

HOUSE BILL No. 4656

April 13, 1989, Introduced by Reps. Brown, Gire, DeBeaussiaert, Varga and Hoekman and referred to the Committee on Public Health.

A bill to amend sections 12701, 12704, 12705, 12707, 12709, 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, 333.12704, 333.12705, 333.12707, 333.12709, and 333.12715 of the Michigan Compiled Laws; and to add sections 12705a, 12706a, 12706b, 12706c, and 12706d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 12701, 12704, 12705, 12707, 12709, and
2 12715 of Act No. 368 of the Public Acts of 1978, section 12715 as
3 amended by Act No. 143 of the Public Acts of 1980, being sections
4 333.12701, 333.12704, 333.12705, 333.12707, 333.12709, and
5 333.12715 of the Michigan Compiled Laws, are amended and sections

1 12705a, 12706a, 12706b, 12706c, and 12706d are added to read as
2 follows:

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

4 (A) "CERTIFIED LOCAL HEALTH DEPARTMENT" MEANS A LOCAL HEALTH
5 DEPARTMENT CERTIFIED PURSUANT TO SECTION 12703C.

6 (B) ~~-(a)-~~ "Person" means a person as defined in section 1106
7 or a governmental entity.

8 (C) ~~-(b)-~~ "Pump" means ~~a~~ THE mechanical equipment or
9 device used to remove water from a well.

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

14 (E) "STATE DRINKING WATER STANDARDS" MEANS THAT TERM AS IT
15 IS DEFINED IN THE SAFE DRINKING WATER ACT, ACT NO. 399 OF THE
16 PUBLIC ACTS OF 1976, BEING SECTIONS 325.1001 TO 325.1023 OF THE
17 MICHIGAN COMPILED LAWS.

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

26 (G) ~~-(e)-~~ "Well drilling contractor" means a person
27 ~~qualified to engage in~~ WHO ENGAGES IN OR SUPERVISES well

1 construction, well alteration, WELL TREATMENT OR REHABILITATION,
2 WELL ABANDONMENT, WELL GROUTING, or well repair and pump instal-
3 lation, ~~who supervises the construction of water wells and the~~
4 ~~installation of pumps,~~ and who owns ~~,~~ rents, or leases TO
5 PERSONS equipment used in the construction of water wells.

6 (H) "WELL LOG" MEANS A RECORD OF INFORMATION ABOUT A SPE-
7 CIFIC WELL AS PROVIDED FOR IN SECTION 12707, ALSO KNOWN AS A
8 WATER WELL RECORD.

9 (2) In addition, article 1 contains general definitions and
10 principles of construction applicable to all articles in this
11 code.

12 Sec. 12704. (1) Before engaging in the business of well
13 drilling or pump installing, a person shall obtain a certificate
14 of registration annually as a well drilling contractor or pump
15 installer, using an application prepared by the department. THE
16 DEPARTMENT MAY ESTABLISH CATEGORIES OF WELL DRILLING REGISTRATION
17 UNDER THIS PART THAT LIMIT REGISTRATION TO TYPES OF WELL DRILLING
18 AND PUMP INSTALLATION ACTIVITIES.

19 ~~(2) Before engaging in the business of constructing dewater-~~
20 ~~ing wells or installing dewatering well pumps, a person shall~~
21 ~~obtain a certificate of registration annually as a water well~~
22 ~~drilling contractor limited to the construction of dewatering~~
23 ~~wells or as a dewatering well pump installer, using an applica-~~
24 ~~tion prepared by the department.~~

25 (2) ~~(3)~~ The applicant shall pay a registration fee with
26 the application. The initial registration fee and the annual
27 renewal registration fee for a well drilling contractor is \$40.00

1 and for a pump installer is \$25.00. A well drilling contractor
2 shall pay an additional annual fee of \$10.00 for each additional
3 drilling machine. A registered well drilling contractor may do
4 any of the work of a pump installer without payment of the fee
5 for a pump installer.

6 (3) ~~(4)~~ A county, city, village, township, or other gov-
7 ernmental unit engaged in well drilling or pump installing shall
8 be registered under sections 12701 to 12715, but shall be exempt
9 from paying the registration fees if the drilling or installing
10 is done by regular employees of, and with equipment owned by, the
11 governmental unit and the work is on wells or pumps intended for
12 use by the governmental unit.

