

**SUBSTITUTE FOR
SENATE BILL NO. 920**

A bill to amend 1976 PA 399, entitled
"Safe drinking water act,"
by amending sections 2, 3, and 15 (MCL 325.1002, 325.1003, and
325.1015), section 2 as amended by 1998 PA 56 and section 15 as
amended by 1993 PA 165.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Bottled drinking water" means water that is ultimately
- 3 sold, provided, or offered for human consumption in a closed
- 4 container.
- 5 (b) "Capacity assessment" means an evaluation of the
- 6 technical, financial, and managerial capability of a community
- 7 supply or nontransient noncommunity water supply to comply and

1 maintain compliance with all requirements of this act and the rules
2 promulgated under this act.

3 (c) "Community supply" means a public water supply that
4 provides year-round service to not fewer than 15 living units or
5 ~~which~~**that** regularly provides year-round service to not fewer than
6 25 residents.

7 (d) "Contaminant" means a physical, chemical, biological, or
8 radiological substance or matter in water.

9 (e) "Customer service connection" means the pipe between a
10 water main and customer site piping or building plumbing system.

11 (f) "Customer site piping" means an underground piping system
12 **that consists only of distribution and storage facilities** owned or
13 controlled by the customer that conveys water from the customer
14 service connection to building plumbing systems and other points of
15 use on lands owned or controlled by the customer. Customer site
16 piping does not include ~~any~~**a waterworks** system that incorporates
17 treatment, ~~to protect public health.~~**sells water to a person, or is**
18 **a carrier that conveys passengers in interstate commerce.**

19 (g) "Department" means the department of ~~environmental quality~~
20 ~~or its authorized agent or representative.~~**environment, Great Lakes,**
21 **and energy.**

22 (h) "Director" means the director of the department ~~of~~
23 ~~environmental quality or his or her~~**the director's** authorized agent
24 or representative.

25 (i) "Imminent hazard" means that in the judgment of the
26 director there is a violation, or a condition that may cause a
27 violation, of ~~the~~ state drinking water standards at a public water
28 supply requiring immediate action to prevent endangering the **public**
29 health. ~~of people.~~

1 (j) "Living unit" means a house, apartment, or other domicile
2 occupied or intended to be occupied on a day to day basis by an
3 individual, family group, or equivalent.

4 (k) **"Mobile home" and "mobile home park" mean those terms as**
5 **defined in section 2 of the mobile home commission act, 1987 PA 96,**
6 **MCL 125.2302.**

7 (l) ~~(k)~~ "Noncommunity supply" means a public water supply that
8 is not a community supply, but that has not less than 15 service
9 connections or that serves not fewer than 25 individuals on an
10 average daily basis for not less than 60 days per year.

11 (m) ~~(l)~~ "Nontransient noncommunity water supply" means a
12 noncommunity public water supply that serves not fewer than 25 of
13 the same individuals on an average daily basis over 6 months per
14 year. ~~This definition~~ **Nontransient noncommunity water supply**
15 includes water supplies in places of employment, schools, and day-
16 care centers.

17 (n) ~~(m)~~ "Person" means an individual, partnership,
18 copartnership, cooperative, firm, company, public or private
19 association or corporation, political subdivision, agency of the
20 state, agency of the federal government, trust, estate, joint
21 structure company, or any other legal entity, or their legal
22 representative, agent, or assigns.

23 (o) ~~(n)~~ "Plans and specifications" means drawings, data, and a
24 true description or representation of an entire waterworks system
25 or parts of the system as it exists or is to be constructed, and a
26 statement on how a waterworks system is to be operated.

27 (p) ~~(o)~~ "Political subdivision" means a city, village,
28 township, charter township, county, district, authority or portion
29 or combination thereof.

1 **(q)** ~~(p)~~ "Public water supply" means a waterworks system that
 2 provides water for drinking or household purposes to persons other
 3 than the supplier of the water, and does not include either of the
 4 following:

5 (i) A waterworks system that supplies water to only 1 living
 6 unit.

7 (ii) A waterworks system that consists solely of customer site
 8 piping.

9 **(r)** "Seasonal mobile home park" means that term as defined in
 10 **section 2 of the mobile home commission act, 1987 PA 96, MCL**
 11 **125.2302.**

12 **(s)** ~~(q)~~ "State drinking water standards" means quality
 13 standards ~~setting that set~~ limits for contaminant levels or
 14 ~~establishing~~ **establish** treatment techniques to meet standards
 15 necessary to protect ~~the~~ public health.

16 **(t)** ~~(r)~~ "Service connection" means a direct connection from a
 17 distribution water main to a living unit or other site to provide
 18 water for drinking or household purposes.

19 **(u)** ~~(s)~~ "Source water assessment" means a state program to
 20 delineate the boundaries of areas in ~~the~~ **this** state from which 1 or
 21 more public water supplies receive supplies of drinking water, to
 22 identify contaminants regulated under this act for which monitoring
 23 is required because ~~the~~ **this** state has determined ~~they~~ **the**
 24 **contaminants** may present a threat to public health, and, to the
 25 extent practical, to determine the susceptibility of the public
 26 water supply in the delineated area to these contaminants.

27 **(v)** ~~(t)~~ "Supplier of water" or "supplier" means a person ~~who~~
 28 **that** owns or operates a public water supply, and includes a water
 29 hauler.

