

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 950

A bill to amend 1976 PA 399, entitled
"Safe drinking water act,"
(MCL 325.1001 to 325.1023) by adding section 19a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 19A. (1) IF THE STATE OR FEDERAL GOVERNMENT IS OR WAS THE
2 OWNER OR OPERATOR OF REAL PROPERTY AT THE TIME A SUBSTANCE OF
3 CONCERN WAS USED ON THE REAL PROPERTY, THE STATE OR FEDERAL
4 GOVERNMENT SHALL PROVIDE AN ALTERNATIVE WATER SUPPLY TO THE USERS
5 OF AN IMPACTED WATER SOURCE IN THE VICINITY OF THE REAL PROPERTY IF
6 ALL OF THE FOLLOWING CONDITIONS ARE MET:

7 (A) THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS
8 ISSUED A PUBLIC HEALTH ADVISORY FOR DRINKING WATER COVERING THE
9 GEOGRAPHIC AREA IN THE VICINITY OF THE REAL PROPERTY.

10 (B) THE SUBSTANCE OF CONCERN THAT IS THE SUBJECT OF THE PUBLIC

1 HEALTH ADVISORY FOR DRINKING WATER IS A SUBSTANCE THAT IS OR WAS
2 USED ON THE REAL PROPERTY.

3 (C) THE STATE OR FEDERAL GOVERNMENT ACKNOWLEDGES THAT THE
4 SUBSTANCE OF CONCERN HAS MIGRATED FROM THE REAL PROPERTY AND IS
5 PRESENT IN GROUNDWATER THAT PROVIDES WATER TO THE IMPACTED WATER
6 SOURCE.

7 (2) IF THE CONDITIONS OF SUBSECTION (1) (A), (B), AND (C) ARE
8 MET, THE STATE OR FEDERAL GOVERNMENT THAT IS OR WAS THE OWNER OF
9 THE REAL PROPERTY SHALL CONDUCT LONG-TERM MONITORING TO DELINEATE
10 THE EXTENT OF THE MIGRATION OF THE SUBSTANCE OF CONCERN. THE
11 RESULTS OF THIS MONITORING MUST BE PROVIDED TO THE DEPARTMENT AND
12 TO THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES. IF THE
13 MONITORING IDENTIFIES ADDITIONAL IMPACTED WATER SOURCES CONTAINING
14 THE SUBSTANCE OF CONCERN, THE STATE OR FEDERAL GOVERNMENT THAT IS
15 OR WAS THE OWNER OF THE REAL PROPERTY SHALL PROVIDE AN ALTERNATIVE
16 WATER SUPPLY FOR THE USERS OF THOSE ADDITIONAL IMPACTED WATER
17 SOURCES.

18 (3) IF A STATE AGENCY OR A POLITICAL SUBDIVISION, INCLUDING A
19 LOCAL HEALTH DEPARTMENT AS DEFINED IN SECTION 1105 OF THE PUBLIC
20 HEALTH CODE, 1978 PA 368, MCL 333.1105, HAS PROVIDED AN ALTERNATIVE
21 WATER SUPPLY TO THE USERS OF AN IMPACTED WATER SOURCE, AND THE
22 CONDITIONS OF SUBSECTION (1) (A), (B), AND (C) HAVE BEEN MET, THE
23 STATE OR FEDERAL GOVERNMENT THAT IS OR WAS THE OWNER OF THE REAL
24 PROPERTY SHALL REIMBURSE THE STATE AGENCY OR THE POLITICAL
25 SUBDIVISION FOR THE COST OF PROVIDING THE ALTERNATIVE WATER SUPPLY.

26 (4) AS USED IN THIS SECTION:

27 (A) "ALTERNATIVE WATER SUPPLY" MEANS A LONG-TERM SUPPLY OF

1 POTABLE WATER FOR DRINKING WATER AND OTHER HOUSEHOLD PURPOSES, SUCH
2 AS CONNECTION TO A COMMUNITY SUPPLY, THAT MEETS STATE DRINKING
3 WATER STANDARDS AND IS NOT AN IMPACTED WATER SOURCE.

4 (B) "FEDERAL GOVERNMENT" MEANS A DEPARTMENT, AGENCY, OR
5 INSTRUMENTALITY OF THE UNITED STATES.

6 (C) "IMPACTED WATER SOURCE" MEANS A PUBLIC WATER SUPPLY OR A
7 RESIDENTIAL WELL THAT IS SUBJECT TO A PUBLIC HEALTH ADVISORY FOR
8 DRINKING WATER.

9 (D) "PUBLIC HEALTH ADVISORY FOR DRINKING WATER" MEANS AN
10 ADVISORY ISSUED BY THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN
11 SERVICES THAT CAUTIONS AGAINST USING WATER FOR DRINKING OR OTHER
12 HOUSEHOLD PURPOSES BECAUSE OF THE PRESENCE OF A SUBSTANCE OF
13 CONCERN.

14 (E) "SUBSTANCE OF CONCERN" MEANS A SUBSTANCE THAT THE MICHIGAN
15 DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS DETERMINED IS OR MAY BE
16 INJURIOUS TO HUMAN HEALTH OR SAFETY.