



**House  
Legislative  
Analysis  
Section**

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STATE WELL PERMIT PROGRAM

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House Bill 5509

Mich. State Law Library

Sponsor: Rep. Mary C. Brown

Committee: Public Health

Complete to 8-25-88

A SUMMARY OF HOUSE BILL 5509 AS INTRODUCED 3-15-88

The bill would amend the Public Health Code to establish a statewide well permit program which incorporates a computerized statewide groundwater data base compiled from standardized records of information ("well logs") on specific wells.

Well Construction Permits. Anyone wishing to construct a well would be required to first obtain a permit from his or her local certified health department or from the Department of Public Health (DPH). In order to receive a permit, the proposed well would have to meet the requirements of the act and of the well construction code promulgated under the act. A permit would be denied if the public health would not be protected or if the proposed well would violate the well construction code. A permit would be valid for a year after it was issued, and the person conducting the well drilling would be required to tell whomever issued the permit the date the well was to be drilled.

Well Logs and the Statewide Groundwater Data Base. Each person constructing a well would be required to keep a "well log" (also called a "well water record") containing certain information, including the well owner's name, the well's location and depth, geologic information, and the static water levels. During construction, the well log would have to be kept on site, and within 30 days after construction was completed, copies of the log would have to be given to the owner and to the permitting agency. Certified local health departments would be required to submit a copy of each log to the DPH within 30 days of their receipt of the log, and the DPH would be required to send a copy of each log it received to the Department of Natural Resources (DNR).

The DPH, in conjunction with the DNR, would establish a statewide computerized data base, and the director of the DPH would consult with the DNR on how well log data should be entered into the data base. The DPH would provide certified local health departments with computer software appropriate for maintaining well log data bases that could be used by the statewide data base, and information in the statewide data base would be available to all certified local health departments.

Local Health Department Certification. A local health department could apply to the director of the DPH for certification to operate a well permit program. In order to be certified, the local health department would have to agree (a) to issue all well construction permits (except for type I public water supplies) within its jurisdiction, (b) to institute a random well construction and water supply system inspection program, and (c) to enter data from the well logs received by the department into a computerized data base in a manner required by the director of the DPH. The DPH could revoke a county health department's certification if it failed to comply with the certification requirements.

Fees. Fees for well construction permits would depend on whether the DPH or a certified local health department issued the permit. If the DPH issued the permit, the fee would be \$200. If a certified local health department issued the permit, the fee would be "reasonably related to the cost of operating the well permit program." In addition to the permit fee, there would be a \$100 penalty fee for anyone who didn't get a permit before constructing a well and a refundable \$50 deposit which would be returned to the permit holder if he or she filed the required completed well log within 30 days after completing the well construction.

Certified local health departments could keep all fees, penalties, and unclaimed refunds as compensation for operating the well permit program, but all monies collected by the DPH under the program would be credited to the state general fund.

Penalties. If the director of the DPH determined that a well drilling contractor had given false information in a well log, the director could suspend the contractor's certification (though someone whose registration had been suspended could demand a contested case hearing under the Administrative Procedures Act).

Currently, violations of the act are misdemeanors, and the attorney general or a local prosecuting attorney is responsible for prosecuting violators. The bill would further specify that violators also would be liable for civil fines of up to \$500.

MCL 333.12701 et al.