13 Sec. 12705. (1) The department shall issue certificates of
14 registration to well drilling contractors and pump installers who
15 meet the requirements of sections 12701 to 12715.

16 (2) A certificate of registration is not transferable and
17 expires on April 30 of each year. After July 1 of each year a
18 certificate of registration may be renewed only upon application
19 for renewal and payment of a fee of 50% of the basic registration
20 fee in addition to the regular registration fee.

21 (3) A new applicant for a certificate of registration shall
22 be examined in accordance with the rules and construction code
23 promulgated under section 12714. The advisory board created by
24 section 12711 shall determine and advise the department as to the
25 eligibility of a well drilling contractor or pump installer for
26 registration. A well drilling contractor or pump installer which
27 is a firm, partnership, or corporation shall designate at least 1

1 partner, officer, or responsible full-time employee to take the
2 examination on its behalf.

3 (4) The department, upon application and payment of the pre-
4 scribed fees, may issue a certificate of registration as a well
5 drilling contractor or a pump installer to a person who holds a
6 similar certificate of registration in another state or a foreign
7 country, if the requirements for the registration of a well
8 drilling contractor and pump installer under which the certifi-
9 cate of registration was issued do not conflict with this part,
10 are of a standard not lower than that specified by the rules and
11 construction code promulgated under section 12714, and if equal
12 reciprocal privileges are granted to a registrant of this state.

13 (5) IF AN APPLICATION FOR REGISTRATION UNDER THIS PART IS
14 NOT APPROVED, THE DEPARTMENT SHALL GIVE WRITTEN NOTICE OF DENIAL
15 TO THE APPLICANT STATING THE REASON FOR THE DENIAL. THE APPLI-
16 CANT MAY REQUEST RECONSIDERATION OF THE APPLICATION AFTER CORREC-
17 TION OF THE REASONS FOR DENIAL, OR UPON REQUEST MADE WITHIN 30
18 DAYS OF THE DENIAL SHALL BE GRANTED AN INFORMAL CONFERENCE AND A
19 CONTESTED CASE HEARING BEFORE THE DIRECTOR, OR AN AUTHORIZED REP-
20 RESENTATIVE OF THE DIRECTOR. A CONTESTED CASE HEARING UNDER THIS
21 SECTION SHALL BE HELD PURSUANT TO THE ADMINISTRATIVE PROCEDURES
22 ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING
23 SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS.

24 SEC. 12705A. THE DEPARTMENT SHALL NOT ISSUE A CERTIFICATE
25 OF REGISTRATION TO A PERSON UNDER THIS PART UNLESS THAT PERSON
26 REPORTS TO THE DEPARTMENT THE NUMBER OF WELLS HE OR SHE
27 CONSTRUCTED DURING THE PREVIOUS CALENDAR YEAR, HAS FILED ALL WELL

1 LOGS REQUIRED, AND HAS PAID ALL CIVIL PENALTIES IMPOSED UNDER
2 SECTION 12707.

3 SEC. 12706A. (1) BEGINNING 18 MONTHS AFTER THE EFFECTIVE
4 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, EXCEPT AS
5 PROVIDED IN SUBSECTION (4), A PERSON SHALL NOT CONSTRUCT A WELL
6 WITHOUT FIRST OBTAINING A PERMIT FROM THE DEPARTMENT OR A CERTI-
7 FIED LOCAL HEALTH DEPARTMENT.

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

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

25 (4) THE DEPARTMENT OR A CERTIFIED LOCAL HEALTH DEPARTMENT
26 MAY ISSUE A BLANKET WELL CONSTRUCTION PERMIT IF MULTIPLE WELLS OF

1 A SIMILAR NATURE ARE PROPOSED TO BE CONSTRUCTED ON A PIECE OF
2 PROPERTY FOR THE SAME PROJECT.

3 (5) NOTWITHSTANDING ANY PROVISION OF THIS PART, A PERSON
4 SHALL NOT BE REQUIRED TO OBTAIN A PERMIT TO CONSTRUCT A WELL FROM
5 THE DEPARTMENT OR A CERTIFIED LOCAL HEALTH DEPARTMENT UNDER THIS
6 ACT IF THE WELL IS CONSTRUCTED UNDER ANY OF THE FOLLOWING
7 CIRCUMSTANCES:

