



**HOUSE BILL No. 4906**

# **HOUSE BILL No. 4906**

June 30, 1993, Introduced by Rep. Bankes and referred to the Committee on Appropriations.

A bill to amend the title and sections 2, 7, 9, 10, 13, 15, and 17 of Act No. 399 of the Public Acts of 1976, entitled "Safe drinking water act," section 2 as amended by Act No. 34 of the Public Acts of 1989, being sections 325.1002, 325.1007, 325.1009, 325.1010, 325.1013, 325.1015, and 325.1017 of the Michigan Compiled Laws; and to add sections 5a, 11a, 11b, 11c, and 11d.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Section 1. The title and sections 2, 7, 9, 10, 13, 15, and  
2 17 of Act No. 399 of the Public Acts, of 1976, section 2 as  
3 amended by Act No. 34 of the Public Acts of 1989, being sections  
4 325.1002, 325.1007, 325.1009, 325.1010, 325.1013, 325.1015, and  
5 325.1017 of the Michigan Compiled Laws, are amended and sections  
6 5a, 11a, 11b, 11c, and 11d are added to read as follows:

## TITLE

1  
2 An act to protect the public health; to provide for supervi-  
3 sion and control over public water supplies; to prescribe the  
4 powers and duties of the department of public health; to provide  
5 for the submission of plans and specifications for waterworks  
6 systems and the issuance of construction permits therefor; to  
7 provide for the classification of public water supplies and the  
8 examination, certification and regulation of persons operating  
9 those systems; to provide for continuous, adequate operation of  
10 privately owned, public water supplies; to authorize the promul-  
11 gation of rules to carry out the intent of the act; TO CREATE THE  
12 WATER SUPPLY FUND; TO PROVIDE FOR THE ADMINISTRATION OF THE WATER  
13 SUPPLY FUND; and to provide penalties.

14 Sec. 2. As used in this act:

15 (a) "Bottled drinking water" means water ~~which~~ THAT is  
16 ultimately sold, provided, or offered for human consumption in a  
17 closed container.

18 (B) "COMMUNITY SUPPLY" MEANS A PUBLIC WATER SUPPLY THAT PRO-  
19 VIDES YEAR-ROUND SERVICE TO NOT FEWER THAN 15 LIVING UNITS OR  
20 WHICH REGULARLY PROVIDES YEAR-ROUND SERVICE TO NOT FEWER THAN 25  
21 RESIDENTS.

22 (C) ~~(b)~~ "Contaminant" means a physical, chemical, biologi-  
23 cal, or radiological substance or matter in water.

24 (D) "CUSTOMER SERVICE CONNECTION" MEANS THE PIPE BETWEEN A  
25 WATER MAIN AND CUSTOMER SITE PIPING OR BUILDING PLUMBING SYSTEM.

26 (E) "CUSTOMER SITE PIPING" MEANS AN UNDERGROUND PIPING  
27 SYSTEM OWNED OR CONTROLLED BY THE CUSTOMER THAT CONVEYS WATER

1 FROM THE CUSTOMER SERVICE CONNECTION TO BUILDING PLUMBING SYSTEMS  
2 AND OTHER POINTS OF USE ON LANDS OWNED OR CONTROLLED BY THE  
3 CUSTOMER. CUSTOMER SITE PIPING DOES NOT INCLUDE ANY SYSTEM THAT  
4 INCORPORATES TREATMENT TO PROTECT PUBLIC HEALTH.

5 (F) ~~(e)~~ "Department" means the department of public health  
6 or its authorized agent or representative.

7 (G) ~~(d)~~ "Director" means the director of public health or  
8 his OR HER authorized agent or representative.

9 (H) ~~(e)~~ "Imminent hazard" means that in the judgment of  
10 the director there is a violation, or a condition ~~which~~ THAT  
11 may cause a violation, of the state drinking water standards at a  
12 public water supply requiring immediate action to prevent endan-  
13 gering the health of people.

14 (I) ~~(f)~~ "Living unit" means a house, apartment, or other  
15 domicile occupied or intended to be occupied on a day to day  
16 basis by an individual, family group, or equivalent.

17 (J) "NONCOMMUNITY SUPPLY" MEANS A PUBLIC WATER SUPPLY THAT  
18 IS NOT A COMMUNITY SUPPLY, BUT THAT HAS NOT LESS THAN 15 SERVICE  
19 CONNECTIONS OR THAT SERVES NOT FEWER THAN 25 INDIVIDUALS ON AN  
20 AVERAGE DAILY BASIS FOR NOT LESS THAN 60 DAYS PER YEAR.

