

GOVERNMENT RESPONSIBLE FOR ALTERNATIVE DRINKING WATER SUPPLIES IN CERTAIN CASES

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Senate Bill 950 as enacted

Public Act 545 of 2016

Sponsor: Sen. Jim Stamas

Senate Committee: Natural Resources

1st House Committee: Local Government (Discharged)

2nd House Committee: Natural Resources

Complete to 6-29-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 950 adds a new Section 19a to the Safe Drinking Water Act. This section provides that, if the state or federal government owns or operates real property on which a *substance of concern* is found, the state or federal government must 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 apply:

- The Michigan Department of Health and Human Services (DHHS) has issued a *public health advisory for drinking water* covering the geographic area in the vicinity of the real property.
- The substance of concern that is the subject of that advisory is a substance that is, or was, used on the real property.
- The state or federal government responsible for the real property 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.

Substance of concern means a substance that DHHS has determined is or may be injurious to human health or safety.

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.

Public health advisory for drinking water means an advisory issued by DHHS that cautions against using water for drinking or other household purposes because of the presence of a substance of concern.

If the above conditions are met, then the state or federal government that is or was the owner of the real property must conduct long-term monitoring to delineate the extent of the migration of the substances of concern. The results of this testing must be provided to the Michigan Department of Environmental Quality (DEQ) and DHHS. If monitoring identifies additional impacted water sources containing the substance of concern, then the responsible state or federal government also must provide an alternative water supply for the users of those additional impacted water sources.

If a state agency or a political subdivision has provided an alternative water supply to the users of an impacted water source and the above conditions are met, then the responsible state or federal government must reimburse the state agency or political subdivision for the cost of providing that alternative water supply. A political subdivision also includes a local health department.

MCL 325.1919a

FISCAL IMPACT:

Senate Bill 950 would have an indeterminate fiscal impact on state and local governments. The bill allows for state and local governmental agencies to be reimbursed for the cost of providing an alternative water supply to the users of an impacted water source in the event that local groundwater comes under a drinking water advisory as a result of contamination from a nearby state or federal property. These reimbursements would be provided by the state or federal government responsible for the contamination. The magnitude and frequency of such reimbursements is unclear at present. Consequently it is difficult to determine how the bill would affect state and local costs and revenues.

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