

HOUSE BILL No. 5509

March 15, 1988, Introduced by Reps. Brown, Scott, Docherty, Middaugh, Bryant, DeBeaussiaert, Jondahl, Leland, Kosteva, Miller, DeMars, Ciaramitaro, Gubow, Farhat, Hart, Webb, Clack, Dutko, Emerson and Stabenow and referred to the Committee on Public Health.

A bill to amend sections 12701, 12707, and 12715 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," section 12715 as amended by Act No. 143 of the Public Acts of 1980, being sections 333.12701, 333.12707, and 333.12715 of the Michigan Compiled Laws; and to add sections 12706a, 12706b, 12706c, and 12706d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 12701, 12707, 12715 of Act No. 368 of
2 the Public Acts of 1978, section 12715 as amended by Act No. 143
3 of the Public Acts of 1980, being sections 333.12701, 333.12707,
4 and 333.12715 of the Michigan Compiled Laws, are amended and sec-
5 tions 12706a, 12706b, 12706c, and 12706d are added to read as
6 follows:

1 Sec. 12701. (1) As used in sections 12701 to 12715:

2 (A) "CERTIFIED LOCAL HEALTH DEPARTMENT" MEANS A LOCAL HEALTH
3 DEPARTMENT CERTIFIED PURSUANT TO SECTION 12706B.

4 (B) ~~(a)~~ "Person" means a person as defined in section 1106
5 or a governmental entity.

6 (C) ~~(b)~~ "Pump" means a mechanical equipment or device used
7 to remove water from a well.

8 (D) ~~(c)~~ "Pump installer" means a person who ~~is qualified~~
9 ~~to engage~~ ENGAGES in the installation, removal, alteration, or
10 repair of water well pumping equipment in connection with a water
11 well.

12 (E) ~~(d)~~ "Well" means an opening in the surface of the
13 earth for the purpose of ~~removing fresh water or a test well,~~
14 ~~recharge well, waste disposal well, or a well used temporarily~~
15 ~~for dewatering purposes during construction~~ OBTAINING GROUNDWA-
16 TER; MONITORING THE QUALITY OR QUANTITY OF GROUNDWATER; OBTAINING
17 GEOLOGIC INFORMATION ON AQUIFERS; RECHARGING AQUIFERS; PURGING
18 AQUIFERS; UTILIZING THE GEOTHERMAL PROPERTIES OF EARTH FORMA-
19 TIONS; OR REMOVING GROUNDWATER FOR ANY PURPOSE.

20 (F) ~~(e)~~ "Well drilling contractor" means a person
21 ~~qualified to engage in~~ WHO ENGAGES IN OR SUPERVISES well con-
22 struction, well alteration, WELL TREATMENT OR REHABILITATION,
23 WELL ABANDONMENT, WELL GROUTING, or well repair and pump instal-
24 lation, ~~who supervises the construction of water wells and the~~
25 ~~installation of pumps,~~ and who owns ~~, rents,~~ or leases TO
26 PERSONS equipment used in the construction of water wells.

1 (G) "WELL LOG" MEANS A RECORD OF INFORMATION ABOUT A
2 SPECIFIC WELL AS PROVIDED FOR IN SECTION 12707, ALSO KNOWN AS A
3 WATER WELL RECORD.

4 (2) In addition, article 1 contains general definitions and
5 principles of construction applicable to all articles in this
6 code.

7 SEC. 12706A. (1) A PERSON SHALL NOT CONSTRUCT A WELL OR A
8 WATER SUPPLY SYSTEM WITHOUT FIRST OBTAINING A PERMIT FROM THE
9 DEPARTMENT OR A CERTIFIED LOCAL HEALTH DEPARTMENT.

10 (2) AN APPLICATION FOR A WELL CONSTRUCTION PERMIT SHALL BE
11 ON A FORM PROVIDED BY AND SHALL CONTAIN THE INFORMATION REQUIRED
12 BY THE DEPARTMENT OR THE CERTIFIED LOCAL HEALTH DEPARTMENT,
13 WHICHEVER IS APPLICABLE.