21 (K) "NONTRANSIENT NONCOMMUNITY WATER SUPPLY" MEANS A NONCOM-  
22 MUNITY PUBLIC WATER SUPPLY THAT SERVES NOT FEWER THAN 25 OF THE  
23 SAME INDIVIDUALS ON AN AVERAGE DAILY BASIS OVER 6 MONTHS PER  
24 YEAR. THIS DEFINITION INCLUDES WATER SUPPLIES IN PLACES OF  
25 EMPLOYMENT, SCHOOLS, AND DAY-CARE CENTERS.

26 (L) ~~(g)~~ "Person" means an individual, partnership,  
27 copartnership, cooperative, firm, company, public or private

1 association or corporation, political subdivision, agency of the  
 2 state, agency of the federal government, trust, estate, joint  
 3 structure company, or any other legal entity, or their legal rep-  
 4 resentative, agent, or assigns.

5 (M) ~~(h)~~ "Plans and specifications" means drawings, data,  
 6 and a true description or representation of an entire waterworks  
 7 system or parts ~~thereof~~ OF THE SYSTEM as it exists or is to be  
 8 constructed, and a statement on how a waterworks system is to be  
 9 operated.

10 (N) ~~(i)~~ "Political subdivision" means a city, village,  
 11 township, charter township, county, district, authority or por-  
 12 tion or combination thereof.

13 (O) ~~(j)~~ "Public water supply" means a waterworks system  
 14 ~~which~~ THAT provides water for drinking or household purposes to  
 15 persons other than the supplier of the water, ~~except those~~ AND  
 16 DOES NOT INCLUDE EITHER OF THE FOLLOWING:

17 (i) A waterworks ~~systems which supply~~ SYSTEM THAT SUPPLIES  
 18 water to only 1 living unit. ~~Those waterworks systems serving 2~~  
 19 ~~to 14 living units shall be subject to only those provisions of~~  
 20 ~~the act necessary to assure proper construction and operations~~  
 21 ~~such that the quality of water distributed meets the state drink-~~  
 22 ~~ing water standards, specifically, the provisions of sections 4~~  
 23 ~~and 10 shall not apply to waterworks systems serving 2 to 14~~  
 24 ~~living units.~~

25 (ii) A WATERWORKS SYSTEM THAT CONSISTS SOLELY OF CUSTOMER  
 26 SITE PIPING.

1       (P) ~~(k)~~ "State drinking water standards" means quality  
2 standards setting limits for contaminant levels or establishing  
3 treatment techniques to meet standards necessary to protect the  
4 public health.

5       (Q) "SERVICE CONNECTION" MEANS A DIRECT CONNECTION FROM A  
6 DISTRIBUTION WATER MAIN TO A LIVING UNIT OR OTHER SITE TO PROVIDE  
7 WATER FOR DRINKING OR HOUSEHOLD PURPOSES.

8       (R) ~~(t)~~ "Supplier of water" or "supplier" means a person  
9 who owns or operates a public water supply, and includes a water  
10 hauler.

11       (S) "TRANSIENT NONCOMMUNITY WATER SUPPLY" MEANS A NONCOMMU-  
12 NITY SUPPLY THAT DOES NOT MEET THE DEFINITION OF NONTRANSIENT  
13 NONCOMMUNITY WATER SUPPLY.

14       (T) ~~(m)~~ "Water hauler" means a person engaged in bulk  
15 vehicular transportation of water to other than the water  
16 hauler's own household which is intended for use or used for  
17 drinking or household purposes. Excluded from this definition  
18 are those persons providing water solely for employee use.

19       (U) "WATER MAIN" MEANS A PIPE OWNED OR CONTROLLED BY A SUP-  
20 PLIER THAT MAY CONVEY WATER TO A CUSTOMER SERVICE CONNECTION OR  
21 TO A FIRE HYDRANT.

22       (V) ~~(n)~~ "Waterworks system" or "system" means a system of  
23 pipes and structures through which water is obtained and distrib-  
24 uted, including but not limited to wells and well structures,  
25 intakes and cribs, pumping stations, treatment plants, storage  
26 tanks, pipelines and appurtenances, or a combination thereof,

1 actually used or intended for use for the purpose of furnishing  
2 water for drinking or household purposes.