8 (A) THE PERSON CONSTRUCTING THE WELL HAS BEEN ISSUED A
9 PERMIT TO CONSTRUCT THE WELL BY THE DEPARTMENT OF NATURAL
10 RESOURCES UNDER ACT NO. 61 OF THE PUBLIC ACTS OF 1939, BEING SEC-
11 TIONS 319.1 TO 319.27 OF THE MICHIGAN COMPILED LAWS, OR THE MIN-
12 ERAL WELL ACT, ACT NO. 315 OF THE PUBLIC ACTS OF 1969, BEING SEC-
13 TIONS 319.211 TO 319.236 OF THE MICHIGAN COMPILED LAWS, AND THE
14 PERMIT REQUIRES THE PERSON TO SUBMIT A WELL LOG TO THE DEPARTMENT
15 OF NATURAL RESOURCES AND TO COMPLY WITH THE RULES PROMULGATED FOR
16 GROUTING OF WELLS AND SEALING OF ABANDONED WELLS UNDER THIS ACT
17 OR ACT NO. 61 OF THE PUBLIC ACTS OF 1939 OR ACT NO. 315 OF THE
18 PUBLIC ACTS OF 1969, WHICHEVER STATUTE IS MORE RESTRICTIVE.

19 (B) THE WELL IS CONSTRUCTED BY THE DEPARTMENT OF NATURAL
20 RESOURCES OR THE DEPARTMENT OF NATURAL RESOURCES REQUIRES THE
21 WELL TO BE CONSTRUCTED FOR THE PURPOSES OF IDENTIFYING CONTAMI-
22 NANTS, EVALUATING THE HYDROGEOLOGICAL PROPERTIES OF GROUNDWATER,
23 OR CONDUCTING CLEANUP ACTIVITIES IN SOIL OR GROUNDWATER.
24 HOWEVER, A PERSON CONSTRUCTING A WELL UNDER THIS SUBDIVISION
25 SHALL SUBMIT A WELL LOG AND COMPLY WITH THE RULES FOR GROUTING OF
26 WELLS AND SEALING OF ABANDONED WELLS PROMULGATED UNDER THIS ACT.

1 (C) THE PERSON IS REQUIRED TO CONSTRUCT THE WELL AS A
2 CONDITION OF OBTAINING A PERMIT UNDER ANY OF THE STATE STATUTES
3 ADMINISTERED BY THE DEPARTMENT OF NATURAL RESOURCES. HOWEVER, A
4 PERSON CONSTRUCTING A WELL UNDER THIS SUBDIVISION SHALL SUBMIT A
5 WELL LOG AND COMPLY WITH THE RULES FOR GROUTING OF WELLS AND
6 SEALING OF ABANDONED WELLS PROMULGATED UNDER THIS ACT.

7 (6) THE DEPARTMENT OR A CERTIFIED LOCAL HEALTH DEPARTMENT
8 MAY REQUIRE THE SEALING OF A WELL THAT IS CONSTRUCTED WITHOUT A
9 PERMIT OR IS CONSTRUCTED IN VIOLATION OF THIS ACT OR A RULE OR
10 THE CONSTRUCTION CODE PROMULGATED UNDER THIS PART.

11 SEC. 12706B. (1) IN MAKING A DECISION ON WHETHER TO ISSUE A
12 WELL CONSTRUCTION PERMIT UNDER THIS PART, THE DEPARTMENT OR THE
13 CERTIFIED LOCAL HEALTH DEPARTMENT, WHICHEVER IS APPLICABLE, SHALL
14 DO ALL OF THE FOLLOWING:

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

17 (B) REQUIRE THE APPLICANT FOR A PERMIT TO SUPPLY ADEQUATE
18 HYDROGEOLOGIC INFORMATION TO SUPPORT A DEVIATION OR VARIANCE,
19 WHERE ALLOWED IN A RULE OR THE CONSTRUCTION CODE PROMULGATED
20 UNDER THIS PART, IF SUFFICIENT INFORMATION IS NOT READILY AVAIL-
21 ABLE TO THE DEPARTMENT OR THE CERTIFIED LOCAL HEALTH DEPARTMENT.