14 (3) THE DEPARTMENT SHALL ISSUE A WELL CONSTRUCTION PERMIT,
15 UPON APPLICATION, IF THE WELL PROPOSED TO BE CONSTRUCTED IS
16 LOCATED IN A COUNTY THAT DOES NOT HAVE A CERTIFIED LOCAL HEALTH
17 DEPARTMENT, AND IF THE PROPOSED WELL MEETS THE REQUIREMENTS OF
18 THIS ACT AND THE RULES PROMULGATED UNDER THIS ACT. IF A COUNTY
19 HAS A CERTIFIED LOCAL HEALTH DEPARTMENT, ALL WELL CONSTRUCTION
20 PERMITS, EXCEPT PERMITS FOR TYPE I PUBLIC WATER SUPPLIES AS
21 DEFINED IN RULES PROMULGATED UNDER THE SAFE DRINKING WATER ACT,
22 ACT NO. 399 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 325.1001
23 TO 325.1023 OF THE MICHIGAN COMPILED LAWS, SHALL BE ISSUED
24 THROUGH THAT CERTIFIED LOCAL HEALTH DEPARTMENT PURSUANT TO THIS
25 ACT AND THE RULES PROMULGATED UNDER THIS ACT.

26 SEC. 12706B. (1) IN MAKING A DECISION ON WHETHER TO ISSUE A
27 WELL CONSTRUCTION PERMIT UNDER THIS PART, THE DEPARTMENT OR THE

1 CERTIFIED LOCAL HEALTH DEPARTMENT, WHICHEVER IS APPLICABLE, SHALL
2 DO ALL OF THE FOLLOWING:

3 (A) CONSIDER THE PROPOSED LOCATION OF A WELL IN ORDER TO
4 ASSESS ITS POTENTIAL FOR CONTAMINATION.

5 (B) REQUIRE SPECIAL WELL CONSTRUCTION FEATURES OR MODIFIED
6 ISOLATION DISTANCES FROM POTENTIAL CONTAMINATION SOURCES, WHERE
7 CONSIDERED NECESSARY, IN ORDER TO PROTECT THE PUBLIC HEALTH AND
8 WATER BEARING FORMATIONS.

9 (C) DENY THE ISSUANCE OF A PERMIT WHEN IT HAS BEEN DETER-
10 MINED THAT THE PUBLIC HEALTH WILL NOT BE PROTECTED OR WHEN THE
11 PROPOSED WELL WILL BE IN VIOLATION OF A RULE OR THE WELL CON-
12 STRUCTION CODE PROMULGATED UNDER THIS ACT.

13 (D) REQUIRE THE APPLICANT FOR A PERMIT TO SUPPLY ADEQUATE
14 HYDROGEOLOGIC INFORMATION TO SUPPORT A VARIANCE, WHERE ALLOWED IN
15 A RULE OR THE WELL CONSTRUCTION CODE PROMULGATED UNDER THIS PART,
16 IF SUFFICIENT INFORMATION IS NOT READILY AVAILABLE TO THE DEPART-
17 MENT OR THE CERTIFIED LOCAL HEALTH DEPARTMENT.

18 (2) A WELL CONSTRUCTION PERMIT ISSUED BY EITHER THE DEPART-
19 MENT OR A CERTIFIED LOCAL HEALTH DEPARTMENT SHALL PROVIDE FOR
20 BOTH OF THE FOLLOWING:

21 (A) THAT THE PERSON CONDUCTING THE WELL DRILLING SHALL
22 NOTIFY THE DEPARTMENT OR THE CERTIFIED LOCAL HEALTH DEPARTMENT,
23 WHICHEVER ISSUED THE PERMIT, OF THE DATE THE WELL IS TO BE
24 DRILLED.

25 (B) THAT THE PERMIT WILL BE VALID FOR A PERIOD NOT TO EXCEED
26 1 YEAR FROM THE DATE OF ISSUANCE.

1 SEC. 12706C. (1) A LOCAL HEALTH DEPARTMENT MAY APPLY TO THE
2 DIRECTOR FOR CERTIFICATION TO OPERATE A WELL PERMIT PROGRAM.