3 (W) "YEAR-ROUND SERVICE" MEANS THE ABILITY OF A SUPPLIER OF  
4 WATER TO PROVIDE DRINKING WATER ON A CONTINUOUS BASIS TO A LIVING  
5 UNIT OR FACILITY.

6 SEC. 5A. (1) A SUPPLIER OF WATER FOR A COMMUNITY SUPPLY  
7 SHALL NOT USE CUSTOMER SITE PIPING AS A MEANS TO CONVEY WATER TO  
8 OTHER PORTIONS OF THE SUPPLIER'S SYSTEM.

9 (2) A SUPPLIER OF WATER FOR A COMMUNITY SUPPLY SHALL NOT  
10 PROVIDE WATER SERVICE TO CUSTOMER SITE PIPING IF AN IMPACT ON THE  
11 WATER QUALITY OF THE PUBLIC WATER SUPPLY HAS OCCURRED OR COULD  
12 REASONABLY BE EXPECTED TO OCCUR AS A RESULT OF THE SERVICE. A  
13 SUPPLIER OF WATER MAY DISCONTINUE WATER SERVICE TO CUSTOMER SITE  
14 PIPING AS THE SUPPLIER OF WATER OR THE DEPARTMENT CONSIDERS NEC-  
15 ESSARY TO PROTECT THE HEALTH OF THE PUBLIC WATER SUPPLY  
16 CUSTOMERS.

17 Sec. 7. (1) The supplier of water shall collect water sam-  
18 ples or have them collected on a schedule at least equal to that  
19 outlined in the rules, shall cause those samples to be analyzed  
20 in THE STATE LABORATORY OR a laboratory ~~approved~~ CERTIFIED by  
21 the department or by the United States environmental protection  
22 agency for contaminants listed in the state drinking water stan-  
23 dards, and shall report the results of the analyses to the  
24 department in a timely manner as specified in the rules. If the  
25 supplier fails to meet this responsibility, the department ~~shall~~  
26 ~~collect the water samples routinely as specified in the rules,~~  
27 ~~analyze the samples at the department's laboratory, and charge~~

~~1 the supplier for these services according to a schedule of fees~~  
~~2 the department shall establish by rule. The fees for performing~~  
~~3 the services shall bear a reasonable relation to the cost to the~~  
~~4 department for collecting the water samples, analyzing the sam-~~  
~~5 ples, and reporting the results of the analyses to the supplier~~  
~~6 of water. The fees shall be deposited in the state treasury to~~  
~~7 the credit of the general fund.~~ MAY DO ANY OF THE FOLLOWING:

8 (A) IMPOSE AGAINST THAT SUPPLIER A CIVIL FINE OF \$200.00 FOR  
9 EACH FAILURE TO COLLECT AND HAVE ANALYZED A WATER SAMPLE REQUIRED  
10 UNDER THIS ACT.

11 (B) FOR EACH FAILURE TO COLLECT AND HAVE ANALYZED A WATER  
12 SAMPLE REQUIRED UNDER THIS ACT WITHIN THE 12-MONTH PERIOD FOLLOW-  
13 ING A FAILURE DESCRIBED IN SUBDIVISION (A), IMPOSE AGAINST THAT  
14 SUPPLIER A CIVIL FINE OF \$400.00.

15 (C) IN ADDITION TO A PENALTY DESCRIBED IN SUBDIVISION (A) OR  
16 (B), OBTAIN A SAMPLING OR ANALYSIS OR BOTH REQUIRED UNDER THIS  
17 ACT AT THE SUPPLIER'S COST.

18 (D) PROCEED PURSUANT TO SECTION 22.

19 (2) A SUPPLIER MAY APPEAL A CIVIL PENALTY PURSUANT TO THE  
20 ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC  
21 ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN  
22 COMPILED LAWS.

23 Sec. 9. (1) The department shall classify water treatment  
24 and distribution systems with regard to size, type, location, and  
25 other physical conditions for the purpose of establishing the  
26 skill, knowledge, and experience that individuals need to  
27 maintain and operate the systems effectively.

1       (2) The director shall appoint an advisory board of  
2 examiners which shall assist the department in the examination of<sup>1</sup>  
3 individuals as to their competency to operate water treatment  
4 systems and water distribution systems. The advisory board shall<sup>1</sup>  
5 make recommendations to the department relative to the certificatio<sup>n</sup>  
6 tion of those individuals.

