FEE TO THE STATE TREASURER FOR DEPOSIT INTO THE
20 FUND. THE DEPARTMENT SHALL ISSUE THE GROUNDWATER WITHDRAWAL
21 PERMIT IF THE APPLICANT FURNISHES THE DEPARTMENT WITH A DETAILED
22 HYDROGEOLOGIC STUDY CONTAINING THE INFORMATION REQUIRED IN
23 SECTION 32804 THAT PROVIDES REASONABLE SCIENTIFIC EVIDENCE THAT
24 THE INTENDED RATE OF GROUNDWATER WITHDRAWAL WILL NOT EXCEED THE
25 SUSTAINABLE YIELD OF THE AQUIFER.

26 (3) THE DEPARTMENT SHALL NOT ISSUE A GROUNDWATER WITHDRAWAL
27 PERMIT IF THE APPLICANT FURNISHES THE DEPARTMENT WITH A

1 HYDROGEOLOGIC STUDY THAT SUGGESTS OR CONCLUDES THE PROPOSED
2 GROUNDWATER WITHDRAWAL WILL EXCEED THE SUSTAINABLE YIELD UNLESS 1
3 OR MORE OF THE FOLLOWING ITEMS ARE SUBMITTED BY THE APPLICANT:

4 (A) SIGNED AFFIDAVITS FROM ALL POTENTIALLY IMPACTED WELL
5 OWNERS ACKNOWLEDGING AND ACCEPTING THE POTENTIAL IMPACT.

6 (B) A LEGALLY BINDING AGREEMENT BETWEEN THE APPLICANT AND
7 THE OWNERS OF POTENTIALLY IMPACTED WELLS THAT PROVIDES FOR WELL
8 ALTERATION, WELL REPLACEMENT, PROVISIONS FOR AN ALTERNATE WATER
9 SUPPLY, FINANCIAL COMPENSATION, OR OTHER REMEDIES AS AGREED UPON
10 BETWEEN THE PARTIES.

11 (C) A PROPOSAL TO LIMIT THE GROUNDWATER WITHDRAWAL TO THE
12 SUSTAINABLE YIELD OF THE AQUIFER.

13 SEC. 32807. A GROUNDWATER WITHDRAWAL PERMIT ISSUED UNDER
14 THIS PART IS VALID FOR THE DURATION OF GROUNDWATER WITHDRAWAL AT
15 THE PUMPING RATE AS SPECIFIED IN THE PERMIT.

16 SEC. 32808. (1) THE AQUIFER PROTECTION FUND IS CREATED
17 WITHIN THE STATE TREASURY.

18 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
19 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER
20 SHALL DIRECT THE INVESTMENT OF THE FUND AND SHALL CREDIT TO THE
21 FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

22 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
23 REMAIN IN THE FUND AND SHALL NOT LAPSE INTO THE GENERAL FUND.

24 (4) THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND, UPON
25 APPROPRIATION, ONLY FOR THE IMPLEMENTATION AND ADMINISTRATION OF
26 THIS PART.

1 SEC. 32809. (1) AN OWNER OF A GROUNDWATER WITHDRAWAL
2 FACILITY WHO FAILS TO OBTAIN A GROUNDWATER WITHDRAWAL PERMIT AS
3 REQUIRED BY THIS PART, OR WHO VIOLATES THE CONDITIONS OF THE
4 PERMIT AND CAUSES ENVIRONMENTAL HARM OR IMPAIRS THE RIGHTS OF
5 OTHER PROPERTY OWNERS TO WITHDRAW GROUNDWATER FOR THEIR REASON-
6 ABLE AND BENEFICIAL USE, IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
7 A FINE OF NOT MORE THAN \$5,000.00 FOR EACH DAY OF VIOLATION OR BY
8 IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH.

9 (2) AT THE REQUEST OF THE DEPARTMENT, THE ATTORNEY GENERAL
10 MAY BRING A CIVIL ACTION FOR INJUNCTIVE OR OTHER APPROPRIATE
11 RELIEF ON BEHALF OF THE PEOPLE OF THE STATE TO ENFORCE THIS
12 PART. HOWEVER, THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION FOR
13 INJUNCTIVE RELIEF AGAINST THE OWNER OF A GROUNDWATER WITHDRAWAL
14 FACILITY THAT BECAME A GROUNDWATER WITHDRAWAL FACILITY BEFORE
15 JANUARY 1, 2003 ONLY IF BOTH OF THE FOLLOWING CONDITIONS HAVE
16 BEEN MET:

17 (A) SUFFICIENT HYDROGEOLOGIC DATA HAVE BEEN COLLECTED BY THE
18 UNITED STATES GEOLOGICAL SURVEY TO DEMONSTRATE THAT THE WITH-
19 DRAWAL OF GROUNDWATER FROM THE GROUNDWATER WITHDRAWAL FACILITY
20 HAS CREATED A GROUNDWATER WITHDRAWAL CONFLICT.

