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BILL



ANALYSIS

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House Bill 5120 (Substitute H-4 as passed by the House)

Sponsor: Representative Sheldon A. Neeley

House Committee: Government Operations

Senate Committee: Government Operations

Date Completed: 12-14-16

CONTENT

The bill would amend the Safe Drinking Water Act to require the owner or operator of a public water supply to issue a public advisory within three business days after being notified that the lead action level had been exceeded, in situations in which administrative rules require public education regarding lead.

Under the Act, if water delivered by a public water supply or the operation of a public water supply is found not to be in compliance with State drinking water standards, the Department of Environmental Quality (DEQ) must require the supplier of water to notify its users of the extent and nature of the noncompliance.

In addition to that notification, if public education regarding lead were required under R 325.10410 of the Michigan Administrative Code (described below), the bill would require a supplier to issue a public advisory within three business days after the DEQ notified the supplier that the lead action level had been exceeded. Additional public education tasks would have to be conducted as required under that rule. A water supplier would have to provide the public advisory in a form and manner designed to fit the specific situation and be reasonably calculated to reach all people served by the public water supply. To reach all of those people, a supplier would have to use at least one of the following forms of communicating the advisory:

- Appropriate broadcast media, such as radio and television.
- Posting of the advisory in conspicuous locations throughout the area served by the public water supply.
- Hand delivering the advisory to people served by the public water supply.
- Another communication method approved in writing by the DEQ.

(Under R 325.10410, a water supply that exceeds the lead action level based on tap water samples must deliver public education materials. Printed materials, such as brochures and pamphlets, must include specified information regarding the detection of elevated lead levels, the health effects and sources of lead, steps consumers can take to reduce their exposure to lead in drinking water, and phone numbers and websites where consumers can receive more information. Under certain circumstances, the water supply must take further public education action, such as telling consumers how to get their water tested, discussing lead in plumbing components, and taking steps to contact customers who are most at risk.)

Currently, a lead noncompliance notification or information obtained from it may not be used against a person in a litigation, except a prosecution for perjury or for giving a false statement. Under the bill, this provision also would apply to a public lead advisory.

MCL 325.1019

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would not have a significant fiscal impact on the Department of Environmental Quality, and would have an indeterminate, yet likely negative, fiscal impact on local units of government. Many local units of government in Michigan operate their own public water supplies or participate in a partnership with other local units to provide a regional public water supply. The bill would introduce a new requirement that a public water supply provide notification to people served by that water supply upon notification from the DEQ that an exceedance of the lead action level occurred. The venue options for public notification as specified in the bill each would introduce new costs in the form of staff time and resources, and/or ad buys on local television or radio stations. The specific costs would vary greatly based on the size of a public water supplier that would have to undertake these notifications. Also, it is important to note that these costs would be introduced only if an exceedance of the lead action level occurred. Any new costs resulting from the bill would presumably be factored into future operating costs of the public water supplier and rolled into water rates.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.