

HOUSE BILL No. 6185

June 12, 2018, Introduced by Reps. Allor, Yaroeh, Cochran, Yanez, Sabo and Afendoulis and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the heading of subpart 1 of part 147 and by adding sections 14701, 14703, 14705, and 14707.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SUBPART 1 ~~PCB COMPOUNDS~~ **PERFLUOROALKYL AND POLYFLUOROALKYL
SUBSTANCES**

SEC. 14701. AS USED IN THIS SUBPART:

(A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

(B) "FIRE CHIEF" MEANS THAT TERM AS DEFINED IN SECTION 1 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1.

(C) "ORGANIZED FIRE DEPARTMENT" MEANS THAT TERM AS DEFINED IN

1 SECTION 1 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1.

2 (D) "PFAS" MEANS A PERFLUOROALKYL OR POLYFLUOROALKYL
3 SUBSTANCE. PFAS INCLUDES, BUT IS NOT LIMITED TO, PFOA AND PFOS.

4 (E) "PFOA" MEANS PERFLUOROOCTANOIC ACID (CHEMICAL ABSTRACT
5 SERVICE NO. 335-6T-1).

6 (F) "PFOS" MEANS PERFLUOROOCTANE SULFONATE (CHEMICAL ABSTRACT
7 SERVICE NO. 1763-23-1).

8 SEC. 14703. (1) WITHIN 48 HOURS AFTER AN ORGANIZED FIRE
9 DEPARTMENT USES FIREFIGHTING FOAM CONTAINING PFAS, THE FIRE CHIEF
10 SHALL SUBMIT TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY A WRITTEN
11 REPORT THAT INCLUDES ALL OF THE FOLLOWING INFORMATION:

12 (A) THE PURPOSE FOR WHICH THE FOAM WAS USED.

13 (B) THE PHYSICAL ADDRESS AND THE LATITUDE AND LONGITUDE OF THE
14 LOCATION AT WHICH THE FOAM WAS USED.

15 (C) THE QUANTITY OF FOAM CONCENTRATE USED.

16 (D) THE QUANTITY OF WATER USED TO PRODUCE THE FOAM OR USED IN
17 CONJUNCTION WITH THE FOAM.

18 (E) THE NAME BRAND AND MANUFACTURER OF THE FOAM.

19 (F) THE NAME OF ANY WATER BODY POTENTIALLY AFFECTED BY THE
20 FOAM OR FIREWATER THROUGH SURFACE WATER RUNOFF, GROUNDWATER, OR A
21 STORM SEWER OR COMBINED SEWER, ITS DISTANCE AND DIRECTION FROM THE
22 LOCATION AT WHICH THE FOAM WAS USED, AND WHETHER THE FOAM OR
23 FIREWATER IS KNOWN TO HAVE ENTERED THE WATER BODY.

24 (G) PRACTICES EMPLOYED FOR CLEANUP AND DISPOSAL OF MATERIALS
25 CONTAMINATED BY THE FOAM OR FIREWATER.

26 (2) THE DEPARTMENT MAY PRESCRIBE THE FORMAT OF THE REPORT
27 UNDER SUBSECTION (1) AND THE MEANS BY WHICH THE REPORT SHALL BE

1 SUBMITTED.

2 SEC. 14705. THE DEPARTMENT SHALL ESTABLISH A COLLECTION
3 PROGRAM FOR FIREFIGHTING FOAM CONTAINING PFOA OR PFOS WITH A CARBON
4 CHAIN OF MORE THAN 6. UNDER THE PROGRAM, THE DEPARTMENT SHALL
5 ACCEPT THE FOAM FREE OF CHARGE AND PROPERLY DISPOSE OF THE FOAM.
6 THE PROGRAM IS CONTINGENT ON LEGISLATIVE APPROPRIATIONS TO COVER
7 PROGRAM COSTS.

8 SEC. 14707. A PERSON THAT VIOLATES SECTION 14703 MAY BE
9 ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00. A VIOLATION
10 OF SECTION 14703 MAY BE PROSECUTED BY THE PROSECUTOR OF THE COUNTY
11 IN WHICH THE VIOLATION OCCURRED OR BY THE ATTORNEY GENERAL.