

SAFE DRINKING WATER ACT (EXCERPT)
Act 399 of 1976

325.1019a State or federal government as owner or operator of real property when substance of concern used; alternative water supply to be provided to users of impacted water; conditions; monitoring; reimbursement; definitions.

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.

History: Add. 2016, Act 545, Imd. Eff. Jan. 10, 2017