22 (C) DENY THE ISSUANCE OF A PERMIT WHEN THE PROPOSED WELL
23 WILL BE IN VIOLATION OF A RULE OR THE CONSTRUCTION CODE PROMUL-
24 GATED UNDER THIS PART.

25 (2) IF AN APPLICATION FOR A WELL CONSTRUCTION PERMIT UNDER
26 THIS PART IS DENIED, THE DEPARTMENT OR THE CERTIFIED LOCAL HEALTH
27 DEPARTMENT, WHICHEVER ISSUED THE PERMIT, SHALL GIVE WRITTEN

1 NOTICE OF ITS DENIAL TO THE APPLICANT STATING THE REASON FOR THE
2 DENIAL. A PERSON WHO RECEIVES WRITTEN NOTICE FROM THE DEPARTMENT
3 THAT HIS OR HER APPLICATION FOR A WELL CONSTRUCTION PERMIT HAS
4 BEEN DENIED, UPON REQUEST MADE WITHIN 30 DAYS, SHALL BE GRANTED
5 AN INFORMAL CONFERENCE AND A CONTESTED CASE HEARING BEFORE THE
6 DIRECTOR OR AN AUTHORIZED REPRESENTATIVE OF THE DIRECTOR. A CON-
7 TESTED CASE HEARING UNDER THIS SECTION SHALL BE HELD PURSUANT TO
8 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE
9 PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE
10 MICHIGAN COMPILED LAWS.

11 (3) A WELL CONSTRUCTION PERMIT ISSUED BY EITHER THE DEPART-
12 MENT OR A CERTIFIED LOCAL HEALTH DEPARTMENT SHALL INCLUDE AT
13 LEAST ALL OF THE FOLLOWING:

14 (A) A REQUIREMENT THAT THE PERSON CONDUCTING THE WELL CON-
15 STRUCTION SHALL NOTIFY THE DEPARTMENT OR THE CERTIFIED LOCAL
16 HEALTH DEPARTMENT, WHICHEVER ISSUED THE PERMIT, OF THE DATE THE
17 WELL IS TO BE CONSTRUCTED AT LEAST 24 HOURS IN ADVANCE OF THE
18 TIME OF THE CONSTRUCTION.

19 (B) A SITE DIAGRAM OF THE VICINITY, SHOWING THE LOCATION OF
20 ALL KNOWN OR PROPOSED CONTAMINATION SOURCES, ALL WELLS WHETHER
21 USABLE OR ABANDONED, AND AN ACCEPTABLE AREA FOR THE PROPOSED
22 WELL.

23 (C) REQUIREMENTS FOR SPECIAL WELL CONSTRUCTION FEATURES OR
24 MODIFIED ISOLATION DISTANCES FROM POTENTIAL CONTAMINATION
25 SOURCES, WHERE CONSIDERED NECESSARY IN ORDER TO PROTECT THE
26 PUBLIC HEALTH AND WATER BEARING FORMATIONS OR TO COMPLY WITH ANY
27 LOCAL REQUIREMENTS THAT ARE MORE STRINGENT THAN THE RULES OR

1 CONSTRUCTION CODE PROMULGATED UNDER THIS PART, INCLUDING
2 APPLICABLE SUBDIVISION PLAT RESTRICTIONS.

3 (D) STIPULATIONS FOR THE SEALING OF ALL ABANDONED WELLS ON
4 THE PROPERTY WHERE A WELL IS TO BE CONSTRUCTED.

5 (E) A REQUIREMENT THAT THE PERMIT WILL BE VALID FOR A PERIOD
6 NOT TO EXCEED 1 YEAR FROM THE DATE OF ISSUANCE.

7 (4) A CERTIFIED LOCAL HEALTH DEPARTMENT SHALL CONSULT WITH
8 THE DEPARTMENT TO DETERMINE WELL CONSTRUCTION REQUIREMENTS PRIOR
9 TO ISSUANCE OF A PERMIT WHEN THE PROPOSED WELL IS TO BE LOCATED
10 WITHIN THE INFLUENCE OR POTENTIAL INFLUENCE OF A SITE OF KNOWN OR
11 SUSPECTED GROUNDWATER CONTAMINATION.

