

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
 WATER RESOURCES DIVISION  
 REPORT ON THE AQUIFER PROTECTION REVOLVING FUND AND  
 RECOMMENDATIONS FOR MODIFICATIONS TO  
 PART 317, AQUIFER PROTECTION AND DISPUTE RESOLUTION  
 APRIL 2, 2013, TO APRIL 1, 2015

In accordance with Section 31711 of Part 317, Aquifer Protection and Dispute Resolution, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, following is the Michigan Department of Environmental Quality's (MDEQ) report on the analysis of the MDEQ's cost of implementing Part 317 and our recommendations for modifications to Part 317 to make it more effective.

Analysis of the MDEQ's Cost to Implement Part 317:

The MDEQ incurred the following costs related to implementation of Part 317 between April 2, 2013, and April 1, 2015:

|                                 |                |
|---------------------------------|----------------|
| Salary                          | \$13,478.68    |
| Fringe Expense                  | \$ 4,458.68    |
| Travel                          | \$ 25.59       |
| Fax Machine                     | \$ 163.00      |
| Toll-Free Fax # (in-state only) | \$ 251.25      |
| Incoming Fax Charges            | <u>\$ 0.37</u> |
| Total                           | \$18,377.57    |

*Groundwater Dispute Complaints Filed Since Last Report:*

|                               |          |
|-------------------------------|----------|
| Resolved Complaints:          | 7        |
| Invalid or Closed Complaints: | 3        |
| Unresolved Complaints:        | <u>0</u> |
| Total:                        | 10       |

*Resolved Complaints by County:*

|                 |   |
|-----------------|---|
| Gratiot County: | 5 |
| Clinton County: | 1 |
| Tuscola County: | 1 |

A total of nine of the ten complaints received involved high capacity agricultural wells. These complaints were forwarded to the Michigan Department of Agriculture and Rural Development (MDARD) for investigation. The MDEQ assisted MDARD in the complaint evaluations by providing hydrogeological data analyses and two-dimensional computer modeling studies. The other complaint was closed because it was a complaint about the licensed well driller who installed the original private well. This complaint was forwarded to the MDEQ's Office of Drinking Water and Municipal Assistance.

While investigations of the complaints received during this reporting period involved the use of two-dimensional computer modeling, hydrogeological data analysis, travel and on-site meetings, and negotiations, it should be recognized that many provisions of the statute have not yet been utilized. If the MDEQ finds it necessary to expend funds to conduct more extensive hydrogeological investigations (i.e., install water level monitoring wells, institute localized or

regional groundwater level monitoring, analyze data using computerized three-dimensional groundwater models, etc.), issue orders declaring a groundwater dispute, and seek cost recovery, then program implementation costs will escalate.

Recommended Modifications to Part 317:

The aquifer dispute resolution process is an effective way to resolve aquifer use conflicts at lower costs while avoiding exacerbating the already overloaded court dockets. The following recommended modifications would improve the overall effectiveness of Part 317:

1. Repeal the option for high capacity well owners to opt out of the aquifer dispute resolution process in Subsection 31702(9). If the high capacity well owner opts out of the dispute resolution process, the only recourse available to impacted small capacity well owners is to pursue civil litigation.
2. Repeal the exemption for dewatering wells in Subsection 31709(a). High capacity wells for gravel mining and quarry operations have been responsible for impacts to many small capacity wells in Monroe County and in other areas of Michigan. Small capacity well owners impacted by the operation of high capacity dewatering wells have no recourse other than to pursue civil litigation if the high capacity well owner does not voluntarily address the small capacity well owner's concerns.