

Legislative Analysis



NOTICE TO USERS OF WATER SUPPLY VIOLATION

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House Bill 5120 (Substitute H-3, as proposed)

Sponsor: Rep. Sheldon A. Neeley

Committee: Government Operations

Complete to 4-20-16

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY:

The bill requires local users of a public water supply to be notified within two business days of a determination by the Department of Environmental Quality that a "Tier II" violation of the state drinking water standards has occurred.

BACKGROUND INFORMATION:

Under the Safe Drinking Water Act, water delivered by, or the operation of, a public water supply must comply with state drinking water standards. The standards set limits for contamination levels and establish treatment techniques to meet standards necessary to protect the public health. Noncompliance with a standard triggers certain public notification requirements. The public notice requirements are divided into three tiers that take into account the seriousness of the violation or situation and of the potential adverse health effects that may be involved, defined in departmental rules as follows:

- Tier I—Required for violations and situations having significant potential to have serious adverse effects on human health as a result of short term exposure.
- Tier II—Required for all other violations and situations that have potential to have serious adverse effects on human health.
- Tier III—Required for all other violations and situations not included in Tier I and Tier II.

The tier assignment for each specific violation or situation is identified in Table 1 of Rule 401 of the Michigan Administrative Code (R 325.10401a).

DETAILED SUMMARY:

House Bill 5120 amends the Safe Drinking Water Act (MCL 325.1019) to specify that if a noncompliance of the state drinking water standards involves a Tier II violation under departmental rules (R 325.10401 to R 325.10420), notification to the users of the public water supply must be provided within two business days after the Department of Environmental Quality determines, based upon sampling and testing, that a violation has occurred.

Currently, a Tier II public notification must be provided as soon as practical, but not later than 30 days after the supplier learns of the violation or situation. Thus, the time period for notifying the public of certain violations of the state drinking water standards would be shortened.

The act defines "public water supply" to mean a waterworks system that provides water for drinking or household purposes to persons other than the supplier of the water, and does not include either a waterworks system that supplies water to only one living unit or a waterworks system that consists solely of customer site piping. "Supplier of water" or "supplier" means a person who owns or operates a public water supply, and includes a water hauler.

State drinking water standards" means quality standards setting limits for contaminant levels or establishing treatment techniques to meet standards necessary to protect the public health.

"Tier II Public Notifications"

Under departmental rules (R 325.10403), a Tier II public notification is required for the following violations and situations in a community or noncommunity water supply subject to R 325.10401a:

- All violations of the maximum contaminant level (MCL), maximum residual disinfectant level (MRDL), and treatment technique requirements, except where a Tier I notice is required.
- Violations of the monitoring and testing procedure requirements, where the department determines that a Tier II, rather than a Tier 3, public notice is required, taking into account potential health impacts and persistence of the violation.
- Failure to comply with the terms and conditions of a variance or exemption in place.
- Failure to take corrective action or failure to maintain at least 4-log treatment of viruses, using inactivation, removal, or a department-approved combination of 4-log virus inactivation and removal, before or at the first customer under R 325.10612a(1). (This rule pertains to groundwater supplies subject to Rule 612 with significant deficiencies or source water fecal contamination.)

FISCAL IMPACT:

House Bill 5120 would not affect revenues or costs for the Department of Environmental Quality (DEQ). This bill is unlikely to have a direct effect on local government revenues. However, it may increase costs for local governments that also function as water suppliers. This potential cost increase depends on the form and manner for notification of tier II violations as prescribed by the department; MCL 325.1019 allows DEQ to determine the method of notification required of water suppliers. If the prescribed method is within water suppliers' current communication practices then the additional costs would be minimal or zero. If the prescribed method requires communication practices beyond water suppliers' current scope then additional costs may be incurred. These possible additional costs are likely to vary by water supplier and are consequently difficult to project.

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