12 (5) IF A WELL CONSTRUCTION PERMIT IS ISSUED UNDER THIS PART,
13 THE DEPARTMENT OR THE CERTIFIED LOCAL HEALTH DEPARTMENT, WHICH-
14 EVER IS APPLICABLE, SHALL ATTACH TO THE PERMIT A WELL LOG FORM
15 WITH THE WELL LOCATION INFORMATION COMPLETED.

16 SEC. 12706C. (1) BEGINNING 6 MONTHS AFTER THE EFFECTIVE
17 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A LOCAL
18 HEALTH DEPARTMENT MAY APPLY TO THE DIRECTOR FOR CERTIFICATION TO
19 OPERATE A WELL PERMIT PROGRAM.

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

22 (A) ISSUE WELL CONSTRUCTION PERMITS FOR ALL WELLS, EXCEPT
23 FOR TYPE I PUBLIC WATER SUPPLIES AS DEFINED IN RULES PROMULGATED
24 UNDER THE SAFE DRINKING WATER ACT, ACT NO. 399 OF THE PUBLIC ACTS
25 OF 1976, BEING SECTIONS 325.1001 TO 325.1023 OF THE MICHIGAN
26 COMPILED LAWS, PROPOSED TO BE CONSTRUCTED IN THE COUNTY OR
27 COUNTIES IT SERVICES IN ACCORDANCE WITH THIS PART.

1 (B) INSPECT EACH WELL THAT HAS BEEN ISSUED A WELL
2 CONSTRUCTION PERMIT UNDER SUBDIVISION (A) ALONG WITH THE PUMP FOR
3 THAT WELL FOLLOWING CONSTRUCTION OF THE WELL AND INSTALLATION OF
4 THE PUMP.

5 (C) CONDUCT RANDOM INSPECTIONS OF WELL CONSTRUCTION
6 OPERATIONS.

7 (D) ENTER DATA FROM THE WELL LOGS RECEIVED INTO AN AUTOMATED
8 DATA BASE IN THE MANNER PROVIDED BY THE DEPARTMENT OF NATURAL
9 RESOURCES. THE DEPARTMENT OF NATURAL RESOURCES SHALL CONSULT
10 WITH THE DIRECTOR AS TO HOW WELL LOG DATA SHOULD BE ENTERED INTO
11 AN AUTOMATED DATA BASE.

12 (E) CONDUCT THE WATER TEST REQUIRED IN SECTION 12703A.

13 (F) MAINTAIN AND MAKE AVAILABLE UPON REQUEST A CURRENT
14 INVENTORY OF SITES OF KNOWN AND SUSPECTED GROUNDWATER
15 CONTAMINATION.

16 (G) ISSUE AN APPROVAL OF THE WATER SUPPLY AFTER INSPECTION
17 CONFIRMS COMPLIANCE WITH PERMIT CONDITIONS AND THE WELL CONSTRUC-
18 TION CODE, A SATISFACTORY WELL LOG HAS BEEN SUBMITTED, AND THE
19 WATER SAMPLE RESULTS DEMONSTRATE COMPLIANCE WITH SECTION 12703A.

20 (H) INVESTIGATE SITES OF SUSPECTED GROUNDWATER CONTAMINATION
21 AND COMPLAINTS FILED AGAINST WELL DRILLING CONTRACTORS OR PUMP
22 INSTALLATION CONTRACTORS.

23 (3) A WELL AND PUMP INSPECTION CONDUCTED UNDER THIS SECTION
24 SHALL BE PERFORMED BY A PERSON WHO HAS PASSED A COMPETENCY EXAMI-
25 NATION APPROVED BY THE ADVISORY BOARD CREATED IN SECTION 12711
26 AND THE DEPARTMENT.

1 (4) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE
2 CERTIFIED LOCAL HEALTH DEPARTMENTS WITH THE APPROPRIATE COMPUTER
3 SOFTWARE TO ALLOW THE CERTIFIED LOCAL HEALTH DEPARTMENTS TO MAIN-
4 TAIN AN AUTOMATED WELL LOG DATA BASE THAT CAN BE USED BY THE
5 STATEWIDE DATA BASE ESTABLISHED BY THE DEPARTMENT OF NATURAL
6 RESOURCES IN SUBSECTION (6).