7       (3) The membership of the advisory board shall consist of 2  
8 certified water treatment operators, 2 certified water distribu-  
9 tion operators, 1 superintendent or manager of a supplier of  
10 water, 1 representative of the administrative branch of a local  
11 governmental agency, 2 members of the public at large, and 1 pro-  
12 fessor of sanitary or environmental engineering at a university  
13 in the state. A representative of the department shall be the  
14 nonvoting secretary for the board.

15       (4) For individuals meeting the requirements, the department  
16 shall issue certificates acknowledging their competency to oper-  
17 ate a specified class of waterworks system or portion ~~thereof~~  
18 OF WATERWORKS SYSTEM. The department may suspend or revoke a  
19 certificate as specified by rule.

20       (5) A water treatment and distribution system shall be under  
21 the supervision of a properly certified operator as specified in  
22 the rules.

23       (6) Those individuals now certified to operate water treat-  
24 ment systems under the existing mandatory certification rules  
25 being R325.551 through R325.572 of the Michigan administrative  
26 code, and those meeting the requirements of the voluntary  
27 distribution system operator certification program administered



1 by the department, shall be considered to meet the requirements  
2 of this section and shall be issued a certificate in an appropri-  
3 ate class in accordance with the certifications system estab-  
4 lished under this act.

5 (7) Those individuals who are superintendents of distribu-  
6 tion systems shall be considered to meet the requirements of this  
7 section only for the waterworks system by which they are now  
8 employed, and shall be issued a certificate for continuing opera-  
9 tion of that distribution system upon receipt by the department  
10 of a completed application ~~within + year after the effective~~  
11 ~~date of this act~~ BY JANUARY 4, 1978.

12 (8) OPERATORS CERTIFIED UNDER THIS ACT SHALL BE REQUIRED TO  
13 RENEW THEIR CERTIFICATES IN ACCORDANCE WITH RULES PROMULGATED  
14 UNDER THIS ACT, INCLUDING MANDATORY CONTINUING EDUCATION OR COM-  
15 PETENCY DEMONSTRATION.

16 Sec. 10. (1) ~~Beginning + year after the effective date of~~  
17 ~~this act, approval of the~~ THE department shall not ~~be granted~~  
18 ~~to~~ APPROVE a privately owned public water supply ~~which~~ THAT  
19 serves a group of living units, unless by resolution of its gov-  
20 erning body the city, village, or township in which the water  
21 supply is to be located refuses to accept ownership and oper-  
22 ational responsibility of the public water supply.

23 (2) If a local governmental agency does not accept ownership  
24 and operational responsibility of a public water supply ~~which~~  
25 THAT serves a group of living units, the department may issue a  
26 construction permit or other approval for an acceptable project  
27 requiring as a condition of the permit an appropriate amount, but

1 not more than \$50,000.00, based on the size, type, and complexity  
 2 of the waterworks system, to be placed in escrow by the developer  
 3 or private owner. The department may remove funds from this  
 4 escrow account to cause deficiencies to be corrected if the  
 5 public water supply is not operated, maintained, and expanded as  
 6 necessary to protect the public health. If it is necessary for  
 7 the department to withdraw funds from an escrow account, the  
 8 funds shall be replaced within 90 days by the developer, private  
 9 owner, or organization then responsible for the public water  
 10 supply.

11 (3) THE DEPARTMENT MAY REDUCE OR ELIMINATE ANY ESCROW  
 12 ACCOUNT ESTABLISHED UNDER THIS SECTION AFTER 5 YEARS OF OPERATION  
 13 AND MAINTENANCE CONSIDERED SATISFACTORY BY THE DEPARTMENT.

14 (4) BEFORE THE TRANSFER OF OWNERSHIP OF A PRIVATELY OWNED  
 15 PUBLIC WATER SUPPLY, A PRIVATE PURCHASER SHALL COMPLY WITH SUB-  
 16 SECTIONS (1) AND (2) OF THIS SECTION.