21 (B) WITHIN 90 DAYS OF PUBLICATION OF THE HYDROGEOLOGIC DATA
22 BY THE UNITED STATES GEOLOGICAL SURVEY, RESOLUTION OF THE GROUND-
23 WATER WITHDRAWAL CONFLICT HAS NOT BEEN ACHIEVED BETWEEN THE OWNER
24 OF THE GROUNDWATER WITHDRAWAL FACILITY AND THE OWNERS OF THE
25 AFFECTED WELLS THROUGH ANY OF THE FOLLOWING MEANS:

26 (i) SIGNED AFFIDAVITS FROM ALL OF THE IMPACTED WELL OWNERS
27 ACKNOWLEDGING AND ACCEPTING THE IMPACT.

1 (ii) A LEGALLY BINDING AGREEMENT BETWEEN THE OWNER OF A
2 GROUNDWATER WITHDRAWAL FACILITY AND THE OWNERS OF THE AFFECTED
3 WELLS THAT PROVIDES FOR WELL ALTERATIONS, WELL REPLACEMENT, PRO-
4 VISIONS FOR AN ALTERNATE WATER SUPPLY, FINANCIAL COMPENSATION, OR
5 OTHER REMEDIES AS AGREED UPON BETWEEN THE PARTIES.

6 (iii) THE RATE OF WITHDRAWAL FROM THE GROUNDWATER WITHDRAWAL
7 FACILITY HAS BEEN REDUCED TO A RATE AT OR BELOW THE SUSTAINABLE
8 YIELD OF THE AQUIFER AS DETERMINED BY THE DEPARTMENT.

9 (iv) THE RATE OF WITHDRAWAL FROM THE GROUNDWATER WITHDRAWAL
10 FACILITY HAS BEEN REDUCED AND WILL REMAIN AT A RATE AT WHICH A
11 GROUNDWATER WITHDRAWAL CONFLICT WILL NOT OCCUR.

12 (3) IF A PROPERTY OWNER'S USE OF GROUNDWATER, PERMITTED OR
13 OTHERWISE ALLOWED BY LAW, IS IMPAIRED OR OTHERWISE HARMED BY A
14 GROUNDWATER WITHDRAWAL FACILITY OR BY ANY OTHER MEANS, THE PROP-
15 ERTY OWNER MAY BRING AN APPROPRIATE CIVIL ACTION IN CIRCUIT COURT
16 AGAINST THE OWNER OR OPERATOR OF THE GROUNDWATER WITHDRAWAL
17 FACILITY OR ANY OTHER PERSON WHO HAS HARMED OR OTHERWISE IMPAIRED
18 THE OWNER'S USE OF THE GROUNDWATER.

19 SEC. 32810. IN ADDITION TO A GROUNDWATER WITHDRAWAL FACIL-
20 ITY PERMIT REQUIRED BY THIS PART, THE OWNER OF A GROUNDWATER
21 WITHDRAWAL FACILITY OR HIS OR HER AUTHORIZED REPRESENTATIVE SHALL
22 OBTAIN ANY WELL CONSTRUCTION PERMITS AS OTHERWISE REQUIRED BY
23 STATE LAW OR LOCAL ORDINANCES.

24 SEC. 32811. BEFORE A PERSON WHO IS REGISTERED AS A WATER
25 WELL DRILLING CONTRACTOR OR PUMP INSTALLATION CONTRACTOR UNDER
26 PART 127 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.12701 TO
27 333.12771, CONSTRUCTS AND EQUIPS A WELL SERVING A GROUNDWATER

1 WITHDRAWAL FACILITY, THE CONTRACTOR SHALL NOTIFY THE OWNER OR
2 OPERATOR OF THE GROUNDWATER WITHDRAWAL FACILITY OF THE PROVISIONS
3 OF THIS PART.