

HOUSE BILL NO. 6164

November 26, 2024, Introduced by Reps. Paiz, Dievendorf, Hood, Brenda Carter, Neeley, Mentzer, Rheingans, MacDonell and Morgan and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1976 PA 399, entitled
"Safe drinking water act,"
by amending section 5 (MCL 325.1005), as amended by 1998 PA 56, and
by adding section 6a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) The department shall promulgate and enforce rules
2 to carry out this act ~~pursuant to~~ **in accordance with** the
3 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
4 24.328. The rules, at a minimum, ~~shall~~ **must** include the following:

1 (a) Requirements for the submission of reports, plans, and
2 specifications for the design and construction of **all or a part of**
3 a waterworks system, ~~or a part thereof,~~ and a plan for operating
4 and maintaining all or a part of ~~the~~**a** waterworks system, including
5 the protection of water quality within the distribution system as
6 necessary to protect the public health.

7 (b) State drinking water standards and associated monitoring
8 requirements, the attainment and maintenance of which are necessary
9 to protect the public health.

10 (c) The classification of **all or a part of a** waterworks
11 ~~systems or portions thereof,~~**system,** the examination for
12 certification of the operators of ~~these~~**waterworks** systems
13 including shift operators of water treatment systems, and for the
14 issuance, suspension, and revocation of certificates.

15 (d) Criteria for capacity assessments performed by the
16 department at community supplies, nontransient noncommunity water
17 supplies, or a public water supply applying to the department for
18 assistance under part 54 of the natural resources and environmental
19 protection act, 1994 PA 451, MCL 324.5401 to 324.5418.

20 (e) Requirements for provision of facilities by public water
21 supplies that will ~~assure~~**ensure** an adequate and reliable supply of
22 drinking water on a continuous basis.

23 **(f) Requirements for the establishment of the microplastics**
24 **program created in section 6a.**

25 (2) Rules governing public water supplies promulgated under
26 former 1913 PA 98 ~~, and which~~**that** were in effect on January 4,
27 1977 are continued in accordance with section 31 of the
28 administrative procedures act of 1969, 1969 PA 306, MCL 24.231, and
29 may be amended or rescinded by the director under this act.

1 (3) No rule promulgated may require the addition of any
2 substance for preventive health care purposes unrelated to
3 contamination of drinking water.

4 Sec. 6a. (1) Beginning July 1, 2025, and continuing until July
5 1, 2028, the department shall establish and administer a
6 microplastics program to establish microplastic baseline conditions
7 in public water supplies. As part of the microplastics program, the
8 department shall monitor and test public water supplies on a
9 quarterly basis using sampling and analytical methods consistent
10 with methods used or described by the International Joint
11 Commission, the American Society for Testing and Materials, the
12 United States Environmental Protection Agency, the American
13 National Standards Institute, the state of California, or best
14 available methods or technology. The microplastics program is
15 intended to provide for a preliminary risk assessment to study the
16 effects of microplastics in drinking water. Under the microplastics
17 program, the department shall consider all of the following:

18 (a) Shoreline surface water drinking water sources from the
19 Great Lakes.

20 (b) Major tributaries that support public water supplies.

21 (c) Inland surface water lakes that provide drinking water.

22 (d) Direct use of groundwater for drinking water within and
23 near agricultural operations.

24 (e) Use of groundwater or drinking water within 1 mile of a
25 landfill operation.

26 (f) The size of the public water supply.

27 (g) Impacts on environmental justice.

28 (h) Quarterly sample collection and analysis.

29 (2) By January 1, 2029, the department shall prepare and

1 submit a report to the standing committees and the appropriations
2 subcommittees of the senate and house of representatives with
3 primary responsibility for issues under the jurisdiction of the
4 department and make the report available on the department's
5 website. The report must include the following:

6 (a) A summary of findings, including, but not limited to, all
7 of the following:

8 (i) Reports or technical memoranda that provide a summary of
9 each quarterly test described under subsection (1), including, but
10 not limited to, the following information:

11 (A) Drinking water source, location, and description.

12 (B) Sampling date.

13 (C) Testing methodology.

14 (D) Microplastic shape, if available.

15 (E) Potential microplastic sources.

16 (F) Polymer type, if available.

17 (ii) The quantities of microplastics in the public water
18 supplies, including the quantities in the water source that
19 supplies the public water supply.

20 (b) Recommendations for next steps for addressing the effects
21 and presence of microplastics in public water supplies, including,
22 but not limited to, the following:

23 (i) The toxicity limit of microplastics based on best
24 available, peer-reviewed research or toxicity studies and findings
25 of the United States Environmental Protection Agency.

26 (ii) A preliminary risk assessment.

27 (iii) An overview of findings and critical issues.

28 (iv) Recommendations for continued and expanded monitoring and
29 analysis and public protection.

1 (3) As used in this section:

2 (a) "Environmental justice" means the equitable treatment and
3 meaningful involvement of all individuals, regardless of race,
4 color, national origin, ability, or income, and critical to the
5 development and application of laws, regulations, and policies that
6 affect the environment and the places individuals live, work, play,
7 worship, and learn.

8 (b) "Microplastics" means a solid polymeric material to which
9 chemical additives or other substances may have been added and that
10 has at least 3 dimensions and is less than 5 millimeters in size.
11 Microplastics does not include polymers that are derived in nature
12 and are not chemically modified.