7 (5) THE DEPARTMENT OF NATURAL RESOURCES, IN CONJUNCTION WITH
8 THE DEPARTMENT, SHALL ESTABLISH A STATEWIDE DATA BASE OF INFORMA-
9 TION PROVIDED IN WELL LOGS PURSUANT TO THIS PART. THE DEPARTMENT
10 OF NATURAL RESOURCES SHALL MAKE THE INFORMATION IN THIS STATEWIDE
11 DATA BASE AVAILABLE TO THE DEPARTMENT AND ALL CERTIFIED LOCAL
12 HEALTH DEPARTMENTS.

13 (6) THE DEPARTMENT MAY REVOKE A LOCAL HEALTH DEPARTMENT'S
14 CERTIFICATION IF IT FAILS TO COMPLY WITH THIS PART.

15 (7) IF A LOCAL HEALTH DEPARTMENT IS OPERATING A WELL PERMIT
16 PROGRAM ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
17 THIS SECTION, THAT LOCAL HEALTH DEPARTMENT MAY CONTINUE TO OPER-
18 ATE THE WELL PERMIT PROGRAM UNTIL IT IS CERTIFIED PURSUANT TO
19 SECTION 12706C OR UNTIL ITS APPLICATION FOR CERTIFICATION IS
20 DENIED. HOWEVER, SUCH A LOCAL HEALTH DEPARTMENT SHALL APPLY FOR
21 CERTIFICATION DURING THE FIRST 6 MONTHS THAT THE DEPARTMENT
22 ACCEPTS APPLICATIONS UNDER SECTION 12706C(1).

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

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

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

7 (4) A CERTIFIED LOCAL HEALTH DEPARTMENT MAY RETAIN ALL FEES
8 AND PENALTIES IT COLLECTS UNDER THIS SECTION AS COMPENSATION FOR
9 OPERATING THE WELL PERMIT PROGRAM. THE DEPARTMENT SHALL DEPOSIT
10 ALL FEES AND PENALTIES IT COLLECTS UNDER THIS SECTION INTO THE
11 STATE TREASURY TO THE CREDIT OF THE GENERAL FUND.

12 Sec. 12707. (1) Not later than 60 days after the completion
13 of a well OR INSTALLATION OF THE WELL'S PUMP, a ~~well-drilling~~
14 ~~contractor~~ PERSON WHO CONSTRUCTS A WELL shall provide the owner
15 with ~~a~~ 1 copy and the department ~~—~~ or THE CERTIFIED local
16 health department, WHICHEVER ISSUED THE WELL CONSTRUCTION PERMIT,
17 with 2 copies of a ~~record indicating~~ COMPLETE WELL LOG. THE
18 WELL LOG SHALL INCLUDE the well owner's name, THE location of the
19 well, THE well depth, THE geologic materials and thicknesses of
20 materials penetrated, THE amount of casing, THE static water
21 levels, and any other information which may be required by the
22 rules and construction code promulgated under section 12714.
23 ~~The department or~~ THE WELL LOG FOR A WELL SHALL BE KEPT AT THE
24 SITE OF THE WELL CONSTRUCTION WHILE THE WELL IS BEING
25 CONSTRUCTED. A CERTIFIED local health department shall send 1
26 copy of the ~~record~~ WELL LOG to the ~~director of the~~ department
27 ~~of natural resources~~ not later than 30 days after ~~its receipt~~

1 ~~from~~ THE CERTIFIED LOCAL HEALTH DEPARTMENT RECEIVES the well
2 ~~drilling contractor~~ LOG. THE DEPARTMENT SHALL SEND 1 COPY OF
3 ALL WELL LOGS IT RECEIVES TO THE DIRECTOR OF THE DEPARTMENT OF
4 NATURAL RESOURCES WITHIN 30 DAYS AFTER IT RECEIVES THEM. Standard
5 forms for the ~~record~~ WELL LOG shall be provided by the
6 department. ~~or the contractor's forms may be used if approved~~
7 ~~by the department.~~ A ~~record~~ WELL LOG for a drive point well
8 where no earth materials are removed from the well bore is suffi-
9 cient if the owner's name, THE well location, THE depth, THE
10 casing, THE static water level, and THE screen data are stated.