17 SEC. 11A. (1) THE DEPARTMENT SHALL IMPOSE AN ANNUAL FEE ON  
 18 EACH COMMUNITY SUPPLY PROVIDER IN ACCORDANCE WITH THE FOLLOWING  
 19 FEE SCHEDULE:

20 <u>NUMBER OF RESIDENTS SERVED</u>	<u>ANNUAL FEE</u>
21 MORE THAN 500,000	\$ 90,000.00
22 100,001-500,000	\$ 25,000.00
23 50,001-100,000	\$ 16,000.00
24 25,001-50,000	\$ 8,500.00
25 10,001-25,000	\$ 5,500.00
26 5,001-10,000	\$ 3,000.00

1	1,001-5,000	\$	1,500.00
2	401-1,000	\$	500.00
3	101-400	\$	350.00
4	25-100	\$	250.00

5 (2) THE ANNUAL FEE IN THIS SECTION SHALL BE ADJUSTED ON  
6 OCTOBER 1 EACH YEAR FOLLOWING THE EFFECTIVE DATE OF THIS SECTION  
7 BY APPLYING A PERCENTAGE ADJUSTMENT USING THE DETROIT CONSUMER  
8 PRICE INDEX. THE FEE MAY ALSO BE ADJUSTED AS THE RESULT OF  
9 INCREASED FEDERAL FUNDING OR A REDUCTION IN ACTUAL COSTS, AS  
10 DETERMINED BY THE DEPARTMENT.

11 (3) EACH COMMUNITY SUPPLY PROVIDER SHALL PAY THE ANNUAL FEE  
12 BY NOVEMBER 30 EACH YEAR. FAILURE TO SUBMIT TIMELY PAYMENT WILL  
13 RESULT IN ASSESSMENT OF A PENALTY OF 9% PER ANNUM UNTIL THE FEE  
14 AND ASSESSMENT ARE PAID IN FULL. THE DEPARTMENT OF TREASURY  
15 SHALL COLLECT EACH PENALTY.

16 SEC. 11B. (1) THE DEPARTMENT SHALL IMPOSE AN ANNUAL FEE ON  
17 EACH NONCOMMUNITY SUPPLY PROVIDER IN ACCORDANCE WITH THE FOLLOW-  
18 ING FEE SCHEDULE:

19	<u>TYPE OF NONCOMMUNITY SUPPLY</u>	<u>ANNUAL FEE</u>
20	NONTRANSIENT NONCOMMUNITY SUPPLY	\$ 160.00
21	TRANSIENT NONCOMMUNITY SUPPLY	\$ 85.00

22 (2) THE ANNUAL FEE IN THIS SECTION SHALL BE ADJUSTED ON  
23 OCTOBER 1 EACH YEAR FOLLOWING THE EFFECTIVE DATE OF THIS SECTION  
24 BY APPLYING THE PERCENTAGE ADJUSTMENT USING THE DETROIT CONSUMER  
25 PRICE INDEX.

26 (3) FOR 5 OR MORE NONCOMMUNITY SUPPLIES UNDER THE SAME  
27 OWNERSHIP ON CONTIGUOUS PROPERTIES, THE ANNUAL FEE PER

1 NONCOMMUNITY SUPPLY IS 75% OF THE FEE IDENTIFIED IN  
2 SUBSECTION (1).

3 (4) A NONCOMMUNITY SUPPLY PROVIDER SHALL PAY THE ANNUAL FEE  
4 BY NOVEMBER 30 EACH YEAR. AFTER NOVEMBER 30 OF EACH YEAR THAT A  
5 FEE IS NOT PAID, THE DEPARTMENT OF TREASURY SHALL COLLECT FROM  
6 THE NONPAYING NONCOMMUNITY SUPPLY PROVIDER A PENALTY OF \$25.00  
7 FOR EACH MONTH OR PORTION OF A MONTH.

8 (5) A NONCOMMUNITY SUPPLY PROVIDER THAT HAS COMPLETED CON-  
9 STRUCTION OF A NEW WELL OR REPLACEMENT WELL IN COMPLIANCE WITH A  
10 CONSTRUCTION PERMIT ISSUED BY A LOCAL HEALTH DEPARTMENT IS EXEMPT  
11 FROM PAYING THE FIRST ANNUAL FEE DESCRIBED IN SUBSECTION (1)  
12 AFTER FINAL APPROVAL OF THE WELL IS RECEIVED.

13 (6) THE DEPARTMENT IS NOT REQUIRED TO PERFORM SANITARY SUR-  
14 VEYS OR OTHER SERVICES TO MAINTAIN COMPLIANCE WITH THIS ACT ON  
15 BEHALF OF A NONCOMMUNITY SUPPLY PROVIDER WHO HAS NOT PAID THE  
16 CURRENT ANNUAL FEE OR APPROPRIATE PENALTIES.

