

HOUSE BILL No. 6320

September 5, 2018, Introduced by Rep. Brinks and referred to the Committee on Natural Resources.

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 7 (MCL 325.1007), as amended by 1998 PA 56, and by adding section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) ~~The~~**A** supplier of water shall collect water
2 samples or have them collected on a schedule at least equal to that
3 outlined in the rules, shall cause those samples to be analyzed in
4 the state laboratory or a laboratory certified by the department or
5 by the United States ~~environmental protection agency~~**ENVIRONMENTAL**
6 **PROTECTION AGENCY** for contaminants listed in the state drinking
7 water standards **AND FOR PFAS**, and shall report the results of the
8 analyses to the department in a timely manner as specified in the
9 rules.

1 (2) If a supplier of water who serves a population of 10,000
2 or fewer individuals fails to comply with subsection (1) **OR SECTION**
3 **7A**, the department may do any of the following:

4 (a) Impose against that supplier an administrative fine of
5 \$200.00 for each failure to collect and have analyzed a water
6 sample required under this act.

7 (b) For each failure to collect and have analyzed a water
8 sample required under this act within the 12-month period following
9 a failure described in subdivision (a), impose against that
10 supplier an administrative fine of \$400.00.

11 (c) In addition to an administrative fine imposed under
12 subdivision (a) or (b), obtain a sampling or analysis or both
13 required under this act at the supplier's cost.

14 (d) Proceed pursuant to section 22.

15 (3) If a supplier of water serving a population of 10,000 or
16 ~~less~~ **FEWER INDIVIDUALS** fails to meet state drinking water
17 standards, the department may do any of the following:

18 (a) Impose against that supplier an administrative fine of not
19 less than \$400.00 per day per violation and not more than \$1,000.00
20 per day per violation. An administrative fine for a single
21 violation shall not exceed a cumulative total of \$2,000.00.

22 (b) Proceed pursuant to section 22.

23 (4) If a supplier of water serving a population of more than
24 10,000 **INDIVIDUALS** fails to comply with state drinking water
25 standards or any monitoring or reporting requirement, the
26 department may do any of the following:

27 (a) Impose against that supplier an administrative fine of not

1 less than \$1,000.00 per day per violation and not more than
2 \$2,000.00 per day per violation. An administrative fine for a
3 single violation may not exceed a cumulative total of \$10,000.00.

4 (b) In addition to an administrative fine imposed under
5 subdivision (a), obtain at the supplier's cost water samples and
6 secure analyses of the water samples at a certified laboratory if
7 monitoring has not met minimum requirements under this act.

8 (c) Proceed pursuant to section 22.

9 (5) A supplier may appeal an administrative fine imposed under
10 this section pursuant to the administrative procedures act of 1969,
11 1969 PA 306, MCL 24.201 to 24.328.

12 (6) Administrative fines collected under this section shall be
13 forwarded to the state treasurer for deposit into the state
14 drinking water revolving fund established under section 16b of the
15 shared credit rating act, 1985 PA 227, MCL 141.1066b.

16 **(7) AS USED IN THIS SECTION AND SECTION 7A, "PFAS" MEANS**
17 **PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES. PFAS INCLUDE, BUT ARE**
18 **NOT LIMITED TO, PFOA AND PFOS.**

19 **(A) "PFOA" MEANS PERFLUOROCTANOIC ACID.**

20 **(B) "PFOS" MEANS PERFLUOROCTANE SULFONIC ACID.**

21 **SEC. 7A. (1) IN ADDITION TO THE ANALYSIS OF WATER SAMPLES**
22 **UNDER SECTION 7, A SUPPLIER OF WATER SHALL, AT LEAST ANNUALLY,**
23 **COLLECT AND ANALYZE SAMPLES OF WATER FOR THE PRESENCE OF PFAS.**

24 **(2) IF THE DEPARTMENT IDENTIFIES PFAS IN AN ANALYSIS OF A**
25 **GROUNDWATER SAMPLE, THE DEPARTMENT SHALL NOTIFY ALL SUPPLIERS OF**
26 **WATER THAT SERVE AN AREA WITHIN 5 MILES OF THE LOCATION IN WHICH**
27 **THE PFAS WERE IDENTIFIED. UPON NOTICE FROM THE DEPARTMENT UNDER**

1 THIS SUBSECTION, THE SUPPLIER OF WATER SHALL SAMPLE AND ANALYZE THE
2 OUTPUT OF ANY WATER SOURCE SERVING THE PUBLIC WATER SUPPLY FOR THE
3 PRESENCE OF PFAS.

4 (3) IF PFAS ARE DETECTED IN A PUBLIC WATER SUPPLY THROUGH
5 SAMPLING AND ANALYSIS UNDER THIS SECTION OR SECTION 7, THE SUPPLIER
6 OF WATER SHALL ISSUE A PUBLIC ADVISORY WITHIN 3 BUSINESS DAYS AFTER
7 CONFIRMING OF THE PRESENCE OF PFAS IN THE PUBLIC WATER SUPPLY. THE
8 SUPPLIER OF WATER SHALL PROVIDE THE PUBLIC ADVISORY IN A FORM AND
9 MANNER DESIGNED TO FIT THE SPECIFIC SITUATION AND THE PUBLIC
10 ADVISORY MUST BE REASONABLY CALCULATED TO REACH ALL PERSONS SERVED
11 BY THE PUBLIC WATER SUPPLY. WITHIN 14 DAYS AFTER ISSUING A PUBLIC
12 ADVISORY, THE SUPPLIER OF WATER SHALL NOTIFY, BY MAIL, ALL PROPERTY
13 OWNERS SERVED BY THE PUBLIC WATER SUPPLY OF THE PUBLIC ADVISORY AND
14 THE CONFIRMATION OF PFAS IN THAT PUBLIC WATER SUPPLY. THE NOTICE
15 SHALL INCLUDE EDUCATIONAL INFORMATION PREPARED BY THE DEPARTMENT
16 THAT INCLUDES AT LEAST ALL OF THE FOLLOWING:

17 (A) WHAT PFAS ARE AND HOW THEY CAN BECOME PRESENT IN WATER
18 SUPPLIES.

19 (B) POTENTIAL HEALTH RISKS FROM PFAS.

20 (C) INFORMATION REGARDING HOW THE INDIVIDUAL MAY OBTAIN
21 ADDITIONAL TESTING OF WATER AT HIS OR HER PROPERTY.

22 (D) OTHER RESOURCES IDENTIFIED BY THE DEPARTMENT THAT ARE
23 PERTINENT TO PFAS.