

**SUBSTITUTE FOR
SENATE BILL NO. 857**

A bill to amend 1976 PA 399, entitled
"Safe drinking water act,"
by amending section 4 (MCL 325.1004), as amended by 1998 PA 56.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) A supplier of water shall file with the department
2 the plans and specifications of the entire waterworks system owned
3 or operated by the supplier, unless the department determines that
4 its existing records are adequate. A general plan of the waterworks
5 system for each public water supply shall be provided to the
6 department by a supplier of water and shall be updated as
7 determined necessary by the department.

8 (2) Upon receipt of the plans and specifications for a
9 proposed waterworks system, the department shall evaluate the
10 adequacy of the proposed system to protect the public health by

1 supplying water meeting the state drinking water standards **AND, IF**
2 **APPLICABLE, SHALL EVALUATE THE IMPACT OF THE PROPOSED SYSTEM AS**
3 **PROVIDED IN SUBSECTIONS (3) AND (4).** The department shall also
4 conduct a capacity assessment for a proposed community supply or
5 nontransient noncommunity water supply and determine if the system
6 has the technical, financial, and managerial capacity to meet all
7 requirements of this act and the rules promulgated under this act,
8 on the date of commencement of operations. If upon evaluation the
9 department determines the plans and specifications to be inadequate
10 or the capacity assessment shows the system to be inadequate, the
11 department may return the plans and specifications to the applicant
12 and require additions or modifications as may be appropriate. The
13 department may reject plans and specifications for a waterworks
14 system ~~which it determines~~ **THAT** will not satisfactorily provide
15 for the protection of the public health **OR, IF APPLICABLE, WILL NOT**
16 **MEET THE STANDARDS PROVIDED IN SUBSECTIONS (3) AND (4).** The
17 department may deny a permit for construction of a proposed
18 community supply or a nontransient noncommunity water supply if the
19 capacity assessment shows that the proposed system does not have
20 adequate technical, financial, or managerial capacity to meet the
21 requirements of this act and the rules promulgated under this act.

22 **(3) THE DEPARTMENT MAY EVALUATE THE IMPACT OF A PROPOSED**
23 **WATERWORKS SYSTEM FOR A COMMUNITY SUPPLY THAT WILL DO ANY OF THE**
24 **FOLLOWING:**

25 **(A) PROVIDE NEW TOTAL DESIGNED WITHDRAWAL CAPACITY OF MORE**
26 **THAN 2,000,000 GALLONS OF WATER PER DAY FROM A SOURCE OF WATER**
27 **OTHER THAN THE GREAT LAKES AND THEIR CONNECTING WATERWAYS.**

1 (B) PROVIDE AN INCREASED TOTAL DESIGNED WITHDRAWAL CAPACITY OF
2 MORE THAN 2,000,000 GALLONS OF WATER PER DAY FROM A SOURCE OF WATER
3 OTHER THAN THE GREAT LAKES AND THEIR CONNECTING WATERWAYS BEYOND
4 THE SYSTEM'S TOTAL DESIGNED WITHDRAWAL CAPACITY.

5 (C) PROVIDE NEW TOTAL DESIGNED WITHDRAWAL CAPACITY OF MORE
6 THAN 5,000,000 GALLONS OF WATER PER DAY FROM THE GREAT LAKES AND
7 THEIR CONNECTING WATERWAYS.

8 (D) PROVIDE AN INCREASED TOTAL DESIGNED WITHDRAWAL CAPACITY OF
9 MORE THAN 5,000,000 GALLONS OF WATER PER DAY FROM THE GREAT LAKES
10 AND THEIR CONNECTING WATERWAYS BEYOND THE SYSTEM'S TOTAL DESIGNED
11 WITHDRAWAL CAPACITY.

12 (4) THE DEPARTMENT SHALL REJECT THE PLANS AND SPECIFICATIONS
13 FOR A PROPOSED WATERWORKS SYSTEM EVALUATED UNDER SUBSECTION (3) IF
14 IT DETERMINES THAT THE PROPOSED SYSTEM WILL NOT MEET THE APPLICABLE
15 STANDARD PROVIDED IN SECTION 32723(5) OR (6) OF THE NATURAL
16 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
17 324.32723, UNLESS BOTH OF THE FOLLOWING CONDITIONS ARE MET:

18 (A) THE DEPARTMENT DETERMINES THAT THERE IS NO FEASIBLE AND
19 PRUDENT ALTERNATIVE LOCATION FOR THE WITHDRAWAL.

20 (B) THE DEPARTMENT INCLUDES IN THE APPROVAL CONDITIONS RELATED
21 TO DEPTH, PUMPING CAPACITY, RATE OF FLOW, AND ULTIMATE USE THAT
22 ENSURE THAT THE ENVIRONMENTAL IMPACT OF THE WITHDRAWAL IS BALANCED
23 BY THE PUBLIC BENEFIT OF THE WITHDRAWAL RELATED TO PUBLIC HEALTH,
24 SAFETY, AND WELFARE.

25 (5) ~~—(3)—~~ Before commencing the construction of a waterworks
26 system or an alteration, addition, or improvement to a system, a
27 supplier of water shall submit the plans and specifications for the

1 improvements to the department and secure from the department a
2 permit for construction ~~of the same~~ as provided by rule. Plans
3 and specifications submitted to the department shall be prepared by
4 a professional engineer licensed under article 20 of the
5 occupational code, 1980 PA 299, MCL 339.2001 to 339.2014. A
6 contractor, builder, or supplier of water shall not engage in or
7 begin the construction of a waterworks system or an alteration,
8 addition, or improvement ~~thereto~~ **TO A WATERWORKS SYSTEM** until a
9 valid permit for the construction has been secured from the
10 department. A contractor, builder, or supplier of water who permits
11 or allows construction to proceed without a valid permit, or in a
12 manner not in accordance with the plans and specifications approved
13 by the department, violates this act. A supplier of water shall not
14 issue a voucher or check or in any other way expend money or
15 provide consideration for construction of a waterworks system
16 unless a valid permit issued by the department is in effect.

17 (6) ~~(4)~~ The department may deny a permit for construction of
18 a waterworks system or an alteration, addition, or improvement to a
19 waterworks system if the most recent capacity assessment shows that
20 the waterworks system does not have adequate technical, financial,
21 or managerial capacity to meet the requirements of this act and the
22 rules promulgated under this act, and the deficiencies identified
23 in that capacity assessment remain uncorrected, unless the proposed
24 construction will remedy the deficiencies.

25 Enacting section 1. This amendatory act does not take effect
26 unless all of the following bills of the 93rd Legislature are
27 enacted into law:

- 1 (a) Senate Bill No. 850.
- 2 (b) Senate Bill No. 851.
- 3 (c) Senate Bill No. 852.
- 4 (d) Senate Bill No. 854.