

# HOUSE BILL No. 5758

(As amended April 24, 2002)

(As passed the Senate, June 5, 2002)

February 28, 2002, Introduced by Reps. Ruth Johnson, Cassis, Howell, Gilbert, Hager, Meyer, DeRossett, Jannick, Kolb, Hansen and Bishop and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5419 (MCL 324.5419), as added by 2001 PA 165; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5419. (1) ~~Beginning on the effective date of the reg-~~  
2 ~~ulation that provides a new federal drinking water standard for~~  
3 ~~arsenic, the~~ THE department shall implement an arsenic testing  
4 program. The arsenic testing program shall provide free testing  
5 of private drinking water wells for the presence of arsenic in  
6 geographic areas of the state where the department knows or sus-  
7 pects that there are [high] levels of arsenic [ABOVE THE FEDERAL DRINKING  
WATER STANDARD OF 10 PARTS PER BILLION].  
8       (2) In promoting free drinking water tests under the arsenic  
9 testing program, the department shall encourage households

**HB 5758, As Passed Senate, June 5, 2002**

House Bill No. 5758 as amended April 24, 2002

2

1 containing senior citizens, children, and individuals with  
2 medical illnesses to have their drinking water tested.

3 (3) After the department conducts a test on the level of  
4 arsenic in water from a drinking water well, the department shall  
5 notify the resident or residents of the household of the level of  
6 arsenic in the drinking water sample and whether that level  
7 exceeds the federal drinking water standard for arsenic OF 10  
8 PARTS PER BILLION. In addition to the results of the arsenic  
9 test, the department shall provide the resident or residents with  
10 educational materials about groundwater contamination and shall  
11 identify other substances [~~that~~ FOR WHICH] the resident or residents may  
12 want  
13 to consider having the drinking water tested [~~for~~].

14 ~~(4) Beginning on the effective date of the regulation that~~  
15 ~~provides a new federal drinking water standard for arsenic, the~~  
16 THE department shall establish an arsenic education program that  
17 will produce educational materials to be made available to local  
18 health departments in geographic areas of the state that the  
19 department knows to contain levels of arsenic above the ~~new~~  
20 federal drinking water standard OF 10 PARTS PER BILLION. In  
21 addition, the department shall make this information available on  
22 the department website.

23 (5) By October 1, 2002, the department shall, based upon  
24 data available to the department and in conjunction with local  
25 health departments, produce maps on a county by county basis to  
26 denote geographic areas that the department knows to contain  
arsenic, nitrates, or volatile organic compounds. The maps shall

**HB 5758, As Passed Senate, June 5, 2002**

3

1 be available to local health departments and local public  
2 libraries and shall be posted on the department's website.

3 (6) By March 15, 2002 and September 30, 2002, the department  
4 shall submit a report to the legislature on the status of the  
5 implementation of this section.

6 (7) The department may promulgate rules to implement this  
7 section.

8 (8) As used in this section:

9 (a) "Local health department" means that term as it is  
10 defined in section 1105 of the public health code, 1978 PA 368,  
11 MCL 333.1105.

12 (b) "Federal drinking water standard for arsenic" means the  
13 standard promulgated under section 1412 of part B of title XIV,  
14 POPULARLY KNOWN AS THE SAFE DRINKING WATER ACT, of the public  
15 health service act, chapter 373, 88 Stat. 1660, 42 U.S.C. 300g-1.  
16 ~~, popularly known as the safe drinking water act.~~

17 (9) THIS SECTION IS REPEALED EFFECTIVE SEPTEMBER 30, 2003.

18 Enacting section 1. Enacting section 1 of 2001 PA 165 is  
19 repealed.