

Act No. 545
Public Acts of 2016
Approved by the Governor
January 6, 2017
Filed with the Secretary of State
January 10, 2017
EFFECTIVE DATE: January 10, 2017

STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016

Introduced by Senator Stamas

ENROLLED SENATE BILL No. 950

AN ACT to amend 1976 PA 399, entitled “An act to protect the public health; to provide for supervision and control over public water supplies; to prescribe the powers and duties of the department of environmental quality; to provide for the submission of plans and specifications for waterworks systems and the issuance of construction permits therefor; to provide for capacity assessments and source water assessments of public water supplies; to provide for the classification of public water supplies and the examination, certification and regulation of persons operating those systems; to provide for continuous, adequate operation of privately owned, public water supplies; to authorize the promulgation of rules to carry out the intent of the act; to create the water supply fund; to provide for the administration of the water supply fund; and to provide penalties,” (MCL 325.1001 to 325.1023) by adding section 19a.

The People of the State of Michigan enact:

Sec. 19a. (1) If the state or federal government is or was the owner or operator of real property at the time a substance of concern was used on the real property, the state or federal government shall provide an alternative water supply to the users of an impacted water source in the vicinity of the real property if all of the following conditions are met:

(a) The Michigan department of health and human services has issued a public health advisory for drinking water covering the geographic area in the vicinity of the real property.

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

(c) The state or federal government acknowledges that the substance of concern has migrated from the real property and is present in groundwater that provides water to the impacted water source.

(2) If the conditions of subsection (1)(a), (b), and (c) are met, the state or federal government that is or was the owner of the real property shall conduct long-term monitoring to delineate the extent of the migration of the substance of concern. The results of this monitoring must be provided to the department and to the Michigan department of health and human services. If the monitoring identifies additional impacted water sources containing the substance of concern, the state or federal government that is or was the owner of the real property shall provide an alternative water supply for the users of those additional impacted water sources.

(3) If a state agency or a political subdivision, including a local health department as defined in section 1105 of the public health code, 1978 PA 368, MCL 333.1105, has provided an alternative water supply to the users of an impacted water source, and the 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 shall reimburse the state agency or the political subdivision for the cost of providing the alternative water supply.

(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.

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

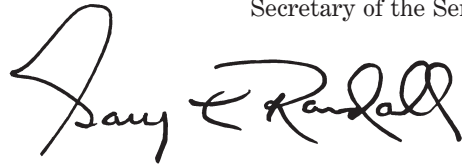
(d) "Public health advisory for drinking water" means an advisory issued by the Michigan department of health and human services that cautions against using water for drinking or other household purposes because of the presence of a substance of concern.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

.....
Governor