17 SEC. 11C. (1) THE DEPARTMENT SHALL REVIEW AND CERTIFY LABO-  
18 RATORIES USED OR INTENDED FOR USE IN THE TESTING OF WATER FROM  
19 PUBLIC WATER SUPPLIES WHERE ANALYSES ARE USED TO DETERMINE COM-  
20 PLIANCE WITH STATE DRINKING WATER STANDARDS. THE DEPARTMENT  
21 SHALL IMPOSE A FEE FOR THIS SERVICE IN ACCORDANCE WITH THE FOL-  
22 LOWING FEE SCHEDULE:

23 <u>TYPE OF LABORATORY CERTIFICATION SERVICE</u>	<u>FEE PER LABORATORY</u>
24 BACTERIOLOGY, INCLUDING CHLORINE	
25 RESIDUAL AND TURBIDITY	\$1,625.00
26 INORGANIC CHEMISTRY	\$2,435.00

1	ORGANIC CHEMISTRY	\$2,435.00
2	INORGANIC AND ORGANIC CHEMISTRY (BOTH), OR	
3	EITHER COMBINED WITH BACTERIOLOGY	\$3,045.00
4	BACTERIOLOGY, INORGANIC CHEMISTRY, AND	
5	ORGANIC CHEMISTRY (ALL 3)	\$4,285.00
6	NITRATE, NITRITE, SULFATE, CYANIDE, AND	
7	FLUORIDE ONLY	\$ 520.00
8	LEAD AND COPPER	\$1,220.00
9	LABORATORY WATER SUITABILITY TEST (REQUIRED	
10	ANNUALLY)	\$ 260.00

11 (2) THE FEES IN THIS SECTION SHALL BE ADJUSTED ON OCTOBER 1  
 12 EACH YEAR FOLLOWING THE EFFECTIVE DATE OF THIS SECTION BY APPLY-  
 13 ING A PERCENTAGE ADJUSTMENT USING THE DETROIT CONSUMER PRICE  
 14 INDEX.

15 (3) UNLESS OTHERWISE NOTED, A CERTIFICATION UNDER THIS SEC-  
 16 TION IS VALID FOR 3 YEARS FROM THE DATE OF CERTIFICATION AND THE  
 17 FEE PER LABORATORY IS FOR THE ENTIRE 3-YEAR PERIOD.

18 SEC. 11D. (1) THE WATER SUPPLY FUND IS CREATED IN THE STATE  
 19 TREASURY AND SHALL BE ADMINISTERED BY THE DEPARTMENT. THE FUND  
 20 IS CAPITALIZED BY REVENUES COLLECTED PURSUANT TO SECTIONS 11A,  
 21 11B, AND 11C. THE FUND SHALL ADDITIONALLY RECEIVE MONEY AS OTH-  
 22 ERWISE PROVIDED BY LAW, AND SHALL RECEIVE ANY GIFT OR CONTRIBU-  
 23 TION TO THE FUND.

24 (2) THE STATE TREASURER SHALL RETAIN MONEY IN THE FUND AT  
 25 THE CLOSE OF THE FISCAL YEAR, AND SHALL NOT RETURN THAT MONEY TO  
 26 THE GENERAL FUND.

1       (3) THE DEPARTMENT SHALL EXPEND 75% OF MONEY IN THE FUND <sup>AT</sup>  
2 THE CLOSE OF THE FISCAL YEAR TO OFFSET, ON A PRO RATA BASIS, <sup>EACH</sup>  
3 FEE DESCRIBED IN SECTIONS 11A, 11B, AND 11C FOR THE FOLLOWING  
4 YEAR.

5       (4) THE DEPARTMENT SHALL EXPEND MONEY IN THE WATER SUPPLY  
6 FUND ONLY TO IMPLEMENT THIS ACT AND THE ADMINISTRATIVE RULES  
7 PROMULGATED UNDER THIS ACT.