3 (2) A LOCAL HEALTH DEPARTMENT AS A CONDITION OF CERTIFICA-
4 TION SHALL AGREE TO DO ALL OF THE FOLLOWING:

5 (A) ISSUE WELL CONSTRUCTION PERMITS FOR ALL WELLS, EXCEPT
6 FOR TYPE I PUBLIC WATER SUPPLIES AS DEFINED IN RULES PROMULGATED
7 UNDER THE SAFE DRINKING WATER ACT, ACT NO. 399 OF THE PUBLIC ACTS
8 OF 1976, BEING SECTIONS 325.1001 TO 325.1023 OF THE MICHIGAN
9 COMPILED LAWS, PROPOSED TO BE DRILLED IN THE COUNTY OR COUNTIES
10 IT SERVICES IN ACCORDANCE WITH THIS PART.

11 (B) INSTITUTE A RANDOM WELL CONSTRUCTION AND WATER SUPPLY
12 SYSTEM INSPECTION PROGRAM.

13 (C) ENTER DATA FROM THE WELL LOGS RECEIVED INTO AN AUTOMATED
14 DATA BASE IN THE MANNER PROVIDED BY THE DIRECTOR. THE DIRECTOR
15 SHALL CONSULT WITH THE DEPARTMENT OF NATURAL RESOURCES AS TO HOW
16 WELL LOG DATA SHOULD BE ENTERED INTO AN AUTOMATED DATA BASE.

17 (3) THE DEPARTMENT SHALL PROVIDE CERTIFIED LOCAL HEALTH
18 DEPARTMENTS WITH THE APPROPRIATE COMPUTER SOFTWARE TO ALLOW THE
19 CERTIFIED LOCAL HEALTH DEPARTMENTS TO MAINTAIN AN AUTOMATED WELL
20 LOG DATA BASE THAT CAN BE USED BY THE STATEWIDE DATA BASE ESTAB-
21 LISHED BY THE DEPARTMENT IN SUBSECTION (4).

22 (4) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF
23 NATURAL RESOURCES, SHALL ESTABLISH A STATEWIDE DATA BASE OF
24 INFORMATION PROVIDED IN WELL LOGS PURSUANT TO THIS PART. THE
25 DEPARTMENT SHALL MAKE THE INFORMATION IN THIS STATEWIDE DATA BASE
26 AVAILABLE TO ALL CERTIFIED LOCAL HEALTH DEPARTMENTS.

1 (5) THE DEPARTMENT MAY REVOKE A COUNTY HEALTH DEPARTMENT'S
2 CERTIFICATION IF IT FAILS TO COMPLY WITH THIS PART.

3 SEC. 12706D. (1) A CERTIFIED LOCAL HEALTH DEPARTMENT SHALL
4 CHARGE A FEE FOR EACH WELL CONSTRUCTION PERMIT IT ISSUES UNDER
5 THIS PART. THIS PERMIT FEE SHALL BE REASONABLY RELATED TO THE
6 COST OF OPERATING THE WELL PERMIT PROGRAM.

7 (2) THE DEPARTMENT SHALL CHARGE A FEE OF \$200.00 FOR EACH
8 WELL CONSTRUCTION PERMIT IT ISSUES UNDER THIS PART.

9 (3) IF A PERSON FAILS TO OBTAIN A WELL CONSTRUCTION PERMIT
10 PRIOR TO CONSTRUCTING A WELL, A PENALTY IN THE AMOUNT OF \$100.00
11 SHALL BE CHARGED BY THE DEPARTMENT OR THE CERTIFIED LOCAL HEALTH
12 DEPARTMENT IN ADDITION TO THE WELL CONSTRUCTION PERMIT FEE.

13 (4) IN ADDITION TO THE WELL CONSTRUCTION PERMIT FEES
14 REQUIRED UNDER THIS SECTION, THE APPLICANT FOR A WELL CONSTRUC-
15 TION PERMIT SHALL INCLUDE A DEPOSIT OF \$50.00 WHICH SHALL BE
16 REFUNDED IF THE PERMIT HOLDER FILES HIS OR HER COMPLETED WELL LOG
17 WITH THE DEPARTMENT OR A CERTIFIED LOCAL HEALTH DEPARTMENT,
18 WHICHEVER ISSUED THE PERMIT, WITHIN 30 DAYS AFTER COMPLETING THE
19 WELL CONSTRUCTION.

