

HOUSE BILL No. 6099

June 5, 2018, Introduced by Reps. Brinks, Cambensy, Faris, Geiss, Gay-Dagnogo, Moss, Zemke, Pagan, Lasinski and LaGrand and referred to the Committee on Natural Resources.

A bill to amend 1976 PA 399, entitled
"Safe drinking water act,"
by amending section 19a (MCL 325.1019a), as added by 2016 PA 545.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19a. (1) ~~If the state or federal government~~ **A PERSON THAT**
2 **USED OR THAT** is or was ~~the owner or operator of~~ **RESPONSIBLE FOR THE**
3 **USE OF A SUBSTANCE OF CONCERN ON** real property at the time a
4 ~~substance of concern was used on the real property, the state or~~
5 ~~federal government~~ **OWNED OR OPERATED BY THAT PERSON** shall provide
6 an alternative water supply to the users of an impacted water
7 source in the vicinity of the real property if all of the following
8 conditions are met:

9 (a) The ~~Michigan~~ department of health and human services has
10 issued a public health advisory for drinking water covering the

1 geographic area in the vicinity of the real property.

2 (b) The substance of concern that is the subject of the public
3 health advisory for drinking water is a substance that is or was
4 used on the real property.

5 (c) The ~~state or federal government~~ **PERSON THAT USED OR THAT**
6 **IS OR WAS RESPONSIBLE FOR THE USE OF THE SUBSTANCE OF CONCERN ON**
7 **THE REAL PROPERTY** acknowledges that the substance of concern has
8 migrated from the real property and is present in groundwater that
9 provides water to the impacted water source.

10 (2) If the conditions of subsection (1) (a), (b), and (c) are
11 met, the ~~state or federal government that is or was the owner of~~
12 **PERSON THAT USED OR THAT IS OR WAS RESPONSIBLE FOR THE USE OF THE**
13 **SUBSTANCE OF CONCERN ON** the real property shall conduct long-term
14 monitoring to delineate the extent of the migration of the
15 substance of concern. The results of this monitoring must be
16 provided to the department and to the ~~Michigan~~ department of health
17 and human services. If the monitoring identifies additional
18 impacted water sources containing the substance of concern, the
19 ~~state or federal government that is or was the owner of~~ **PERSON THAT**
20 **USED OR THAT IS OR WAS RESPONSIBLE FOR THE USE OF THE SUBSTANCE OF**
21 **CONCERN ON** the real property shall provide an alternative water
22 supply for the users of those additional impacted water sources.

23 (3) If a state agency or a political subdivision, including a
24 local health department as defined in section 1105 of the public
25 health code, 1978 PA 368, MCL 333.1105, has provided an alternative
26 water supply to the users of an impacted water source, and the
27 conditions of subsection (1) (a), (b), and (c) have been met, the

~~state or federal government that is or was the owner of the real property~~ **PERSON THAT USED OR THAT IS OR WAS RESPONSIBLE FOR THE USE OF THE SUBSTANCE OF CONCERN ON THE REAL PROPERTY** shall reimburse the state agency or the political subdivision for the cost of providing the alternative water supply.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, THIS SECTION DOES NOT APPLY TO THE USE OF CONSUMER GOODS, PRODUCTS, OR SERVICES ON REAL PROPERTY FOR INDIVIDUAL, FAMILY, DOMESTIC, OR HOUSEHOLD PURPOSES, WHICH PURPOSES INCLUDE, BUT ARE NOT LIMITED TO, INDIVIDUAL OR DOMESTIC HYGIENE, INDIVIDUAL CONSUMPTION, AND MAINTENANCE, REPAIR, OR UPKEEP OF A RESIDENCE OR OTHER RESIDENTIAL PROPERTY.

(5) ~~(4)~~ As used in this section:

(a) "Alternative water supply" means a long-term supply of potable water for drinking water and other household purposes, such as connection to a community supply, that meets state drinking water standards and is not an impacted water source.

~~—— (b) "Federal government" means a department, agency, or instrumentality of the United States.~~

(B) ~~(e)~~ "Impacted water source" means a public water supply or a residential well that is subject to a public health advisory for drinking water.

(C) ~~(d)~~ "Public health advisory for drinking water" means an advisory issued by the ~~Michigan~~ department of health and human services that cautions against using water for drinking or other household purposes because of the presence of a substance of concern.

1 **(D)** ~~(e)~~ "Substance of concern" means a substance that the
2 ~~Michigan~~ department of health and human services has determined is
3 or may be injurious to human health or safety.