



**House
Legislative
Analysis
Section**

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WELLHEAD PROTECTION

**House Bills 5104 and 5105 as passed by the
House
Second Analysis (1-7-91)**

**Sponsor: Rep. James A. Kosteva
Committee: Towns and Counties**

THE APPARENT PROBLEM:

Groundwater contamination is a serious problem. In Michigan, almost half of the state's drinking water supplies are from groundwater sources, and yet most of the contamination sites on the state's "Superfund" list (the list of known sites of environmental contamination that is compiled annually under the Michigan Environmental Response Act) involve groundwater contamination.

Following 1986 amendments to the federal Safe Drinking Water Act (which included requirements for state wellhead protection programs), in 1987 the Michigan House of Representatives held a series of legislative seminars on groundwater protection to review existing state groundwater protection programs and to examine requirements for state action under the new federal amendments. In December 1987, the House Ad Hoc Committee on Groundwater Protection issued a report making a number of recommendations to provide and to support groundwater protection.

THE CONTENT OF THE BILLS:

The bills would amend the county and city zoning laws to require that when a county, city, or village updated its master plan or a zoning ordinance, it consider incorporating wellhead protection ("measures to protect from contamination groundwater that supplies or may in the future supply a drinking water well") in that update.

House Bill 5104 (MCL 125.203a) would amend the County Rural Zoning Enabling Act and House Bill 5105 (MCL 125.581a) would amend the city and village zoning act (Public Act 207 of 1921).

FISCAL IMPLICATIONS:

The Department of Public Health says that there may be fiscal implications (of an unknown amount) for the Departments of Public Health and Natural Resources if local governments decide to implement wellhead protection measures under the bills and request technical assistance from the departments. (10-16-89) The Department of Natural Resources agrees, pointing out that

written technical guidance for local governments on wellhead protection will need to be developed. (2-16-90)

ARGUMENTS:

For:

As with many problems, the problem of groundwater contamination is best handled by preventing it from occurring in the first place. One way to prevent (or lessen) groundwater contamination is through proper planning and zoning. The bills would not require local units of government to implement wellhead protection measures, but by requiring local units of government to consider protection of wells whenever they updated their master plans or amended their zoning ordinances, the bills would encourage planning and zoning that better protected groundwater resources.

POSITIONS:

The Department of Natural Resources supports the bills. (1-14-91)

The Michigan Association of Counties supports the bills. (1-14-91)