11 (2) A PERSON WHO IS REQUIRED TO SUBMIT A WELL LOG UNDER THIS
12 SECTION WHO DOES NOT SUBMIT A COMPLETE WELL LOG WITHIN THE TIME
13 REQUIRED IS LIABLE FOR A CIVIL PENALTY OF \$50.00. A CIVIL PEN-
14 ALTY UNDER THIS SUBSECTION MAY BE ENFORCED BY THE DEPARTMENT PUR-
15 SUANT TO THE PROCEDURES PROVIDED IN SECTION 2262(2) AND SECTION
16 2263, AND BY A CERTIFIED LOCAL HEALTH DEPARTMENT PURSUANT TO THE
17 PROCEDURES PROVIDED IN SECTION 2461(2) AND SECTION 2462.

18 Sec. 12709. (1) When the department or local health
19 department determines that there are reasonable grounds to
20 believe there has been a violation of sections 12701 to 12715 or
21 a rule or the construction code promulgated under section 12714,
22 the department or the local health department shall investigate
23 the violation. If the department or local health department
24 establishes that a violation has been committed, the department
25 or the local health department shall order the responsible person
26 to make the proper corrections.

1 (2) When the department finds that the holder of a
2 certificate of registration has engaged in a practice in
3 violation of sections 12701 to 12715 or a rule, construction
4 code, or order issued pursuant to those sections, OR HAS GIVEN
5 FALSE INFORMATION IN A WELL LOG UNDER SECTION 12707, the depart-
6 ment may give written notice to the holder of the certificate of
7 registration that the certificate of registration is suspended.
8 A person who receives notice from the department that his or her
9 certificate of registration is suspended, upon request, shall be
10 granted AN INFORMAL CONFERENCE AND a CONTESTED CASE hearing
11 before the ~~department~~ DIRECTOR or an authorized representative
12 of the ~~department~~ DIRECTOR. If a petition for a CONTESTED
13 hearing is not filed within 30 days after the day on which the
14 certificate of registration was suspended, the certificate of
15 registration is automatically revoked. A CONTESTED CASE HEARING
16 UNDER THIS SECTION SHALL BE HELD PURSUANT TO THE ADMINISTRATIVE
17 PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969,
18 BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS.

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

24 (2) A member of the advisory board who intentionally vio-
25 lates section 12713(2) shall be subject to the penalties pre-
26 scribed in THE OPEN MEETINGS ACT, Act No. 267 of the Public Acts

1 of 1976, as amended, BEING SECTIONS 15.261 TO 15.275 OF THE
2 MICHIGAN COMPILED LAWS.

3 (3) The attorney general or local prosecuting attorney shall
4 be responsible for prosecuting a person who violates sections
5 12701 to 12715.

6 (4) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY THIS SEC-
7 TION, A PERSON WHO VIOLATES SECTIONS 12701 TO 12715 OR THE RULES
8 OR CONSTRUCTION CODE PROMULGATED UNDER THIS PART SHALL BE LIABLE
9 FOR A CIVIL PENALTY OF NOT MORE THAN \$500.00. A CIVIL PENALTY
10 UNDER THIS SECTION MAY BE ENFORCED BY THE DEPARTMENT PURSUANT TO
11 THE PROCEDURES PROVIDED IN SECTION 2262(2) AND SECTION 2263, AND
12 BY A CERTIFIED LOCAL HEALTH DEPARTMENT PURSUANT TO THE PROCEDURES
13 PROVIDED IN SECTION 2461(2) AND SECTION 2462.

14 (5) NOTWITHSTANDING THE EXISTENCE OF ANY OTHER REMEDY, THE
15 DEPARTMENT OR A LOCAL HEALTH DEPARTMENT MAY MAINTAIN AN ACTION
16 FOR AN INJUNCTION AGAINST A PERSON TO RESTRAIN OR PREVENT THAT
17 PERSON FROM VIOLATING THIS ACT, RULES OR THE CONSTRUCTION CODE
18 PROMULGATED UNDER THIS PART, OR AN ORDER ISSUED PURSUANT TO THIS
19 PART OR THE RULES OR CONSTRUCTION CODE.

20 Section 2. This amendatory act shall take effect upon the
21 expiration of 6 months after the date of its enactment.

22 Section 3. This amendatory act shall not take effect unless
23 Senate Bill No. _____ or House Bill No. 4655 (request
24 no. 00540'89 *) of the 85th Legislature is enacted into law.