

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

324.31704 Order declaring groundwater dispute.

Sec. 31704.

(1) Subject to subsections (2) and (4), an order declaring a groundwater dispute is effective when a copy of the order is served upon the owner of a high-capacity well that is reasonably believed to have caused the failure of the complainant's small-quantity well.

(2) If a groundwater dispute requires action before service can be completed under subsection (1), oral notification in person by the director or the director of the department of agriculture and rural development, as appropriate, is sufficient until service can be completed. Oral notification is effective for not more than 96 hours.

(3) As soon as possible after an order declaring a groundwater dispute has been issued, the director or the director of the department of agriculture and rural development, as appropriate, shall provide copies of the order to the local units of government in which the high-capacity well and the small-quantity well are located and to the local health departments with jurisdiction over those wells.

(4) Within 14 days after service of an order under subsection (1), the owner of an agricultural well may contest the order by submitting an appeal to the commission of agriculture and rural development. The appeal shall be submitted on a form provided by the department of agriculture and rural development and shall outline the basis for the appeal. Upon receipt of an appeal under this subsection, the commission of agriculture and rural development shall schedule the appeal for consideration at the next scheduled meeting of the commission. Except for the provision of an adequate supply of potable water under section 31705(1), the terms of the order are stayed until a determination is made by the commission of agriculture and rural development regarding the appeal. At the commission's meeting, the commission shall review the order and consider any testimony or other documentation contesting the order and shall make a determination to affirm the order or dismiss the order. If the commission of agriculture and rural development dismisses the order, the department of agriculture and rural development shall reimburse the appellant for the cost of providing potable water under section 31705.

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

Compiler's Notes: Former MCL 324.31704, which pertained to service of order declaring groundwater dispute and effectiveness of oral notification, was repealed by Act 176 of 2009, Imd. Eff. Dec. 15, 2009.

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