8       Sec. 13. (1) ~~All chemicals and materials which may come~~  
9 ~~in contact with the water or be used in treatment processes shall~~  
10 ~~be approved by the department before being utilized in a public~~  
11 ~~water supply. A list of approved chemicals and materials shall~~  
12 ~~be published by the department. A person shall not wilfully~~  
13 ~~introduce or permit or suffer the introduction of a chemical or~~  
14 ~~material into a public water supply which has not first been~~  
15 ~~approved by the department.~~ AS USED IN THIS SECTION, "PRODUCT"  
16 MEANS ANY CHEMICAL OR SUBSTANCE ADDED TO A PUBLIC WATER SUPPLY,  
17 ANY MATERIALS USED IN THE MANUFACTURE OF PUBLIC WATER SUPPLY COM-  
18 PONENTS OR APPURTENANCES, OR ANY PIPE, STORAGE TANK, VALVE, FIX-  
19 TURE, OR OTHER MATERIALS WHICH COME IN CONTACT WITH WATER  
20 INTENDED FOR USE IN A PUBLIC WATER SUPPLY.

21       (2) THE DEPARTMENT MAY PROMULGATE RULES SETTING STANDARDS OF  
22 QUALITY, COMPOSITION, SAFETY, OR DESIGN OF PRODUCTS. UNTIL THE  
23 DEPARTMENT PROMULGATES RULES SETTING STANDARDS FOR PRODUCTS, ALL  
24 PRODUCTS THAT MAY COME IN CONTACT WITH WATER INTENDED FOR USE IN  
25 A PUBLIC WATER SUPPLY SHALL MEET AMERICAN NATIONAL STANDARDS  
26 INSTITUTE/NATIONAL SANITATION FOUNDATION STANDARDS, SPECIFICALLY  
27 ANSI/NSF STANDARD 60-1988 AND ANSI/NSF STANDARD 61-1988 WHICH ARE

1 HEREBY INCORPORATED BY REFERENCE. ADOPTION OF A PRODUCT STANDARD  
2 BY RULE SUPERSEDES THE STANDARD INCORPORATED BY REFERENCE IN THIS  
3 SECTION.

4 (3) ONLY PRODUCTS THAT MEET THE STANDARDS PROVIDED FOR IN  
5 SUBSECTION (2) SHALL BE USED BY A SUPPLIER OF WATER IN A PUBLIC  
6 WATER SUPPLY. CERTIFICATION THAT A PRODUCT MEETS THE STANDARDS  
7 PROVIDED FOR IN SUBSECTION (2) BY A LABORATORY ACCREDITED BY  
8 AMERICAN NATIONAL STANDARDS INSTITUTE TO TEST AND CERTIFY PROD-  
9 UCTS SHALL BE PRIMA FACIE EVIDENCE THAT A PRODUCT MEETS THE  
10 STANDARDS. THE DEPARTMENT SHALL MAKE A LIST OF PRODUCTS MEETING  
11 THE STANDARDS AVAILABLE AT NO CHARGE.

12 (4) A SUPPLIER OF WATER SHALL COMPILE AND MAINTAIN ON FILE  
13 FOR INSPECTION BY THE DEPARTMENT A LIST OF ALL PRODUCTS USED BY  
14 THE SUPPLIER OF WATER. PRIOR TO USING A PRODUCT NOT PREVIOUSLY  
15 LISTED, A SUPPLIER OF WATER SHALL EITHER DETERMINE THAT THE PROD-  
16 UCT HAS BEEN CERTIFIED IN ACCORDANCE WITH SUBSECTIONS (2) AND (3)  
17 OR SHALL NOTIFY THE DEPARTMENT OF THE TYPE, NAME, AND MANUFAC-  
18 Turer OF A PRODUCT.

19 (5) UPON REQUEST OF THE DEPARTMENT, A SUPPLIER OF WATER  
20 SHALL, PRIOR TO MAKING USE OF A PRODUCT, SUPPLY TO THE DEPARTMENT  
21 ALL DOCUMENTS AND MATERIALS, INCLUDING SAMPLES OF A PRODUCT,  
22 NEEDED TO REVIEW THE TYPE, QUALITY, AND NATURE OF A PRODUCT THAT  
23 WILL COME IN CONTACT WITH THE PUBLIC WATER SUPPLY. THE SUPPLIER  
24 OF WATER SHALL PROVIDE SUFFICIENT INFORMATION TO ENABLE THE  
25 DEPARTMENT TO DETERMINE WHETHER A PRODUCT MEETS THE STANDARD PRO-  
26 VIDED FOR IN SUBSECTION (2).