20 (5) A CERTIFIED LOCAL HEALTH DEPARTMENT MAY RETAIN ALL FEES,
21 PENALTIES, AND UNCLAIMED REFUNDS IT COLLECTS UNDER THIS SECTION
22 AS COMPENSATION FOR OPERATING THE WELL PERMIT PROGRAM. THE
23 DEPARTMENT SHALL DEPOSIT ALL FEES, PENALTIES, AND UNCLAIMED
24 REFUNDS IT COLLECTS INTO THE STATE TREASURY TO THE CREDIT OF THE
25 GENERAL FUND.

26 Sec. 12707. (1) Not later than ~~60~~ 30 days after the
27 completion of a well, a ~~well-drilling contractor~~ PERSON WHO

1 CONSTRUCTS A WELL shall provide the owner with ~~a~~ 1 copy and the
2 department ~~—~~ or THE CERTIFIED local health department,
3 WHICHEVER ISSUED THE WELL CONSTRUCTION PERMIT, with 2 copies of a
4 ~~record indicating~~ WELL LOG. THE WELL LOG SHALL INCLUDE the well
5 owner's name, THE location of the well, THE well depth, THE geo-
6 logic materials and thicknesses of materials penetrated, THE
7 amount of casing, THE static water levels, and any other informa-
8 tion which may be required by the rules and construction code
9 promulgated under section 12714. ~~The department or~~ THE WELL
10 LOG FOR A WELL SHALL BE KEPT AT THE SITE OF THE WELL CONSTRUCTION
11 WHILE THE WELL IS BEING CONSTRUCTED. A CERTIFIED local health
12 department shall send 1 copy of the ~~record~~ WELL LOG to the
13 ~~director of the department of natural resources~~ not later
14 than 30 days after ~~its receipt from~~ THE CERTIFIED LOCAL HEALTH
15 DEPARTMENT RECEIVES the well ~~drilling contractor~~ LOG. THE
16 DEPARTMENT SHALL SEND 1 COPY OF ALL WELL LOGS IT RECEIVES TO THE
17 DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES WITHIN 30 DAYS
18 AFTER IT RECEIVES THEM. Standard forms for the ~~record~~ WELL LOG
19 shall be provided by the department. ~~or the contractor's forms~~
20 ~~may be used if approved by the department.~~ A ~~record~~ WELL LOG
21 for a drive point well where no earth materials are removed from
22 the well bore is sufficient if the owner's name, THE well loca-
23 tion, THE depth, THE casing, THE static water level, and THE
24 screen data are stated.

25 (2) IF THE DIRECTOR DETERMINES THAT A WELL DRILLING CONTRAC-
26 TOR HAS GIVEN FALSE INFORMATION IN A WELL LOG REQUIRED UNDER THIS
27 SECTION, THE DEPARTMENT MAY SUSPEND THAT PERSON'S REGISTRATION AS

1 A WELL DRILLING CONTRACTOR. A PERSON WHOSE REGISTRATION HAS BEEN
2 SUSPENDED UNDER THIS SUBSECTION MAY DEMAND A CONTESTED CASE HEAR-
3 ING ON THE MATTER PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT
4 OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS
5 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS.

6 Sec. 12715. (1) Except as provided in subsection (2), a
7 person who violates sections 12701 to 12714, a rule or the con-
8 struction code promulgated under section 12714, or an order
9 issued by the department or local health department under sec-
10 tions 12701 to 12714 is guilty of a misdemeanor.

11 (2) A member of the advisory board who intentionally vio-
12 lates section 12713(2) shall be subject to the penalties pre-
13 scribed in THE OPEN MEETINGS ACT, Act No. 267 of the Public Acts
14 of 1976, as amended, BEING SECTIONS 15.261 TO 15.275 OF THE
15 MICHIGAN COMPILED LAWS.

16 (3) The attorney general or local prosecuting attorney shall
17 be responsible for prosecuting a person who violates sections
18 12701 to 12715.

19 (4) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY THIS SEC-
20 TION, A PERSON WHO VIOLATES SECTIONS 12701 TO 12715 SHALL BE
21 LIABLE FOR A CIVIL FINE OF NOT MORE THAN \$500.00.