(w) ~~(u)~~ "Transient noncommunity water supply" means a noncommunity supply that does not meet the definition of nontransient noncommunity water supply.

(x) ~~(v)~~ "Water hauler" means a person engaged in bulk vehicular transportation of water to other than the water hauler's own household ~~which that~~ is intended for use or used for drinking or household purposes. ~~Excluded from this definition are those persons providing~~ **Water hauler does not include a person that provides** water solely for employee use.

(y) ~~(w)~~ "Water main" means a pipe owned or controlled by a supplier that may convey water to a customer service connection or to a fire hydrant.

(z) ~~(x)~~ "Waterworks system" or "system" means a system of pipes and structures through which water is obtained and distributed, including but not limited to wells and well structures, intakes and cribs, pumping stations, treatment plants, storage tanks, pipelines and appurtenances, or a combination thereof, actually used or intended for use for the purpose of furnishing water for drinking or household purposes.

(aa) ~~(y)~~ "Year-round service" means the ability of a supplier of water to provide drinking water on a continuous basis to a living unit or facility.

Sec. 3. Subject to **the** limitations contained in this act, the department shall have power and control over ~~public water supplies~~ **waterworks systems** and suppliers of water. The director may ~~enter~~ **do either of the following:**

(a) **Enter** upon the waterworks system of a supplier of water at reasonable times for the purpose of inspecting the **waterworks** system and carrying out **the requirements and responsibilities under**

1 this act and **the** rules promulgated under this act.

2 **(b) Enter upon a waterworks system at a mobile home park or**
 3 **seasonal mobile home park that consists solely of customer site**
 4 **piping, at reasonable times, as necessary for the purpose of**
 5 **investigating a complaint that the water being provided is not**
 6 **adequate or healthful or is not in compliance with state drinking**
 7 **water standards when the water arrives at a mobile home located in**
 8 **a mobile home park or seasonal mobile home park.**

9 Sec. 15. (1) When considered necessary for **the** protection of
 10 ~~the~~ public health, the department shall notify a supplier of water
 11 **or the owner of customer site piping located at a mobile home park**
 12 **or seasonal mobile home park** of the need to make changes in
 13 operations, ~~to~~ provide treatment, ~~to~~ make structural changes in
 14 existing systems **or piping**, or ~~to~~ add additional capacity as
 15 necessary to produce and distribute an adequate quantity of water
 16 ~~meeting the~~ **that meets** state drinking water standards.

17 (2) The department shall inspect a waterworks system or a part
 18 of a waterworks system ~~and~~ the manner of operation of the
 19 **waterworks** system, or part **of the waterworks system**. If, ~~upon~~ **on**
 20 inspection, the department determines the waterworks system ~~to be~~
 21 **is** inadequate or ~~so~~ operated ~~as to~~ **in a manner that does** not
 22 adequately protect ~~the~~ public health, the department may order the
 23 supplier of water **or the owner of customer site piping located at a**
 24 **mobile home park or seasonal mobile home park** to make alterations
 25 in the waterworks system or ~~its~~ **the** method of operation as ~~may be~~
 26 required or considered advisable by the department to ~~assure~~ **ensure**
 27 the ~~public water supply~~ **waterworks system can produce or distribute**
 28 **water that** is adequate, **is** healthful, and ~~in conformance with~~ **meets**
 29 state drinking water standards. If the supplier **of water or the**

owner of customer site piping located at a mobile home park or seasonal mobile home park does not request a public hearing within 30 days after receipt of ~~the~~**an** order issued under this subsection, the order ~~shall be~~**is** final and binding on the supplier of water or the owner of customer site piping located at a mobile home park or seasonal mobile home park. If the department receives a request for a public hearing within ~~the specified~~ 30 days, **the department shall immediately arrange** the public hearing. ~~shall be immediately arranged.~~ If a public hearing is requested in a timely manner, a final order must not go into effect until after the public hearing is completed. The department may revise the order based on information provided at the public hearing before issuing a final order. A supplier of water or the owner of customer site piping located at a mobile home park or seasonal mobile home park shall comply with a final order of the department.

(3) If a ~~public water supply~~**waterworks system** poses an imminent hazard to ~~the~~ public health, the department may issue an emergency order immediately, without notice or hearing, ~~requiring such action as~~**that requires the supplier of water or the owner of customer site piping located at a mobile home park or seasonal mobile home park to take any action** the department determines is necessary to protect the public health. ~~Normal administrative~~**Administrative** procedures ~~as required by~~**under** the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, shall~~**1969 PA 306, MCL 24.201 to 24.328, must** proceed concurrently with an emergency order ~~upon~~**on** written request of the supplier of water or the owner of customer site piping located at a mobile home park or seasonal mobile home park received within 15

1 days **after the department issues the emergency order**. An emergency
2 order ~~shall be~~ **is** effective immediately and binding until modified
3 or rescinded by the department or a court. ~~of competent~~
4 ~~jurisdiction.~~

5 (4) The department may take appropriate action to limit ~~water~~
6 ~~system~~ **the expansion of a waterworks system** or limit water use from
7 a public water supply **or customer site piping at a mobile home park**
8 **or seasonal mobile home park** until ~~such time as~~ satisfactory
9 improvements are made in the system or operation to provide for a
10 continuous, adequate supply of water ~~meeting the~~ **that meets** state
11 drinking water standards.