1 (6) IF A PRODUCT IS REVIEWED BY THE DEPARTMENT AND FOUND NOT  
2 TO COMPLY WITH THE STANDARDS PROVIDED FOR IN SUBSECTION (2), THE  
3 DEPARTMENT SHALL NOTIFY THE SUPPLIER OF WATER AND SHALL BE GIVEN  
4 AN OPPORTUNITY TO REQUEST A HEARING ON WHETHER THE PRODUCT MEETS  
5 THE STANDARDS. AT A HEARING, THE SUPPLIER OF WATER MUST DEMON-  
6 STRATE THAT THE PRODUCT MEETS THE STANDARDS BEFORE THE PRODUCT  
7 CAN BE USED BY THE SUPPLIER OF WATER.

8 (7) A PERSON SHALL NOT WILLFULLY INTRODUCE OR PERMIT OR  
9 ALLOW THE INTRODUCTION OF A PRODUCT INTO A PUBLIC WATER SUPPLY  
10 THAT HAS NOT FIRST BEEN DETERMINED BY THE DEPARTMENT TO MEET  
11 STANDARDS PROVIDED FOR IN SUBSECTION (2).

12 Sec. 15. (1) When ~~deemed~~ CONSIDERED necessary for pro-  
13 tection of the public health, the department shall notify a sup-  
14 plier of water of the need to make changes in operations, to pro-  
15 vide treatment, to make structural changes in existing systems,  
16 or to add additional capacity as necessary to produce and dis-  
17 tribute an adequate quantity of water meeting the state drinking  
18 water standards.

19 (2) The department shall inspect a waterworks system or a  
20 part ~~thereof~~ OF A WATERWORKS SYSTEM, and the manner of opera-  
21 tion of the system or part. If upon inspection the department  
22 determines the waterworks system to be inadequate or so operated  
23 as to not adequately protect the public health, the department  
24 may order the supplier of water to make alterations in the water-  
25 works system or its method of operation as may be required or  
26 ~~deemed~~ CONSIDERED advisable by the department to assure the  
27 public water supply ~~shall be~~ IS adequate, healthful, and in



1 conformance with state drinking water standards. If the supplier  
2 does not request a public hearing within 30 days after receipt of  
3 the order, the order shall be final and binding on the supplier  
4 of water. If the department receives a request for a public  
5 hearing within the specified 30 days, the public hearing shall be  
6 immediately arranged. A supplier of water shall comply with a  
7 final order of the department.

8 (3) If a public water supply poses an imminent hazard to the  
9 public health, the department may issue an emergency order imme-  
10 diately, without notice or hearing, requiring such action as the  
11 department determines is necessary to protect the public health.  
12 Normal administrative procedures as required by THE ADMINISTRA-  
13 TIVE PROCEDURES ACT OF 1969, Act No. 306 of the Public Acts of  
14 1969, as amended, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN  
15 COMPILED LAWS, shall proceed concurrently with an emergency order  
16 upon written request of the supplier of water received within 15  
17 days. An emergency order shall be effective immediately and  
18 binding until modified or rescinded by the department or a court  
19 of competent jurisdiction.

20 (4) The department may take appropriate action to limit  
21 water SYSTEM EXPANSION OR LIMIT WATER use from a public water  
22 supply until such time as satisfactory improvements are made in  
23 the system or operation to provide for a continuous, adequate  
24 supply of water meeting the state drinking water standards.

25 Sec. 17. (1) ~~Suppliers of water providing~~ A PERSON  
26 ENGAGED IN PRODUCING bottled drinking water shall utilize a water  
27 source meeting the requirements of this act. Bottling or

1 packaging facilities and their operation shall remain under the  
2 supervision of the Michigan department of agriculture as provided  
3 for in THE MICHIGAN FOOD LAW OF 1968, Act No. 39 of the Public  
4 Acts of 1968, as amended, being sections 289.701 to 289.727 of  
5 the Michigan Compiled Laws and regulation no. 549, being sec-  
6 tions R285.549.1 through R285.549.29 of the Michigan administra-  
7 tive code, and other pertinent rules and laws.

8       (2) ~~Suppliers of water providing~~ A PERSON PRODUCING bot-  
9 tled DRINKING water from AN out-of-state SOURCE shall submit  
10 proof to the director that the source and bottling facilities  
11 were approved by the ~~state~~ agency having jurisdiction. The  
12 director ~~shall determine the acceptability of another state's~~  
13 MAY WITHHOLD APPROVAL OF THE BOTTLED WATER IF THE OTHER AGENCY'S  
14 inspection, surveillance, and approval procedures and techniques  
15 ARE DETERMINED TO BE INADEQUATE.